[Attorney Name] **NON-DETAINED**

[Organization / Firm Name]

[Organization / Firm Address]

[Telephone Number / Email Address]

*Pro Bono* Counsel for Respondents

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**[COURT NAME] IMMIGRATION COURT**

**[CITY, STATE]**

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

)

In the Matters of: )

)

First Name LAST NAME ) File Nos.: Axxx-xxx-xxx

First Name LAST NAME #2 ) Axxx-xxx-xxx

First Name LAST NAME #3 ) Axxx-xxx-xxx )

)

Respondents )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**Immigration Judge: Hon. [Judge Name] [Individual/Master Calendar] Hearing:**

**[Date] at [time]**

**RESPONDENTS’ MOTION TO ACCEPT UNTIMELY FILING**

Pursuant to 8 C.F.R. § 1003.31(c), Respondents, through *pro bono* counsel, hereby respectfully move this Court to accept the untimely filing of the concurrently filed document, “[Document Name].” Respondents’ Individual Hearing is scheduled for [date] at [time]. In support of this Motion, counsel provides the following:

1. Ms. NAME and her children are seeking asylum in the United States after suffering past persecution in [country] on account of [protected grounds].
2. At Respondents’ last Master Calendar Hearing on [date], Immigration Judge NAME set the call-up date 30 days before the Individual Hearing. According to that deadline, submissions were due yesterday, [date].
3. The case was recently transferred to Your Honor, Immigration Judge NAME. We have confirmed with your clerk that Your Honor follows the filing deadlines set forth in the Immigration Court Practice Manual.
4. Counsel had every intention to honor the discretionary call-up date set by the prior Judge and went to Court to file in-person on [date]. Unfortunately, due to transit delays, counsel reached the filing window at exactly 4:00 p.m. The clerk refused to accept the filing.
5. Counsel deeply regrets the delay. In the interests of fundamental fairness and due process, we respectfully ask the Court to accept this untimely filing and enter the evidence into the record so that Respondents have the opportunity to fully present their case.
6. The Immigration Court Practice Manual at Chapter 3.1(b)(2)(B) requires filings to be submitted at least fifteen (15) days in advance of the Individual Hearing. We are submitting this filing well in advance of that deadline.
7. In accordance with the Immigration Court Practice Manual at Chapter 3.1(d)(3), this Motion has established good cause for acceptance of the attached late filing.

For the foregoing reasons, Respondents respectfully request that this Court permit the above-referenced untimely filing.

Respectfully Submitted, Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

[Attorney Name]

[Organization / Firm Name]

[Organization / Firm Address]

[Telephone Number / Email Address]

*Pro Bono* Counsel for Respondents

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**[COURT NAME] IMMIGRATION COURT**

**[CITY, STATE]**

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

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In the Matters of: )

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First Name LAST NAME ) File Nos.: Axxx-xxx-xxx

First Name LAST NAME #2 ) Axxx-xxx-xxx

First Name LAST NAME #3 ) Axxx-xxx-xxx )

)

Respondents )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of the Respondents’ Motion to Accept Untimely Filing, 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 Honorable Immigration Judge

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

Certificate of Service

This document was served by: [ ] Mail [ ] Personal Service

To: [ ] Alien [ ] Alien c/of Custodial Officer [ ] Alien’s Atty/Rep [ ] DHS

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: Court Staff \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First Name LAST NAME, Axxx-xxx-xxx

First Name LAST NAME #2, Axxx-xxx-xxx

First Name LAST NAME #3, Axxx-xxx-xxx

**PROOF OF SERVICE**

On [date] , 2024, I, ,

(date of mailing or delivery) (printed name of person signing below)

Delivered a copy of this Respondents’ Motion to Accept Untimely Filing

(name of document being served)

And any attached pages to Immigration and Customs Enforcement (“ICE”)

(name of party served)

At the following address: Office of the Principal Legal Advisor

(address of party served)

(address of party served)

By

(method of delivery)

(Signature) (Date)