[ATTY NAME] **NON-DETAINED**

***Pro Bono Counsel***

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**EOIR ID #######**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**In the Matter of: )**

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**[CLIENT] ) File No. [a#]**

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 **)**

**In removal proceedings )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**Immigration Judge [NAME]** **Next Hearing: [DATE] at 8:30 AM**

**UNOPPOSED MOTION TO TERMINATE PROCEEDINGS BASED ON**

**APPROVED SIJS AND GRANTED DEFERRED ACTION**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**MOTION TO RECALENDAR AND TERMINATE**

Respondent, [CLIENT] (hereinafter, “Respondent”), by and through counsel, hereby moves the Immigration Court to terminate the instant proceedings in the matter described because they were granted Special Immigrant Juvenile Status by the U.S. Citizenship and Immigration Services (hereinafter, “USCIS”), and granted deferred action.

**FACTS AND PROCEDURAL HISTORY**

The Respondent is a [AGE]-year-old national of [COUNTRY]. [NAME] entered the United States on [DATE]. *See attached Notice to Appear.* On [DATE], USCIS received [NAME]’s application for Special Immigrant Juvenile Status (SIJS). On [DATE], USCIS issued an amended notice, approving Respondent’s SIJS, while also granting deferred action. *See attached I-360 Approval Notice.* Respondent’s priority date **has/has not** yet become current. Respondent respectfully requests that this court terminate removal proceedings until their priority date becomes current, so that they are able to then apply for a status adjustment before USCIS.

**ARGUMENT**

In order to apply for a status adjustment as a Special Immigrant Juvenile, an applicant must have both an approved I-360 and USCIS must afford them the opportunity to apply. *See* INA § 203(b)(4). Whether USCIS will accept an application for a status adjustment from a Special Immigrant Juvenile is determined by reviewing the EB-4 category of the Department of State visa bulletin and assessing via USCIS’ published guidance whether they are accepting applications based on final action dates for employment-based immigrant visas and dates for filing employment-based immigrant visas.1 Currently, the visa bulletin lists filing dates for EB-4 visas for [COUNTRY] as [DATE] and before. Respondent has been approved for deferred action as of [DATE].

Deferred action, as per the USCIS, is an act of prosecutorial discretion that defers removal proceedings for non-citizens for four years. This process promotes congressional intent to provide humanitarian protection for abused, neglected, or abandoned non-citizen children, who have qualified for SIJS. *See Volume 6: Immigrants, Part J, Special Immigrant Juveniles, Chapter 4, Adjudication.*

Lastly, the Department of Homeland Security does not oppose this motion. *See copy of email to opposing counsel’s non-opposition to Respondent’s motion, in the exercise of prosecutorial discretion.*

Therefore, the Respondent respectfully requests that the Immigration Judge grant this motion to terminate removal proceedings until their priority date becomes current and they are able to apply for adjustment of status with USCIS. Pending any termination of these proceedings, Respondent acknowledges their obligation to timely notify the Department and Immigration Court of each change of address and new address, consistent with INA §265 and 8 C.F.R. §1003.15(d)(2).

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Respectfully submitted,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[NAME]

 EOIR ID: ABC123

[ADDRESS]

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**In the Matter of: )**

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**[CLIENT] ) File No. [a#]**

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**In removal proceedings )**

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| **A** | **I-360 Approval Notice with Amended Deferred Action Approval Notice,** [DATE]  | **1** |
|  | **Notice to Appear** | **2** |
|  | **Copy of email to DHS stating their non-opposition to Respondent’s motion** | **3** |
|  |

**United States Department of Justice**

**Executive Office for Immigration Review**

**Immigration Court**

**Fort Snelling, Minnesota**

In the Matter of: **[CLIENT] A# [a#]**

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent’s Motion to Terminate Removal Proceedings, it is HEREBY ORDERED that the motion be ÿ**GRANTED** ÿ **DENIED** because:

ÿ DHS does not oppose the motion.

ÿ The respondent does not oppose the motion.

ÿA response to the motion has not been filed with the court.

ÿ Good cause has been established for the motion.

ÿ The court agrees with the reasons stated in the opposition to the motion.

ÿ The motion is untimely per \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

ÿ Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deadlines:

ÿ The application(s) for relief must be filed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

ÿ The respondent must comply with DHS biometrics instructions by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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Date [NAME]

 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[CLIENT]

A# **[a#]**

**PROOF OF SERVICE**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I, [ATTY NAME], served a copy of this Motion to Terminate Removal Proceedings and any attached pages on the Office of the Principal Legal Advisor at the following address: 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111 by hand delivery

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ATTY NAME] Date