

Deifilia M. Diaz Gutierrez (94910) (EOIR: YY853664)
The Law Offices of Valencia & Diaz, Ltd.
5427 Cornell Road
Cincinnati, Ohio 45242.

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR REMOVAL PROCEEDINGS
IMMIGRATION COURT
801 W. SUPERIOR AVE, STE 13-100
CLEVELAND, OH 44113

_____)
IN THE MATTER OF)
)
XXXXXXXXXXXXXXXXXXXXXXX) Case No. AXXX-XXX-XXX
)
)
IN REMOVAL PROCEEDINGS)
_____)

NEXT HEARING: August 8th, 2017 at 9:30 p.m.

TYPE OF HEARING: Master Calendar.

IMM. JUDGE: The Honorable David C. Whipple.

**MOTION TO REQUEST THE OFFICE OF THE
CHIEF COUNSEL TO AFFIRMATELY REQUEST
USCIS TO EXPEDITE THE ADJUDICATION OF
THE RESPONDENT’S PETITION FOR U
NONIMMIGRANT STATUS**

Deifilia M. Diaz Gutierrez (94910) (EOIR: YY853664)
The Law Offices of Valencia & Diaz, Ltd.
5427 Cornell Road
Cincinnati, Ohio 45242.

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR REMOVAL PROCEEDINGS
IMMIGRATION COURT
801 W. SUPERIOR AVE, STE 13-100
CLEVELAND, OH 44113

IN THE MATTER OF)	
)	
<u>XXXXXXXXXXXXXXXXXXXXXX</u>)	Case No. AXXX-XXX-XXX
)	
IN REMOVAL PROCEEDINGS)	
)	

MOTION TO REQUEST THE OFFICE OF THE CHIEF COUNSEL TO AFFIRMATELY REQUEST USCIS TO EXPEDITE THE ADJUDICATION OF THE RESPONDENT’S PETITION FOR U NONIMMIGRANT STATUS

Respondent XXXXXXXXXXXXXXXXXXXXXXXX, by and through his attorney of record, Deifilia M. Diaz Gutierrez, files this Motion to request the Office of the Chief Counsel (OCC), to affirmatively request USCIS to expedite the adjudication of the Respondent’s petition for U nonimmigrant status.

This motion is being filed pursuant to the August 20, 2010, Peter S. Vicent Memorandum “Guidance regarding the Handling of Removal Proceedings of Aliens with pending or approved application or petitions” which states that “In any case involving a detained alien whose application or petition is pending with USCIS, OCC shall affirmatively request that USCIS expedite the adjudication of the application or petitions pending with USCIS” (*See Exhibit B*)

The Law Offices of Valencia & Diaz, Ltd.
5427 Cornell Road
Cincinnati, Ohio 45242.

On June 13, 2017, present counsel reached to USCIS Vermont service center to inquire about the possibility of expediting the respondent petition however the service has yet to respond said inquiry. On August 4, 2017 present counsel sent a second email to the USCIS Vermont service center as a follow up of her inquiry and as of the writing of this motion she is awaiting a response. *(See Exhibit A)*.

Though, per the August 20, 2010, Peter S. Vicent Memorandum “Guidance regarding the Handling of Removal Proceedings of Aliens with pending or approved application or petitions” it has been explicitly stated that it is the OCC who shall request that USCIS to expedite the adjudication of the respondent’s petitions which is pending with USCIS. This determination is crucial to the respondent’s removal proceedings as the expedite determination will provide for this Honorable Court the result of the respondent’s defense for removal, which will serve this Honorable Court to properly render a decision regarding the respondent’s removal from the U.S. For the reasons stated above, counsel for respondent respectfully requests that this Court grant the respondent’s motion and order the Office of Chief Counsel OCC to affirmatively request USCIS to expedite the adjudication of the Respondent’s petition for U nonimmigrant status.

Respectfully submitted,

Deifilia M. Diaz Gutierrez (Atty: 94910)
(EOIR: YY853664)
Attorney for Respondent
The Law Offices of Valencia & Diaz, Ltd
5427 Cornell Road
Cincinnati, Ohio 45242
Phone: 513-618-2005
Fax: 513-984-4430
Deifilia@valenciadiaz.com

Deifilia M. Diaz Gutierrez (94910) (EOIR: YY853664)
The Law Offices of Valencia & Diaz, Ltd.
5427 Cornell Road
Cincinnati, Ohio 45242.

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR REMOVAL PROCEEDINGS
IMMIGRATION COURT
801 W. SUPERIOR AVE STE13-100
CLEVELAND, OH 44113

XXXXXXXXXXXXXXXXXXXX

Case No. A000-000-000

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent’s Motion to request the Office of the Chief Counsel (OCC), to affirmatively request USCIS to expedite the adjudication of the Respondent’s petition for U nonimmigrant status, it is **HEREBY ORDERED** that the motion:

GRANTED

DENIED

BECAUSE:

- DHS 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 motion is untimely per _____.
- Other:

_____ Date

_____ **David C. Whipple.**
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service

To: Respondent Respondent c/o Custodial Officer Respondent’s Attorney DHS

Date: _____

By: Court Staff _____

The Law Offices of Valencia & Diaz, Ltd.

5427 Cornell Road

Cincinnati, Ohio 45242.

XXXXXXXXXXXXXXXXXXXXXXX

Case No. A000-000-000

CERTIFICATE OF SERVICE

On this 5th day of August 2017, I, DEIFILIA M. DIAZ GUTIERREZ, served copy of this MOTION TO REQUEST THE OFFICE OF THE CHIEF COUNSEL TO AFFIRMATELY REQUEST USCIS TO EXPEDITE THE ADJUDICATION OF THE RESPONDENT’S PETITION FOR U NONIMMIGRANT STATUS and attached pages to ASSISTANT CHIEF COUNSEL, at the following address: 925 Keynote Circle, Suite 201, Brooklyn Heights, OH. 44131 via, USPS Express Mail Delivery

DEIFILIA M. DIAZ GUTIERREZ

08/05/2017

Date

TABLE OF CONTENTS

TAB		PAGE
A	<i>Copy of conversation between present counsel and the Vermont Service center</i>	7 - 8
B	<i>Copy of the August 20, 2010, Peter S. Vicent Memorandum “Guidance regarding the Handling of Removal Proceedings of Aliens with pending or approved application or petitions”</i>	9 - 12