

Attorney Sonia Parras Konrad
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NOT DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1717 AVENUE H, SUITE 100
OMAHA, NE 68110

In the Matter of:)
)
XXXXXXXXXXXXXXXXX)
)
In removal proceeding,)
_____)

File No. XXXXXXXXXXXXX

Immigration Judge: Anderson

Next Hearing: March 14, 2011
At 2:00 PM

JOINT MOTION TO TERMINATE PROCEEDINGS WITHOUT PREJUDICE

COMES NOW Respondent, by and through counsel, and hereby request that the Court terminate proceedings, stating as follows:

1. Respondent was detained and placed in removal proceedings.
2. This Court has jurisdiction over these proceedings. *See* 8 C.F.R. § 1003.14.

3. Respondent subsequently applied for, and was granted, a U visa application under INA § 101(a)(15)(u). (See exhibit #1).
4. An alien who is in removal proceedings must file a Form I-918 directly with USCIS. 8 C.F.R. § 214.14(c)(1)(i). U.S. Immigration and Customs Enforcement counsel may agree, as a matter of discretion, to file, at the request of the alien petitioner, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while a petition for U nonimmigrant status is being adjudicated by USCIS. *Id.* If USCIS determines that the petitioner has met the requirements for U-1 nonimmigrant status, USCIS will approve Form I-918 and also will concurrently grant U-1 nonimmigrant status. 8 C.F.R. § 214.14(c)(5)(i). ICE counsel may agree, as a matter of discretion, to join a motion to terminate removal proceedings. *Id.*
5. Respondent is hereby requesting the court to terminate these proceedings without prejudice based on the approval of Respondent's U visa.
6. The OCC is joining Respondent on this request.
7. The Government will not be prejudiced by the granting of this Motion as it is not prohibited from instituting removal proceedings under Section 240 of the Act for conduct committed after admission, for conduct or a condition that was not disclosed to USCIS prior to the granting of U nonimmigrant status, for misrepresentations of material facts in Form I-918 or Form I-918, Supplement A and supporting documentation, or after revocation of U nonimmigrant status. Also, we are requesting that this motion to terminate be granted without prejudice.

WHEREFORE, Respondent respectfully requests that the Immigration Court grant this motion to dismiss and to terminate these proceedings without prejudice based on the Respondent's U visa approval.

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ATTORNEY FOR RESPONDENT

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**ORDER TO TERMINATE PROCEEDINGS
WITHOUT PREJUDICE**

A Joint Motion to Terminate Proceedings without Prejudice has been filed by Respondent's attorney in the above entitled matter (s). Upon due consideration, IT IS HEREBY ORDERED that the motion is _____ granted _____ denied.

Dated: _____

U.S. Immigration Judge

Copy to: DHS Chief Counsel/ Sonia Parras Konrad, Counsel for Respondent