

Attorney Name
Attorney Contact Information
Address
Office Phone:
Direct Line:
Fax:
Email:
EOIR ID:

NON-DETAINED

Pro Bono Counsel for Respondent

**THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
MIAMI, FLORIDA**

In the Matter of:)
)
 [NAME])
)
)
 Respondent,)
)
)
 In removal proceedings _____)

File No: A #####

Immigration Judge [JUDGE NAME]
Next Individual Hearing: [DATE AND TIME]

RESPONDENT'S MOTION TO ADVANCE INDIVIDUAL HEARING

**THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
MIAMI, FLORIDA**

In the Matter of:)	
)	
[NAME])	File No: A #####
)	
Respondent,)	Next Individual Hearing
)	[HRG DATE AND TIME]
In removal proceedings)	Judge [NAME]

RESPONDENT'S MOTION TO ADVANCE INDIVIDUAL HEARING

Respondent **CLIENT NAME**, through undersigned *pro bono* counsel, respectfully requests that the Court grant a motion advancing Respondent's individual hearing, pursuant to Chapter 5.10(b) of the Immigration Court Practice Manual.

In support of this motion, the Respondent states the following:

1. Respondent, NAME, is a XX-year-old citizen of COUNTRY OF ORIGIN who arrived in the United States on or about MONTH XX, YEAR.
2. Respondent received a Notice to Appear dated MONTH XX, YEAR, directing him to appear before the Immigration Court in Miami, Florida on MONTH XX, YEAR for his first master calendar hearing (MCH), which was rescheduled for a later date.
3. Written/Oral pleadings were submitted in this matter at Respondent's MCH on DATE.
4. Respondent filed his I-589 application for asylum, withholding of removal and protection under the Convention Against Torture with the Immigration Court on DATE.

5. Respondent currently has an Individual Hearing set for March 15, 2027, which is more than two years from now.
6. Respondent and Counsel are prepared to move forward with this case in 2025 or as soon as is practicable thereafter.
7. Respondent has specifically requested that a motion to advance be filed and wishes to have his application for asylum, withholding and CAT protection heard sooner because... [insert compelling reasons as to why a motion to advance is important in this case – can include things like Respondent suffers from continued trauma/PTSD from the persecution suffered, and delaying the case would continue to cause anxiety due to living in limbo/uncertainty of case resolution; complications related to family unity/childcare such as extreme hardship caused to client’s family members in home country who are unsafe, and/or exacerbated trauma to respondent due to prolonged family separation; delaying the hearing for another XX years will impact Respondent’s ability to present witness testimony at the hearing (for example due to inability to ensure witness availability several years from now).]
8. Respondent requests the full three-hour time period for his merits hearing and requests a [LANGUAGE] interpreter.
9. Undersigned counsel attempted contact OPLA Miami on DATE to get DHS’s position on this motion, but was unable to reach the duty attorney.
10. This motion does not prejudice DHS or the Court, but instead serves the interests of efficiency for the Court and the parties.

Commented [SB1]: Edit according to your client’s procedural history/posture. Keep it brief with only relevant facts included.

Commented [SB2]: Edit based on your client’s reasons as appropriate.

Commented [SB3]: Try to connect with OPLA trial attorney to get their position on the motion before filing.

Accordingly, for the reasons set forth above, Respondent requests 1) that Respondent's individual hearing scheduled for March 15, 2027 be canceled, and 2) that the Court advance Respondent's individual merits hearing to a date in 2025.

Commented [SB4]: Update with your requested time frame.

Respectfully submitted this ____ day of _____, 2024.

Attorney Name
Attorney Firm Name
Address
Office Phone:
Direct Line:
Fax:
Email:
EOIR ID:

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
MIAMI, FLORIDA

In the Matter of: [NAME]

A# [#####]

CERTIFICATE OF SERVICE

On _____, I, _____,
served a copy of this Motion to Advance Individual Hearing, and any attached pages by First
Class Mail to:

Office of the Principal Legal Advisor
333 S. Miami Avenue, Suite 200
Miami, FL 33130

Signature

Date

Commented [SB5]: If filing via ECAS, no certificate of service is necessary as DHS participates in ECAS, so when you file online, you can check the relevant box that such service is not necessary. However, I would still recommend also uploading a copy with ICE eService so OPLA receives through their portal as well.

**THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
MIAMI, FLORIDA**

Commented [SB6]: If filing on ECAS, no proposed order is needed. If filing on paper, include 3 copies of proposed order.

In the Matter of: [NAME] File No. A #####

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion to Advance Individual Hearing, it is HEREBY ORDERED that the motion be GRANTED DENIED because:

- DHS does not oppose the motion.
- The respondents do not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

[NAME]
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____