

**NON-DETAINED**

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**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
SAN ANTONIO, TEXAS**

**In the Matter of** )  
 )  
**XXXXXX** )  
**Respondent** )  
 )  
**In Removal Proceedings** )

**File No. A 000 000 000**

**Immigration Judge:**

**MCH: 06/01/2022 at 9:00am**

**JOINT MOTION TO TERMINATE PROCEEDINGS  
WITHOUT PREJUDICE**

## **JOINT MOTION TO TERMINATE PROCEEDINGS WITHOUT PREJUDICE**

Respondent and the U.S. Department of Homeland Security (Department), by and through their respective undersigned counsel, jointly move to terminate proceedings in the above-captioned case because Respondent is a beneficiary of the Deferred Action for Childhood Arrivals (DACA) program, and she has applied for U nonimmigrant status.

Respondent has held DACA status since April 26, 2018. Her most recent application to renew this status was approved through January 19, 2024. *See* Tab A. DACA provides relief from removal for individuals who arrived in the United States as children and do not pose a threat to public safety or national security. *See generally Consideration of Deferred Action for Childhood Arrivals (DACA)*, <https://www.uscis.gov/DACA> (last accessed April 27, 2022). Under the program, the removal of beneficiaries is deferred for two years, subject to renewal. *Id.*

Respondent's application for U nonimmigrant status has been pending with U.S. Citizenship and Immigration Services (USCIS) since November 14, 2017. *See* Tab A. Congress created U nonimmigrant status in 2000 with the joint goals of protecting victims and encouraging the investigation and prosecution of crime. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464. If Respondent is granted U nonimmigrant status, she will be eligible to apply for adjustment of status after three years in U nonimmigrant status. INA § 245(m)(1).

Given Respondent's authorized presence in the United States under the DACA program and her pending application for U nonimmigrant status, it is not in the best interest of the government for Respondent to remain in removal proceedings. Terminating the present proceedings will conserve judicial resources and promote efficiency.

The parties agree that 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. Should U.S.

Citizenship and Immigration Services (USCIS) later determine that Respondent is not eligible for DACA or U nonimmigrant status, Respondent understands that the Department may seek to have these proceedings reopened or to commence removal proceedings anew. *See generally* 8 CFR § 1239.2(c) (providing that dismissal “shall be without prejudice to the [noncitizen] or the Department of Homeland Security”).

Respondent acknowledges her obligation to notify USCIS in writing of each change of address within ten days of the change pursuant to INA § 265.

For these reasons, the parties respectfully request that the Immigration Court GRANT this joint motion and TERMINATE proceedings without prejudice.

Respectfully submitted,

On behalf of  
U.S. Immigration and Customs Enforcement,  
U.S. Department of Homeland Security

On behalf of Respondent

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Date: \_\_\_\_\_

Date: \_\_\_\_\_

**UNITED STATES DEPARTMENT OF JUSTICE  
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**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of the Joint Motion to Terminate Proceedings, 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: \_\_\_\_\_

\_\_\_\_\_  
Immigration Judge  
United States Immigration Judge

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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 \_\_\_\_\_

Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

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**NON-DETAINED  
XXXXX  
A 000 000 000**

**PROOF OF SERVICE**

On \_\_\_\_\_ I, \_\_\_\_\_, served a copy of this Joint Motion to Terminate Removal Proceedings Without Prejudice and any attached pages to the San Antonio Office of the Principal Legal Advisor via ICE eService.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date