**[Attorney] NON-DETAINED**

***Pro Bono Counsel***

**[Address]**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**In the Matters of: )**

**)**

**CLIENT LAST, First ) File No. A ### ### ###**

**)**

**)**

**In removal proceedings )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**Immigration Judge [NAME] Next Individual Hearing: [DATE] at TIME.**

MOTION TO CONTINUE INDIVIDUAL HEARING

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**In the Matter of: )**

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**CLIENT LAST, First ) File No. A ###-###-###**

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**)**

**In Removal Proceedings )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**MOTION TO CONTINUE INDIVIDUAL HEARING**

Respondent, through counsel respectfully requests a continuance of his/her removal hearing recently scheduled for DATEatTIME and for such continue removal hearing to be set for a full three-to-four-hour hearing to allow Respondent to fully present his case. Respondent requests a continuance for good cause. The last-minute advancement and the shortened hearing do not permit Respondent or counsel to full and adequately prepare for Respondent’s removal hearing and therefore seek a continuance and full hearing in the interest of fundamental fairness and to protect Respondent’s right to Due Process.

Respondent’s individual hearing was previously scheduled for DATE. On DATE, undersigned counsel received notice that Respondent’s hearing had been advanced to DATE and had been set for a one-hour hearing in lieu of his previously-scheduled 3 or 4 -hour hearing. This hearing was rescheduled with [\_] days’ notice, which does not provide counsel or Respondent sufficient time to fully prepare for this case.

Respondent and undersigned Counsel have worked diligently to gather the relevant and necessary evidence in this case. Unfortunately, given the expedited timeline, they have yet to receive all requested evidence. [*Include additional detail and information on the necessary preparation and evidence gathering that is yet to be done.*]

Further, a one-hour hearing is not sufficient to fully present Respondent’s merits hearing. [*Include information on what will need to take place, i.e. the witnesses, length of testimony, etc.*]. Respondent’s case is factually complex and requires… As Respondent will not be able to complete his case in an hour, this Court will need to reserve another hearing time to complete the case. Given another scheduled hearing will be required if this case is not continued, Respondent requests his/her hearing be rescheduled for a future date to allow the entire case to be presented at one time and in the interest of judicial efficiency.

The court may grant a Motion for Continuance based on good cause shown. 8 C.F.R. § 1003.29 (2008), *Matter of Hashimi*, 24 I & N Dec. 785 (BIA 2009), *see also Clifton v. Holder,* 598 F.3d 486, 493 (8th Cir. 2010) (discussing court’s discretionary authority); *Badwan v. Gonzales,* 494 F.3d 566, 570-71 (6th Cir. 2007) (discussing good cause standard). While “[t]he regulations do not define ‘good cause,’” *Peng v. Holder*, 673 F.3d 1248, 1253 (9th Cir. 2011), relevant factors to the analysis include the nature of any evidence that would be excluded absent a continuance, the reasonableness of the Respondent’s conduct, inconvenience to the Court, and the number of continuances previously granted. *Id.*

Good cause has been shown here. Respondent and his counsel have worked diligently to collect the evidence necessary to support his application for Asylum, Withholding of Removal and Protection under the Convention Against Torture. The delay in receiving such evidence is not due to dilatory tactics or lack of effort on the part of Respondent or his attorney, but rather due to the short and unexpected timeline [*and any other roadblocks you’ve experienced*].

Undersigned Counsel conferred with counsel for the Government NAME who indicated that the Government opposes/does not oppose a continuance in this case. [Add additional detail or your email correspondence as an exhibit but only if you have been given express permission from DHS to do so].

Based on the above, there is good cause to afford a continuance of [\_] months/weeks and for the scheduling of a 3 or 4 hour hearing in order to permit the Respondent and Counsel to fully an adequately prepare for the hearing. Respondent, through undersigned Counsel, respectfully requests that the Court grant this request.

Respectfully submitted,

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

Attorney Name

Attorney for the Respondent

MN Attorney # ###

ATTORNEY ADDRESS

ATTORNEY PHONE

ATTORNEY EMAIL

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

In the Matter of: ) Next Hearing: **DATE**

)

) Non-Detained Removal Proceedings

**NAME )**

**A NUMBER** )

) Motion to Continue

Respondent )

)

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**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**In the Matters of: )**

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**CLIENT NAME ) File No. A ### ### ###**

**CLIENT NAME ) A ### ### ###**

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**)**

**In Removal Proceedings )**

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**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent’s Motion to Continue, 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 NAME

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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

**[Client NAME]**

**[A #########]**

**[CLIENT NAME]**

**[A #########]**

**PROOF OF SERVICE**

On [Date] I, [new attorney], served a copy of this Motion to Continue and any attached pages on the Office of the Principal Legal Advisor at the following address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by [METHOD OF SERVICE].

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

[new attorney] Date