**Immigration law frequently changes. This sample document is not legal advice or a substitute for independent research, analysis, and investigation into local practices. This document may be jurisdiction-specific or reflect outdated practices or law. CLINIC does not vouch for the accuracy or substance of this document, and it is intended rather for illustration.**

DATE

Submit over email (consult this [website](https://www.ice.gov/about-ice/opla/prosecutorial-discretion) for email addresses for OPLA) or via ICE [EService](eservice.ice.gov).

**Re: Request for Exercise of Prosecutorial Discretion for XXX**

I am the attorney of record for Ms. A. Ms. A is currently scheduled for an individual hearing before the Arlington Immigration Court on XX date before Judge X.

I write to request that your office join a **motion to dismiss proceedings** on behalf of Ms. A, a native and citizen of XX.  Ms. A is the beneficiary of an approved I-130 petition filed on her behalf by her U.S. citizen spouse. As such, Ms. A is *prima facie* eligible for adjustment of status before USCIS.

**Facts and Procedural Background**

Ms. A was born on DATE. She originally came to the United States in xxx date [provide more procedural background]

In December 2018, [[[US citizen spouse]] filed an I-130 petition on Ms. A’s behalf, while he was still a permanent resident. In February 2021, Mr. US citizen spouse naturalized and the petition immediately converted to an immediate relative petition. On DATE, the I-130 petition [[US citizen spouse]] filed for Ms. A was approved.

Ms. A is *prima facie* eligible for adjustment of status as an immediate relative. There are no bars to eligibility in this matter or any criminal or other grounds of inadmissibility. As a result, we respectfully request that your office join with our office in requesting dismissal of proceedings before the Immigration Judge.  We enclose the following documents for your consideration:

* Proposed Joint Motion and Sample Order to Dismiss Proceedings (Word Document)

**PDF of supporting evidence, including**:

* Copy of approved I-130 petition filed by Mr. XXX on behalf of Ms. A.
* Psychological evaluation conducted by XXX , Ph.D., Psychology, and Licensed Professional Counselor, explaining the abusive dynamics of Ms. A’s first marriage. He also explains Ms. A’s current relationship with her current husband, and the life they share with their family in the United States, including with their three year old daughter. Dr. E explains that Ms. A has endured traumatic events and it would cause her severe psychological harm to have to return to her country.
* Previously Issued Admission Stamp, showing that Ms. A was lawfully admitted to the U.S. This admission stamp establishes that Ms. A was “inspected and admitted” as required for section 245(a) eligibility.
* Naturalization Certificate for Ms. A’s husband.
* Birth Certificate for the couple’s three year old daughter, a U.S. citizen.
* Proof of Ms. A’s current employment and her social security statements showing a steady history of work in the United States.
* FBI background check confirming that Ms. A has no criminal record.

**Type of Prosecutorial Discretion Requested**

I write to respectfully request that your office join a **motion to dismiss proceedings** on behalf of Ms. A. She is *prima facie* eligible for adjustment of status and will immediately file her I-485 application once proceedings are dismissed. Otherwise, she will have to wait until January 2023 to adjust her status before the court. We humbly submit that the court’s resources are better used for more complex matters.

Thank you for your consideration of this request. Please feel free to contact me with any questions.

Sincerely,

Attorney/Rep name