

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

Por haber faltado 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 ser presentado en el Tribunal de Inmigración, y otra con el Departamento de Seguridad Nacional (DHS) en la siguiente dirección: 525 W. Van Buren, Suite 701, Chicago Illinois 60607.

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:
 - No recibió la notificación para la audiencia.
 - Usted estaba detenido o encarcelado a nivel estatal o federal.
 - 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 la violencia doméstica.
 - Usted o un familiar estuvieron gravemente enfermos.
 - Un familiar suyo falleció.
 - Alguna otra razón excepcional.
- Documentos y la evidencia pertinente que demuestre 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 acaso se requiere*). Para más información sobre la tarifa
- para dicha moción, pregunte en la ventana del Tribunal de Inmigración.

Cuándo deberá presentar la Moción para 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.

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.

**Alien's Change of Address Form/
 Immigration Court**

You are required under 8 C.F.R. 1003.15(d)(2) to notify the Immigration Court of any change of address and any change of telephone number within five (5) working days of moving or changing your address or phone number. You will receive notification as to the time, date, and place of hearing or other official correspondence only at the address which you provide.

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>If you are in <u>removal</u> proceedings: 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>If you are in <u>deportation</u> proceedings: 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>If you are in <u>exclusion</u> proceedings: 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>
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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 _____

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 three (3) 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
525 W. Van Buren Suite 500
Chicago, IL 60607

Fold Here

Fasten Here

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 Motion to Reopen an In Absentia Order

RESPONDENT'S MOTION TO REOPEN AN IN ABSENTIA ORDER

Now comes Respondent, _____ (Name), and moves this Honorable Court to reopen these proceedings and rescind the in absentia order.

In support of this motion, I state as follows:

Respectfully submitted,

Name

Dated: _____

(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)