John Bruning Non-Detained

The Advocates for Human Rights

330 Second Avenue South, Suite 800

Minneapolis, MN 55401

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**CHICAGO, ILLINOIS**

|  |  |
| --- | --- |
| **In the Matter of:**    **SMITH, John**    **In Removal Proceedings** | File No.: A221-234-567 |

**Next Hearing: December 15, 2022 at 8:30 a.m.**

**Immigration Judge: Joe Brown**

**RESPONDENT’S MOTION TO CHANGE VENUE**

**TO THE FORT SNELLING IMMIGRATION COURT**

**December 8, 2022**

**MOTION TO CHANGE VENUE**

Respondent [Name], [A number] respectfully requests this Court change venue in the above-captioned case(s) from [Where the case is now] to [Where client wants the case to be], pursuant to 8 C.F.R. § 1003.20(b).

# I. Procedural History

Respondent [Name] is a native and citizen of [Country] who [entered the United States OR presented themselves at the United States border] on [Date client entered] at [Place client entered]. Respondent [had a credible fear interview] and was released from detention on [date]. Respondent had master calendar hearings on [date] and [date]. Respondent is scheduled for a master calendar hearing at the [City] Immigration Court on [date] at [time] before Judge [last name of Immigration Judge].

# II. Pleadings

At page 1 of the Notice to Appear (NTA, Form I-862), dated [date of Notice to Appear (at bottom, right side of NTA)] in Respondent’s case the allegations and charges are stated. Respondent [Name] admits factual allegations 1 – 4, concedes the charge of removability, and declines to designate a country of removal. Respondent [Name] is seeking asylum under INA § 208(a), and in the alternative, withholding of removal under INA § 241(b)(3) and Article III Convention Against Torture relief, and in the alternative, voluntary departure pursuant to INA § 240B. Respondent [Name] fears returning to [Country], his/her country of nationality and citizenship. Respondent was determined to have [credible fear/reasonable fear] of returning to his/her country of origin in his/her [credible fear interview/reasonable fear interview] on [date].

**III. CHANGE OF VENUE TO [CITY, STATE] IS APPROPRIATE.**

Respondent respectfully requests a change of venue from [City, State] to [City, State] pursuant to 8 C.F.R. § 1003.20(b). The statutory requirements for a change of venue are that good cause exists for changing venue, that a motion be filed by one of the parties, that the charging documents are filed in the case and that a fixed street address be identified for future hearing notices.

1. **Respondent can demonstrate good cause for a change of venue.**

Respondent has good cause for requesting the change of venue. [Reasons for requesting change of venue]

* Some ideas:
  + Recently released from detention? If so, include location of detention and date of release.
  + Respondent has safe and stable living situation with [family member/friend/etc.] in [City, State].
  + Respondent does not have the resources to attend hearings in [City, State].
* Note: If the respondent has had more than three or so hearings and/or is filing a second or third Motion to Change Venue, this section needs to be as detailed and persuasive as possible.

1. **Respondent’s request does not prejudice or harm opposing counsel.**

Respondent’s request will not prejudice the opposing counsel. At this time, proceedings have only recently commenced by the filing of the charging documents. At this stage in the proceedings, it would not be prejudicial to change venue.

1. **Respondent has complied with all requirements of the Court.**

Respondent has entered pleadings in this case in the interest of expedient proceedings and has also included notice of his/her new address for future hearing notices. Respondent has also served a copy of this motion on the opposing counsel and included a certificate of service as proof of filing.

Respondent therefore respectfully request this Court grant his/her motion and change venue from

[City, State] to [City, State].

DATED: December 8, 2022 Respectfully submitted,

s/ *John Bruning*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Bruning, Supervising Attorney

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**United States Department of Justice**

**Executive Office for Immigration Review**

**Immigration Court**

**Chicago, Illinois**

In the Matter of: John SMITH A #: 221-234-567

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of 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

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

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

**PROOF OF SERVICE**

On December 12, 2022, I, John Bruning electronically filed the foregoing document through the EOIR Courts & Appeals System (ECAS). In accordance with BIA Practice Manual § 3.2(a)(1), I hereby certify that all parties to these proceedings are using ECAS and service on the Department of Homeland Security was completed through ECAS.

Signed: ­­­­­ s/ *John Bruning*