**Status Docket Overview for Volunteer Attorneys**

Prior to January 2018, the immigration court was able to “administratively close” cases in order to take them off of the active immigration court docket while an application for immigration relief was pending before another federal agency, until the application for relief was adjudicated. However, with *Matter of Castro Tum*, the Attorney General took away the docket management tool of administrative closure from the courts. Because the courts have significant backlogs, they created a “status docket,” for non-detained, represented “Respondents” (individuals before the Immigration Court). This docket allows attorneys to file written updates with the Court where another federal agency is processing an application for immigration benefits, by a date certain designated by the Court. If the attorney timely files a written update with the Court, demonstrating that their client is still awaiting a decision from another agency on their petition, they should be able to remain on the status docket. The court can reschedule them onto the active docket if they see fit, or DHS can move at any time for the case to be moved back to the active docket and the judge will consider that Motion.

To be placed on the status docket, the Respondent must state what relief is pending before another agency, and why a continuance to the status docket is justified. Attorneys should address in their Motion for a Continuance to the Status Docket the controlling BIA case law on factors judges should consider in assessing whether good cause exists for a continuance, including those laid out in *Matter of Sanchez Sosa,* 25 I&N Dec. 807 (BIA 2012) and *Matter of LABR,* 27 I&N Dec. 405 (A.G. 2018). Please note that, wherever possible, a copy of the receipt notice for an application rather than a full copy of the application itself should be provided to the Court, as we should not encourage the court to readjudicate applications for relief over which a different agency has jurisdiction. For more information on addressing *Matter of LABR* in requests for continuances, please see CLINIC’s Practice Advisory on this issue, available on CLINIC’s [website](https://cliniclegal.org/defending-vulnerable-populations/resource-library). Please see the Advocate’s sample status docket Motion in this Dropbox folder for an example of how to prepare these Motions and please review the [Immigration Court Practice Manual](https://www.justice.gov/eoir/office-chief-immigration-judge-0) to ensure that your Motion’s format and content complies with the Court’s requirements.

It is advisable to email DHS Chief Counsel Jim Stolley (Jim.S.Stolley@ice.dhs.gov) a copy of your Motion prior to filing it with the Court to learn if DHS will non-oppose your Motion. If DHS agrees to non-oppose your Motion, you can title the Motion as non-opposed and the Court will not have to wait 15 days for DHS’ reply before ruling on your Motion. Please note that the Court can approve your Motion to Continue to the Status Docket even where DHS opposes your Motion, so please do not hesitate to file the Motion even if DHS non-opposes. Just note in your Motion the date you contacted DHS, and what position Stolley indicated they had on your Motion. With questions regarding the Status Docket, please reach out to your staff contact at The Advocates for Human Rights.