



PRO SE MOTIONS TO CHANGE VENUE

Tips for helping immigrants in removal proceedings to change their court location

AGENDA

- What is the Pro Se Plus Project?
- What is a Motion to Change Venue?
- Information you will need
- Elements of a Motion to Change Venue
- Steps on How to Complete and Submit the Motion
- Updating address with ICE and USCIS
- Questions

WHAT IS A CHANGE OF VENUE

- A change of venue is the legal term for moving a trial to a new location. A motion to change venue is the way in which you request the court to change locations.
- A motion to change venue does not change our address with ICE or USCIS. This must be done separately.
 - This will be covered during this presentation
- Why would an individual need a motion to change venue?
 - Where they entered US or encountered immigration officials
 - If they were detained, location of where they were detained
 - Individual moved to a new state

INFORMATION YOU WILL NEED

- The individual's A number
 - A number is the unique identification number assigned to anyone who has had contact with immigration officials.
 - The A number can be found on nearly any immigration document
- Notice to Appear or CBP/ICE paperwork from the border with the address DHS has on file for the individual.
 - If the individual does not have either of these, try looking up their A number in the EOIR system to find out where their next court date is.
 - Two ways to check are by calling (800) 898-7180 or by visiting: <https://acis.eoir.justice.gov/en/>
- Proof of NYC address with name, and if possible, date.

The individual is referred to as the Respondent in immigration court

Notice to Appear

Notice to Appear

U.S. Department of Homeland Security

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS # [REDACTED] File No. [REDACTED]
 DOB: [REDACTED] Event No. [REDACTED]

In the Matter of:
 Respondent: [REDACTED] currently residing at:
 [REDACTED] (Number, street, city and ZIP code) [REDACTED] (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:
 1. You are not a citizen or national of the United States;
 2. You are a native of HONDURAS and a citizen of HONDURAS;
 3. You arrived in the United States at or near [REDACTED], on or about [REDACTED];
 4. You were not then admitted or paroled after inspection by an Immigration Officer.

The immigration court where your hearing will be scheduled

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provisions of law:
 212(a)(5)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
 Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(v)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
 3701 Executive Center Drive Suite 400 Charlotte NC 28212

(Complete Address of Immigration Court, including Room Number, if any)
 on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

NICHOLAS E. MUNDO ACTING PATROL AGENT IN CHARGE
 (Signature and Title of Issuing Officer)
 Date: April 18, 2018 McAllen, Texas (City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07) N

Common Immigration Documents

Form I-385

Form I-385 (08/01/07)

ALIEN BOOKING RECORD
 UNITED STATES DEPARTMENT OF HOMELAND SECURITY

FINS #: [REDACTED] Subject ID: [REDACTED] Event No.: [REDACTED]

1. FAMILY NAME (Capitol Letters)		2. Age	3. Country of Citizenship
4. Alias		5. Date Apprehended	6. Office RGV/MCS
7. Birth Date	8. Birth Place		14x. [REDACTED]
9. Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	10. OSC/WA Served <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain)		
11. File Number	12. Bond Date Posted \$		
13. CINS <input type="checkbox"/> Yes <input type="checkbox"/> No	14. Medical Alert <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain)		
15. TRANSFER DATE		FROM	TO
A			
B			
C			
16. ADMITTED BY:		19. RELEASED TO: <input type="checkbox"/> W/R <input type="checkbox"/> Deport	22. Rt. Index Print - In
17. SEARCHED IN BY:		20. RELEASED BY:	23. Rt. Index Print - Out
18. DATE ADMITTED:		21. DATE RELEASED:	
24. Remarks: SUBJECT STATES THAT HE/SHE IS IN GOOD HEALTH.			

Limit and explain the services you
are providing

Explain what you are doing

Clarify that you are not an attorney
and that s/he/they must continue
to seek legal representation

Best practice: to have this outlined
in writing and to get the
individual's written
acknowledgement

Forms Needed

Motion to Change Venue

Must include Order and Certificate
of Service

EOIR-33

With proof of NYC address


EOIR-61

Requirement for those who assist
with pro se services and filings
before the immigration court

STEP 1

Check EOIR Case Information online <https://acis.eoir.justice.gov/en/> by using the A#.

This will give you information about the next court date, name of the judge, and court location and phone number.



Automated Case Information

Name: | A-Number: | Docket Date:


Next Hearing Information

Your upcoming **MASTER** hearing is on **May 3, 2023** at **1:00 PM**.


JUDGE

COURT ADDRESS
26 FEDERAL PLZ, 12TH FL RM1237
NEW YORK, NY 10278

Decision and Motion Information


This case is pending.

Case Appeal Information


This case is pending.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
26 FEDERAL PLZ 12TH FL RM 1237
NEW YORK, NY 10278

PHONE NUMBER
(212) 264-5958

If the information is not found in the system, it means the Notice to Appear has not been filed with the court and you cannot file a motion to change venue

STEP 2

- The motion contains:
 - 1.EOIR cover page
 - 2.Motion
 - 3.Order
 - 4.Certificate of Service
- List all names and A numbers (if a family unit)
- Make sure the name(s) is/are spelled the same was as in EOIR records
- In the narrative, explain why the venue change is necessary (and why it is a hardship to attend court in the other state)
- Ask the lead Respondent to review and sign
- You will sign the certificate of Service

SAMPLE

Name: John Doe
Address: 12 Main St
Queens, NY 12345
Phone: (123)-456-7890

Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
New York, New York
(City, State of Immigration Court)

In the matter(s) of:

Doe, John

File No. A 123-456-789

Respondent(s)

In Removal Proceedings

Immigration Judge: John Smith

Next Hearing: October 12, 2022 at 8:30am
(Date and Time)

RESPONDENT'S PRO SE MOTION TO CHANGE VENUE

Name: John Doe
Address: 12 Main St
Queens, NY 12345
Phone: (123)-456-7890

Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Dallas, Texas
(City, State of Immigration Court)

In the matter(s) of:

Doe, John

File No. A 123-456-789

Respondent(s)

In Removal Proceedings

Immigration Judge: John Smith

Next Hearing: October 1, 2022 at 8:30am
(Date and Time)

RESPONDENT'S PRO SE MOTION TO CHANGE VENUE

The Respondent(s),

John Doe

respectfully requests

that the Immigration Judge change the venue of his/her removal proceedings from

Dallas, Texas

to the Immigration Court with

jurisdiction over the address found below. The Immigration Court may grant a change of

venue "for good cause." 8 C.F.R. §1003.20(b).

Respondent submits there is good cause in this case. Respondent will be residing at the following address: 12 Main St. Queens, NY 12345

My current phone number is (123) 456-7890. My next hearing date is scheduled on October 1, 2022 at 8:30 AM. before Judge Smith in Dallas TX. I do not currently live in Dallas and we do not have any connections to Dallas I am seeking counsel near my home in the New York City area. I am unable to afford to travel the long distance to Dallas to attend my hearings and pay for room and board. Additionally, travel during the pandemic is risky and may become even more difficult if we enter another lock-down. Please change my court location to New York so I can more easily and safely attend all of my future hearings. When my case is transferred, I will continue to seek relief from removal in the form of asylum.

The Department of Homeland Security would not suffer any prejudice as a result of a change of venue. Based upon the foregoing, Respondent respectfully requests that this motion to change venue be granted.

Respectfully submitted,

Signature

Date

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

(City, State of Immigration Court)

In the Matter(s) of Doe, John

A#: 123-456-789

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the RESPONDENT'S PRO SE MOTION TO CHANGE VENUE, 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(s): John Doe

A# 123-456-789

PROOF OF SERVICE

On _____, I, _____, mailed

or delivered a copy of this RESPONDENT'S PRO SE MOTION TO CHANGE VENUE to the DHS/ICE Office of Chief Counsel at the following address:

_____.

by _____
(method of delivery)

Signature

Date

STEP 3


ICE OPLA ADDRESS

- Look up the corresponding address for ICE OPLA:

<https://www.ice.gov/contact/field-offices?office=12>

You need this for:

- Certificate of Service
- EOIR 33 Change of Address Form
 - At the bottom for service
- EOIR-61 Notice of Entry of Limited Appearance
 - For the certificate of service



The address you are looking for is the same city location where the case is now, NOT where you want to change it to

STEP 4

FORM EOIR 33 CHANGE OF ADDRESS

- Download the Correct EOIR-33 for the court that has jurisdiction
 - This is the court that is listed on the case portal
 - <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>
- Complete the form with the old address as it appears on the Notice to Appear and the new address
- Complete an EOIR-33 for each Respondent
- Ask the individual(s) to review and sign.
 - Parent can sign for minor child (if child under 14)
- You sign the certificate of service at the bottom of the form
- Attach a proof of address
 - Mail
 - Bills

Change of Address/Contact Information Form Immigration Court

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail 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, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in *removal* proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in *deportation* proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in *exclusion* proceedings: Your application for admission to the United States may be considered withdrawn.

Name – Last, First, Middle, Suffix (if applicable):	A-Number:
---	-----------

My FORMER address and phone number were:
“in care of” other person (if any)
Number; Street; Apartment (if any)
City, State, and ZIP code; Country (if other than U.S.)
Phone Number (include country code if other than U.S.)
Email Address

My CURRENT address and phone number are:
“in care of” other person (if any)
Number; Street; Apartment (if any)
City, State, and ZIP code; Country (if other than U.S.)
Phone Number (include country code if other than U.S.)
Email Address

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE 	x _____	_____
	Signature	Date

PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____ to the
(Name) (date)
to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at:

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eservice.registration.ice.gov>), or by mail or personal delivery.

No service needed. I am an ECAS-registered user who filed through the ECAS Case Portal.

SIGN HERE 	x _____
	Signature

Respondent's
Signature



Your signature



OPLA Address

STEP 5

EOIR - 61

- This form is now required for those who assist with pro se services and filings before the immigration courts
 - At the top, enter Respondent's address
 - Check the box "Motion" and enter "motion to change venue" in the description.
 - Check the box "Other" for Proceeding Type and enter "Removal"
 - Check the box suitable to you:
 - 4th box for "reputable individual"
 - 1st box for "attorney" + your bar information
 - Complete your information, with your office address, and sign
 - Enter the appropriate ICE OPLA address and sign and date the certificate of service.
 - If more than one Respondent, you can list (name and A#) in the box for additional information.

(Type or Print)

NAME AND ADDRESS OF ASSISTED PARTY

(First) (Middle Initial) (Last)

(Number and Street) (Apt. No.)

(City) (State) (Zip Code)

**ALIEN REGISTRATION
NUMBER ("A-Number")**
(Provide A-Number of the assisted
party in this case.)

Entry of limited appearance for (please check all that apply and provide a brief description of the assisted document(s) in the space provided below. Additional information may be provided on the reverse side of this form):

Application Brief Motion Other Document

Description: Motion to Change Venue

Proceeding Type: Bond Other (i.e. removal, credible fear, asylum-only) Removal

Attorney or Representative (please check one of the following):

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court _____ Bar Number (if applicable) _____

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization: _____

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2) (EOIR-61 must be filed by supervising attorney or accredited representative along with that supervisor's EOIR-61).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).

I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative:

I hereby enter my limited appearance at the request of the party named above. I have explained the limited nature of my assistance to the party named above, including an instruction that I am not agreeing to serve as the party's attorney or representative in proceedings before EOIR. I have read and understand the statements provided on the reverse side of this form that set forth in the regulations the conditions governing limited appearances and representations before EOIR. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE _____ EOIR ID NUMBER _____ DATE _____

NAME OF ATTORNEY OR REPRESENTATIVE & CONTACT INFORMATION

Name: _____
(First) (Middle Initial) (Last)

Address _____
(Street) (City) (State) (Zip Code)

Law Firm or Organization: _____

Telephone: _____ Facsimile: _____ Email: _____

Proof of Service

I (Name) _____ emailed, mailed or delivered a copy of this Form EOIR-61 on _____ (Date)

to the DHS (Immigration and Customs Enforcement – ICE) at _____

X _____
Signature

Additional Information

If additional respondents, list
here

LIMITED APPEARANCES - A Form EOIR-61 shall be filed together with the assisted filing at the time the documents are filed with the immigration court. At this time, because pro se respondent cases are not eligible for electronic filing, all Forms EOIR-61, together with the assisted filing, shall be physically filed with the appropriate immigration court (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the limited appearance is for a particular motion, pleading, brief, application, or other document. Each subsequent filing or submission must be accompanied by a new limited appearance form. When a limited appearance is executed, the attorney or representative's signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, they are an authorized and qualified practitioner, have notified the client about the scope of the limited appearance, and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request with the Executive Office for Immigration Review, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance before EOIR. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to enter an appearance. 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, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 *et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR. CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir.

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 six (6) 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.

STEP 6

ASSEMBLE, COPY, MAIL

- Assemble the motion in this order:
 1. Motion
 2. EOIR-33(s)
 3. Proof of address **Keep submission one-sided!**
 4. EOIR-61

Put the Order and Certificate of Service at end of motion
- Make 3 copies of the assembled motion
 - ICE OPLA, Respondent, and your file
 - Electronic copies for Respondent and your file is recommended
- Mail to the court and OPLA in the proper jurisdiction in a way that can be tracked (for example, FedEx)
- Explain to individual s/he may receive the judge's order granting or denying the motion to change venue in the mail. You can offer to review the order and let them know what it says.

FOLLOW UP

- Check the EOIR case status info a week later. If weeks pass without a change of venue, call the court, preferably with the Respondent since you are not the attorney of record, and the court clerk will probably not talk to you.
- You may have to leave a message. Include the name and A# of the main Respondent, explain why you are calling (to check on pro se motion) and leave your number and the Respondent's number.
- Check – and keeping checking - when the individual's next hearing date is
 - If they have not received an answer on the motion before the hearing date or if the motion was denied, the individual MUST attend the hearing or else they will be ordered removed.
 - You or the individual can call the court to see if they can appear by Webex on the day of the hearing and assist the individual with using Webex.
 - If the motion is granted, continue to check the EOIR system to make sure the location of the case has changed and to see if a new hearing has been scheduled. If not, continue to check once a week

UPDATING ICE AND USCIS

- Immigration and Customs Enforcement (ICE)
 - Use the same EOIR-33 form, but you must submit it to the local ICE Field Office
 - Visit <https://www.ice.gov/contact/check-in> to find the field office for the city where you are changing venue from
 - Submit this form by mail to the location of their ICE check-ins
 - Or email it to the email listed for the field office:
 - NewYork.Outreach@ice.dhs.gov
- ▶ U.S. Citizenship and Immigration Services
 - ▶ Form AR-11
 - ▶ Can be filed online:
 - ▶ <https://egov.uscis.gov/coa/displayCOAForm.do>
 - ▶ For victims of domestic violence, trafficking, and other crimes
 - ▶ Form AR-11
 - ▶ Mail paper copy to:

U.S. Citizenship and Immigration Services
Attn: Humanitarian Division
Vermont Service Center
38 River Road
Essex Junction, VT 05479-0001



QUESTIONS?