

Legal Representative
Organization
Address

NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
[CITY, STATE]**

_____)	
In the Matter of:)	
)	NOT DETAINED
CLIENT)	
A# XXX-XXX-XXX)	
)	
Respondent)	
_____)	

**JOINT MOTION TO REOPEN AND TERMINATE REMOVAL PROCEEDINGS
BASED ON APPROVED I-914 AND ELIGIBILITY FOR ADJUSTMENT**

INTRODUCTION

The United States Department of Homeland Security, United States Immigration and Customs Enforcement ("DHS"), and the respondent, **CLIENT**, (hereafter "Respondent"), jointly move the Board of Immigration Appeals ("Court") to reopen and dismiss removal proceedings in the above-captioned case to allow Respondent to pursue her application for adjustment of status before United States Citizenship and Immigration Services ("USCIS").

DHS and Respondent jointly request that this Court reopen her proceedings *sua sponte*. 8 C.F.R. § 1003.2(a) (specifying that an immigration judge with the Board of Immigration Appeals may reopen a case upon her own motion). Respondent has been deemed statutorily eligible for relief. USCIS approved her petition for T-1 nonimmigrant status ("T-visa) on **DATE** pursuant to INA §

101(a)(15)(T) (setting forth eligibility requirements for T-visas). Because Respondent has remained in valid T-1 nonimmigrant status and more than three years have passed since the T-visa was granted, she is now eligible to adjust her status pursuant to INA § 245(l) and 8 U.S.C. § 1255(l). Respondent's adjustment application is prepared in compliance with 8 C.F.R. § 245.23(e).

STATEMENT OF FACTS

Respondent is a native and citizen of **COUNTRY**. She was born on **DATE** in **PLACE** Province. Respondent entered the United States on **DATE** at [CITY], Illinois. She timely applied for asylum, withholding of removal, and relief under the Convention Against Torture, which was denied by the [CITY] Immigration Court on **DATE**. She timely appealed to the Board of Immigration Appeals, who again denied her appeal on **DATE**, thereby affirming her removal order.

Despite the removal order, Respondent did not dare to return to **COUNTRY** because she was still fearful of the conditions that compelled her to seek asylum. She was additionally scared of the "snakeheads" in **COUNTRY** who threatened and extorted her family back for enormous sums of money as "debt" for helping Respondent travel to the United States. Respondent feared that they also might harm her if they discovered she returned to **COUNTRY**.

Respondent was eventually referred to an organization who explained her eligibility for T-nonimmigrant status ("T-visa"). She had never previously heard of a T-visa nor was aware she could have applied for one at the time of her asylum proceedings. On **DATE** Respondent applied for T-nonimmigrant status on account of the human trafficking she suffered. Her Form I-914 Application for Nonimmigrant Status was approved on **DATE**.

Over the last decade in the U.S., Respondent has developed substantial family ties. She married her husband in 2015 and gave birth to a United States citizen son on **DATE**. Respondent has been living in the United States continuously since her arrival in 2007 and has not been arrested nor charged with a crime.

ARGUMENT

- 1. Respondent's proceedings should be reopened and her removal order rescinded based on her approved I-914 and statutory eligibility for lawful permanent resident status under INA § 245(l).**

The T-visa was created by Congress in 2000 for individuals who have been victims of a severe form of human trafficking and have cooperated in the investigation or prosecution of the perpetrators of the trafficking. Victims of Trafficking and Violence Protection Act of 2000 (TVPA), Pub. L. 106-386. USCIS has sole jurisdiction over all petitions for T nonimmigrant status pursuant to 8 C.F.R. § 214.11(d). For a T-visa applicant who is subject to a prior issued order of removal, the order will be deemed cancelled by operation of law as of the date of USCIS' approval of Form I-914, Petition for T Nonimmigrant Status under 8 C.F.R. §

214.11(d)(9)(i). A joint motion to reopen and terminate removal proceedings may overcome any applicable time and numerical limitations of 8 C.F.R. § 1003.2. 8 C.F.R. § 214.11(d)(9)(ii).

Under INA § 245(l), a person with T-1 nonimmigrant status may obtain adjustment of status to that of a lawful permanent resident by maintaining three years of continuous presence, demonstrating good moral character, and by complying with reasonable requests for assistance in the investigation or prosecution of their human trafficking case.

Here, USCIS granted Ms. **CLIENT**'s Form I-914 Petition for T Nonimmigrant Status. She subsequently maintained three years of continuous physical presence in T-1 nonimmigrant status. She remained willing to cooperate with law enforcement in the investigation of any acts of trafficking. She has not been arrested nor charged with a crime in the United States, thereby demonstrating good moral character.

CONCLUSION

Wherefore, DHS and Ms. **CLIENT** respectfully request that the Board of Immigration Appeals reopen and terminate Ms. **CLIENT**'s removal proceedings on the basis of her approved I-914 and statutory eligibility to adjust to a lawful permanent resident.

Date:

Respectfully submitted,

On behalf of
U.S. Immigration and Customs Enforcement,
U.S. Department of Homeland Security

On behalf of the respondent,

Name
Title
Office

Name
Title
Office