

Immigration law frequently changes. This sample document is not legal advice or a substitute for independent research, analysis, and investigation into local practices. This document may be jurisdiction-specific or reflect outdated practices or law. CLINIC does not vouch for the accuracy or substance of this document and it is intended rather for illustration.

FIRST NAME LAST NAME

Non-detained

CURRENT FIRM

ADDRESS

Pro Bono Counsel for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
[City, State]

_____ x

In the Matter of

CLIENT

File No.: A xxx-xxx-xxx

Respondent

In Removal Proceedings

_____ x

Immigration Judge [Judge]

Next Master Hearing: DATE, 20XX at 0:00

MOTION TO WITHDRAW AS COUNSEL

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
[City, State]

_____ x

In the Matter of

CLIENT

A xxx-xxx-xxx

Respondent.

In Removal Proceedings.
Next Master Hearing – DATE, 20XX

_____ x

MOTION TO WITHDRAW AS COUNSEL

I, FIRST NAME LAST NAME, Esq., [ORGANIZATION NAME] Pro Bono Counsel, represent Respondent in this matter. I respectfully request this Court issue an order permitting my withdrawal from representing Respondent.

- 1) This request is made because I recently left the law firm of FIRM 1 LLP, ADDRESS, and joined the firm of FIRM 2, P.C, ADDRESS. After joining FIRM 2, I requested approval to continue representing Respondent in this matter. Unfortunately, due to FIRM 2's pro bono policy, I am unable to continue representing Respondent in this matter.
- 2) Respondent's last known address is ADDRESS.
- 3) On DATE, 2011, I notified CLIENT in writing of my request to withdraw as counsel and the reason for my request. See Exhibit A.
- 4) In my DATE, 2011 letter, I notified Respondent of (a) applicable pending deadlines; (b) the date, time, and place of the next scheduled hearing; (c) the necessity of meeting

deadlines and appearing at scheduled hearings; and (d) the consequences of failing to meet deadlines or appear at scheduled hearings.

- 5) Respondent has consented to the withdrawal.
- 6) I am currently assisting Ms. [Coordinator name], Pro Bono Coordinator at [ORGANIZATION NAME], to obtain replacement counsel.
- 7) I respectfully request that this Court enter an order granting my leave to withdraw as attorney in this matter.

Respectfully Submitted,

[signed]
FIRST NAME LAST NAME

Pro Bono Counsel for the
Respondent

Date: DATE, 20xx

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CERTIFICATE OF SERVICE

I, FIRST NAME LAST NAME certify that on this ____ day of MONTH, 20XX, I served a copy of this Motion to Withdraw as Counsel and any attached pages by hand delivery on DHS/ICE, Office of Chief Counsel, [ADDRESS].

FIRST NAME LAST NAME

DATE

BY FIRST CLASS MAIL

Ms. CLIENT

c/o SPONSOR

ADDRESS

ADDRESS

Re: Removal Proceedings, File No. Axxx-xxx-xxx

Dear Ms. CLIENT:

To confirm our telephone conversation of [today], I am writing to inform you that I will be submitting a request to the Immigration Court to withdraw as your counsel. I recently left the firm of FIRM 1 LLP, and joined the firm of FIRM 2, P.C. Unfortunately, I am unable to continue representing you due to the policies of FIRM 2.

As you are aware, your next master calendar hearing before the Immigration Court at [Address] is on DATE. It is imperative that you appear at this hearing. Failure to appear at your hearing may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action; or (2) your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security establishes by clear, unequivocal and convincing evidence that a) you have been provided this notice, and b) you are removable.

Furthermore, please be advised that your Special Immigrant Juvenile Status petition must be filed with the U.S. Citizenship and Immigration Service before you turn 21. Prior to filing your SIJS petition, you must also complete the prerequisite proceedings in a state juvenile court, e.g. guardianship proceedings and motion for findings in Family Court.

Finally, please note that every time you change your address and/or telephone number, you must inform the Court of your new address and/or telephone number within 5 days of the change on the attached EOIR-33 form. In the event you are unable to obtain a Form EOIR-33, you may provide the Court in writing with your new address and/or telephone number, but you must clearly mark the envelope "Change of Address."

If you have any questions, please do not hesitate to contact me.

Sincerely,

Attorney NAME

[see: EOIR Immigration Ct. Practice Man., App'x Q]
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
[City, State]

In the Matter of: Name A Number: _____ JUVENILE

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion for [], it is HEREBY ORDERED that the motion to withdraw as counsel 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

The Hon.

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 _____