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[Home \(/\)](#) / [For Attorneys \(/for-attorneys\)](#) / [Legal Resources \(/for-attorneys/legal-resources/\)](#) / [Pro Bono Alert: Without Any Warning, EOIR Changes the Filing Deadline for Merits Hearings](#)

Pro Bono Alert: Without Any Warning, EOIR Changes The Filing Deadline For Merits Hearings

[ASYLUM \(/FOR-ATTORNEYS/LEGAL-RESOURCES?CASE_TYPE\[167\]=167\)](#)
[DETAINED \(/FOR-ATTORNEYS/LEGAL-RESOURCES?CASE_TYPE\[169\]=169\)](#)
[LGBTQ \(/FOR-ATTORNEYS/LEGAL-RESOURCES?CASE_TYPE\[170\]=170\)](#)
[U VISA \(/FOR-ATTORNEYS/LEGAL-RESOURCES?CASE_TYPE\[172\]=172\)](#)
[VAWA \(/FOR-ATTORNEYS/LEGAL-RESOURCES?CASE_TYPE\[173\]=173\)](#)

EOIR has changed the 15-day filing deadline for non-detained merits hearings to a 30-day filing deadline.

MON, 2020-12-28 12:00

[\(/FOR-ATTORNEYS/LEGAL-RESOURCES?UPDATE\[189\]=189\)](#)

[\(/FOR-ATTORNEYS/LEGAL-RESOURCES?UPDATE\[189\]=189\)IMMIGRATION PROCEDURAL UPDATES \(/TAXONOMY/TERM/189\)](#)

On December 23, 2020, the Executive Office for Immigration Review (EOIR) updated its Immigration Court Practice Manual (<https://www.justice.gov/eoir/office-chief-immigration-judge-0>). One of the updates contained in this 12/23 version of the manual changed the standard 15-day filing deadline for non-detained merits hearings to a 30-day filing deadline. The manual does not reference any grace period for this change and EOIR did not provide any notice or warning of this change in advance.

As a result, as of December 23, 2020, attorneys representing non-detained individuals in removal proceedings must file all pre-hearing documents 30 days prior to the merits hearing unless the immigration judge had set a different date. For example, if a merits hearing was scheduled for January 30, 2021 and the judge explicitly set a

filing deadline of January 15, 2021, NIJC believes the attorney can rely on that previously set date pursuant to Immigration Court Practice Manual chpt 3.1(b). However, if the judge only set a 15-day deadline pursuant to the Practice Manual without providing a specific date, NIJC believes attorneys must now plan to file 30 days in advance of their merits hearing.

NIJC pro bono attorneys with specific questions or concerns regarding the impact of this change on their own cases should contact their NIJC point-of-contact.

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