**ATTORNEY DETAINED/NON-DETAINED**

***Pro Bono Counsel***

**ADDRESS**

**EOIR ID**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

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

 **)**

**In the Matter of: )**

 **)**

**RESPONDENT LAST, First Name ) File No. A ### ### ###**

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 **)**

**In removal proceedings )**

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

**Immigration Judge Last Name Next Master Calendar/Individual Hearing: DATE**

**MOTION TO ADMINISTRATIVELY CLOSE REMOVAL PROCEEDINGS**

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

 **)**

**In the Matter of: )**

)

**RESPONDENT LAST, First Name** ) **A ### ### ###**

)

 )

**MOTION TO ADMINISTRATIVELY CLOSE REMOVAL PROCEEDINGS**

Respondent, by and through counsel, respectfully requests this court grant a motion to administratively close the immigration proceedings for CLIENT NAME (Respondent). Respondent requests administrative closure of these proceedings to allow an opportunity for the United States Citizenship and Immigration Services (USCIS) to adjudicate Respondent’s application for [STATUS TYPE] status. (See Copy of USCIS Receipt Notice for FORM NUMBER Application for [STATUS TYPE] Status). Respondent requests that the removal proceedings be administratively closed pending a decision from the USCIS Asylum Office regarding her/his [TYPE] claim. [IF APPLICABLE: Respondent is also assessing a claim for Special Immigrant Juvenile Status/TVPRA Asylum/T/U-Visa, which would also be filed with and adjudicated by USCIS.] Respondent has provided written pleadings to this court as a separate filing. [CITE]

In *Matter of Avetisyan*, the Board of Immigration Appeals (BIA) set out the factors that Immigration Judges (IJs) should consider in determining whether administrative closure of proceedings is appropriate. 25 I&N Dec. 688 (BIA 2012). These factors include: “(1) the reason administrative closure is sought; (2) the basis for any opposition to administrative closure; (3) the likelihood the respondent will succeed on any petition, application, or other action he or she is pursuing outside of removal proceedings; (4) the anticipated duration of the closure; (5) the responsibility of either party, if any, in contributing to any current or anticipated delay; and (6) the ultimate outcome of removal proceedings (for example, termination of the proceedings or entry of a removal order) when the case is recalendared before the Immigration Judge or the appeal is reinstated before the Board.” *Matter of Avetisyan* 25 I&N Dec. 688 at 696.

Firstly, administrative closure is sought on the basis of the Respondent’s application for [type] status. Secondly, the Government has not opposed administrative closure. Thirdly, there is a significant likelihood that the Respondent will succeed in being granted [type] status given the strength of his/her application. Fourthly, the duration of the continued administrative closure will not be unduly burdensome current processing times for [type] visas indicate that USCIS should be prepared to adjudicate the Respondent’s [type] application in approximately [current published processing times less time since type was filed]. Fifthly, the Respondent bears no responsibility for the necessity of the administrative closure of these proceedings as he/she has diligently pursued his/her [type] status application. Sixthly and finally, the likely ultimate outcome of the proceedings once they are recalendared is termination of the proceedings based on the likely approval of Respondent’s application for [type] status.

There are also compelling personal and policy reasons to administratively close Respondent’s proceedings based on his/her [type] status application. [Insert any special, compelling factual circumstances here].

Administrative closure is therefore warranted and appropriate in this case pursuant to the relevant statutes, regulations, case law, and policy considerations. Accordingly, this Court should exercise its discretion favorably and grant the Respondent’s motion to administratively close the proceedings in order to allow sufficient time for USCIS to adjudicate the Respondent’s application for [type] status.

OPLA has indicated that it will not oppose these motions. Due to the large number of requests, because of the Court’s requirement to ‘meet and confer,’ OPLA has been unable to keep up with and respond to requests for their positions. While EOIR does not recognize OPLA’s standing non-opposition, you may, in your motion, request that the judge deem the motion unopposed if there is no response from ICE within 10 days and note that this satisfies the meet and confer requirement. Respondent respectfully requests that the proceedings be administratively closed to allow the U.S. Citizenship and Immigration Service to evaluate the pending claim for relief.

 Respectfully submitted,

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME

*Pro Bono Counsel*
EOIR ID

ADDRESS

Phone

**A### ### ###**

**CLIENT NAME**

**EVIDENCE IN SUPPORT OF**

**MOTION TO ADMINISTRATIVELY CLOSE PROCEEDINGS**

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**A Copy of Proof of Mailing Asylum/SIJS/T/U-Visa Application 1**

 **UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

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

**)**

**In the Matter of: )**

**) File No.: A ### ### ###**

**RESPONDENT LAST, First Name )**

**)**

**In removal proceedings )**

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

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent’s Unopposed Motion to Maintain Administrative Closure of Removal Proceeding, 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 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**A ### ### ###**

**CLIENT NAME**

**PROOF OF SERVICE**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

(date) (printed name of person signing below)

served a copy of this \_\_\_\_\_Motion to Administratively Close Removal Proceedings\_\_\_\_\_\_\_\_\_

(name of document)

and any attached pages to \_Office of Principal Legal Advisor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(name of party served)

at the following address: \_\_\_1 Federal Drive, Suite 1800, Fort Snelling, MN 55111\_\_\_\_\_\_\_\_\_

(address of party served)

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(method of service, for example overnight courier, hand-delivery, first class mail)

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

(signature) (date)