

Mike Baker Law

Immigration & Removal Defense

“Mega Master” Hearing Toolkit

Motion to Continue & Emergency Reopening Checklist

Immigration courts have begun stacking 100 or more respondents into single master calendar settings and advancing dockets by years, betting that the unrepresented will miss the date and draw an order of removal *in absentia*. The volume changes nothing about the government’s burden. Notice, counsel, language access, and a meaningful opportunity to be heard all survive intact. This toolkit gives you a ready-to-caption motion to continue and a triage checklist for reopening an order that has already entered.

1. Motion to Continue Master Calendar Hearing

Caption the motion, drop your client’s facts into the brackets, and file. The motion tracks the good-cause standard of 8 C.F.R. § 1003.29 and preserves the objections that matter for a later petition for review.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court: [Chicago / Other]

In the Matter of: **[Respondent Name]** A No.: **[A-Number]** Respondent

Respondent’s Motion to Continue Master Calendar Hearing

Respondent respectfully moves to continue the master calendar hearing set for **[date and time]**. Good cause supports a continuance under 8 C.F.R. § 1003.29.

Grounds.

- **The mass setting prevents meaningful participation.** A master calendar hearing exists to advise rights and take pleadings on the Notice to Appear. A setting of this size cannot serve that function individually for Respondent.
- **Counsel access.** Respondent holds the privilege of counsel at no expense to the government (8 U.S.C. § 1229a(b)(4)(A)) and needs time to secure counsel and review the NTA, hearing notice, pleadings, and relief eligibility.
- **Language access.** Respondent’s best language is **[language]** and Respondent cannot fully participate in English. EOIR policy provides interpreters at government expense in that circumstance, master calendar hearings included.
- **Notice.** If this hearing was advanced, rescheduled, or consolidated from a later date, Respondent asks the Court to require DHS or EOIR to identify the operative notice, proof of service, address used, service date, and any notice of changed time or place. 8 U.S.C. § 1229(a)(2).

- **Preserved objections.** Respondent has a reasonable opportunity to examine and present evidence and cross-examine witnesses (8 U.S.C. § 1229a(b)(4)(B)), and the Seventh Circuit requires a meaningful opportunity to be heard. *Kerciku v. INS*, 314 F.3d 913 (7th Cir. 2003).

Relief Requested.

- Continue the master calendar hearing at least **[60/90]** days;
- Confirm Respondent’s preferred language as **[language]** and provide a qualified interpreter;
- Provide or confirm the current pro bono legal services list;
- Permit Respondent to obtain counsel and file written pleadings;
- Require DHS or EOIR to identify and preserve proof of notice for the current hearing date;
- Set any future hearing at a time and in a manner that permits Respondent to hear, understand, and respond individually.

Proposed Order.

The motion is granted. The master calendar hearing is continued to **[date]**. The Court shall provide an interpreter in **[language]**, and Respondent shall have until **[date]** to file pleadings, applications, or other appropriate submissions.

Certificate of Service.

I certify that on **[date]**, I served a copy of this motion on the DHS Office of Chief Counsel by **[ECAS / mail / email if permitted / hand delivery]**.

Respectfully submitted,

[Name] · [Address] · [Phone] · [Email] · [EOIR ID, if applicable]

2. Emergency Motion to Reopen an In Absentia Order — Checklist

Immediate Triage.

- **Get the order.** Obtain the in absentia removal order and confirm the date of entry.
- **Calendar the deadline.** Exceptional-circumstances motions file within 180 days. 8 U.S.C. § 1229a(b)(5)(C).
- **Identify no-deadline grounds.** Lack of notice, or custody through no fault of the respondent, may support filing at any time. 8 C.F.R. § 1003.23(b)(4)(ii).
- **Flag the automatic stay.** A proper motion to reopen an in absentia order stays removal while the IJ decides it.

Evidence to Collect.

- **Notice record:** NTA, hearing notice, rescheduling notice, proof of service, ECAS entries, mail tracking, address used, counsel-of-record status.
- **Address record:** EOIR-33 forms, USPS change-of-address records, lease, shelter letters, affidavits, texts, email notices, call logs.
- **Language record:** preferred language, interpreter requests, inability to read English, translated-notice problems, interpreter availability.

- **Arrival/access record:** security-line delay, crowding, lack of seating, check-in confusion, inaudible roll call, transportation delay, disability, childcare or medical emergency.
- **Custody record:** ICE, state, local, or federal custody records showing the respondent could not attend through no fault of their own.
- **Exceptional-circumstances record:** medical records, death certificates, police reports, hospital records, employer records, transportation proof, declarations.

Drafting Structure.

- **Caption and title:** “Emergency Motion to Reopen and Rescind In Absentia Removal Order.”
- **Procedural history:** NTA date, hearing date, order date, and how the respondent learned of the order.
- **Grounds:** plead lack of notice, exceptional circumstances, custody, or all applicable grounds in the alternative.
- **Automatic stay request:** cite 8 U.S.C. § 1229a(b)(5)(C) and 8 C.F.R. § 1003.23(b)(4)(ii).
- **Due process record:** explain how the mass procedure defeated notice, language access, counsel access, or the opportunity to be heard.
- **Relief:** reopen, rescind, restore to the active docket, provide interpreter services, and reset for a meaningful master calendar hearing.

Filing Package.

- Motion to reopen and rescind; respondent declaration; interpreter certificate for any non-English declaration;
- EOIR-28 or EOIR-61 if represented or assisted; EOIR-33 if needed; supporting exhibits; proposed order; proof of service on DHS OCC.

3. On-the-Record Script

Read or paraphrase the following when a setting turns into a sorting line, before pleadings are taken:

“Your Honor, I need to make a record. My client’s best language is [language], and my client cannot fully understand and participate in English. We request a qualified interpreter and object to proceeding without one. We also request a continuance for good cause so my client can obtain counsel, review the Notice to Appear, and respond to pleadings individually. To the extent this hearing was advanced, rescheduled, or consolidated, we request that the Court identify the operative notice and proof of service. We preserve all objections based on notice, language access, counsel access, and due process.”

Key Authorities

8 U.S.C. § 1229a(b)(5)	In absentia order requires written notice; DHS proves notice and removability by clear, unequivocal, and convincing evidence.
8 U.S.C. § 1229(a)(2)	Changed hearing date requires written notice of new time/place and consequences of nonappearance.
8 U.S.C. § 1229a(b)(4)	Privilege of counsel at no government expense; reasonable opportunity to examine/present evidence and cross-examine.

8 C.F.R. § 1003.29	Immigration judge may grant continuances for good cause shown.
8 C.F.R. § 1003.23(b)(4)(ii)	Reopen in absentia order: 180 days for exceptional circumstances, any time for lack of notice/custody; filing stays removal.
EOIR Policy Manual, ch. 3.10	Interpreters at government expense where English is inadequate, master calendar hearings included.
<i>Kerciku v. INS</i>, 314 F.3d 913 (7th Cir. 2003)	Due process requires a meaningful opportunity to be heard.