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Attorney Name
Title
Address

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
[CITY, STATE]**

_____)
IN THE MATTER OF:)
)
)
XXXXXXXXX) File No.: A
)
)
IN REMOVAL PROCEEDINGS)
_____)

**JOINT MOTION TO REOPEN AND
TERMINATE REMOVAL PROCEEDINGS**

The Respondent in this matter, through undersigned counsel, and with no opposition from the Department of Homeland Security, through Senior Attorney [Name], Esq., respectfully moves this Immigration Court to reopen the removal proceedings commenced against her and terminate these removal proceedings because Respondent is now present in valid U nonimmigrant status.

STATEMENT OF THE CASE

1. Respondent is a citizen of [Country], born [date].
2. Respondent entered the United States without inspection in [year], when she was approximately twelve years old.
3. On or about [date], Respondent was encountered by U.S. immigration authorities. Removal proceedings were then commenced against her by issuance of a Notice to Appear (NTA). She was charged as removable under INA §212(a)(6)(A)(i) as present in the United States without admission or parole.
4. Through prior legal counsel, [Name], Esq., Respondent sought voluntary departure. On [date], Immigration Judge [Name] granted voluntary departure.
5. Thereafter, Respondent failed to depart the United States.
6. In [season] 2012, Respondent began a relationship with Mr. A. Mr. A soon began physically and verbally abusing her.
7. On [date], Mr. A again physically abused Respondent. Respondent then fled her home to a domestic violence shelter. With the help of a domestic violence advocate, Respondent reported Mr. A to the [County] Sheriff's Office. The [County] Sheriff's Office investigated the crimes, with the assistance of Respondent, and provided her a form I-918, Supplement B, U Nonimmigrant

Status Certification. A copy of the I-918, Supplement B, is attached as **Exhibit A**.

8. On [date], Respondent petitioned for U nonimmigrant status. On [date], USCIS granted U nonimmigrant status to Respondent valid from [date] until [date]. USCIS also waived relevant grounds of inadmissibility. Copies of the U visa and waiver approval notices are attached as **Exhibit B**.
9. No judicial proceedings have been initiated concerning the validity of the removal order for Respondent. Respondent is not the subject of any pending criminal proceedings.

ARGUMENTS

A. GROUNDS TO REOPEN PROCEEDINGS:

1. Respondent submits this motion to reopen because relief from deportation became available to her on the basis of circumstances arising subsequent to the Immigration Court's [date] decision. 8 C.F.R. §1003.23(b)(3).
2. Here, Respondent was not eligible for U nonimmigrant status until [date], when she reported domestic violence against her to the [County] Sheriff's Office. The [County] Sheriff's Office thereafter provided Respondent a form I-918, Supplement B, U Nonimmigrant Status Certification. As a result of this investigation, she has now been granted U nonimmigrant status.
3. This motion is not subject to the time limitations set forth in 8 C.F.R. §1003.23(b)(4) as it has been agreed upon by all parties and jointly filed. The Department of Homeland Security through Senior Attorney [name], Esq. has

joined Respondent in this motion to reopen proceedings. 8 C.F.R.

§1003.23(b)(4)(iv).

4. Respondent will become statutorily eligible to adjust her status according to 8 C.F.R. §245.24 after three years of continuous presence in U nonimmigrant status.

Respondent will be eligible to adjust her status because:

- a. She has been lawfully admitted to the United States as a U nonimmigrant as of [date], 8 CFR §245.23(b)(2)(i);
- b. She will remain in U nonimmigrant status until [date], 8 CFR §245.24(b)(2)(ii);
- c. She has remained continuously present in the United States since USCIS granted her U nonimmigrant status, 8 CFR §245.24(b)(3);
- d. She is not inadmissible under INA § 212(a)(3)(E); and
- e. She remains cooperative with law enforcement and has not refused to provide assistance in connection with the qualifying crime, 8 CFR §245.24(b)(5).

B. GROUNDS TO TERMINATE PROCEEDINGS:

1. Respondent is no longer removable under immigration law because USCIS admitted her in U nonimmigrant status. 8 C.F.R § 239.2.
2. Furthermore, Respondent will be eligible to seek adjustment of status before U.S. Citizenship and Immigration Services (hereinafter “USCIS”) after three years of continuous presence in U nonimmigrant. USCIS has exclusive jurisdiction over U nonimmigrants applying to adjust status. INA §245(m)(1).

WHEREFORE, it is respectfully requested that this Immigration Court enter an order reopening removal proceedings and terminating the removal proceedings of Respondent without prejudice.

Respectfully submitted,

_____ Dated:
Attorney for the Respondent

_____ Dated:
Senior Attorney
Office of Chief Counsel
Department of Homeland Security