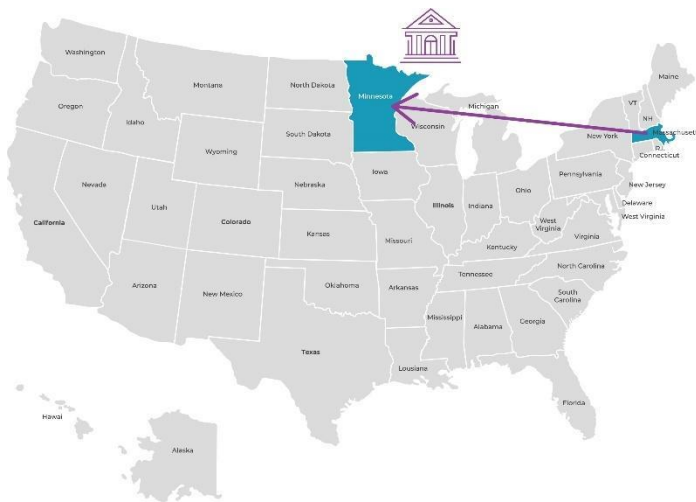


How to Move Your Immigration Hearing to a Different Court (Change Your Venue)



This fact sheet talks about how to move your immigration hearing to a different court. This is also called “changing your venue.” It does NOT help you report a change of address to the court. You **must** do that if you move. LawHelpMN has a fact sheet to help you report a change of address. Visit: lawhelpmn.org/self-help-library/fact-sheet/reporting-change-address-uscis

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.



Deciding to Change Your Venue

What is a venue?

A venue is the court where you go for your immigration hearings. If you have a hearing scheduled then you have a venue.

Why would I change my venue?

You can **only** change your venue if you move.

- Example: Pedro lived in Massachusetts. His immigration hearings were scheduled at a court in Massachusetts. Pedro moved to Minnesota to live with his sister. He wants to move his hearings to a court in Minnesota.

Do I need to attend my hearing if I move to another state?



Yes! If you miss a hearing for any reason, **the judge might order deportation**. You are then at risk to be deported at any time. Even if you move, you **must** still attend all of your scheduled hearings. You must attend even if they are not in the state where you live. Some courts allow you to attend your hearing virtually by phone or video. You must check with your court.

Do I have to change my venue if I move?

No. You can choose to change your venue, but you don't have to. You can also choose to keep your original venue.

- Example: Pedro moved to Minnesota to live with his sister. But he wants to keep his hearings in the court in Massachusetts. Pedro can do this, but he must attend his hearings in Massachusetts.

How do I decide if I should change my venue?

If you move to a new state, you can change your venue so that your hearings are at a court closer to where you live. But there are two reasons you might **not** want to change your venue.

1. **You can attend hearings virtually.** Some courts allow you to attend your hearings by video on a computer, phone, or tablet. If your current court allows you to attend by video then you could keep the same venue. And you would not have to travel for your hearings. You might choose not to change your venue to keep things simple.
2. **The judge assigned to your case has a good record.** You can look at how often each immigration judge in every state grants asylum. (Visit: <https://trac.syr.edu/immigration/reports/judgereports/>). If your judge grants asylum a lot, it might be better to stay with that judge. If you decide to keep your case at the original venue, make sure you can attend hearings by video. If **not**, you need to travel for your hearings to stay at that court.

The Process for Changing Your Venue

How do I ask to change my venue?

There are 5 steps to change your venue.



Fill out a motion to change venue.

Instructions and samples are in the “Sample Motion to Change Venue” section of this fact sheet. A blank copy of the packet is available at [LawHelpMN](http://LawHelpMN.org).



Make three copies of the motion. Keep one copy of the motion.

Mail one copy of the motion to your current court.

You can find the name and address for your current court by checking where your hearing is scheduled. Use the instructions in step 5.

STEP 4



Mail one copy of the motion 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 where your hearing is scheduled.** Tell them you are trying to file a change of venue. Ask for the name and address of the OPLA office assigned to your court.

OR

- **Visit the OPLA website.** Find the state your current court is in. Pick the OPLA office closest to your court. **Call that OPLA office to make sure it is the right office.** You can say: “I’m trying to file a change of venue. I want to make sure I serve the right place. My case is in [name of court.] Is this the right OPLA office? What address should I serve?”

STEP 5



Check to make sure your venue changed.

Call or check online to see if you have a hearing scheduled. You will be told the date, time, and location of your hearing. If your venue changed, your new court will be listed.

- **By Phone.** Call the EOIR hotline at **1-800-898-7180**. Enter your A-Number or “Alien Registration Number.” (Visit immigrationhelp.org to learn how to find your A-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.** Visit acis.eoir.justice.gov. Enter your A-Number. Look at “Next Hearing Information” and “Court Contact Information.”



Sample Motion to Change Venue

There are 5 things you need to send in your motion to change venue. **Each part must be filled out in English.**

1. **Cover sheet.** This tells the court who you are, where you moved, and the venue where your hearing is currently scheduled.
2. **Motion.** This tells the court the city and state you want to move your hearing to. It also says why you want to move 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.
5. **Proof of New Address, if you have it.** This is a copy of a document that shows you live at your new address. For example, you can send a copy of utility bill, rental agreement, or document from your child's new school. The document shows your name and new address.

Get a blank copy of this motion at [LawHelpMN](https://www.lawhelpmn.org). Use the samples in this fact sheet to help you fill out the cover sheet, motion, order, and proof of service. There is not a form for the proof of address. Make a copy of your proof of address document. Include it with the other forms.



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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MOTION TO CHANGE VENUE: SAMPLE COVER SHEET

Your Name: Write your full name here

Your Address: Write your new address here

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

City and State: Write the city and state of your current 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
(Alien Registration Number)

Write your child or spouse's full name here
(Name)

File No.: A Write your child or spouse's A Number
(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

Next Hearing Date: Write the date of your hearing here. If you don't have a hearing scheduled, write "none" or "N/A."

RESPONDENT'S MOTION TO CHANGE VENUE

RESPONDENT'S MOTION TO CHANGE VENUE

Respondent , moves this Honorable Court to change the venue of his/her removal proceedings from to the immigration court in .

Respondent seeks this change of venue pursuant to 8 CFR § 1003.20. In support of this motion, I state as follows:

- Write that you moved.
- Ask to move your case from your current immigration court to an immigration court near your new address.
- You can also say why it would be hard for you to travel back to your current immigration court for your hearing.

Respectfully,

(Signature)

(Name)

(Dated)

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 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 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 section blank. The court will fill out this part.

MOTION TO CHANGE VENUE: 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

(date)

, I, Write your full name here,

(printed name of person signing below)

served a copy of this Motion to Change Venue,

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 attorney (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)