

[ACC Name]

NON-DETAINED

[Assistant Chief Counsel]

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

[Address]

[Respondent or Respondent's Attorney]

[Firm or Organization, if any]

[Address]

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
[LOCATION OF COURT]**

In the Matter of:

[LAST NAME, First Name]

aka **[Any other names]**

In Removal Proceedings

File No.(s): **[Axxxxxxxxx]**

(Previous) Immigration Judge:

Next Hearing Date:

**JOINT MOTION TO REOPEN AND
THE DEPARTMENT'S UNOPPOSED MOTION TO DISMISS PROCEEDINGS**

The U.S. Department of Homeland Security (“Department”) and the respondent jointly move the Immigration Court to reopen the respondent’s removal proceedings. The Department also moves to dismiss the proceedings, without prejudice, to allow the respondent to seek adjustment of status with U.S. Citizenship and Immigration Services (“USCIS”).

The time and numerical limitations generally applicable to motions to reopen do not apply to joint motions to reopen. 8 C.F.R. § 1003.23(b)(4)(iv). The Department may move for the dismissal of removal proceedings when, *inter alia*, the “circumstances of the case have changed after the notice to appear was issued to such an extent that continuation is no longer in the best interest of the government.” *Id.* § 239.2(a)(7). Dismissal of proceedings is without prejudice to the respondent or the Department. *Id.* § 1239.2(c).

On [date], the Immigration Judge ordered the respondent removed from the United States. After the respondent was granted Temporary Protected Status (“TPS”), [s/he] departed the United States with advance authorization from the Department and returned to the United States on [date] under INA § 244(f)(3) in TPS status. *See* Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, § 304(c), Pub. L. 102-232, 105 Stat. 1733, 1749 (codified as amended at section 244 of the Act, Note 3). The respondent now intends to seek adjustment of status with USCIS.

The Department does not adopt or endorse any facts or legal arguments previously set forth by the respondent or express any opinion relating to the outcome of any pending or future application for relief. The Department reserves the right to oppose relief before the Immigration Court if the respondent remains in proceedings or is placed in proceedings in the future.

WHEREFORE, the Department and the respondent respectfully request that the Immigration Court reopen and dismiss these proceedings without prejudice.

Respectfully submitted this [Date] day of [Month], 2022

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

On behalf of the respondent(s):

[ICE Attorney]

[Respondent, if pro se, or
Representative]

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
[CITY, STATE]**

In the Matter of:

[LAST NAME, First Name]

aka **[Any other names]**

In Removal Proceedings

File No.(s): **[Axxxxxxxxx]**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Joint Motion to Reopen and the Department’s Unopposed Motion to Dismiss**, it is HEREBY ORDERED that the motion be:

GRANTED.

DENIED, because: _____

Date

Immigration Judge

CERTIFICATE OF SERVICE

This document was served by: M] Mail; P] Personal Service; O] Other: _____

To:] Alien;] Alien c/o Custodial Officer;] Alien’s Atty/Rep.;] DHS

Date: _____

By: _____