

MISSING A HEARING AND WHAT TO DO

What will happen to me if I miss my Immigration Court hearing?

If you miss your Immigration Court hearing, the Immigration Judge will order you deported without you being there. After that, Immigration can pick you up at home or at work and arrest you. After 3 days, Immigration can deport you without giving you another court hearing. Immigration must, however, have travel documents ready for your deportation, which usually takes at least a few weeks.

If Immigration has arrested you but not given you a notice to appear, you may have been ordered deported sometime in the past for missing a court hearing. Immigration will deport you as soon as it gets the papers from your country. So you must act quickly to stop your deportation.

If you missed your hearing, you need to file a motion to reopen with the Immigration Judge and request a stay of deportation. You must explain why you missed your hearing. For example, if you can prove that you never got notice of your hearing, the Immigration Judge will reopen your case. If you were in jail at the time of your Immigration Court hearing, the Immigration Judge will reopen your case. If there were exceptional circumstances for missing your hearing, the judge will reopen your case. You must act quickly. For sample forms, call PAIR at 617-742-9296.

GETTING A JUDGE TO REOPEN OR RECONSIDER YOUR CASE

Can I reopen my case after the Immigration Judge orders my removal?

Yes. You can ask the Immigration Court to reopen your case if you missed your hearing for the reasons explained above, or if your situation has changed and you have new evidence about your case. You can also ask to reopen your case if the Immigration Judge did not explain to you your rights or tell you that you had the defenses to deportation, listed on pages 15-21, if any of them apply to you. You can also reopen your case if the law has changed in a way that helps you. This process is complicated, and it is a good idea to have a lawyer help you.