



Removal Defense

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CHARLOTTE, NORTH CAROLINA**

IN THE MATTER OF:

Jo Bob Smith

In Removal Proceedings

File No : A

MOTION TO ACCEPT UNTIMELY FILING

COMES NOW the Respondent, by and through the undersigned attorney and moves the Court to accept late filing of the attached documents:

1. Undersigned counsel represents Respondent in all matters before the Immigration Court, as indicated by the attached EOIR-28.
2. Respondent's next Master Calendar Hearing is scheduled for _____ at 1:00 p.m.
3. Respondent previously appeared before the court for an Individual Hearing on his EOIR-42B application for Cancellation of Removal on _____. At the Individual Hearing, Respondent presented evidence of the exceptional and extremely unusual hardship to his U.S. citizen wife in the event of Respondent's removal due to her diagnosis of Major Depressive Disorder Recurrent, Post Traumatic Stress Disorder, Alcohol Dependence, Hepatitis C, and high blood pressure. [Wife]'s therapist indicated in her letter to the court that [Wife] was decompensating in the face of her husband's possible deportation.
4. Subsequent to her husband's Individual Hearing, [Wife] decompensated to the point that she was hospitalized from _____ to _____, including being placed in the Intensive Care Unit for eight days.



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5. Counsel has just received the attached documents evidencing Wife's recent hospitalization which was unavailable prior to trial and which, further evidences the Respondent qualifies for Cancellation of Removal. *See*, **TAB __**.
6. These documents are pertinent to the issues and are not prejudicial to the Government.

WHEREFORE, Respondent respectfully requests that this Motion to Accept the Untimely Filing be granted.

Respectfully Submitted this ____ day of _____.

Attorney for the Respondent
EOIR#
Address
Telephone