ATTORNEY NAME NON DETAINED

FIRM

ADDRESS

*Pro Bono* Counsel for Respondents

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**NEW YORK - FEDERAL PLAZA IMMIGRATION COURT**

**NEW YORK, NEW YORK**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**In the Matter of: )**

**)**

**First Name, Last Name )**

**) File Number: A200-000-000**

In Removal Proceedings **)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**Immigration Judge: NAME Merits Hearing: Month XX, 2020 at TIME**

**RESPONDENTS’ MOTION TO ACCEPT AN UNTIMELY FILING**

Pursuant to 8 C.F.R. § 1003.31(c), *pro bono* counsel for [Client First name(s) Last name(s)] (“Respondent[s]”), hereby respectfully moves this Court to accept the untimely filing of [the affidavit of \_\_\_\_\_\_; the memorandum of law in support of [Mr.][Ms.] [LAST NAME]’s claim] [name the other evidence, if any] name document(s) that are being filed late]. Respondent’s individual hearing is scheduled for [DATE], at [TIME] [a.m.] [p.m.] In support of this Motion, Counsel provides the following:

1. [Mr.] [Ms.] [LAST NAME] is a citizen of [COUNTRY], and is seeking asylum in the United States after [include a few sentences (or two or three sentences, max.) on what the client suffered and why (nexus), why the client had to flee to the U.S. and/or fears return to the home country, stated in the most compelling way possible].
2. Pro bono counsel practice law in [New York] at the law firm of [LAW FIRM]. A copy of counsel’s Form EOIR-28 is attached hereto.
3. On DATE, Counsel agreed to represent [Mr.][Ms.] [LAST NAME] on a *pro bono* bases.
4. On DATE, [Mr.][Ms.] [LAST NAME] timely filed her [IN SUMMARY FASHION, LIST DOCUMENTS THAT WERE FILED ON TIME. (Not every single document, but the basic categories of documents. The goal here is, if applicable, to make clear that most of the pre-hearing documents have been filed and that this motion is simply for a small portion of documents, or one document, as the case may be)].
5. [Mr.][Ms.] [LAST NAME] seeks to file [NAME FIRST DOCUMENT IS LATE]. This evidence is important to [Mr.][Ms.] [LAST NAME]’s case because it [explain in 1-2 sentences why it’s important/has evidentiary value or why it’s the corrected version, if this is something that you already filed.]
6. [Explain if a witness or other piece of evidence was located in another country, and there were logistical, infrastructure-related, language barrier-related, or any other impediments to obtaining it earlier. Explain diligent efforts made before this date to obtain such evidence. Keep this short & sweet…no need to drown the Judge in a lot of detail here. Don’t blame your client here or frame your client in a bad light in any way, and of course do not give away any privileged information. If you are simply filing an original, or a document with a signature or notarization (whereas the prior version filed did not have the notarization, or something like that, no need to provide a lot of detail here. Simply state that there were logistical challenges (if that’s true) and ask that the Judge replace the document behind a certain tab with the one attached here. This should be 1 page, including signature, where possible.]
7. [[If true:] The Immigration and Customs Enforcement Office of Chief Counsel would not suffer any prejudice by the acceptance of the enclosed documents.]

For the foregoing reasons, [Mr.] [Ms.] [Client Last name] [Respondents] respectfully [requests] [request] that the Court permit the above-referenced filing.

Respectfully submitted,

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney name; EOIR ID

Name of Firm

Firm Address

Firm Telephone number

Attorney E-mail address

*Pro bono* Attorneys for Client First name Last name

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**NEW YORK - FEDERAL PLAZA IMMIGRATION COURT**

**NEW YORK, NEW YORK**

In the Matter of: **First name, LAST NAME**  **A XXX-XXX-XXX**

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of the respondent’s Motion for [NAME OF MOTION], 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: .
* The date of the rescheduled individual hearing is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deadlines:

* The application(s) for relief must be filed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* The respondent must comply with DHS biometrics instructions by \_\_\_\_\_\_\_\_\_\_\_.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

United States 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the following, specifically described document(s):

DOCUMENT NAME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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was/were properly served on the ICE of the DHS on Month Day, Year by [Eservice] [FedEx] to:

Department of Homeland Security

ICE Office of Chief Counsel

26 Federal Plaza, 11th Floor

New York, NY 10278

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First name LAST NAME