**NAME NON-DETAINED**

***Pro bono* counsel**

**EOIR No.: NUMBER**

**CONTACT INFO BLOCK**

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

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

 **)**

**In the Matter of: )**

 **)**

**FIRST NAME LAST NAME ) File No. ANUMBER**

 **)**

**In removal proceedings )**

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

**Immigration Judge: NAME Next Hearing: DATE at TIME**

**MOTION TO CONTINUE RESPONDENT’S CASE TO COURT’S STATUS DOCKET, OR, IN THE ALTERNATIVE, TO CONTINUE THE CASE TO THE COURT’S ACTIVE DOCKET**

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

 ) **Next Hearing: DATE**

In the Matter of: )

 ) Non-Detained Removal Proceedings

**FIRST NAME LAST NAME** ) Immigration Judge Wood

A **NUMBER**  )

 ) Motion to Continue Respondent’s

Respondent ) Case to Court’s Status Docket

 )

Respondent, through undersigned Counsel, respectfully requests that his removal hearing, scheduled for **DATE AT TIME**, be continued to the Court’s Status Docket. Respondent requests that his proceedings be continued to the Court’s Status Docket in order to allow the Chicago Asylum Office reasonable time to adjudicate his asylum application, filed pursuant to the Trafficking Victims Protection Reauthorization Act (TVPRA). Respondent also requests sufficient time for proceedings before the state court to be completed and for him to file for Special Immigrant Juvenile Status once the necessary predicate order is obtained.

As a UC, Respondent filed his asylum application on **DATE**, with the Asylum Office, pursuant to controlling provisions of the TVPRA that afford the Asylum Office initial jurisdiction over his asylum application. *See Exhibit A*, *Notice of pending asylum application*. *[Add any other details regarding status of asylum application].*  Because Respondent is awaiting notice from the Chicago Asylum Office *[regarding anticipated next step in case]*, Respondent respectfully requests that this Court continue his proceedings to the status docket to permit USCIS to *[complete anticipated next step in case]*.

Respondent is also eligible for Special Immigrant Juvenile Status (SIJS), and is in the process of pursuing that form of relief. *[Fill in current status of SIJS matter] See Exhibit C, [Exhibit such as Order, correspondence with VA for state court matter, etc.]* Respondent further requests that his case be continued to the Court’s Status Docket to allow adequate time for the *[next steps in SIJS case to take place].*

Should the Court be unable to continue Respondent’s case to the Status Docket, Respondent requests a continuance in the alternative. Immigration Judges are authorized to take “[a]ny action” “appropriate and necessary for the disposition” of cases before them. 8 C.F.R. §§ 1003.1(d)(1)(ii), 1003.10(b). This includes granting a continuance pursuant to 8 CFR § 1003.29, where good cause is shown.

The Attorney General in *Matter of L-A-B-R-*, outlined a multifactor test for immigration judges to assess good cause that focuses on the likelihood that collateral relief will be granted and materially affect the outcome of the removal proceeding.  Unlike the instant case, *Matter of L-A-B-R-* involved a respondent seeking adjudication of a waiver that, if granted, would result in the Respondent seeking voluntary departure and subsequent consular process from outside the United States.  In the instant case, a grant from USCIS on the TVPRA application would immediately confer asylee status to the Respondent and thereby establish grounds for termination of the pending removal proceedings.

It is both efficient and a reasonable conservation of court resources to continue the case to the status docket to await adjudication of the TVPRA asylum application, particularly where Respondent has not yet been scheduled for an interview with the Asylum Office, to which he is entitled as a UC. Moreover, Respondent is eligible for Special Immigrant Juvenile Status, and attorney Nicholas J. Fasching is currently assisting Respondent in pursuing that form of relief. As such, an efficient use of court resources would be promoted by continuing this matter to the status docket.

Based on the above, there is good cause to place Respondent’s case on the status docket.

Respectfully submitted,

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

**ATTORNEY SIGNATURE BLOCK**

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

In the Matter of: ) Next Hearing: **DATE**

 )

 ) Non-Detained Removal Proceedings

**NAME )**

**A NUMBER** )

 ) Motion to Place Respondent’s Case

Respondent ) on Court’s Status Docket

 )

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**TAB PAGE**

**A** Copy of Notice of Pending Asylum Application filed **DATE** **1**

**B** **OTHER EXHIBITS AS NEEDED**

U.S. DEPARTMENT OF JUSTICE

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

In the Matter of: **NAME, A NUMBER**

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of respondent’s Motion to Continue Respondent’s Case to the Court’s Status Docket, 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

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

**NAME, A NUMBER**

**PROOF OF SERVICE**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, served a copy of this Motion to Continue Respondent’s Case to the Court’s Status Docket and any attached pages on the Office of the Principal Legal Advisor at 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111, by hand delivery.

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

Name Date