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DETAINED

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
STEWART IMMIGRATION COURT
LUMPKIN, GA

In the Matter of

[REDACTED],
Respondent.

[REDACTED]

CANCELLATION OF
REMOVAL
PROCEEDINGS

Immigration Judge: [REDACTED]

Next Individual Hearing: July 20, 2026

**RESPONDENT'S MOTION TO PERMIT UNDERSIGNED COUNSEL TO APPEAR
REMOTELY BY WEBEX AT INDIVIDUAL HEARING**

[REDACTED]

Respondent, through undersigned counsel, respectfully moves this Court for an order permitting undersigned counsel to appear remotely by Webex at Respondent's Individual Hearing, currently scheduled for July 20, 2026¹, on Respondent's application for cancellation of removal under INA § 240A(b), Form EOIR-42B. Respondent is detained and indigent. Undersigned counsel represents Respondent pro bono through the Immigration Justice Campaign and is located in New Jersey, more than fifteen hours from the Immigration Court. For the reasons below, good cause exists to permit counsel's remote appearance.

1. Respondents in removal proceedings have the statutory privilege of being represented by counsel of their choice, at no expense to the Government. INA § 292, 8 U.S.C. § 1362; INA § 240(b)(4)(A), 8 U.S.C. § 1229a(b)(4)(A). The Board has emphasized that respondents in immigration proceedings have the statutory and regulatory privilege of being represented by counsel of their choice, and that Immigration Judges must meaningfully effectuate that privilege. *Matter of C-B-*, 25 I&N Dec. 888, 889–90 (BIA 2012). Although this right does not require appointed counsel at government expense, it does require that the proceedings be conducted in a manner that affords Respondent a meaningful opportunity to proceed with chosen, authorized counsel.
2. The regulations expressly authorize immigration court hearings by video conference. 8 C.F.R. § 1003.25(c) provides that “[a]n Immigration Judge may conduct hearings through video conference to the same extent as he or she may conduct hearings in person.” EOIR Policy Memorandum 21-03 likewise recognizes that video teleconferencing is an established and reliable method for conducting immigration hearings, and that Webex permits a respondent or representative for either party to appear by video from a location outside an immigration court. PM 21-03 further recognizes that VTC may reduce travel costs, increase accessibility, assist in timely adjudication, and provide an efficient hearing medium consistent with due process.
3. EOIR policy also specifically encourages flexibility where pro bono representation is involved. PM 21-08, Pro Bono Legal Services, recognizes EOIR's policy of encouraging pro bono representation and states that Immigration Judges are encouraged to be flexible when a pro bono representative seeks to appear telephonically or through video teleconferencing.
4. Finally, the Board has recognized that video conference hearings are authorized by statute and regulation and do not, standing alone, deprive a respondent of a full and fair hearing. *Matter of R-C-R-*, 28 I&N Dec. 74, 80–82 (BIA 2020). Here, counsel's remote appearance would not impair the fairness of the hearing. To the contrary, it would

¹ Undersigned counsel concurrently files a Motion to Continue because she will be out of the country with limited access to internet service on July 20, 2026.



preserve Respondent's ability to proceed with chosen pro bono counsel in a detained merits hearing.

Good Cause Exists for Counsel's Remote Appearance

5. Respondent is detained and indigent. She cannot afford private counsel, and she cannot pay for undersigned counsel's travel expenses to appear in person. Undersigned counsel is representing Respondent pro bono through the Immigration Justice Campaign. Neither Respondent nor undersigned counsel has the resources to absorb the cost of interstate travel, lodging, transportation, and related expenses necessary for an in-person appearance. The Immigration Justice Campaign is a nonprofit organization with limited resources and is not able to reimburse travel expenses in a manner that would eliminate the substantial financial burden on undersigned counsel.
6. Undersigned counsel is located in New Jersey, more than **fifteen hours** from the Immigration Court. Appearing in person would require significant travel time, expense, and likely more than one day away from New Jersey. In addition, undersigned counsel has caregiving obligations for a minor child in New Jersey that make extended travel impracticable.
7. This is not a request for convenience alone. Denial of remote appearance would materially impair Respondent's ability to proceed with her chosen pro bono counsel at a critical merits hearing while she remains detained. Respondent has selected undersigned counsel to represent her in her application for EOIR-42B Non-LPR Cancellation of Removal, and counsel is prepared to proceed, subject to the pending Motion to Continue. Requiring counsel to appear in person despite Respondent's indigency, detention, and inability to fund counsel's travel would risk depriving Respondent of meaningful access to the counsel she has chosen and may require further delay or force Respondent to proceed without the representation she has secured.
8. Permitting counsel to appear by Webex will not prejudice the Department of Homeland Security. Counsel will comply with all Court procedures for remote appearances, will appear by video at the scheduled time, will ensure access to a reliable internet connection, will remain visible and audible throughout the hearing, and will be available by telephone if any connectivity issue arises.
9. Counsel will also ensure that all exhibits, witness lists, and filings are submitted in compliance with the Court's deadlines and procedures. Counsel is prepared to provide a direct telephone number to the Court and DHS for use during the hearing, including for any necessary off-the-record or technical communication.
10. Remote appearance is particularly appropriate because Respondent is detained. Counsel's appearance by Webex will not alter Respondent's detention location, the Court's control over the hearing, the Government's ability to participate, or the Court's ability to take testimony, consider evidence, and issue rulings. It will instead allow the



hearing to proceed efficiently while preserving Respondent's statutory privilege of representation by chosen counsel.

For the foregoing reasons, Respondent respectfully requests that the Court grant this Motion and permit undersigned counsel to appear remotely by Webex at Respondent's Individual Hearing currently scheduled for July 20, 2026, or on any rescheduled date for the Individual Hearing. Respondent further requests that the Court issue a written order granting counsel's remote appearance so that counsel may make all necessary arrangements in advance of the hearing.

Respectfully submitted this [REDACTED] day of June, 2026.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Pro Bono Attorney for Respondent

[REDACTED]

Immigration Judge Hon. [REDACTED]

CERTIFICATE OF SERVICE

On (DATE), I, [REDACTED], certify that a copy of RESPONDENT'S MOTION TO PERMIT UNDERSIGNED COUNSEL TO APPEAR REMOTELY BY WEBEX AT INDIVIDUAL HEARING was served on OCC counsel by uploading it onto the EOIR ECAS portal, in which the opposing counsel participates.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Pro Bono Attorney for Respondent

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