ATTORNEY NAME **NON-DETAINED**

EOIR ID: ######

ATTORNEY 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 NAME ) File No. A-Number**

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**In removal proceedings )**

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

**Immigration Judge xxx Next Hearing: xxx**

**MOTION TO TERMINATE PROCEEDINGS BASED ON APPROVED SIJS AND PENDING APPLICATION TO ADJUST STATUS**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MN**

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

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**CLIENT NAME ) File No. A-Number**

**)**

**In removal proceedings )**

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**MOTION TO RECALENDAR AND TERMINATE**

Respondent, [full client name] (hereinafter, “[client first name]”), by and through counsel, hereby moves the Immigration Court to terminate the instant proceedings in the matter described because he was granted Special Immigrant Juvenile Status by the U.S. Citizenship and Immigration Services (hereinafter, “USCIS”), and a visa is available for him to pursue adjustment of status to permanent residence based on his priority date.

**FACTS AND PROCEDURAL HISTORY**

The Respondent [client first name]is a xx-year-old national of [country]. [client first name] entered the United States on [date]. He was apprehended at the U.S. border, identified as an unaccompanied minor, and taken into the custody of the Office of Refugee Resettlement. The NTA issued for [client first name]charges removability based on INA § 212(a)(6)(A)(i).

The matter at hand is scheduled for a master calendar hearing on [date] at 1:00 p.m. On [date], USCIS received [client first name]’s application for Special Immigrant Juvenile Status. On October 2, 2019, USCIS issued a notice approving [client first name]’s application for Special Immigrant Juvenile Status. *See attached Tab A, I-360 Approval Notice.* Respondent’s priority date became current and on [date] he submitted his application to adjustment his status to permanent residence. He respectfully requests that this court terminate removal proceedings to allow USCIS to adjudicate his I-485 Adjustment of Status application.

**ARGUMENT**

In order to apply for adjustment of status 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 permanent residence 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]ns as March 15, 2019 and before. Because [client first name]’s priority date was [date], which is prior to the current cut-off date for filing applications, USCIS is prepared to adjudicate his application for adjustment of status as a Special Immigrant Juvenile. The immigration officer’s designation on the Notice to Appear (hereinafter, “NTA”) issued for [client first name]classifies the Respondent as an “alien present in the United States who has not been admitted or paroled*.*” *See Tab A, Notice to Appear.* USCIS does not currently have jurisdiction to adjudicate [client first name]’s application in the first instance, because removal proceedings are pending. [client first name]submitted his I-485 Adjustment of Status application to USCIS on July 19, 2021. *See attached Tab A, I-485 Adjustment of Status Receipt Notice*.

If USCIS denies [client first name]’s application for adjustment of status, his TVPRA asylum application remains pending with USCIS. Respondent [client first name]filed his application with the Asylum Office pursuant to the TVPRA, and on [date], counsel for Respondent received a Receipt Notice from DHS, confirming thathisForm I-589 Application for Asylum, Withholding of Removal, and Relief under the Convention Against Torture was received and is pending. His asylum interview is still waiting to be scheduled. He will not be withdrawing that application unless and until his I-485 application is approved.

Therefore, the Respondent [client first name]respectfully requests that the Immigration Judge grant this motion to terminate proceedings to permit USCIS to adjudicate his adjustment of status application.  Attached, for the Immigration Judge’s convenience, is a proposed order relating to this motion.

WHEREFORE, the Respondent [client first name]respectfully requests that the Immigration Court grant this motion to terminate these proceedings based on Respondent’s approved Special Immigrant Juvenile status application to permit USCIS to adjudicate his adjustment of status application. Pending any termination of these proceedings, Respondent acknowledges her 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,

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

ATTORNEY NAME

EOIR ID: ######

ATTORNEY ADDRESS

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**TAB PAGES**

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| **A** | **I-360 Approval Notice, dated [date]** |  |
|  | **Notice to Appear** |  |
|  | **I-485, Adjustment of Status Receipt Notice, dated [date]** |  |
|  | **Visa Bulletin, September 2021** |  |

**United States Department of Justice**

**Executive Office for Immigration Review**

**Immigration Court**

**Fort Snelling, Minnesota**

In the Matter of: **[FULL CLIENT NAME], A# ###-###-###**

**ORDER OF THE IMMIGRATION JUDGE**

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

DHS does not oppose the motion.

The respondent does not oppose the motion.

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

Good cause has been established for the motion.

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

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

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

Deadlines:

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

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

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

Date Ryan Wood

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

[FULL CLIENT NAME]

A# ###-###-###

**PROOF OF SERVICE**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I, [Name of filer], 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 U.S. Mail.

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

[Name of filer] Date