



COMMUNITY
LEGAL SERVICES IN
EAST PALO ALTO

VIA PERSONAL DELIVERY

November 26, 2014

Honorable Laura L. Ramirez
Office of the Immigration Judge
Executive Office for Immigration Review
100 Montgomery Street, 8th Floor
San Francisco, CA 94104

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DEPARTMENT OF JUSTICE
2014 NOV 26 AM 11:09
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
OFFICE OF IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

Re: Respondent's Unopposed Motion for Administrative Closure and in the alternative Motion for Continuance

[Redacted], A [Redacted]

Hearing Date: December 16, 2014

Hearing Time: 1:00 p.m.

Before: Hon. Laura L. Ramirez

[Respondent Name, A#]

Dear Judge Ramirez:

Enclosed for filing please find Respondent's Unopposed Motion for Administrative Closure and in the alternative Motion for Continuance; Exhibit List; Exhibits; Proposed Orders and proof of service on opposing counsel.

Thank you very much for your attention to this matter.

Sincerely,

Kaitlin Kalna Darwal

Enclosures

cc: Office of the Chief Counsel

Ms. [Redacted]

[Respondent Name]

Kaitlin Kalna Darwal, CA 260273
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: (650) 326-6440
Facsimile: 866-688-5204

Attorney for Respondent

[REDACTED] [Respondent Name]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

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IMMIGRATION REVIEW
OFFICE OF IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

RECEIVED
DEPARTMENT OF JUSTICE
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In the Matter of:

[REDACTED]

[Respondent Name]

Respondent,

In Removal Proceedings.

File Number: A [REDACTED]

^ A#

Hearing Date: December 16, 2014

Hearing Time: 1:00 p.m.

Before Hon. Laura L. Ramirez

RESPONDENT'S UNOPPOSED MOTION FOR ADMINISTRATIVE CLOSURE,
AND IN THE ALTERNATIVE, MOTION FOR CONTINUANCE

Respondent [REDACTED] ("Respondent") hereby requests that her case be administratively closed, and in the alternative, that her Master Calendar hearing, currently set for December 16, 2014, at 1:00 P.M., be continued for at least 180 days, to allow time for U.S. Citizenship & Immigration Services ("USCIS") Asylum Office to adjudicate her application for asylum. Respondent has been identified as an Unaccompanied Alien Child ("UAC").

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. On November 16, 2014, Respondent was apprehended by Department of Homeland Security ("DHS") officials near Rio Grande City, Texas. Immigration Customs and Enforcement ("ICE") issued a Notice to Appear ("NTA") charging Respondent with Immigration and Nationality Act ("INA") § 212(a)(A)(i).
2. Respondent was determined to be a UAC and was taken into custody by the Office of Refugee Resettlement ("ORR") in Chicago, IL. Respondent was reunified with her brother in East Palo Alto, CA.
3. Respondent's initial Master Calendar hearing was scheduled in San Francisco on October 7, 2014. On September 25, 2014, the Court reset Respondent's Master Calendar hearing to December 16, 2014 at 1:00 PM.
4. Respondent filed her Form I-589, Application for Asylum with the USCIS Asylum Office on November 26, 2014. See Exhibit ("Exh.") A (Copy of Form I-589 and preliminary supporting documents); Exh. B (Copy of Certified Mail Receipt). Respondent's petition is still pending before USCIS.

II. ARGUMENT

Under Matter of Avetisyan, 25 I & N Dec. 688 (BIA 2012), an Immigration Judge may administratively close removal proceedings, even if a party opposes, if it is otherwise appropriate to do so under the circumstances. Respondent has been deemed to be an UAC, and thus USCIS has sole initial jurisdiction over her application for asylum. See Exh. A (includes copy of ORR Verification of Release Form); INA § 208(b)(3)(C); Memo, Kim, Acting Chief, Asylum Division, USCIS, *Updated*

Service Center Procedures for Accepting Forms I-589 Filed by Unaccompanied Alien Children, HQRAIO 120/12a (June 4, 2013). Accordingly, it is appropriate for her case to be administratively closed at this time.

In the alternative, pursuant to 8 C.F.R. §1003.29 an Immigration Judge may grant a reasonable continuance for good cause shown. As stated supra, this Court does not have jurisdiction at this time over Respondent's application for asylum. INA § 208(b)(3)(C). A continuance is warranted to give USCIS time to adjudicate Respondent's application for asylum, which was filed on November 26, 2014. Accordingly, having shown good cause, a 180-day continuance of Respondent's Master Calendar hearing is warranted if her case is not administratively closed at this time.

III. POSITION OF THE GOVERNMENT

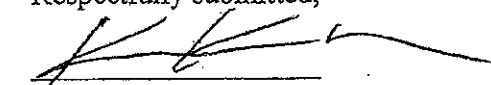
On November 25, 2014, undersigned counsel contacted via email ICE Duty Attorney requesting DHS' position on the instant motions. On November 26, 2014, the ICE Duty Attorney responded that DHS does not oppose administrative closure at this time. See Exh C (Declaration of Kaitlin Kalna Darwal).

IV. CONCLUSION

For the foregoing reasons Respondent respectfully requests that this Court administratively close her case. In the alternative, she respectfully requests that this Court reschedule her Master Calendar hearing for at least 180 days to allow time for USCIS to adjudicate her application for asylum.

Dated: November 26, 2014

Respectfully submitted,



Kaitlin Kalna Darwal
Attorney for Respondent

Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: 650-391-0350
Facsimile: 866-688-5204

Kaitlin Kalna Darwal, CA 260273
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: (650) 326-6440
Facsimile: 866-688-5204

Attorney for Respondent

[Redacted] ← [Respondent's Name]

UNITED STATES DEPARTMENT OF JUSTICE
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2014 NOV 26 AM 11:40

RECEIVED
DEPARTMENT OF JUSTICE

In the Matter of:

→ [Redacted]
[Respondent's Name]

Respondent,

In Removal Proceedings.

File Number: A [Redacted] ← [A#]

Hearing Date: December 16, 2014
Hearing Time: 1:00 p.m.
Before Hon. Laura L. Ramirez

**EXHIBITS IN SUPPORT OF RESPONDENT'S MOTION FOR ADMINISTRATIVE CLOSURE,
AND IN THE ALTERNATIVE, MOTION FOR CONTINUANCE**

| <u>Exhibit</u> | <u>Page</u> |
|---|-------------|
| A. Copy of Form I-589 and preliminary supporting documents | 1 |
| B. Copy of Certified Mail Receipt for Form I-589, evidencing Respondent's application was mailed to the United States Citizenship and Immigration Service | 59 |
| C. Declaration of Kaitlin Kalna Darwal | 60 |



COMMUNITY
LEGAL SERVICES IN
EAST PALO ALTO

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Joyce Song, Esq.
(Licensed in New York)

Anti-Predatory Lending

Keith Ogden, Esq.
Rebecca Pinger, Esq.
Claudia Jauregui

November 25, 2014

USCIS – Nebraska Service Center
PO Box 87589
Lincoln, NE 68501-7589

RE: [REDACTED] [Respondents Name]
File Number: A [REDACTED] ← [A#]
Form I-589 APPLICATION FOR ASYLUM

Dear Sir or Madam:

We are writing to submit the Form I-589 for [REDACTED]
who has been identified by the Office of Refugee Resettlement as an
Unaccompanied Alien Child ("UAC").

Please find enclosed:

1. Form G-28 authorizing my representation;
2. Original and two copies of Form I-589 (original contains a passport-style photo), for [REDACTED];
3. Copy of Office of Refugee Resettlement, Division of Children's Services, Verification of Release Form; and
4. Exhibit List and Exhibits, including Preliminary Declaration and Translated Birth Certificate for [REDACTED]

Thank you very much for your assistance. If you require anything further, please contact me at (650) 391-0343.

Sincerely,

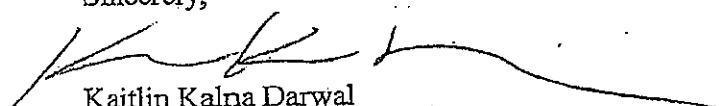

Kaitlin Kalna Darwal
Immigration Attorney

EXHIBIT A

7009 1480 0001 2321 4010
0106 1222 1000 0911 4001

| U.S. Postal Service [®] | |
|--|----|
| CERTIFIED MAIL [™] RECEIPT | |
| (Domestic Mail Only; No Insurance Coverage Provided) | |
| For delivery information visit our website at www.usps.com | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |
| Postmark Here | |
| Form I-589 | |
| Sent To | |
| USCIS Nebraska Service Center | |
| Street, Apt. No., or PO Box No. | |
| P.O. Box 87589 | |
| City, State, ZIP+4 | |
| Lincoln, NE 68501-7589 | |
| PS Form 3800, August 2006 | |
| See Reverse for Instructions | |

EXHIBIT B

Kaitlin Kalna Darwal, CA 260273
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: (650) 326-6440
Facsimile: 866-688-5204

Attorney for Respondent

[Redacted] [Respondent's Name]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

In the Matter of:

[Redacted]

Respondent,

In Removal Proceedings.

[Respondent's
Name]

File Number:

[Redacted]

[A#]

Hearing Date: December 16, 2014

Hearing Time: 1:00 p.m.

Before Hon. Laura L. Ramirez

DECLARATION OF KAITLIN KALNA DARWAL

I, Kaitlin Kalna Darwal, hereby declare the following:

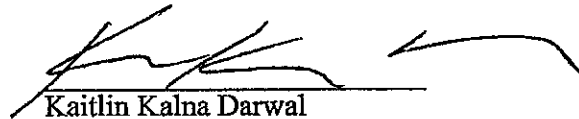
1. I am a Staff Attorney at Community Legal Services in East Palo Alto ("CLSEPA"), 2117-B University Avenue, East Palo Alto, CA 94303. I make this declaration in support of Respondent's Motion for Administrative Closure and in the alternative Motion for Continuance.
2. CLSEPA is a non-profit organization with limited resources. We have income eligibility guidelines and only represent clients who are extremely low-income.

3. Respondent is extremely low-income. We are providing pro bono representation for Respondent.
4. Respondent has been deemed to be an Unaccompanied Alien Child. On November 26, 2014, Respondent, with the assistance of CLSEPA, filed her Form I-589 and preliminary supporting documents with the United States Citizenship and Immigration Services.
5. On November 25, 2014, I sent an email to the Office of Chief Counsel Duty Staff Attorney requesting the Department of Homeland Security's position on the instant motion for administrative closure and in the alternative motion for continuance. On November 26, 2014, the ICE Duty Attorney Assistant Chief Counsel Lowell C. Powell responded via email stating that the Department does not oppose the instant motions.

I declare under penalty of perjury that the foregoing statement is true to the best of my knowledge, information, and belief.

Dated: November 26, 2014

Respectfully submitted,



Kaitlin Kalna Darwal

United States Department of Justice
Executive Office for Immigration Review
Immigration Court
San Francisco, California

In the Matter of [REDACTED]

↑ [RESPONDENT NAME]

[A#]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's **Motion for Administrative Closure**, 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

Hon. Laura L. Ramirez
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 _____

United States Department of Justice
Executive Office for Immigration Review
Immigration Court
San Francisco, California

In the Matter of [REDACTED]

[RESPONDENT'S NAME]

A [REDACTED]
[A#]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's **Motion for Continuance**, 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

Hon. Laura L. Ramirez
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 _____

In the Matter of [REDACTED]
[Respondents Name]

A [REDACTED]
[A#]

PROOF OF SERVICE BY PERSONAL DELIVERY

I, Kaitlin Kalna Darwal, the undersigned, say:

I am over the age of eighteen years and not a party to the within action or proceedings;
my business address is 2117-B University Avenue, East Palo Alto, CA 94303.

On November 26, 2014, I caused to be served the within:

Cover Letter;

Respondent's Motion for Administrative Closure and in the alternative Motion for

Continuance;

Exhibit List;

Exhibits;

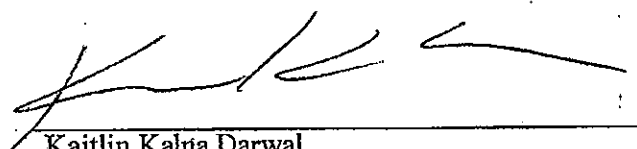
and

Proposed Orders

on the opposing counsel by personal delivery to the following address(es):

Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of the Chief Counsel
100 Montgomery Street, Ste. 200
San Francisco, California 94104

Executed on November 26, 2014, at San Francisco, California. I declare under penalty of
perjury under the laws of the State of California that the foregoing is true and correct.


Kaitlin Kalna Darwal
Declarant