

ATTORNEY
FIRM
ADDRESS
ADDRESS

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CHICAGO, ILLINOIS

IN THE MATTERS OF: CLIENT DERIVATIVE (IF ANY) Respondents in Removal Proceedings	XXXX-XXX-XXX XXXX-XXX-XXX Next Master Calendar Hearing: DATE at TIME before the Honorable NAME
---	--

**MOTION TO ADVANCE RESPONDENTS' HEARING OR ALTERNATIVELY,
TO ACCEPT FORM I-589 AS FILED ON THE "LODGED" DATE**

COMES NOW, Respondent NAME ("Ms. LAST NAME"), and her daughter NAME, by and through counsel, and requests that the Court advance her hearing to a date prior to her one-year deadline or alternatively, accept Ms. LAST NAME's I-589 asylum application, listing her daughter as a derivative, as filed on the date it was lodged with the Court in order to meet her one-year filing deadline for asylum. In support of her motion, Ms. LAST NAME states the following:

1. The National Immigrant Justice Center (NIJC), through undersigned counsel, represents Ms. LAST NAME on a *pro bono* basis. Counsel's E-28 is on file.
2. Ms. LAST NAME is a citizen of Mexico who fears persecution from her abusive husband. She entered the United States on or about DATE and was subsequently apprehended and detained by immigration officers. She requested asylum at the border and was paroled in for a temporary period of six months, which was later renewed for a year. She moved with her daughter to the Chicago area to live with her sisters.
3. The Chicago Immigration Court scheduled Ms. LAST NAME and her daughter for a hearing before this Court on DATE. Ms. LAST NAME attended her hearing and requested a continuance to find an attorney, which was granted. Her next Master Calendar hearing is scheduled for DATE.

4. Since Ms. LAST NAME entered the United States on or about DATE, she must file her I-589 asylum application with the Court by DATE in order to meet the one-year deadline for asylum eligibility. She cannot wait to file her application until her next Master Calendar hearing in DATE.
5. In order to demonstrate her attempt to meet the one-year deadline, Ms. LAST NAME, through counsel, has lodged her I-589 asylum application with the court prior to her one-year deadline. *See* 8 C.F.R. § 1208.4(a)(2), (b) (explaining that an asylum application must be received by the Immigration Court having jurisdiction over the respondent’s proceedings prior to the respondent’s one-year filing deadline, but not specifying the manner in which it must be received).
6. Since undersigned counsel understands that the Court will not accept a Form I-589 at the Court window other than for purposes of lodging the application, Ms. LAST NAME, through counsel, therefore requests that the Court either advance her next hearing to a date prior to her one-year deadline so that she can submit her I-589 in open court. Alternatively, Ms. LAST NAME requests that the Court accept her I-589 as filed as of the lodged date in order to meet her one-year filing deadline. Since the Court will not accept an I-589 at the Court window, undersigned counsel will provide the Court with Ms. LAST NAME’s original, lodged-stamped I-589 asylum application at Ms. LAST NAME’ next Master Calendar hearing.
7. Granting this motion will ensure Ms. LAST NAME’ ability to seek asylum in the United States and obtain protection from persecution in her country of citizenship. *See Kadia v. Gonzales*, 501 F.3d 817, 821 (7th Cir. 2007) (noting the need for adjudicators to “exercise care commensurate with the stakes in an asylum case”).

WHEREFORE, Ms. LAST NAME, through counsel, respectfully requests that the Court advance her hearing date or accept her I-589 asylum application as filed as of the date it was lodged with the Court.

Respectfully submitted,

Date: _____

NAME
Attorney
FIRM
ADDRESS
ADDRESS
PHONE
EMAIL

CERTIFICATE OF SERVICE

I, _____, hereby certify that I delivered a copy of the above Motion To Advance Respondents’ Hearing or Alternatively, to Accept Form I-589 As Filed On The “Lodged” Date to the Office of Chief Counsel via e-service at chicagooccfilings@ice.dhs.gov on _____.

Signature

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CHICAGO, ILLINOIS

IN THE MATTERS OF:	
CLIENT	AXXX-XXX-XXX
DERIVATIVE (IF ANY)	AXXX-XXX-XXX

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion To Advance Respondents' Hearing or Alternatively, to Accept Form I-589 As Filed On The "Lodged" Date, it is HEREBY ORDERED that

_____ **Respondent's Motion to Advance be granted because:**

- _____ DHS 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.
- _____ Other:

_____ **Respondent's Motion to Accept Form I-589 as Filed on the "Lodged" Date be granted because:**

- _____ DHS 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.
- _____ Other:

Date

Immigration Judge