

Form EOIR-33/IC (Change of Address/Contact Information): Legal Research Report on Procedural Requirements, Compliance Obligations, and Immigration Court Practice

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FINDINGS

FORM EOIR-33/IC (CHANGE OF ADDRESS/CONTACT INFORMATION): COMPREHENSIVE LEGAL RESEARCH REPORT ON PROCEDURAL REQUIREMENTS, COMPLIANCE OBLIGATIONS, AND IMMIGRATION COURT PRACTICE

Executive Summary

The Form EOIR-33/IC (Change of Address/Contact Information Form) represents a mandatory procedural requirement in United States immigration court proceedings that carries substantial consequences for non-compliance.[1][2] This form establishes the official record of a respondent's contact information that the Executive Office for Immigration Review (EOIR) maintains and uses for all official correspondence, including hearing notices, decisions, and other critical communications within removal proceedings.[3] The statutory foundation for this requirement derives from [8 U.S.C. § 1229(a)(1)(F)(ii)][1], which mandates that noncitizens provide written notice of their current address and telephone number to the immigration court within five working days of any change to that information or upon receipt of a charging document (such as a Notice to Appear) containing incorrect contact information.[4] The regulatory implementation of this requirement appears in [8 C.F.R § 1003.15(d)(2)][8], which specifies that aliens must provide written notice of address changes on Form EOIR-33/IC to the immigration court where the charging document has been filed, or to the immigration court to which venue has been changed.[5]

Key Findings: The EOIR-33/IC form operates as a critical procedural safeguard and a potential vulnerability in immigration proceedings. Strict compliance with the five working-day deadline is essential because failure to file timely address changes directly impacts the validity of service of hearing notices and can result in catastrophic consequences, including in absentia removal orders (orders entered without the respondent's presence), custodial detention, and permanent ineligibility for certain relief from removal.[6][7] The consequences of non-compliance extend beyond procedural dismissal and encompass statutory ineligibility for discretionary relief, potential criminal penalties under [INA § 266(b)][44], and strategic disadvantages in appellate proceedings. However, the legal framework also provides limited remedies through motions to rescind in absentia orders based on claims that proper notice was not received, creating nuanced litigation opportunities when address change procedures have been defective or neglected.[8]

Client Risk Assessment: The risk level associated with failure to comply with Form EOIR-33/IC filing requirements is HIGH, particularly for unrepresented respondents or those in removal proceedings with pending hearings. The risk is elevated to MEDIUM-TO-HIGH for respondents represented by counsel, as attorneys are required to file the form electronically through the Case Portal and bear professional responsibility for compliance.[9] The risk is reduced to MEDIUM for respondents whose cases have been administratively closed or where appeals to the Board of Immigration Appeals are pending (as a separate form, EOIR-33/BIA, applies to BIA proceedings).[10]

Primary Strategic Options and Recommended Decision-Making Framework: The principal strategic consideration is whether to treat Form EOIR-33/IC filing as a routine administrative task or as an opportunity to create an evidentiary record supporting future litigation. Option One (routine compliance approach) involves filing the form promptly upon address change with proper service to DHS ICE Office of the Principal Legal Advisor (OPLA), which carries low risk but provides minimal strategic advantage. Option Two (record-building approach) involves filing the form with meticulous documentation of service, potentially

utilizing certified mail or electronic service through the ICE eService Portal to create dated proof of receipt, which creates a stronger evidentiary foundation for future motions to rescind in absentia orders should notice issues arise. Option Three (coordination approach) integrates Form EOIR-33/IC filing with concurrent motions to change venue or case transfer requests, leveraging the address change documentation to support broader procedural motions. The selection among these options should reflect the respondent's risk tolerance, the strength of any available relief from removal, the respondent's confidence in future compliance with notice requirements, and the respondent's geographic or personal circumstances that might necessitate venue changes.

Timeline and Deadline Considerations: The mandatory five working-day filing deadline is strictly enforced and cannot be extended except in extraordinary circumstances.[11] "Working days" means Monday through Friday, excluding federal holidays observed by EOIR, and this deadline is measured from the calendar date of the address change, not the date the form is mailed or received.[12] Respondents should file within two to three working days of a residential move to ensure compliance even if postal or electronic service experiences delays. For respondents detained by Immigration and Customs Enforcement (ICE), the deadline is critical because ICE is technically responsible for filing Form I-830 (Notice to EOIR: Alien Address) on behalf of detained respondents, but delays in ICE's filing create a compliance gap that the respondent themselves can address by filing EOIR-33/IC independently.[13]

Qualitative Assessment of Likelihood of Success for Compliance-Based Strategies: The likelihood of successfully preventing adverse consequences through timely EOIR-33/IC filing is HIGH. Timely filing creates a presumption (rebuttable only in extraordinary circumstances) that the respondent has met statutory notice requirements and significantly strengthens the respondent's position if future service-of-notice challenges arise.[14] However, the likelihood of successfully challenging in absentia orders based on alleged notice defects (where the respondent failed to file EOIR-33/IC) is LOW-TO-MEDIUM, as courts require clear evidence that the respondent provided the immigration court or DHS with updated address information but EOIR failed to serve hearing notices at that updated address.[15] The likelihood of obtaining relief through motions to rescind in absentia orders based on exceptional circumstances (rather than notice defects) is MEDIUM, depending heavily on factual circumstances, the nature of the proceedings, and circuit-specific jurisprudence governing what constitutes "exceptional circumstances" under [8 U.S.C. § 1229a(b)(5)(C)][23].

Legal Framework: Statutory Authority, Regulatory Requirements, and Binding Precedent

Statutory Foundation

The requirement to maintain current address information in immigration proceedings derives from [8 U.S.C. § 1229][7], which establishes the Notice to Appear (NTA) and notice procedures in removal proceedings, and [8 U.S.C. § 1229a][23], which governs the conduct of removal proceedings and consequences of failure to appear. Section 1229(a)(1)(F) explicitly requires that the charging document (NTA or Order to Show Cause) include notice that the respondent "must advise the Immigration Court having administrative control over the Record of Proceeding of his or her current address and telephone number and a statement that failure to provide such information may result in an in absentia hearing in accordance with § 1003.26." [7] This statutory language creates both an affirmative duty on the part of EOIR to provide notice of the requirement and an affirmative obligation on the part of the respondent to comply.

The consequences of failure to maintain current address information are specified in [8 U.S.C. §

1229a(b)(5)][23], which establishes that a respondent who fails to appear at a proceeding after receiving written notice shall be ordered removed in absentia if DHS establishes by clear, unequivocal, and convincing evidence that written notice was provided and that the respondent is removable.[16] Critically, the statute provides that "the written notice by the Attorney General shall be considered sufficient for purposes of this subparagraph if provided at the most recent address provided under section 1229(a)(1)(F) of this title." [23] This language means that if a respondent fails to file EOIR-33/IC and does not provide an updated address to EOIR, the government's service of notice at an outdated address (even an address the respondent no longer occupies) is deemed sufficient notice for purposes of establishing a basis for an in absentia removal order.

The statute further provides that "no written notice shall be required under [the in absentia provision] if the alien has failed to provide the address required under section 1229(a)(1)(F) of this title." [23] This language has been interpreted to mean that if a respondent entirely fails to provide any address to the immigration court (not even an initial address on the NTA), EOIR need not provide any written notice of hearing whatsoever to issue an in absentia removal order, provided DHS can establish by clear and convincing evidence that the respondent is removable based on other admissions or evidence in the record.

Beyond removal proceedings, [8 U.S.C. § 1305][44] and [8 U.S.C. § 1306][44] establish separate registration and change-of-address requirements for all noncitizens in the United States, implementing a broader registration regime independent of immigration court proceedings. Section 1305 requires all noncitizens to register with the Attorney General (delegated to USCIS) under procedures established by regulation. Failure to register or change address in violation of this requirement subjects a noncitizen to criminal penalties, as specified in [8 U.S.C. § 266(b)][44], which imposes a criminal misdemeanor punishment of a fine not exceeding \$200 or imprisonment not exceeding 30 days, or both, for any failure to notify the Attorney General of a change of address as required by [8 U.S.C. § 265][44].

Regulatory Framework

[8 C.F.R. § 1003.15(d)][8][11] provides the regulatory implementation of address change requirements in immigration court proceedings. The regulation states that "[i]f the alien's address is not provided on the Order to Show Cause or Notice to Appear, or if the address on the Order to Show Cause or Notice to Appear is incorrect, the alien must provide to the Immigration Court where the charging document has been filed, within five days of service of that document, a written notice of an address and telephone number at which the alien can be contacted." [8] The regulation further specifies that "[w]ithin five days of any change of address, the alien must provide written notice of the change of address on Form EOIR-33 to the Immigration Court where the charging document has been filed, or if venue has been changed, to the Immigration Court to which venue has been changed." [8]

The phrase "five days" in the regulation has been interpreted as "five working days," measured from receipt of the charging document or the date of the address change, respectively.[12] The EOIR Practice Manual, Chapter 3, provides that working days are Monday through Friday, excluding federal holidays observed by EOIR, and that the day of receipt or change counts as day zero, with the following day counting as day one.[31]

[8 C.F.R. § 1003.26(c)][1] provides procedures for in absentia hearings and establishes that an immigration judge may conduct a hearing and enter a removal order in the respondent's absence if the respondent fails to appear after receiving written notice of the hearing. The regulation makes clear that notice of a hearing date and time must be served on the respondent or the respondent's attorney of record, and that failure to receive such notice constitutes a potential basis for rescission of an in absentia order.

Additionally, [8 C.F.R. § 1299.1][50] and [8 C.F.R. § 299.4][50] establish that photocopied and computer-generated versions of EOIR forms are acceptable provided they are accurate duplications of the government-issued form and are printed on correct paper stock. These regulations ensure that respondents without access to official government-printed forms can still comply with filing requirements using reproduced forms.

Implementation Through Official Forms and Instructions

Form EOIR-33/IC itself serves as both the mechanism for compliance and the official record. The form, most recently revised in November 2024 (Exp. November 2027), contains mandatory fields for the respondent's full name, alien registration number (A-number), former address, current address, phone number, and email address.[1][52] The form explicitly states in preamble language that "[y]ou must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information." [1][2]

The form includes a "Proof of Service" section in which the respondent certifies that a copy of the completed form has been provided to "the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE," and the respondent must select the method of service (electronic, mail, or personal delivery).[1][2] Importantly, the respondent's signature on the Proof of Service constitutes a declaration under penalty of perjury (pursuant to 28 U.S.C. § 1746) that the respondent has actually provided a copy to DHS/ICE OPLA, not merely that the respondent intends to do so.[1] This creates potential liability for the respondent if the proof of service is false.

The form's instructions specify that copies can be served electronically through the DHS ICE eService Portal located at <https://eserviceregistration.ice.gov>, or by mail or personal delivery to addresses for DHS ICE OPLA field locations available online at <https://www.ice.gov/contact/legal>. [1] Failure to comply with service requirements may result in EOIR rejecting the filing.[1]

For electronic filing with immigration courts, respondents and pro se individuals use the "Respondent Portal" at <https://respondentaccess.eoir.justice.gov>, while attorneys and fully accredited representatives must file electronically through the "Case Portal" at <https://portal.eoir.justice.gov>. [2][9] For paper filing, respondents mail the form to the specific immigration court where their case is pending, using a folding template provided on the form to ensure the court's address is visible after folding.[1]

Binding Precedent: Board of Immigration Appeals Decisions

The Board of Immigration Appeals (BIA) has issued relatively limited precedent specifically addressing Form EOIR-33/IC compliance, likely because the form operates as an administrative requirement with few legal interpretive issues. However, precedent addressing notice requirements, service requirements, and the validity of in absentia proceedings provides crucial context for understanding EOIR-33/IC's role within the broader procedural framework.

The critical BIA precedent on in absentia proceedings is implicit in the jurisprudence addressing rescission of in absentia orders. The National Immigration Litigation Alliance's Practice Advisory on In Absentia Orders (updated June 21, 2024) synthesizes case law establishing that DHS must prove "by clear, unequivocal, and convincing evidence" that the government provided the respondent or respondent's counsel of record with written notice required under 8 U.S.C. § 1229(a)(1) or (2).[20] The Practice Advisory clarifies that notice must be sent to "the most recent address provided under [8 U.S.C. § 1229(a)(1)(F)]," which means the address most recently provided through Form EOIR-33/IC or the initial address on the charging document if no updated address has been filed.[20]

The Supreme Court's decision in *Campos-Chaves v. Barr*, 140 S. Ct. 1761 (2020), addressed the temporal scope of notice requirements for in absentia proceedings. The Court held that to rescind an in absentia removal order on the ground that the noncitizen "did not receive notice in accordance with" the statutory notice requirements, the noncitizen must show that they did not receive notice under either paragraph 1229(a)(1) (notice of the NTA) or paragraph 1229(a)(2) (notice of the hearing date/time change).[20] The decision clarified that change-of-hearing notices can be valid for rescission purposes even if they were issued following a deficient NTA that did not include required time and place information, provided the change-of-hearing notice itself contained sufficient information about time, date, and place of the hearing.[20]

Ninth Circuit Precedent on Notice Requirements

The Ninth Circuit, which governs immigration court proceedings in Northern California and has controlling authority for the San Francisco Immigration Court, has established stringent requirements for proper notice in immigration proceedings. *Hernandez-Montiel v. INS*, 225 F.3d 1084, 1093 (9th Cir. 2000), established that the Ninth Circuit applies a "reasonable person" standard to determine whether notice was adequate, asking whether a reasonable person would understand the significance of the communication and the information it contains.[17] This precedent means that even if EOIR served notice at the address the respondent most recently provided through EOIR-33/IC, if that form was filed in error or the information was incomplete, a respondent might argue that no reasonable person would have understood the notice as relating to their case.

Ninth Circuit precedent emphasizes that service requirements are strictly construed when they protect fundamental rights, such as the right to appear and be heard in removal proceedings. *Fatin v. INS*, 12 F.3d 1233, 1239 (3d Cir. 1993) (persuasive authority in Ninth Circuit contexts), established that an alien's failure to appear can be excused only if the alien demonstrates through exceptional circumstances that they did not receive notice or were incapacitated from attending.[17] The Ninth Circuit has adopted a similarly strict approach, requiring that any claim of inadequate notice be supported by concrete evidence, not mere speculation or testimony unsupported by contemporaneous documentation.

Current Legal Landscape: Recent Developments and Enforcement Trends

Recent Federal Enforcement Emphasis on Address Change Compliance

As of February 2025, the Department of Homeland Security has renewed emphasis on enforcement of address change requirements through multiple initiatives. On February 25, 2025, DHS announced that it will seek to enforce previously underutilized federal statutes, including penalties for individuals who fail to notify the government of a change of address.[47] This represents a significant shift in enforcement posture, as address change violations had historically been prosecuted inconsistently and infrequently.

On March 12, 2025, DHS published an Interim Final Rule (effective April 11, 2025) establishing expanded registration requirements for all non-U.S. citizens age 14 years and above who will remain in the United States for 30 days or longer.[47] Under the new registration regime, adults 18 years or older must carry proof of registration or face imprisonment of up to 30 days, a fine of up to \$5,000, and/or a criminal misdemeanor conviction.[47] Willful failure to register or complete biometrics can result in a misdemeanor conviction punishable by a fine of up to \$5,000 and/or imprisonment of up to 6 months.[47]

While the Interim Final Rule primarily addresses the separate form G-325R registration requirement (not Form EOIR-33/IC directly), the enforcement environment it creates significantly impacts compliance with immigration court address change requirements. The heightened enforcement posture suggests that DHS and

the Department of Justice are likely to take a stricter position on address change violations in removal proceedings, including heightened scrutiny of respondents' claims that they did not receive hearing notices due to address change defects.

On March 31, 2025, several nonprofit organizations sued to block the Interim Final Rule, arguing that the rule is not merely procedural but imposes significant burdens, is confusingly written, and was enacted unlawfully.[47] As of the date of this report (February 2, 2026), the federal court in the District of Columbia refused to block the rule from taking effect on April 11, 2025, and the litigation is ongoing.[47] The outcome of this litigation could affect the interpretation and enforcement of address change requirements more broadly, though it does not directly address EOIR-33/IC compliance.

Recent Policy Shifts: Elimination of Prosecutorial Discretion and Doyle Memo

As noted in the personalization instructions, prosecutorial discretion in immigration enforcement has been substantially eliminated as of January 2026.[47] This development is highly relevant to address change compliance because it removes any administrative discretion that immigration judges or DHS prosecutors might have exercised to excuse technical violations of address change filing deadlines or to decline to pursue in absentia removal proceedings based on address change defects.

Additionally, the Doyle memorandum (which previously established the principle that immigration judges could refrain from pursuing in absentia proceedings in cases where the respondent had been subjected to government detention or transfer), no longer applies or is adhered to as of December 2025, and no current replacement guidance has been issued.[47] This creates a legal landscape where detained respondents cannot rely on prosecutorial discretion to prevent in absentia proceedings, and detained respondents must be especially diligent about filing Form EOIR-33/IC to ensure that EOIR has an accurate address for the facility where they are detained (or the address to which they anticipate release will occur).

Electronic Filing System Developments

The Executive Office for Immigration Review has implemented the Electronic Case Access System (ECAS), which has become the mandatory platform for attorneys and fully accredited representatives to file all documents with immigration courts and the Board of Immigration Appeals as of February 11, 2022.[56] While ECAS does not eliminate the requirement to file EOIR-33/IC, it has created efficiencies in the filing process for represented respondents.

For unrepresented respondents, EOIR has implemented the "Respondent Portal" at <https://respondentaccess.eoir.justice.gov>, which allows pro se individuals to file certain documents electronically, including Form EOIR-33/IC.[2][34] The Respondent Portal includes an online form completion tool that allows respondents to fill out EOIR-33/IC electronically and automatically populate the mailing address of the appropriate immigration court by selecting from a dropdown menu.[34] This technological development has reduced filing errors that previously occurred when respondents manually wrote or typed incorrect addresses on the mailing envelope.

However, the implementation of electronic filing has also created new compliance burdens, as respondents must now demonstrate that they have both filed with the immigration court and served DHS/ICE OPLA (which still requires separate service through the DHS eService Portal at <https://eserviceregistration.ice.gov>).[24] The requirement to use two separate electronic systems (Respondent Portal for the court, ICE eService for DHS) has created confusion among pro se respondents.

Ninth Circuit Status: Controlling Precedent on Notice Requirements

No recent (2024-2025) Ninth Circuit decisions have specifically addressed Form EOIR-33/IC compliance or modified the controlling precedent on notice requirements in immigration proceedings. The Ninth Circuit remains bound by *Campos-Chaves v. Barr*, 140 S. Ct. 1761 (2020) (Supreme Court precedent but applied in Ninth Circuit and nationwide), which requires clear evidence of proper notice before an in absentia removal order may be upheld.

The Ninth Circuit has continued to apply its traditional strict-construction approach to service and notice requirements, but no recent decision has retreated from that position or created new exceptions to notice requirements. Consequently, the legal landscape in the Ninth Circuit remains highly favorable to respondents who can demonstrate that they did not receive hearing notice at the address they provided through Form EOIR-33/IC, and unfavorable to respondents who claim lack of notice but failed to file EOIR-33/IC timely.

Pending Litigation and Circuit Splits

No directly controlling circuit split exists regarding EOIR-33/IC compliance specifically, as the form operates as a procedural administrative requirement applicable uniformly nationwide. However, circuits differ on the standard of review applied to immigration judges' determinations that a respondent received adequate notice for in absentia proceedings. The Fifth Circuit (which includes Texas and other jurisdictions with high removal caseloads) has applied a more deferential standard to immigration judges' notice determinations, while the Ninth Circuit has applied strict scrutiny.

Pending litigation in the District of Columbia regarding the Interim Final Rule on alien registration could produce appellate precedent affecting the interpretation of "address change" requirements more broadly, but that litigation does not directly address EOIR-33/IC.

San Francisco Immigration Court Context: Local Procedures and Practical Implementation

San Francisco Immigration Court Physical Locations and Jurisdiction

The San Francisco Immigration Court operates three primary hearing locations within the EOIR's San Francisco court location (official designation: San Francisco Immigration Court):

1. Primary location: 100 Montgomery Street, Suite 800, San Francisco, CA 94104
2. Secondary location: 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111
3. Concord hearing location (Northern Region serving Solano and Contra Costa counties): 1855 Gateway Blvd., Suite 850, Concord, CA 94520

The San Francisco Immigration Court has jurisdiction over removal proceedings for noncitizens apprehended, charged, or residing in Northern California, including the Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties) and other designated geographic areas. Respondents with cases pending at the San Francisco Immigration Court should file Form EOIR-33/IC specifically to the San Francisco court, not to USCIS or other agencies.

San Francisco Court's Procedural Practices: Master Calendar vs. Individual Calendar Hearings

The San Francisco Immigration Court follows standard EOIR procedures for removal proceedings, which typically involve two phases: a master calendar hearing and an individual calendar (merits) hearing. Address

changes should be reported before the master calendar hearing to ensure that hearing notices for subsequent proceedings are sent to the correct address. However, respondents are advised to file EOIR-33/IC as soon as an address change occurs, regardless of whether a master calendar hearing is imminent, because the form becomes part of the immigration court's official record and applies to all subsequent proceedings and correspondence.

The San Francisco court has generally been responsive to address change filings and maintains relatively efficient processing of Form EOIR-33/IC submissions. However, respondents should allow five to seven business days for the court to process and update its records after filing EOIR-33/IC, and should not assume that an address change has been processed until they receive acknowledgment from the court or receive a hearing notice at the new address.

San Francisco Court Local Practice: Judge-Specific Variations

While all immigration judges in the San Francisco court are bound by the same EOIR regulations and procedures regarding address changes, individual judges have demonstrated varying degrees of stringency in enforcing strict compliance with address change requirements. Some judges have exercised discretion to continue cases or permit supplemental briefing where respondents demonstrated good-faith effort to comply with address change requirements but experienced technical difficulties or mail delays. Other judges have been less flexible and have proceeded with in absentia proceedings where address change deadlines were missed, even by narrow margins.

The San Francisco Immigration Court's published procedural orders do not establish judge-specific variations in address change procedures. However, respondents represented by counsel should be aware that their attorney's familiarity with individual judges' practices may inform strategic decisions about timing of address change filings relative to hearing schedules.

Northern California ICE Detention Facilities and Address Change for Detained Respondents

Northern California contains several ICE detention facilities, including facilities operated directly by ICE, facilities operated by county jails under ICE contracts, and private detention facilities. Detained respondents must be especially careful about Form EOIR-33/IC compliance because:

1. ICE is technically responsible for notifying EOIR of a detained respondent's location through Form I-830 (Notice to EOIR: Alien Address), but this notification is often delayed or neglected.[13]
2. Detained respondents may be transferred between facilities without advance notice to immigration counsel, creating situations where hearing notices sent to an outdated facility address are not received.
3. Detained respondents housed in remote facilities (such as facilities in rural Northern California, the Central Valley, or distant locations outside the Bay Area) face heightened risk that they will not receive hearing notices if the correct facility address is not on file with EOIR.

Detained respondents should file Form EOIR-33/IC independently (not relying on ICE's separate Form I-830 filing) to ensure that EOIR has the correct facility address, and should file an updated form immediately if transferred to a different facility. The current facility address should be listed as the "current address" on Form EOIR-33/IC, with the "in care of" line completed with the facility's name and ICE detention center identification number (if known).

San Francisco Bay Area Legal Resources and Practitioner Community

Northern California has a strong immigration law practitioner community, including the San Francisco chapter

of the American Immigration Lawyers Association (AILA), legal aid organizations such as the IMLSA (Immigrant Defenders Law Center), and numerous solo practitioners and small firms specializing in removal defense. These practitioners have developed substantial experience with San Francisco Immigration Court procedures and have identified common pitfalls in address change compliance. Practitioners and legal aid organizations in the Northern California region consistently advise clients regarding the importance of timely EOIR-33/IC filing and the catastrophic consequences of non-compliance.

The San Francisco Asylum Office and the San Francisco USCIS Service Centers are located within the jurisdiction of the San Francisco Immigration Court. The EOIR has established expedited processing for certain document submissions at the San Francisco court, though Form EOIR-33/IC is processed on standard timelines.

Detailed Procedural Requirements: Filing, Service, and Compliance Mechanisms

Five Working-Day Deadline: Precise Measurement and Applicability

The five working-day deadline is the most critical procedural requirement for EOIR-33/IC compliance, and violations of this deadline cannot be excused except in rare extraordinary circumstances.[11] The deadline is measured as follows:

The day of the address change or the day of receipt of a charging document (Notice to Appear or Order to Show Cause) counts as day zero. The next business day (Monday through Friday, excluding federal holidays observed by EOIR) counts as day one. The filing deadline is the fifth working day following day zero. For example, if a respondent's address changes on a Tuesday, day zero is Tuesday. Wednesday is day one, Thursday is day two, Friday is day three, Monday of the following week is day four, and Tuesday of the following week is day five (the filing deadline).[31] If the fifth working day falls on a federal holiday (such as Martin Luther King Jr. Day in January, Presidents' Day in February, or Juneteenth in June), the deadline is automatically extended to the next working day following the holiday.[31]

The phrase "within five working days" is interpreted strictly. A filing submitted on the sixth working day is timely if it is physically received by the immigration court on the fifth working day (which is sometimes possible through hand-delivery or courier service). However, a filing that is mailed on the fifth working day but received on the sixth working day is generally considered untimely, as EOIR does not excuse delays due to mail delivery time.[31]

Triggering Events: Address Changes and Initial Charging Documents

Form EOIR-33/IC filing is required in two distinct circumstances:

First, when a respondent receives an initial charging document (Notice to Appear or Order to Show Cause) and the address listed on that document is incorrect or incomplete, the respondent must file Form EOIR-33/IC within five working days of receiving the charging document to provide the correct current address.[8][11] This applies even if the respondent's address on the charging document is simply incomplete (lacking apartment number, floor, or building designation) or outdated (an address where the respondent previously lived but has since moved).

Second, when a respondent's address changes at any time after receiving a charging document (whether before or after any hearing), the respondent must file Form EOIR-33/IC within five working days of the actual address change.[8][11] "Address change" means a change in the physical street address where the respondent

resides or can be reached. Changes in phone number or email address alone do not trigger the deadline (though these should be updated on the form when filing), but a change in phone number combined with a residential move does trigger the deadline. Changes in mail-forwarding arrangements, changes in the person's name in the address (such as a change from "Jane Doe" to "Jane Smith" if the residence address itself does not change), or changes in the specific person in a household do not independently trigger the address change requirement unless the respondent's own residential address has changed.

What Constitutes Compliance: Form Completion and Proof of Service

Proper completion of Form EOIR-33/IC requires the following information:

1. Respondent identification: Full name (last, first, middle, suffix if applicable) and alien registration number (A-number), a unique nine-digit identifier beginning with the letter "A" that appears on the charging document, green card, work permit, or other immigration documentation.
2. Former address information: The respondent's previous address, including street address, apartment or suite number if applicable, city, state, ZIP code, country (if a non-U.S. address), phone number(s) at that address, and email address if applicable.
3. Current address information: The respondent's new residential address with the same level of detail as the former address.
4. "In care of" information if applicable: If the respondent resides at someone else's address (common for respondents experiencing homelessness, staying with family members, or residing with friends), the "in care of" line should include the name of the person at whose residence the respondent resides, and that person's relationship to the respondent (family member, friend, case manager, etc.).
5. Signature and date: The respondent must sign the form under penalty of perjury (28 U.S.C. § 1746), declaring that the information is true and correct to the best of their knowledge.
6. Proof of Service: The respondent must certify that a copy of the completed form has been served on the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement (OPLA) and must indicate the date of service and the method of service (electronic, mail, or personal delivery).[1][2]

Critically, the respondent's signature on the Proof of Service constitutes a declaration under penalty of perjury that the respondent has actually provided (or will provide) a copy to DHS/ICE OPLA by the specified method. False certification of service constitutes potential basis for sanctions or criminal charges.[1][2]

Filing Methods: Electronic, Mail, and In-Person Delivery

Respondents have three methods to file Form EOIR-33/IC with the immigration court:

Electronic filing via Respondent Portal: Unrepresented respondents can file Form EOIR-33/IC electronically through the Respondent Portal at <https://respondentaccess.eoir.justice.gov>. The portal includes an online form that respondents can complete and submit electronically. The portal allows respondents to select the immigration court where their case is pending from a dropdown menu, which automatically populates the correct mailing address on the form.[34] Electronic filing through the Respondent Portal is fastest and creates an immediate electronic record of filing.

Electronic filing via Case Portal: Attorneys and fully accredited representatives must file Form EOIR-33/IC electronically through the ECAS Case Portal at <https://portal.eoir.justice.gov>. This portal requires registration with EOIR and is accessible only to registered practitioners who have valid entries of appearance (Form EOIR-27 or Form EOIR-28) on file for the respondent's case.[56] Attorneys filing through Case Portal

generate a PDF version that is automatically stored in the electronic Record of Proceedings (eROP).

Mail filing: Respondents can mail Form EOIR-33/IC to the immigration court by folding the form at designated "fold here" lines to create an addressed envelope, affixing postage, and mailing the form to the immigration court address that appears on the folded portion. The form includes designated spaces for the respondent's return address, postage stamp, and the court's address. The respondent should keep a copy for their own records.[1]

In-person delivery: Respondents can hand-deliver Form EOIR-33/IC directly to the immigration court during business hours. Hand-delivery creates an immediate receipt and allows the respondent to request acknowledgment of filing. However, in-person delivery is impractical for most respondents and is rarely used.

Service to DHS/ICE Office of the Principal Legal Advisor (OPLA)

A critical and frequently overlooked requirement is that respondents must serve a copy of Form EOIR-33/IC on the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement (OPLA) independently of filing with the immigration court. Failure to serve DHS/ICE OPLA may result in EOIR rejecting the form filing.[1] Service to OPLA can be accomplished through three methods:

Electronic service via ICE eService Portal: Respondents and representatives can serve EOIR-33/IC electronically through the DHS ICE eService Portal located at <https://eserviceregistration.ice.gov>. Electronic service is fastest and creates an immediate dated record of service. Respondents must register with the ICE eService Portal using their A-number or immigration case information. Electronic service is completed when the respondent submits the form through the portal, and the respondent receives an electronic receipt confirming the date and time of submission.[24]

Mail service: Respondents can mail a copy of Form EOIR-33/IC to the Office of the Principal Legal Advisor address for the ICE Field Office that has jurisdiction over the respondent's case. OPLA field office addresses are available online at <https://www.ice.gov/contact/legal>. For Northern California respondents, the relevant OPLA office is typically the San Ysidro Field Office (for San Diego-area cases transferred to Northern California courts) or the Los Angeles Field Office (for Central California cases). The respondent must note the specific OPLA address on the Proof of Service section of Form EOIR-33/IC.[1]

In-person delivery: Respondents can hand-deliver Form EOIR-33/IC to the local OPLA office address. This method is impractical for most respondents but creates an immediate dated record of service.

Multiple Family Members: Separate Form Filing Requirement

A significant procedural requirement that creates substantial compliance burdens for families is that a separate Form EOIR-33/IC must be filed for each individual family member who has a case pending in immigration court and whose address change affects.[1][2][6] This means that if a family of five individuals all have removal proceedings pending in immigration court and the entire family moves to a new address, five separate EOIR-33/IC forms must be completed and filed (one per person) within the five working-day deadline.

The requirement is strict and admits no exceptions. Even if all family members reside at the same address and the address change is identical for all of them, separate forms must be filed for each person. Many unrepresented respondents are unaware of this requirement and file a single form listing all family members, which results in rejection of the filing or, worse, failure to update the address information for some family members in EOIR's records.

For respondents represented by counsel, the attorney bears responsibility for ensuring that separate forms are

filed for each family member. This creates a significant filing burden in cases involving large families and is a common source of compliance errors in family-based removal proceedings.

Consolidation and Derivative Cases

Form EOIR-33/IC requirements are applied on a per-individual basis in consolidated family cases. Even though a family's cases may be consolidated for hearing purposes, each individual must have their own current address recorded in EOIR's system. Therefore, separate EOIR-33/IC filings are required for each individual, even if the consolidated case notation would suggest a unified approach to procedural filings.

Consequences of Non-Compliance: Procedural, Statutory, and Strategic Implications

In Absentia Removal Orders: The Primary Consequence

The most severe consequence of failure to file Form EOIR-33/IC (or failure to file timely) is vulnerability to in absentia removal orders-removal orders issued by the immigration judge without the respondent's presence. An in absentia removal order is entered when DHS establishes by clear, unequivocal, and convincing evidence that the respondent was provided written notice of the hearing and that the respondent is removable, but the respondent failed to appear at the scheduled hearing.[23]

The statutory framework for in absentia orders is complex and creates a critical interplay with address change compliance. Under [8 U.S.C. § 1229a(b)(5)(A)][23], written notice is deemed sufficient if "provided at the most recent address provided under section 1229(a)(1)(F)." If the respondent has not filed Form EOIR-33/IC and has not provided EOIR with any updated address, EOIR's service of a hearing notice at the respondent's outdated address (even if the respondent no longer occupies that address) is deemed sufficient notice for purposes of sustaining an in absentia removal order.

Additionally, under [8 U.S.C. § 1229a(b)(5)(B)][23], "no written notice shall be required under [the in absentia provision] if the alien has failed to provide the address required under section 1229(a)(1)(F)." This language means that if a respondent has entirely failed to provide any address to EOIR (neither on the initial charging document nor through EOIR-33/IC), EOIR need not provide any written notice of hearing whatsoever to issue an in absentia removal order, provided DHS can establish by clear and convincing evidence that the respondent is removable. This is an extraordinary consequence that eliminates the requirement for any written notice.

Ineligibility for Certain Forms of Relief: Statutory Bars

A second severe consequence of an in absentia removal order, regardless of whether the respondent later becomes eligible for relief, is that the respondent may become permanently ineligible for certain statutory forms of relief from removal. The ineligibility applies to the following relief categories:

For respondents in removal proceedings (the standard modern proceeding type), an in absentia order results in ineligibility for the following relief: (1) voluntary departure, (2) cancellation of removal, and (3) adjustment of status or change of status.[1][6] Additionally, the respondent is subject to a bar against seeking relief for ten years after the date of entry of the final removal order.[1] This means that if an in absentia removal order is entered, the respondent cannot apply for cancellation of removal (which requires physical presence and ten-year continuous residence) or voluntary departure (which would allow the respondent to depart on their own terms rather than being forcibly removed) for at least ten years.

For respondents in older deportation proceedings (a procedural format used before April 1, 1997, but still applicable to some legacy cases), an in absentia order results in ineligibility for: (1) voluntary departure, (2) suspension of deportation or voluntary departure, and (3) adjustment of status or change of status, plus subject to a five-year bar against seeking relief (rather than the ten-year bar applicable to removal proceedings).[1][6]

For respondents in exclusion proceedings (an extremely rare procedural format applicable only to noncitizens who are at a port of entry and have not been admitted), an in absentia order results in the respondent's application for admission being considered withdrawn, and the respondent is permanently precluded from re-entry through the same port of entry without re-application.[1][6]

These ineligibility provisions are statutory and cannot be waived by the immigration court or any other executive branch entity. They apply regardless of whether the respondent later demonstrates that they did not receive notice or that extraordinary circumstances prevented their appearance. This creates a permanent adverse consequence that can only be remedied through motion to rescind the in absentia order.

Custody Risk: Mandatory Detention Upon Failure to Appear

Under [8 U.S.C. § 1229a(b)(5)(A)][23], if a respondent fails to appear at a hearing after receiving written notice (including notice sent to the most recent address on file through EOIR-33/IC), DHS may take the respondent into custody. While DHS does not have a mandatory duty to detain respondents who fail to appear (as DHS retains prosecutorial discretion on detention decisions), in practice, a substantial proportion of respondents who are not in custody at the time of a scheduled hearing and who fail to appear are apprehended and detained by ICE within days or weeks following the in absentia order.

Detention following an in absentia proceeding creates severe consequences: the respondent faces expedited removal proceedings, limited access to counsel while detained, heightened risk of infection or harm in detention facilities, separation from family members and employment, and substantial costs associated with post-conviction or post-removal litigation to challenge the in absentia order.

Criminal Penalties: Separate Consequences Under INA § 266(b)

Beyond immigration court consequences, failure to file Form EOIR-33/IC (particularly failure to comply with the broader address change requirement under [8 U.S.C. § 265][44]) can result in criminal penalties under [8 U.S.C. § 266(b)][44]. This provision imposes criminal penalties on aliens who fail to give written notice to the Attorney General (USCIS) of a change of address as required by INA § 265.[44] The criminal provision specifies that an alien who violates this requirement shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed \$200 or be imprisoned not more than 30 days, or both.[44]

However, the criminal provision also includes an exception: there is no criminal conviction if the alien demonstrates that the failure to provide a change of address "was reasonably excusable or was not willful." [44] This exception does not apply to removal consequences (meaning a respondent can be removed for a failure that was reasonably excusable, even if not criminally prosecuted), but it does provide a potential defense to criminal charges.

Additionally, [8 U.S.C. § 266(b)][44] provides that "any alien or any parent or legal guardian in the United States of any alien who fails to give written notice to the Attorney General...shall be taken into custody and removed in the manner provided by chapter 4 of this title, unless such alien establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful." [44] This provision creates a separate removal ground (distinct from in absentia removal or other traditional removal grounds) based solely on failure to file address changes.

In practice, criminal prosecution for address change violations under INA § 266(b) is rare, and the provision is rarely invoked in immigration proceedings. However, the renewed enforcement emphasis announced by DHS in February 2025 suggests that criminal prosecution may become more common.

Collateral Consequences: Impact on Future Immigration Benefits

A respondent with an in absentia removal order is permanently barred from numerous immigration benefits and processes. These collateral consequences include: (1) inability to petition for family members through USCIS sponsorship, (2) permanent bar to cancellation of removal or cancellation of deportation, (3) inability to adjust status or obtain a visa, (4) permanent ineligibility for asylum or withholding of removal (unless the respondent can overcome the procedural bar through exceptional circumstances motion), and (5) potential immigration consequences affecting the respondent's relatives and dependents.

Additionally, an in absentia removal order creates collateral consequences in other legal domains, including criminal law (affecting sentencing in related criminal cases), family law (affecting custody and immigration sponsorship of minors), employment law (affecting eligibility for work authorization and employment-based visas), and civil law (affecting eligibility for loans, professional licenses, and other benefits conditioned on immigration status).

Limited Remedies: Motion to Rescind In Absentia Orders

The statutory framework does provide limited remedies for respondents with in absentia removal orders, but these remedies are narrow and have stringent procedural requirements. Under [8 U.S.C. § 1229a(b)(5)(C)][23], an in absentia order may be rescinded only upon: (1) a motion to reopen filed within 180 days after the date of the order if the respondent demonstrates that the failure to appear was due to "exceptional circumstances" (a narrowly defined term with substantial case law development), or (2) a motion to reopen filed at any time if the respondent demonstrates either that the respondent did not receive notice in accordance with statutory requirements or that the respondent was in Federal or State custody and the failure to appear was through no fault of the respondent.[20][23]

"Exceptional circumstances" is defined in [8 U.S.C. § 1229a(b)(2)][23] as "a temporary condition beyond the control of the alien," and is narrowly construed to include circumstances such as: hospitalization or serious illness preventing appearance, serious weather preventing travel, transportation system failures, or family emergencies involving imminent danger to the respondent or a close family member.[20] Employment conflicts, scheduling difficulties, miscommunication with counsel, or simple forgetfulness do not qualify as exceptional circumstances.

Motions to rescind based on lack of receipt of notice must be supported by concrete evidence, not speculation. The respondent must demonstrate through documentary evidence (affidavits, postal records, facility records, or other contemporaneous documentation) that they did not receive notice at the address they had provided or that the government never served notice properly despite the respondent providing an address.[20][32] A respondent's assertion that they "didn't receive the notice" unsupported by contemporaneous documentation is generally insufficient.

Strategic Considerations: Building Records and Managing Risk

Contemporaneous Documentation of Address Changes

A critical strategic practice for respondents and their counsel is to create contemporaneous documentary

evidence of address changes and Form EOIR-33/IC filings. This documentation becomes essential if the respondent must later file a motion to rescind an in absentia order based on a claim that they did not receive notice. Strategic documentation should include:

1. Proof of service to EOIR: Keep copies of the completed and signed EOIR-33/IC form, proof of electronic filing through the Respondent Portal (which generates a date-stamped receipt), or certified mail receipts evidencing mailing to the immigration court.
2. Proof of service to DHS/ICE OPLA: Retain electronic receipts from the ICE eService Portal confirming submission, or certified mail receipts showing mailing to the OPLA office address.
3. Evidence of the address change itself: Maintain documentation evidencing the date of the address change, such as dated lease agreements, utility bills, mail-forwarding records from the United States Postal Service, or photographs of the new residence dated with date-stamp metadata.
4. Timeline documentation: Create a written chronology documenting the date of the address change, the date Form EOIR-33/IC was filed, the dates of all subsequent communications from EOIR (or lack thereof), and the date of any hearing notices received.

This documentation is rarely needed in routine cases where respondents remain in compliance and receive all hearing notices at the address they provided. However, in cases where in absentia proceedings occur and the respondent claims they did not receive notice, this contemporaneous documentation is the difference between a successful motion to rescind and a dismissed motion.

Proactive Address Change Filing: Anticipatory Filing Before Moves

Another strategic approach is to file Form EOIR-33/IC on an anticipatory basis several days before an anticipated address change. If a respondent knows that they will be moving on a specific date (such as a planned relocation for employment or family reasons), the respondent can file EOIR-33/IC with the new address on the day of the move or the next business day, ensuring that the five working-day deadline is met even if postal or electronic service experiences delays.

Alternatively, in cases where venue changes are planned or contested, respondents can file Form EOIR-33/IC in conjunction with motions to change venue, providing the updated address that coincides with the venue change request. This coordinated filing strengthens both the address change compliance record and the venue change motion by demonstrating geographic connection between the respondent's residence and the requested venue.

Vulnerable Populations: Special Considerations for Detained Respondents, Homeless Respondents, and Others with Unstable Housing

Detained respondents face heightened compliance burdens because their address is not stable (they may be transferred between facilities with little notice) and their access to legal assistance and document management is limited while incarcerated. Detained respondents should file Form EOIR-33/IC identifying the current detention facility as their address, with "in care of" notation including the facility name and ICE detention center identification number. Detained respondents should update Form EOIR-33/IC immediately upon transfer to a different facility.

Homeless respondents or respondents experiencing unstable housing face different compliance challenges. These respondents can use Form EOIR-33/IC to identify a care-of address (such as a homeless service provider, legal aid organization office, trusted friend, or family member's residence) where they can reliably receive mail. The "in care of" line should clearly identify the person or organization at that address and their

relationship to the respondent. This approach allows homeless respondents to maintain compliance with address change requirements while acknowledging their transient housing status.

Respondents whose primary language is not English face additional challenges with Form EOIR-33/IC compliance. EOIR has translated Form EOIR-33/BIA (the form used for Board of Immigration Appeals proceedings) into multiple languages, including Spanish, Chinese, Haitian Creole, Punjabi, Portuguese, and Russian.[10][15] However, Form EOIR-33/IC is not available in Spanish as an official EOIR translation as of February 2026, though unofficial Spanish-language versions are available from legal aid organizations and immigration advocacy groups.[41] Respondents and counsel should ensure that non-English-speaking respondents understand the requirements in their native language and that completed forms are accurate and legible.

Conclusion: Summary of Key Principles and Recommended Practice Standards

Form EOIR-33/IC represents a critical procedural requirement in United States immigration court proceedings that carries consequences extending far beyond routine administrative filing. Compliance with the five working-day deadline, accurate form completion, proper service to both the immigration court and DHS/ICE OPLA, and filing of separate forms for each family member constitute non-negotiable compliance obligations. The consequences of non-compliance—including in absentia removal orders, permanent ineligibility for certain forms of relief, and potential criminal penalties—are severe and, in most cases, irreversible once an in absentia order is entered.

The legal framework governing address change requirements reflects Congress's intent to ensure that noncitizens in removal proceedings have notice of their proceedings and an opportunity to appear and present their claims for relief. The strict five working-day deadline and the multiple service requirements (to both EOIR and DHS separately) are designed to ensure that the government is not surprised by noncitizens' failure to appear and that any in absentia proceeding is entered only after scrupulous compliance with notice requirements.

For respondents represented by counsel, particularly attorneys practicing in Northern California immigration courts, proper Form EOIR-33/IC management should be treated as a core competence integrated into every removal case from the moment the charging document is received. Systematic procedures for identifying address changes, calculating deadlines, completing forms accurately, tracking service to both the court and DHS, and maintaining contemporaneous documentation should be implemented in all immigration law practices.

For unrepresented respondents (pro se individuals), the complexity of EOIR-33/IC requirements—particularly the separate service to DHS/ICE OPLA through a different electronic system than the one used to file with the court—represents a significant barrier to full compliance. Unrepresented respondents should be strongly encouraged to consult with immigration counsel, even if only for document assistance, to ensure that address changes are properly filed and served.

The emerging enforcement environment, characterized by the elimination of prosecutorial discretion and the renewed emphasis on address change violations announced by DHS in February 2025, suggests that immigration courts and DHS prosecutors will apply the address change requirements with increasing strictness in coming months and years. Respondents and counsel must adapt to this enforcement posture by treating EOIR-33/IC compliance as a core risk mitigation strategy rather than a routine administrative task.

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