



COMMUNITY  
LEGAL SERVICES IN  
EAST PALO ALTO

**VIA PERSONAL DELIVERY**

November 7, 2014

Honorable Amy C. Hoogasian  
Office of the Immigration Judge  
Executive Office for Immigration Review  
100 Montgomery Street, Suite 800  
San Francisco, CA 94104

**RE: Respondents' Unopposed Motion to Terminate Removal Proceedings Without Prejudice**

**Lead File Respondent:** [REDACTED] "A"  
**File Number:** A [REDACTED]

**Riding Case Respondent:** [REDACTED] "B"  
**File Number:** A [REDACTED]

**Master Calendar Hearing**  
Hearing Date: December 3, 2014  
Hearing Time: 8:30 A.M.

Dear Judge Hoogasian:

Enclosed for filing please find **Respondents' Unopposed Motion to Terminate Removal Proceedings Without Prejudice; Exhibit List; Exhibits in Support of Unopposed Motion to Terminate Removal Proceedings Without Prejudice; Proposed Orders; and Proof of Service on opposing counsel.**

Thank you for your attention to this matter.

Sincerely,

Helen Beasley

Enclosures

cc: Office of the Chief Counsel  
Respondent

RECEIVED  
DEPARTMENT OF JUSTICE  
NOV -7 AM 9:13  
EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW  
OFFICE OF IMMIGRATION JUDGE  
SAN FRANCISCO, CALIFORNIA

Helen Beasley, CA 279535  
Community Legal Services in East Palo Alto  
2117 University Avenue, Suite B  
East Palo Alto, California 94303  
Telephone: (650) 391-0350  
Facsimile: (866) 688-5204

Attorney for Respondents  
[REDACTED]  
[REDACTED]

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

In the Matter of:

[REDACTED] "A"

[REDACTED] "B"

Respondents,

In Removal Proceedings.

File Number: A [REDACTED]

File Number: A [REDACTED]

Master Calendar Hearing

Hearing Date: December 3, 2014

Hearing Time: 8:30 A.M.

Before Hon. Amy C. Hoogasian

RESPONDENTS' UNOPPOSED MOTION TO TERMINATE REMOVAL  
PROCEEDINGS WITHOUT PREJUDICE

EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
SAN FRANCISCO, CALIFORNIA

2014 NOV -7 AM 9:13

RECEIVED  
DEPARTMENT OF JUSTICE

Respondents <sup>"A"</sup> [REDACTED] and <sup>"B"</sup> [REDACTED] by and through undersigned counsel, respectfully move to terminate their removal proceedings without prejudice to allow them to pursue their applications for adjustment of status before U.S. Citizenship and Immigration Services ("USCIS"), and state the following in support of this request:

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Respondent <sup>"A"</sup> [REDACTED] is eighteen years old. Her daughter, Respondent <sup>"B"</sup> [REDACTED], is two years old. They were apprehended by the U.S. Department of Homeland Security (the "Department") at or near Hidalgo, Texas, on May 6, 2014. They were issued Notices to Appear on May 7, 2014, which charge them with being inadmissible under INA § 212(a)(6)(A)(i). They were classified as unaccompanied alien children and placed in the custody of the Office of Refugee Resettlement ("ORR"). On May 22, 2014, they were reunified with a sponsor, <sup>"C"</sup> [REDACTED], who is the mother of <sup>"A"</sup> [REDACTED] and the maternal grandmother of <sup>"B"</sup> [REDACTED].

On October 7, 2014, Judge Zayner of the Superior Court of California, County of Santa Clara, issued an order making factual findings regarding eligibility for Special Immigrant Juvenile Status regarding Respondent <sup>"A"</sup> [REDACTED]. Exhibit ("Exh.") A, Copy of Order Regarding <sup>"A"</sup> [REDACTED]'s Eligibility for Special Immigrant Juvenile Status, dated October 7, 2014. On October 27, 2014, Legal Advocates for Children and Youth ("LACY") filed an I-360 petition for Special Immigrant Juvenile Status with USCIS on behalf of Respondent <sup>"A"</sup> [REDACTED]. Exh. B, Copy of I-360 Receipt Notice for <sup>"A"</sup> [REDACTED].

On October 23, 2014, Judge Towery of the Superior Court of California, County of Santa Clara, issued an order making factual findings regarding eligibility for Special Immigrant Juvenile Status regarding Respondent <sup>"B"</sup> [REDACTED]. Exh. C,

Copy of Order After Hearing Regarding Minor's Eligibility for Special Immigrant Juvenile Status, dated October 23, 2014. On November 4, 2014, LACY filed an I-360 petition for Special Immigrant Juvenile Status with USCIS on behalf of Respondent "B" [REDACTED] Exh. D, Letter from Susan D. Edwards, Staff Attorney, Legal Advocates for Children and Youth, dated November 4, 2014. LACY has not received a receipt notice from USCIS to date. Id.

II. ARGUMENT

If the instant proceedings are terminated, Respondents can file their applications for adjustment of status with USCIS. It is in the interest of judicial economy for Respondents to proceed with their adjustment applications before USCIS. Respondents will not require a waiver for any grounds of inadmissibility for their adjustment applications. Under INA § 245(h)(2)(A), Respondents are not subject to INA § 212(a)(6)(A)(i) when applying to adjust status as Special Immigrant Juveniles.

Should USCIS deny the visa petitions on the basis of which Respondents are seeking adjustment of status, or should USCIS determine either that Respondents are not eligible for adjustment of status, or that Respondents should be denied adjustment for any reason, Respondents understand and agree that the Department may seek to have these proceedings reopened, or to commence removal proceedings anew. See generally 8 C.F.R. § 1239.2(c) (providing that dismissal "shall be without prejudice to the alien or the Department of Homeland Security").

Respondents acknowledge their obligation to notify USCIS in writing of each change of address and new address within ten days from the date of such change pursuant to section 265 of the Immigration and Nationality Act.

III. PLEADINGS TO THE NOTICES TO APPEAR

A copy of the Notices to Appear, dated May 7, 2014, is attached as Exhibit E.

Both Respondents plead as follows:

- (1) They concede proper service of the Notices to Appear;
- (2) They admit factual allegations number one through four;
- (3) They concede removability as charged, pursuant to INA § 212(a)(6)(A)(i).

If found to be removable, Respondents respectfully decline to designate a country of removal.

Respondents have applied for Special Immigrant Juvenile Status and will apply for Adjustment of Status, pursuant to INA § 245(h).

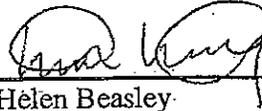
IV. POSITION OF THE DEPARTMENT

On November 6, 2014, Assistant Chief Counsel Lisa Calero of the San Francisco Office of the Chief Counsel stated to undersigned counsel that the Department does not oppose terminating removal proceedings without prejudice so that Respondents can file their adjustment applications with USCIS. See Exh. E, Declaration of Helen Beasley. The parties agree that any dismissal or termination pursuant to this motion is without prejudice and does not constitute a final judgment rendered on the merits of any issue in these proceedings.

WHEREFORE, Respondents <sup>"A"</sup> [REDACTED] and <sup>"B"</sup> [REDACTED], by and through undersigned counsel, respectfully request that Your Honor grant their unopposed motion to terminate removal proceedings without prejudice so that they may pursue adjustment of status before U.S. Citizenship and Immigration Services.

Dated: November 7, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Helen Beasley', written over a horizontal line.

Helen Beasley  
Attorney for Respondents

Helen Beasley, CA 279535  
Community Legal Services in East Palo Alto  
2117 University Avenue, Suite B  
East Palo Alto, California 94303  
Telephone: (650) 391-0350  
Facsimile: (866) 688-5204

Attorney for Respondents  
[REDACTED]  
[REDACTED]

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

In the Matter of:

[REDACTED] "A"

[REDACTED] "B"

Respondents,

In Removal Proceedings.

File Number: A [REDACTED]

File Number: A [REDACTED]

**Master Calendar Hearing**

Hearing Date: December 3, 2014

Hearing Time: 8:30 A.M.

Before Hon. Amy C. Hoogasian

**EXHIBITS IN SUPPORT OF RESPONDENTS' UNOPPOSED MOTION TO  
TERMINATE REMOVAL PROCEEDINGS WITHOUT PREJUDICE**

<u>Exhibit</u>	<u>Page</u>
A. Copy of Order Regarding [REDACTED] "A" Juvenile Status, dated October 7, 2014.....	1
B. Copy of I-360 Receipt Notice for [REDACTED] "A" .....	4
C. Copy of Order After Hearing Regarding Minor's Eligibility for Special Immigrant Juvenile Status, dated October 23, 2014.....	5

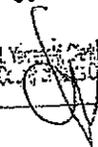
D.	Letter from Susan D. Edwards, Staff Attorney, Legal Advocates for Children and Youth, dated November 4, 2014.....	8
E.	Copy of Notices to Appear, dated May 7, 2014 .....	9
F.	Declaration of Helen Beasley .....	13

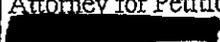
1 Alexis W. Moody, SBN 266058  
2 Law Office of Alexis W. Moody  
3 2055 Junction Ave., Suite 215  
4 San Jose, CA 95131  
5 Phone: (408) 471-8044  
6 Fax: (408) 516-9424  
7 Email: awmoodylaw@gmail.com

FILED

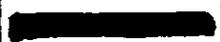
2014 OCT -8 1 A 9:32

David H. Verneer, Clerk of the Superior Court  
County of Santa Clara, California

By:  UCS  
K. NGUYEN

8 Attorney for Petitioner  
9  "C"

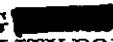
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SANTA CLARA

12  "C"  
13 Petitioner,

14 vs.

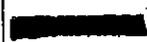
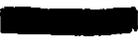
15   
16 Respondent.

Case No.: 614CP001559

ORDER REGARDING   
S ELIGIBILITY FOR SPECIAL  
IMMIGRANT JUVENILE STATUS

DATE:  
TIME:  
DEPT:

17  
18  
19  
20 The Court has reviewed the supporting material on file and found the following:

21 "A"  
22 THE COURT FINDS that the minor  (  ) was born in ,  
23  on  and is a citizen and national of . This finding is made  
24 on the basis of  "C"  
25 *Findings Re Eligibility for Special Immigrant Juvenile Status*, signed under penalty of perjury on  
26 October 3, 2014.  
27  
28

1 THE COURT FURTHER FINDS that "A" has never been married. This finding  
2 is made on the basis of her Declaration, signed under penalty of perjury on October 3, 2014.

3  
4 THE COURT FURTHER FINDS that "A" is present in the United States. This  
5 finding is made on the basis of her Declaration, signed under penalty of perjury on October 3, 2014  
6 and on the basis of statements made in the Petition to Establish a Parental Relationship, signed  
7 under penalty of perjury by "C" on October 3, 2014.

8  
9  
10 THE COURT FURTHER FINDS that this Court has jurisdiction under California law to  
11 make judicial determinations about the custody and care of juveniles. This Court is a family law  
12 court in Santa Clara County, California, exercising its authority under the California Family Code.

13  
14 THE COURT FURTHER FINDS that "A" is legally under the custody of an  
15 individual designated by a State court. This Court granted "C", "A"  
16 physical and legal custody over her on the 1<sup>st</sup> of October, 2014. TUL

17  
18  
19 THE COURT FURTHER FINDS that reunification with "A"'s father is not viable due to  
20 abuse and abandonment. "A"'s father has not made any effort to develop or maintain a parental  
21 relationship with her, nor has he ever made any provision or contribution towards her support. He  
22 was also physically abusive to "A"'s mother. This finding is made on the basis of statements  
23 made in "A"'s Declaration signed under penalty of perjury on October 3, 2014 as well as "C"  
24 "A"'s Declaration signed under penalty of perjury on October 3, 2014.

25  
26 //

27 //

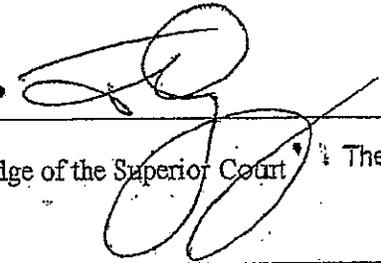
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THE COURT FURTHER FINDS that it is not in [redacted] "A" s best interest to be forced to return to [redacted] her country of nationality. It is in [redacted] "A" s best interest to remain in the United States with her mother, [redacted] "C" [redacted] "A" father has abandoned and abused her. Further, [redacted] "A" s daughter's father abused her and threatened to kill her. This Court makes these findings on the basis of statements made in [redacted] "A" s Declaration, signed under penalty of perjury on October 3, 2014.

Dated: 10/7/14

  
\_\_\_\_\_  
Judge of the Superior Court Theodore C. Zayner

THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
ATTEST: DAVID H. YAMASAKI

OCT 17 2014

CHIEF EXECUTIVE OFFICER, DEPT. OF  
SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA  
BY:  DEPUTY



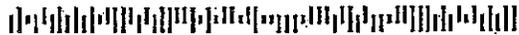
**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE Receipt		NOTICE DATE October 29, 2014
CASE TYPE I-360, Petition for Amerasian, Widow(er) or Special Immigrant		USCIS ALIEN NUMBER
RECEIPT NUMBER [REDACTED]	RECEIVED DATE October 27, 2014	PAGE 1 of 1
PRIORITY DATE October 27, 2014	PREFERENCE CLASSIFICATION	DATE OF BIRTH

C/O SUSAN D. EDWARDS LEGAL ADVOCATES FOR CHILDRE  
 152 NORTH THIRD STREET FLR 3RD  
 SAN JOSE, CA 95112

**PAYMENT INFORMATION:**

Application/Petition Fee: \$0.00  
 Biometrics Fee: \$0.00  
 Total Amount Received: \$0.00  
 Total Balance Due: \$0.00



**APPLICANT/PETITIONER NAME AND MAILING ADDRESS**

The I-360, Petition for Amerasian, Widow(er) or Special Immigrant has been received by our office for the following beneficiaries and is in process:

Name	Date of Birth	Country of Birth	Class (If Applicable)
[REDACTED]	[REDACTED]	[REDACTED]	

Please verify your personal information listed above and immediately notify the USCIS National Customer Service Center at the phone number listed below if there are any changes.

Please note that if a priority date is printed on this notice, the priority does not reflect earlier retained priority dates.

If you have questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833. Please also refer to the USCIS website: [www.uscis.gov](http://www.uscis.gov).

If you have any questions or comments regarding this notice or the status of your case, please contact our customer service number.

You will be notified separately about any other case you may have filed.

USCIS Office Address:  
 USCIS  
 National Benefits Center  
 P.O. Box 648003  
 Lee's Summit, MO 64002

USCIS Customer Service Number:  
 (800)375-5283  
 ATTORNEY COPY.



**EXHIBIT B**

1 Susan D. Edwards, SBN: 211909  
2 LEGAL ADVOCATES FOR CHILDREN AND YOUTH  
3 152 North Third Street, 3<sup>rd</sup> floor  
4 San Jose, CA 95112  
5 Telephone: (408) 280-2437  
6 Facsimile: (408) 288-8850

UCS  
FILED M. Mickela

2014 OCT 23 A 10:23

Attorney for Petitioner, [REDACTED]

David H. [REDACTED] Clerk of Superior Court  
County of Santa Clara  
San Jose, CA

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF SANTA CLARA

8  
9 [REDACTED] <sup>"A"</sup> Petitioner

) Case No.: [REDACTED]

10  
11 Vs.

) ORDER AFTER HEARING REGARDING  
) MINOR'S ELIGIBILITY FOR SPECIAL  
) IMMIGRANT JUVENILE STATUS

12  
13 [REDACTED] Respondent

) Dept.: 80  
) Judge: Zayner  
) Date: October 23, 2014  
) [REDACTED]

14  
15  
16 The Request for Order Regarding Minor's Eligibility for Special Immigrant Juvenile  
17 Status ("SIJS") came for hearing on October 23, 2014 before Judge Towery in Department 80 of  
18 the above-entitled court. Petitioner appeared and was represented by her attorney Susan D.  
19 Edwards with Legal Advocates for Children and Youth.

20  
21 THE COURT FINDS that the minor, [REDACTED] <sup>"B"</sup> (" [REDACTED]"), was born in

22 [REDACTED] on [REDACTED] is a citizen and national of [REDACTED]

23  
24 THE COURT FURTHER FINDS THAT [REDACTED] <sup>"B"</sup> is not married and has never been  
25 married.  
26  
27  
28

1  
ORDER AFTER HEARING REGARDING MINOR'S ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE  
STATUS

EXHIBIT C

1 THE COURT FURTHER FINDS that this Court has jurisdiction under California  
2 law "to make judicial determinations about the custody and care of juveniles" within the  
3 meaning of Section 101(a)(27)(J) of the Immigration and Nationality Act ("INA"), 8  
4 U.S.C. § 1101(a)(27)(J), and 8 C.F.R. § 204.11(a). This Court is a family law court in  
5 Santa Clara County, California, exercising its authority under the California Family  
6 Code.

7  
8 THE COURT FURTHER FINDS that <sup>"B"</sup> [REDACTED] is currently present in the United  
9 States.

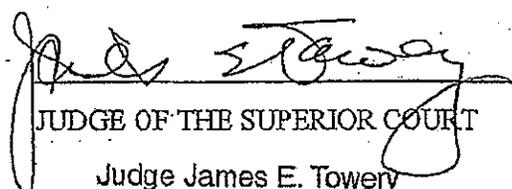
10  
11 THE COURT FURTHER FINDS that <sup>"B"</sup> [REDACTED] is legally placed under the custody  
12 of an individual appointed by a State or juvenile court located in the United States within  
13 the meaning of INA Section 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J). This Court granted  
14 Petitioner <sup>"A"</sup> [REDACTED], <sup>"B"</sup> [REDACTED]'s mother, temporary legal and physical custody on  
15 October 10, 2014.

16  
17 THE COURT FURTHER FINDS that reunification with <sup>"B"</sup> [REDACTED]'s father is not  
18 ~~viable due to abuse, neglect and abandonment.~~ INA Section 101(a)(27)(J), 8 U.S.C.  
19 § 1101(a)(27)(J). <sup>"B"</sup> [REDACTED]'s father repeatedly physically and emotionally abused her  
20 mother <sup>"A"</sup> [REDACTED] and abandoned both <sup>"A"</sup> [REDACTED] and <sup>"B"</sup> [REDACTED] in that he failed to make any effort  
21 to develop any relationship with <sup>"B"</sup> [REDACTED] or support them emotionally or financially.

22  
23 THE COURT FURTHER FINDS that it is not in <sup>"B"</sup> [REDACTED]'s best interest to be  
24 forced to return to her home country, [REDACTED], within the meaning of  
25 Section 101(a)(27)(J) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(27)(J),  
26 and 8 C.F.R. § 204.11(d)(2)(iii). It is in <sup>"B"</sup> [REDACTED]'s best interest to remain in the United  
27 States with her mother, <sup>"A"</sup> [REDACTED]. There are no relatives in [REDACTED] who are

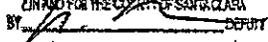
1 willing or able to care for "B" and her father has threatened both "B" and her  
2 mother if they return to [REDACTED]. The Court makes these findings based on the  
3 statements made in the Declaration of "A" under penalty of perjury and based  
4 on the testimony provided at the hearing on this matter today.

5  
6 Dated: 10-23-2014

7  
8   
9 JUDGE OF THE SUPERIOR COURT  
10 Judge James E. Towery  
11  
12  
13  
14  
15  
16  
17

18 THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
ATTEST: DAVID H. YAMASAKI

19  
20 OCT 23 2014

21 CLIFF F. COUPE, OFFICER CLERK  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
22 BY:  DEPUTY



23 M. Mickela  
24  
25  
26  
27

LEGAL ADVOCATES FOR CHILDREN AND YOUTH

Law Foundation of Silicon Valley

152 North Third Street, 3rd Floor

San Jose, California 95112

www.lawfoundation.org

Telephone (408) 280-2416 • Fax (408) 288-8850

November 4, 2014

RE: [REDACTED] & [REDACTED]  
Petition for Special Immigrant Juvenile Status

To Whom It May Concern:

I represent [REDACTED] (A [REDACTED]) and [REDACTED] (A [REDACTED]) in their Special Immigrant Juvenile Status petitions before the CIS. [REDACTED]'s I-360 was submitted on October 29, 2014 and her receipt number is [REDACTED]. [REDACTED]'s I-360 was submitted on November 4, 2014 and I have not yet received her receipt notice.

Please contact me at (408)350-7249 if you require any additional information.

Sincerely,



Susan D. Edwards  
Legal Advocates for Children & Youth, Staff Attorney

EXHIBIT D

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS #: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: [REDACTED]

currently residing at:

[REDACTED ADDRESS]

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;
- 2. You are a native of EL SALVADOR and a citizen of EL SALVADOR;
- 3. You arrived in the United States at or near HIDALGO, TEXAS, on or about May 6, 2014;
- 4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: 212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set (Date) at a time to be set (Time) to show why you should not be removed from the United States based on the

charge(s) set forth above.

MATTHEW DEPAOLA ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: May 07, 2014

McAllen, Texas

(City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible, including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in § CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on May 07, 2014 in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person  by certified mail, returned receipt requested  by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

GERARDO SANCHEZ BORDER PATROL AGENT (Signature and Title of officer)

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED] UC

In the Matter of:

Respondent: [REDACTED] currently residing at:

[REDACTED ADDRESS]

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR ;
3. You arrived in the United States at or near HIDALGO, TEXAS, on or about May 6, 2014;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: 212(a)(5)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

MATTHEW DEPAOLA ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: May 07, 2014

McAllen, Texas

(City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

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Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

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in person  by certified mail, returned receipt requested  by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

GERARDO SANCHEZ BORDER PATROL AGENT

(Signature and Title of officer)

Served upon conservator

Helen Beasley, CA 279535  
Community Legal Services in East Palo Alto  
2117 University Avenue, Suite B  
East Palo Alto, California 94303  
Telephone: (650) 391-0350  
Facsimile: (866) 688-5204

Attorney for Respondents  
[REDACTED]  
[REDACTED]

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

In the Matter of:

[REDACTED]

[REDACTED]

Respondents,

In Removal Proceedings.

File Number: A [REDACTED]

File Number: A [REDACTED]

**Master Calendar Hearing**  
Hearing Date: December 3, 2014  
Hearing Time: 8:30 A.M.  
Before Hon. Amy C. Hoogasian

**DECLARATION OF HELEN BEASLEY**

I, Helen Beasley, hereby declare the following:

I am a staff attorney at Community Legal Services in East Palo Alto, 2117-B University Avenue, East Palo Alto, CA 94303. I make this declaration in support of Respondents' Unopposed Motion to Terminate Removal Proceedings without Prejudice.

On November 6, 2014, Assistant Chief Counsel Lisa Calero indicated that the Department of Homeland Security does not oppose the termination of Respondents' removal proceedings without prejudice so that they can apply for adjustment of status with USCIS.

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

Dated: November 6, 2014

Respectfully submitted,

  
Helen Beasley  
Declarant

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

In the Matter of \_\_\_\_\_

File Number: A \_\_\_\_\_

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's **Unopposed Motion to Terminate Removal Proceedings Without Prejudice**, it is HEREBY ORDERED that the motion be  Granted  Denied because:

- DHS does not oppose the motion.
- 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 \_\_\_\_\_.
- Respondent must comply with DHS biometrics instructions by \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hon. Amy C. Hoogasian  
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]  
[REDACTED]

File Number: A [REDACTED]

File Number: A [REDACTED]

PROOF OF SERVICE BY PERSONAL DELIVERY

I, Helen Beasley, the undersigned, hereby declare:

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

On November 7, 2014, I caused to be served the documents within:

**Cover Letter;**

**Respondents' Unopposed Motion to Terminate Removal Proceedings Without Prejudice;**

**Exhibit List;**

**Exhibits in Support of Unopposed Motion to Terminate Removal Proceedings Without  
Prejudice;**

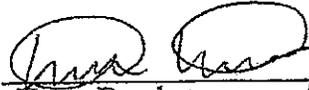
**and**

**Proposed Orders**

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

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

Executed on November 7, 2014, at East Palo Alto, California. I declare under penalty of perjury,  
under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Helen Beasley  
Declarant