



What to Do If You Miss Your Immigration Hearing (How to File a Motion to Reopen)



This fact sheet talks about what to do if you miss your immigration court hearing and a judge orders you removed from the United States. It shares how to ask the court to take away your removal order and let you present your case to prevent deportation. It has a sample of the motion you need to file with the court.

You should use this fact sheet if you have paperwork signed by a judge saying that you missed your hearing and are being ordered removed. **You should NOT use this fact sheet** if you attended all your hearings and the judge ruled you cannot stay in the United States. **You should NOT use this fact sheet** if you got an order removal signed by an ICE officer and not a judge. If you are not sure what your removal order says, talk to an immigration lawyer.

To read this fact sheet in other languages, go to:

lawhelpmn.org



This fact sheet was developed in collaboration with the Immigrant Law Center of Minnesota, Mid-Minnesota Legal Aid, Southern Minnesota Regional Legal Services, The Advocates for Human Rights, and the Volunteer Lawyers Network. It was supported by funding from the State of Minnesota Department of Human Services.



What Happens If You Miss Your Hearing

What happens if I miss my immigration hearing?

A judge can order you removed from the United States. This means you are at risk of being deported at any time. You will get a paper from the court in the mail called a “removal order.” **It will say that you failed to appear at your scheduled deportation or removal hearing.** This means you did not show up to court to argue your case. It is also sometimes called an “In Absentia” removal order. The judge will mail the removal order to your address on record with the court. If you moved and did not tell the court, the removal order will go to your old address. You must tell the court every time you move. LawHelpMN has a fact sheet that talks about how to tell the court you moved. Go to: lawhelpmn.org/self-help-library/fact-sheet/reporting-change-address-immigration-court

How do I find out if a judge ordered me removed from the U.S.?

If you miss a hearing, call or go online to find out if the judge ordered you removed.



By Phone. Call the EOIR hotline at **1-800-898-7180**. The hotline is in English and Spanish. Push 2 for help in Spanish. Enter your A-Number or “Alien Registration Number.” (Go to immigrationhelp.org to learn how to find your A-Number.) A recording will say if you are ordered removed or if you have a hearing scheduled.



Online. Go to: acis.eoir.justice.gov. Enter your A-Number. It will tell you if you are ordered removed or if you have a hearing scheduled.

What should I do if a judge orders me to be removed from the U.S.?

Decide if you want to ask the court to reopen your case. Good and bad things can happen if you ask to reopen your case. Talk to an immigration lawyer about the chances of the court reopening your case. Every case is different. The decision you get if you ask to reopen your case might be different than the one your friend, neighbor, or cousin got if they asked to reopen their case.



Why it can be GOOD to reopen your case



You will have the chance to apply for legal status in court. If you are granted legal status:

- You will be able to live and work legally in the U.S.
- You could get the court to cancel your deportation proceedings.



You can file applications to become a U.S. permanent resident if you become eligible in the future. If you don't reopen your case, it will be difficult to ever become a permanent resident.



Immigration and Customs Enforcement (ICE) can't deport you while you wait for the court to decide about reopening your case. You will have a "stay of removal." If ICE tries to deport you or you have an ICE check-in while you are waiting for a decision on your request to reopen your case, show ICE your motion to reopen.



You will have a chance to fight your case. You will know when and where your final immigration hearing will be. You will have time to gather documents for the court. You can plan how to tell your story to the immigration judge. If you don't reopen your case, ICE could deport you anytime. You might not have a chance to prepare your family or take care of things you want to.



Why it can be BAD to reopen your case



ICE will know where you live. When you ask immigration court to reopen your case, you have to tell them your current address. The court will share your new address with ICE. If the court decides **not** to reopen your case, ICE will know where you live. This could make it easier for ICE to deport you.



Some people who have certain criminal charges or convictions could be held in mandatory ICE detention.

This means you would be detained by ICE the whole time you wait for a decision from the immigration judge. You couldn't ask for a bond to get out of the ICE detention center. **Talk to an immigration lawyer before you file a motion to reopen if:**

- **You were charged with, arrested for, convicted of, or admit to committing** burglary, theft, larceny, shoplifting, assault on a law enforcement officer, or any crime resulting in death or serious bodily injury.
- **You haven't already been admitted or paroled into the United States.** This means you came to the U.S. without a visa or without permission to enter the country.

If I decide to reopen my case, how do I do it?

File a “motion to reopen an in absentia order.”

- **You must file the motion within 180 days** of the date the judge ordered you removed. In your motion, say why you missed your hearing. **Talk to an immigration lawyer if you missed the deadline for any reason.** Sometimes you can file a motion to reopen after the 180-day deadline. You need to have a special reason that made it hard to file the motion on time.



Example: Jorge had a mental health issue.



Example: Janice was in federal custody.



Example: Julie was a child.

Julie did not have a parent or guardian available to advise her. She did not learn about the removal order until after she turned 18.

- **You can only file a motion to reopen 1 time.** If it is denied, you cannot file another motion to reopen. **Gather documents to send to the court with your motion to reopen** to prove why you missed your hearing. See the “How to File a Motion to Reopen an In Absentia Order” part of this fact sheet for examples.
- **Talk to an immigration lawyer before you file your motion if you can.** A lawyer can help you make the best argument and send the best information.

What are reasons the court might reopen my case?

You must have a good reason why you missed your hearing for the court to reopen your case.

Examples of “good reasons” are:

- Your mail was sent to your aunt’s house. Your aunt did not tell you that you had a hearing.
- You showed up at the wrong court because your hearing location was changed.
- Your car broke down on the way to the hearing.
- The court did not provide an interpreter in the language you are most comfortable using. You did not know when, how, or where to go to court.

These are not the only reasons the court might reopen your case. If something happened that kept you from getting to court, you may have a good reason to ask the court to reopen your case.

Where can I find a lawyer to help me?

Search for free lawyers and legal clinics on LawHelpMN.org. Free lawyers are in high demand.

You are not guaranteed a free lawyer just because you ask for one. You can also talk to a private lawyer if you can afford to pay about \$200 for a meeting.

What happens if my motion to reopen is granted?

- **A new hearing will be scheduled for you. You must go!** You will get a written notice in the mail that says your motion was granted. It will have your new hearing date and location. You can also call or check your hearing information online.
- **Make sure the Court has your correct address.** It is important that the Court knows your current address. If you move at any time, send a change of address form to your Court.



Get ready to go to court for the first time.

LawHelpMN has a fact sheet about what to do before a hearing in immigration court. It talks about what to expect when you get to the courthouse. It can also help you find your hearing information. Scan the QR code or go to: lawhelpmn.org



Change your address with the court.

Complete Form EOIR-33IC and send it to the court. The form is at: justice.gov/eoir/file/640016/dl?inline LawHelpMN has a fact sheet that helps you change your address with the court. Scan the QR code or go to: lawhelpmn.org

What happens if my motion to reopen is denied?

Appeal the decision to the Immigration Board of Appeals. If you file an appeal, you are granted an “automatic stay” until that decision is made. This means that you cannot be deported until a judge makes a decision about your appeal. You must file your appeal within 30 days of when your motion to reopen was denied. **Find a lawyer to help with your appeal.** The Florence Immigrant and Refugee Rights Project has a guide that talks about how to file an appeal. Go to: firrp.org/media/BIA-Appeal-Guide-2013_new-BIA-address-2013.pdf



The Process to Reopen Your Case

How do I reopen my immigration case?

STEP 1



Fill out a motion to reopen an in absentia order.

Instructions and a sample are in the “Sample Motion to Reopen an In Absentia Order” part of this fact sheet. You will need to fill out a blank copy. Scan the QR code or go to this website to get a blank copy:

[lawhelpmn.org/sites/default/files/2024-09/Blank Immigration Motion to Reopen.pdf](https://lawhelpmn.org/sites/default/files/2024-09/Blank%20Immigration%20Motion%20to%20Reopen.pdf)



STEP 2



Gather documents to send with your motion.

Send 4 things:

- ☐ **Motion to reopen an in absentia order.**
- ☐ **Evidence that proves why you missed your hearing.** There are examples of what you should send in the “Examples of Evidence to Send With Your Motion” part of this fact sheet.
- ☐ **A change of address / contact information form.** Get Form EOIR-33 at: justice.gov/eoir/file/640016/dl?inline
- ☐ **Fee receipt OR a fee waiver application.** You must pay the fee **BEFORE** you file your motion and send your payment receipt.
 - **Asylum seekers:** There is no fee. You must send your asylum application (Form I-589) with your motion.
 - **Everyone else:** There is a \$145 fee to file a motion to reopen. Send a fee waiver application (Form EOIR-26A). Get the form at: justice.gov/eoir/page/file/1237856/dl.
 - **If you make too much money to qualify for a fee waiver:** talk to an immigration lawyer.

STEP 3



Make 3 copies of the motion and supporting documents. Keep 1 copy of everything.

STEP 4



Mail 1 copy of the motion and supporting documents to the court that ordered you removed.

Find the name and address of the court that ordered you removed:

- **By Phone.** Call the EOIR hotline at **1-800-898-7180**.
- **Online.** Go to acis.eoir.justice.gov.

STEP 5



Mail 1 copy of the motion and supporting documents to the government lawyer or “OPLA office.”

This is also called “serving the government lawyer.” This address is different from the court’s address. To find the OPLA office assigned to your court:

- **Call the court that ordered you removed.** Tell them you are trying to file a motion to reopen an in absentia order. Ask for the name and address of the OPLA office assigned to your court.

STEP 6



Check to see if your case was reopened.

The court will mail you a letter with their decision. If your case was reopened, a new hearing will be scheduled. While you are waiting for the letter, call or check online to see if you have a hearing scheduled. You will be told the date, time, and location of your hearing.

- **By Phone.** Call the EOIR hotline at **1-800-898-7180**. Enter your A-Number or “Alien Registration Number.” Use the menu of options to check the date and time of your hearing. The hotline is in English and Spanish. Push 2 for help in Spanish.
- **Online.** Go to acis.eoir.justice.gov. Enter your A-Number. Look at “Next Hearing Information” and “Court Contact Information.”



Examples of Evidence to Send With Your Motion

What type of evidence should I send about why I missed my hearing?

Send any documents that prove why you missed your hearing. **These documents must be sent in English.** If the original document is not in English, someone must translate it. You do not need to use a professional interpreter or translator. A bilingual family member, friend, or acquaintance can do it. They must complete a translator form. Get a blank translator form at: [lawhelpmn.org/sites/default/files/2025-02/Immigration Certificate of Translation.pdf](http://lawhelpmn.org/sites/default/files/2025-02/Immigration%20Certificate%20of%20Translation.pdf)



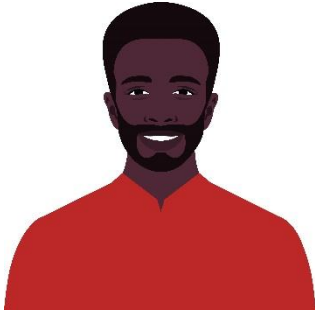
Example: Daniela moved and did not get her hearing notice.

Daniela should send anything that shows she lives at a different address. This could be:

- Document that shows her new address, like a utility bill.
- Change of address letter from the U.S. Postal Service.
- Signed letter from a family member that says Daniela lived with them until [date] and then moved.
- Change of address form for the court. This form cannot be filed separately. Daniela needs to send it with her motion to reopen.

Daniela should also send anything that shows why she did not tell the court about her move. This could be:

- Document showing that she was in child welfare proceedings at the time of her hearing. She could also send other documents showing she could not count on her adult caregiver to get her to court.
- Signed letter that says she was under 18 at the time of her hearing and she didn't know how to change her address. She didn't have a lawyer. The letter could tell the court that she now knows how to change her address.



Example: There was a big snowstorm and it was not safe for Rooble to drive to court.

Rooble should send anything that proves there was bad weather or a problem with his car. This could be:

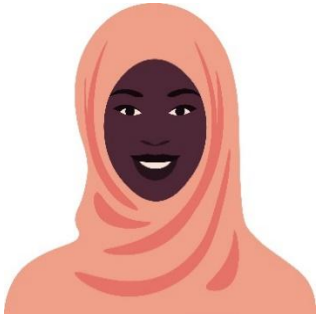
- Copy of a local news story that talks about the bad weather the day of Rooble's hearing. **The story must talk about the area Rooble had to drive through to get to court.**
- Receipt from a car repair or tow truck service.



Example: Isabella was a victim of domestic violence and could not get to her hearing.

Isabella should send everything she can to prove she survived domestic violence. She should also send everything she can to prove that she could not get to court because of domestic violence. This could be:

- Proof She Survived Domestic Violence
 - Threatening text or WhatsApp messages she received.
 - Medical records that show she got treatment.
 - Records of phone calls Isabella made to the police for help.
- Proof She Could Not Get to Court Because of Domestic Violence
 - Letters that show Isabella went to her check-ins with Immigration and Customs Enforcement (ICE).
 - Text messages or letters that show she tried to get a ride to court. Her kids, family members, or friends can write letters.



Example: Astur did not know her hearing was moved to a different court. She showed up at the original court.

Astur should send anything that proves she went to the other court. This could be:

- Copy of her original hearing notice.
 - The court where she went might have date-stamped a Change of Venue form or other form for her. She should send this with her motion to reopen.
-



Example: Andres' lawyer gave him the wrong date for his hearing.

Andres should send anything that proves he had the wrong information. This could be:

- Letter from his lawyer that describes the mistake.



Sample Motion to Reopen an In Absentia Order



You need to fill out a blank motion to reopen.

Scan the QR code or go to this website to get a blank copy:

[lawhelpmn.org/sites/default/files/2024-09/Blank Immigration](http://lawhelpmn.org/sites/default/files/2024-09/Blank%20Immigration%20Motion%20to%20Reopen.pdf)

[Motion to Reopen.pdfs](http://lawhelpmn.org/sites/default/files/2024-09/Blank%20Immigration%20Motion%20to%20Reopen.pdf) The instructions and sample below can help you fill out your motion.

What goes in a motion to reopen?

There are 4 parts to a motion to reopen an in absentia order. Each part **must** be filled out in English.

1. **Cover sheet.** This tells the court who you are and the place where you missed your hearing.
2. **Motion.** This tells the court why you missed your hearing.
3. **Order.** This is a form the court will fill out and send back to you. It is how the court will tell you if your request was approved.
4. **Certificate of service.** This tells the court when and how you sent a copy of the motion to the government lawyer.

Get a blank copy of this motion at: [lawhelpmn.org/sites/default/files/2024-09/Blank Immigration Motion to Reopen.pdfs](http://lawhelpmn.org/sites/default/files/2024-09/Blank%20Immigration%20Motion%20to%20Reopen.pdf) Use the samples in this fact sheet to help you fill out the cover sheet, motion, order, and certificate of service. Fill in as much information as you can. If you do not have some of the information, like the name of the immigration judge, send the motion with as much information as you can.

MOTION TO REOPEN AN IN ABSENTIA ORDER: SAMPLE COVER SHEET

Your Name:

Write your full name here

Your Address:

Write your address here

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

City and State:

Write the city and state of your immigration court

In the Matters of:

Write your full name here

(Your Name)

File No.: A

Write your A Number here

(Your Alien Registration Number)

Write your child or spouse's full name here

(Name)

File No.: A

Write your child or spouse's A Number here

(Alien Registration Number)

Write your child or spouse's full name here

(Name)

File No.: A

Write your child or spouse's A Number here

(Alien Registration Number)

Only include this part if you have a spouse or child included in your immigration court case.

Immigration Judge:

Write the name of your immigration judge here

**RESPONDENT'S MOTION TO
REOPEN AN IN ABSENTIA ORDER**

RESPONDENT'S MOTION TO REOPEN AN IN ABSENTIA ORDER

Respondent Write your full name here, moves this Honorable Court to reopen these proceedings and rescind the in absentia order of removal.

In support of this motion, I state as follows:

- Write the date and location of your last hearing (the hearing you missed).
- Say why you missed your hearing. Give as many details as you can. You might say:
 - You did not receive your hearing notice.
 - You, your child, or your parent were seriously ill or a parent or child died.
 - You could not travel to court because of severe weather.
 - You, your child, or your parent were the victim of domestic violence.
 - You were in federal or state custody / prison / jail.
 - Another reason out of your control.
- Ask for your case to be reopened.
- Write this statement in English. You can ask someone you trust to write it down for you in English if you are not able to write in English.

Respectfully,

Sign your name here

(Signature)

Write your full name here

(Name)

Write today's date here

(Dated)

MOTION TO REOPEN AN IN ABSENTIA ORDER: SAMPLE ORDER

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

Write the city and state of your current immigration court here

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

In the Matter of: Write your full name here

Alien Number: Write your A-Number here

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 ☐ Electronic Service
To: ☐ Respondent ☐ Respondent's C/O Custodial Officer ☐ Respondent's Atty/Rep ☐ DHS
Date: _____ By: Court Staff _____
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

Leave this part blank. The court will fill out this part.

MOTION TO REOPEN AN IN ABSENTIA ORDER: SAMPLE CERTIFICATE OF SERVICE

Write your full name here

(Respondent's Name)

Write your A-Number here

(Respondent's Alien Number)

CERTIFICATE OF SERVICE

On Write today's date here, I, Write your full name here,
(date) (printed name of person signing below)

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

and any attached pages to Write "Office of the Principal Legal Advisor for DHS – ICE" here
(name of party served)

at the following address: Write the address of your OPLA office here
(address of party served)

by Write how you will send a copy to the government lawyer (OPLA office). For example, "USPS priority mail."
(method of service, for example overnight courier, hand-delivery, first class mail)

Sign your name here

(signature)

Write today's date here

(date)