

¿Faltáste a tu audiencia en el Tribunal de Inmigración?

La información que se facilita no se ofrece con la intención de brindar asesoría legal, ni debe ser interpretada de ningún modo, como tal. La información provista no extiende ni limita la jurisdicción de los Tribunales de Inmigración de acuerdo a lo establecido por regulación y ley. Nada de lo contenido en este paquete informativo o en estos volantes y folletos deberá limitar el poder discrecional de los Jueces de Inmigración para actuar en concordancia con las regulaciones y la ley.

¿USTED FALTÓ A SU AUDIENCIA EN EL TRIBUNAL DE INMIGRACIÓN?

De haber faltado a su audiencia en el Tribunal de Inmigración, existe la posibilidad de que en su ausencia, el Juez de Inmigración haya cerrado su caso, y haya emitido una orden de su expulsión de los Estados Unidos. Este proceso se conoce en inglés como “*in absentia order of removal*”. Para poder reabrir la orden de expulsión emitida en su ausencia, deberá presentar una moción por escrito (**Motion to Reopen an In Absentia Order**). Una copia de este documento deberá presentarse en el Tribunal de Inmigración, y otra con el Departamento de Seguridad Nacional (DHS) en la siguiente dirección: 333 S. Miami Avenue, Suite 200, Miami, Florida 33130.

La moción deberá incluir lo siguiente:

- Su nombre, su dirección y su número de teléfono.
- La fecha y la hora de su última audiencia.
- Una explicación detallada de por qué faltó a su audiencia.
Deberá mostrar que su ausencia fue debido a circunstancias excepcionales, tales como:
 - a. No recibió la notificación para la audiencia.
 - b. Usted estaba detenido o encarcelado a nivel estatal o federal.
 - c. Usted o un familiar (por ejemplo, su padre, su madre, un hijo) fueron víctimas de una agresión, o de algún tipo de crueldad extrema, como es la violencia doméstica.
 - d. Usted o un familiar estuvieron gravemente enfermos.
 - e. Un familiar suyo falleció.
 - f. Alguna otra razón excepcional.
- Los documentos y la evidencia pertinente que demuestren porqué se ausentó de la audiencia.
- El formulario para el Cambio de Dirección que contenga su información actualizada (Alien's Change of Address Form, Form EOIR-33/IC)
- Una hoja de portada adjunta a la moción. (Véase el ejemplo anexo.)
- La tarifa para la moción (*si así se requiere*). Para más información sobre la tarifa para dicha moción, pregunte en la sala de recepción localizada en el 7º piso.

¿Cuándo deberá presentar la Moción para reabrir el caso?

- Podrá presentar su moción **en cualquier momento** si (1) usted faltó a su audiencia porque no recibió la Notificación para la audiencia o, (2) porque usted estaba detenido, o encarcelado a nivel estatal o federal.
Si usted faltó a su audiencia de inmigración por cualquier otro motivo, que no sea por lo antedicho, entonces deberá presentar la Moción para reabrir el caso **dentro de 180 días** de haber faltado a su audiencia.
- *Nota:* Usted no puede ser expulsado de los Estados Unidos mientras el Juez esté considerando la Moción para reabrir la orden emitida en su ausencia.

If you move or change your phone number, the law requires you to file this Change of Address Form with the Immigration Court. You must file this form within five (5) working days of a change in your address or phone number. You will only receive notification as to the time, date, and place of hearing or other official correspondence at the address which you provide. Changes in address or telephone numbers communicated through any means except this form, e.g., pleadings, motion papers, correspondence, telephone calls, applications for relief, etc. will not be recognized and the address information and record will remain unchanged.

Failure to appear at any hearing before an Immigration Judge, when notice of that hearing or other official correspondence was served on you or sent to the address you provided, may result in one or more of the following actions:

- If you are not already detained, you may be taken into custody by the Department of Homeland Security (DHS) and held for further action; and
- | | | |
|---|---|---|
| <p><u>If you are in removal proceedings:</u>
 Your hearing may be held in your absence under Section 240 of the Immigration and Nationality Act (INA), and an order of removal may be entered against you. Furthermore, you may become ineligible for the following forms of relief from removal for a period of 10 years after the date of the entry of the final order:</p> <ol style="list-style-type: none"> 1. Voluntary Departure as provided for in Section 240B of the INA; 2. Cancellation of Removal as provided for in Section 240A of the INA; 3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA. | <p><u>If you are in deportation proceedings:</u>
 Your hearing may be held in your absence under Section 242B of the Immigration and Nationality Act (INA) (1995), and an order of deportation may be entered against you. Furthermore, you may become ineligible for the following forms of relief from deportation for a period of 5 years after the date of the entry of the final order:</p> <ol style="list-style-type: none"> 1. Voluntary Departure as provided for in Section 242(b) of the INA (1995); 2. Suspension of Deportation or Voluntary Departure as provided for in Section 244 of the INA (1995); 3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA (1995). | <p><u>If you are in exclusion proceedings:</u>
 Your application for admission to the United States may be considered withdrawn, and your hearing may be held in your absence and an order of exclusion and deportation entered against you.</p> |
|---|---|---|

Name: _____ Alien Number: A _____

My OLD address was:

(“In care of” other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

My NEW address is:


(“In care of” other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)


(New Telephone Number)

 **SIGN HERE** → X _____

Signature _____ Date _____

PROOF OF SERVICE (You Must Complete This)

I _____ (Name) _____ mailed or delivered a copy of this Change of Address Form on _____ (Date) _____ to the Office of the Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE) at _____ (Number and Street, City, State, Zip Code)

 **SIGN HERE** → X _____

Signature _____ Form EOIR - 33/IC Revised July 2015

MAILING INSTRUCTIONS

- 1) Copy the completed form and mail or deliver it to the Office of the Chief Counsel DHS-ICE at the address you inserted in the PROOF OF SERVICE. The PROOF OF SERVICE certifies that you provided a copy of the form to DHS.
- 2) Fold the page at the dotted lines marked "Fold Here" so that the address is visible.
(IMPORTANT: Make sure the address section is visible after folds are made.)
- 3) Secure the folded form by stapling along the open end marked "Fasten Here."
- 4) Place appropriate postage stamp in the area marked "Place Stamp Here."
- 5) Write in your return address in the area marked "PUT YOUR ADDRESS HERE."
- 6) Mail the original form to the Immigration Court whose address is printed below.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is five (5) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Immigration Court
One Riverview Square
333 S. Miami Ave., Suite 700
Miami, FL 33130

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify the Immigration Court of any change of address and any change of telephone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in the adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice EOIR-001, Records and Management Information System and EOIR-003.

Fasten Here

Sample Cover Sheet

Your Name: _____

Your Address: _____

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

City and State: _____

_____)
In the Matters of:)
_____)
(your name))
_____)

File No.: A _____
(your alien registration number)

Immigration Judge: _____ Next Hearing Date: _____

**MOTION TO
REOPEN AN *IN*
ABSENTIA ORDER**

Sample Order

**United States Department of Justice
Executive Office for Immigration Review
Immigration Court**

[the court's location (city or town) and state]

In the Matter of: _____
[the respondent's name]

Alien Number: _____
[the respondent's alien number]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's **Motion to Reopen an In Absentia Order**, it is
HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- DHS does not oppose the motion.
- The respondent does 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

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 _____

(Name of alien or aliens)

("Alien number" of alien or aliens)

PROOF OF SERVICE

On _____, I, _____,
(date) (printed name of person signing below)

served a copy of this **Motion to Reopen an In Absentia Order**,

and any attached pages to _____
(name of party served)

at the following address: _____
(address of party served)

by _____
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature)

(date)