

From: [Edna Yang](#)
To: [Edna Yang](#)
Subject: RE: PD Request - A00000000 - NAME
Date: Tuesday, May 24, 2022 3:24:31 PM

From: Robert Painter
Sent: Wednesday, November 10, 2021 11:00 AM
To: 'ICE-OPLA-SNA-PD@ice.dhs.gov' <ICE-OPLA-SNA-PD@ice.dhs.gov>
Subject: PD Request – A-

Good afternoon,

I am the attorney of record for **Ms. XXXX (A00000000) and her minor son, (A00000000)**. Please find my G-28 attached. Ms. XXXX and her son were paroled into the US.. and NTA'd in February 2021, but have yet to be scheduled for an initial MCH before the San Antonio Court. Since then Ms. XXXX has submitted a Form I-360 to USCIS as the victim of domestic violence at the hands of her U.S. citizen husband. USCIS has issued a prima facie determination in this matter, which is attached here.

I write to request stipulations in Ms. Marchkoskaya's case pursuant to the guidance in:

- ICE Directive 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims
- Guidelines for the Enforcement of Civil Immigration Law (Sep. 30, 2021)
- Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities (May 27, 2021)
- EOIR PM 21-05, Enhanced Case Flow Processing in Removal Proceedings, both of which encourage resolving cases through stipulations and joint motions.

Because Ms. XXXX and her son were paroled into the U.S. they are eligible to apply for adjustment of status once their VAWA petitions are approved, but for being in removal proceedings. They have no criminal history and do not need any waivers of inadmissibility to pursue adjustment. Further, pursuant to Directive 11005.3 "ICE will refrain from taking civil immigration enforcement action against known beneficiaries of victim-based immigration benefits and those known to have a pending application for such benefits."

Accordingly, we are requesting that OPLA agrees to rescind the NTAs for Ms. XXXX and her son as they do not appear to have been filed with the Immigration Court.

Thank you for your consideration of this matter. Please feel free to contact me should you have any questions.

Respectfully,

Robert Painter

He/Him/His

Legal Director*

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*Licensed to practice law in Minnesota. Practicing exclusively in the area of federal immigration law.

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