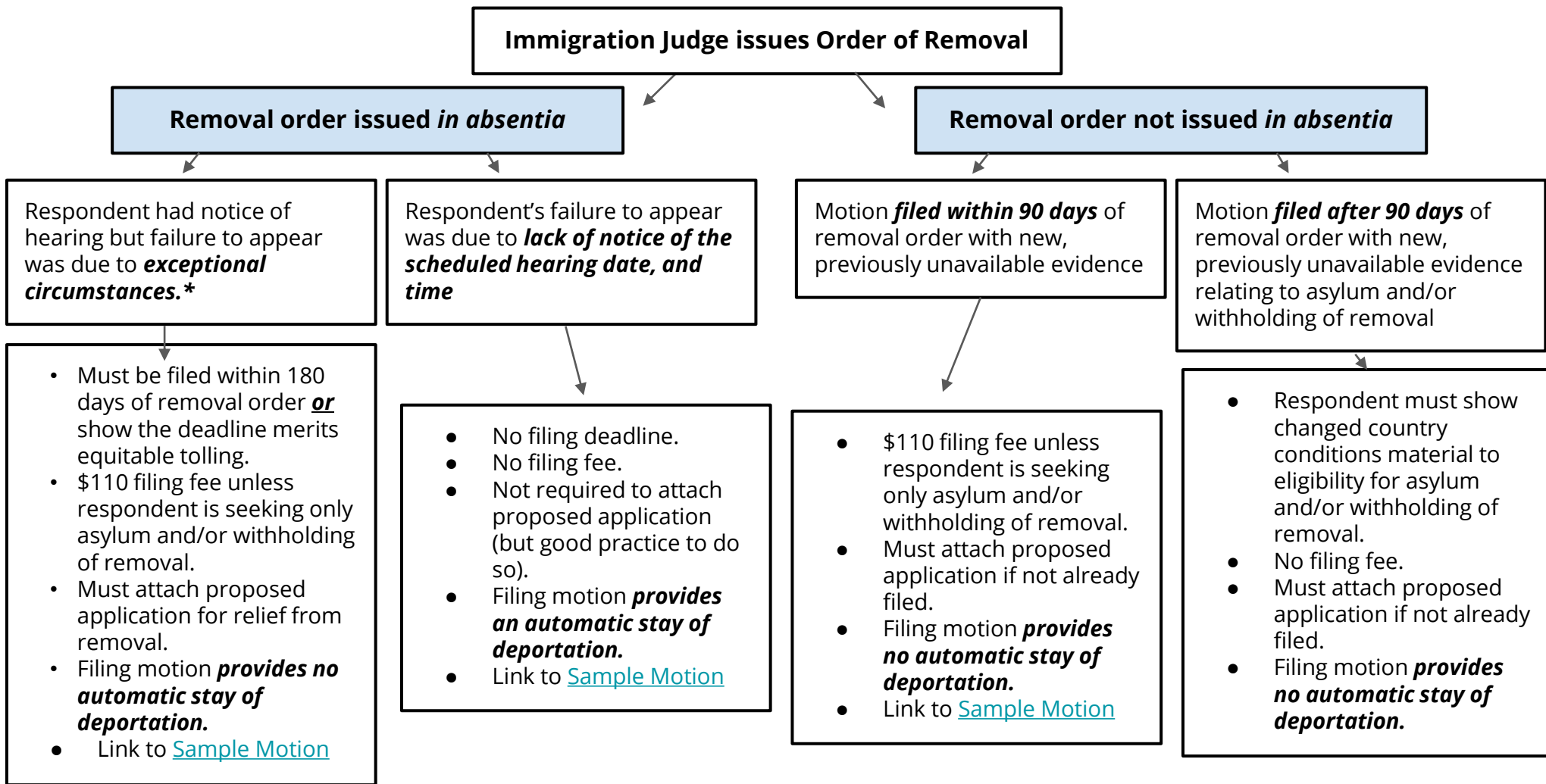


Motions to Reopen in Immigration Court



Special Provisions for Victims of Domestic Violence: A motion to reopen filed by certain battered spouses, children, or parents of abusive U.S. citizens or lawful permanent residents must be filed within one year of the final removal order, although this deadline is waivable upon a showing of extraordinary circumstances or extreme hardship to the movant's child. A motion to reopen filed by such a qualifying respondent provides an automatic stay of removal. [8 U.S.C. § 1229a\(c\)\(7\)\(C\)\(iv\)](#).

General Practice Pointer: Always argue as many grounds for reopening as could possibly apply and **always argue for a sua sponte reopening in the alternative to a statutory basis**. See [8 C.F.R. § 1003.2](#).

*Common scenarios that may qualify as exceptional circumstances include respondent's honest mistake, emergency situations preventing respondent from appearing, ineffective assistance of counsel, serious illness, etc.

Reference [IJC's training page on Motions to Reopen](#) for additional information.