

Attorney Name
Attorney Contact Information
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Direct Line:
Fax:
Email:
EOIR ID:
Pro Bono Counsel for Respondent

NON-DETAINED

**THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CITY, STATE**

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

File No: A #####

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

**RESPONDENT'S MOTION TO SET INDIVIDUAL MERITS HEARING AND
CANCEL [DATE] MASTER CALENDAR HEARING**

Commented [SB1]: Can also be titled as a Motion to Convert Master Calendar Hearing Into An Individual Hearing

**THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CITY, STATE**

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

**RESPONDENT'S MOTION TO SET INDIVIDUAL MERITS HEARING AND
CANCEL [DATE] MASTER CALENDAR HEARING**

Respondent, through undersigned counsel, requests that the Court cancel the master calendar hearing scheduled for [DATE] in this matter, and instead issue a written order setting the individual merits hearing, so that Respondent can move forward expeditiously with his asylum claim. This request is consistent with the procedures laid out in EOIR Policy Memorandum 21-18, *Revised Case Flow Processing Before the Immigration Courts*, and enhances the efficiency of these proceedings as the scheduling of the merits hearing is the only matter outstanding.

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

1. Undersigned counsel is a volunteer with the Immigration Justice Campaign, providing *pro bono* representation to the Respondent.
2. Respondent, [NAME], is a XX-year-old citizen of COUNTRY OF ORIGIN who arrived in the United States on or about MONTH XX, YEAR.

Commented [SB2]: Can also be titled as a Motion to Convert Master Calendar Hearing Into An Individual Hearing

Commented [SB3]: Can also frame as convert Master into Individual and adjust wording here.

Commented [SB4]: If pleadings have not yet been taken/submitted in writing, then that will need to be completed in conjunction with this motion.

3. Within the first year of her arrival, Respondent affirmatively applied to USCIS for asylum and withholding. Her application was referred to EOIR in a letter dated MONTH XX, YEAR.
4. Respondent received a Notice to Appear dated MONTH XX, YEAR directing her to appear before the Immigration Court in [City, State] on MONTH XX, YEAR for her first Master Calendar Hearing (MCH), which was rescheduled for a later date.
5. On MONTH XX, YEAR, Respondent re-filed her I-589, Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture with the [Location] Immigration Court along with some initial supporting evidence.
6. On MONTH XX, YEAR, Respondent, through Counsel, filed her Written Pleadings and a Motion to Change Venue. Her Motion to Change Venue was granted and the Immigration Court in [City, State] took jurisdiction of the matter.
7. Respondent's first MCH before the [Location] Immigration Court was set for MONTH XX, YEAR, however that hearing was rescheduled by the Court to MONTH XX, YEAR, as reflected on the EOIR Automated Case Information.
8. The only outstanding matter before the Court at the upcoming [DATE] MCH is the scheduling of Respondent's individual merits hearing on her application for asylum, withholding of removal, and protection under the Convention Against Torture.
9. This request is also consistent with the Policy Memorandum 21-18, *Revised Case Flow Processing in Removal Proceedings*, Section II, which states: "In general, under the new model, for non-detained cases in which a representative, as defined in 8 C.F.R. § 1001.1(j) and 1292.1, files a Form EOIR-28 at least 15 days before a master calendar hearing, the hearing will be vacated and the court will send to the parties a scheduling

Commented [SB5]: Provide your client's procedural history relevant to their immigration proceedings.

order, setting deadlines for the filing of written pleadings and any evidence related to the charges of removability.”

10. Specific to scheduling, Respondent, who has been represented by undersigned counsel since [MONTH YEAR], and undersigned counsel will be prepared to proceed on this matter on [insert date of MCH or relevant appropriate timeframe].
11. As noted in her Written Pleadings, Respondent requests the full four-hour time period for her merits hearings and requests a [LANGUAGE] interpreter.
12. Undersigned counsel attempted contact OPLA [Location] on MONTH XX, YEAR to get DHS’s position on this motion, but was unable to reach the duty attorney.
13. This motion does not prejudice DHS or the Court, but instead serves the interests of efficiency for the Court and the parties.

Commented [SB6]: Try to call the OPLA number, you may not get a response, but it's best to show that you attempted.

Accordingly, for these reasons, Respondent requests 1) that Respondent’s Master Calendar Hearing scheduled for [DATE] be canceled, and 2) that the Court move forward directly to scheduling Respondent’s individual merits hearing in [insert appropriate time frame].

Respectfully submitted this ____ day of _____, 2024.

Attorney Name
Attorney Contact Information
Address
Office Phone:
Direct Line:
Fax:
Email:
EOIR ID:
Pro Bono Counsel for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CITY, STATE

In the Matter of: [NAME]

A# [#####]

CERTIFICATE OF SERVICE

On _____, I, _____,
served a copy of this Motion to Set Individual Merits Hearing and Cancel DATE Master
Calendar Hearing, and any attached pages by First Class Mail to:

Office of the Principal Legal Advisor
500 12th Street SW, Mail Stop 5902
Washington, D.C. 20536-5902

Signature

Date

Commented [SB7]: Make sure this title conforms with the title of the motion on the cover and first page.

Commented [SB8]: If you are not serving the motion by mail and are filing via ECAS online, you don't have to also serve separately, and can include language in the certificate of service that states that you are filing the motion electronically via eCAS, and as DHS participates in eCAS, no separate service is required.

Commented [SB9]: Edit with appropriate OPLA office address.

THE UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CITY, STATE

In the Matter of: **[NAME]**

File No. A **#####**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion to Set Individual Merits Hearing and Cancel DATE Master Calendar 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 _____