



COMMUNITY
LEGAL SERVICES IN
EAST PALO ALTO

VIA PERSONAL DELIVERY

January 27, 2014

Honorable Miriam Hayward
Office of the Immigration Judge
Executive Office for Immigration Review
120 Montgomery St., Ste. 800
San Francisco, California 94104

RE: Respondent's Unopposed Motion to Terminate Removal Proceedings
Without Prejudice

Respondent:
File Number:



Master Calendar Hearing
Hearing Date: June 4, 2014
Hearing Time: 9:00 A.M.

RECEIVED
DEPARTMENT OF JUSTICE
2014 JAN 27 AM 11:48
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

Dear Judge Hayward:

Enclosed for filing please find **Respondent's Unopposed Motion to Terminate Removal Proceedings Without Prejudice; Proposed Order; and Proof of Service** on opposing counsel.

Thank you for your attention to this matter.

Sincerely,

Helen Beasley

Enclosures

cc: Mary J. Hannett, Assistant Chief Counsel, Office of the Chief Counsel
Respondent

Helen Beasley, CA 279535
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: 650-326-6440
Facsimile: 866-688-5204

JUVENILE

Attorney for Respondent
[REDACTED]

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.

File No.: [REDACTED]

Master Calendar Hearing
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Before Hon. Miriam Hayward

UNOPPOSED MOTION TO TERMINATE REMOVAL PROCEEDINGS
WITHOUT PREJUDICE

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Juvenile Respondent [REDACTED] by and through undersigned counsel, respectfully moves to terminate her removal proceedings without prejudice to allow her to pursue her application for adjustment of status before U.S. Citizenship and Immigration Services ("USCIS"), and states the following in support of this request:

Respondent is seventeen years old. She was apprehended by the U.S. Department of Homeland Security (the "Department") at or near Eagle Pass, Texas, on November 30, 2012. She was issued a Notice to Appear on December 1, 2012, which charges her with being inadmissible under INA § 212(a)(6)(A)(i). She was classified as an unaccompanied minor and placed in the custody of the Office of Refugee Resettlement ("ORR"). On February 28, 2013, she was released from ORR custody to a family friend in Sunnyvale, California. On March 26, 2013, the venue of Respondent's removal proceedings was changed to San Francisco, California.

On December 18, 2013, Respondent's I-360 petition for Special Immigrant Juvenile Status was approved by USCIS. See Exhibit ("Exh.") A, Copy of I-797, Respondent's I-360 Approval Notice. Undersigned counsel is preparing Respondent's adjustment application. See Exh. B, Declaration of Helen Beasley. Under INA § 245(h)(2)(A), Respondent is not subject to INA § 212(a)(6)(A)(i) when applying to adjust status as a Special Immigrant Juvenile. If the instant proceedings are terminated, Respondent can file her application for adjustment of status with USCIS. It is in the interest of judicial economy for Respondent to proceed with her adjustment application before USCIS.

Should USCIS deny the visa petition on the basis of which Respondent is seeking adjustment of status, or should USCIS determine either that Respondent is not eligible for adjustment of status, or that Respondent should be denied adjustment for any reason, Respondent understands and agrees 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”).

Respondent acknowledges her 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.

Position of the Department of Homeland Security

On January 24, 2014, Assistant Chief Counsel Mary J. Hannett stated to undersigned counsel that the Department does not oppose terminating removal proceedings without prejudice so that Respondent can file her adjustment application with USCIS. See Exh. B. 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, juvenile Respondent [REDACTED] by and through undersigned counsel, respectfully requests that Your Honor grant her unopposed motion to terminate removal proceedings without prejudice so that she may pursue adjustment of status before U.S. Citizenship and Immigration Services.

Dated: January 24, 2014

Respectfully submitted,



Helen Beasley
Attorney for Respondent

Helen Beasley, CA 279535
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: 650-326-6440
Facsimile: 866-688-5204

JUVENILE

Attorney for Respondent
[REDACTED]

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.

File No.: [REDACTED]

Master Calendar Hearing
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Before Hon. Miriam Hayward

EXHIBITS IN SUPPORT OF RESPONDENT'S UNOPPOSED MOTION TO
TERMINATE REMOVAL PROCEEDINGS WITHOUT PREJUDICE

<u>Exhibit</u>	<u>Page</u>
A. Copy of I-797, Respondent's I-360 Approval Notice.....	1
B. Declaration of Helen Beasley	2



RECEIPT NUMBER [REDACTED]		CASE TYPE I360 PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT	
RECEIPT DATE November 4, 2013	PRIORITY DATE November 1, 2013	PETITIONER [REDACTED]	
NOTICE DATE December 18, 2013	PAGE 1 of 1	BENEFICIARY [REDACTED]	
HELEN BEASLEY COMMUNITY LEGAL SVCS IN EPA 2117 UNIVERSITY AVENUE STE B EAST PALO ALTO CA 94303		Notice Type: Approval Notice Section: Special Immigrant-Juvenile, Sec.101(a)(27)(J)	

The above petition has been approved.

The petition indicates that the person the petition is for is in the United States and will apply for adjustment of status. He or she should contact the local USCIS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

Please read the back of this form carefully for more information.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NATIONAL BENEFITS CENTER

USCIS, DHS

P.O. BOX #648004

LEE'S SUMMIT MO 64064

Customer Service Telephone: (800) 375-5283



EXHIBIT A

Helen Beasley, CA 279535
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: 650-326-6440
Facsimile: 866-688-5204

JUVENILE

Attorney for Respondent
[REDACTED]

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.

File No.: [REDACTED]

Master Calendar Hearing
Hearing Date: June 4, 2014
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Before Hon. Miriam Hayward

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 juvenile Respondent [REDACTED] Unopposed Motion to Terminate Removal Proceedings without Prejudice.

I am working with Respondent to prepare her application for adjustment of status pursuant to INA § 245(h). If the present removal proceedings are terminated, I will file this application on Respondent's behalf with U.S. Citizenship & Immigration Services ("USCIS").

On January 24, 2014, I communicated with Assistant Chief Counsel Mary J. Hannett

EXHIBIT B

regarding the position of the Office of the Chief Counsel for the Department of Homeland Security (the "Department") on the present motion. She indicated that the Department does not oppose the termination of Respondent's removal proceedings without prejudice so that she 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: January 24, 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:

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. Miriam Hayward
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]

File Number: [REDACTED]

PROOF OF SERVICE BY MAIL

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 January 27, 2014, I caused to be served the documents within:

Cover Letter;

Respondent's Unopposed Motion to Terminate Removal Proceedings Without Prejudice;

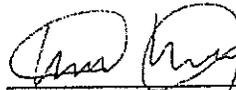
and

Proposed Order

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

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

Executed on January 27, 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.



Helen Beasley
Declarant