



Now comes Respondent [REDACTED], through counsel, and moves the Immigration Judge to administratively close the instant proceedings in the above captioned matter.

The Board of Immigration Appeals has explained that administrative closure is "an administrative convenience" that "allows the removal of cases from the immigration judge's calendar," but "does not result in a final order." *Matter of Lopez-Barrios*, 20 I&N Dec. 203, 204 (BIA 1990). Administrative closure is "a docket management tool that is used to temporarily pause removal proceedings." *Matter of W-Y-U-*, 27 I&N Dec. 17, 18 (BIA 2017). It does not terminate or dismiss the case, but rather "remove[s] a case from an Immigration Judge's active calendar or from the Board's docket." *Matter of Avetisyan*, 25 I&N Dec. 688, 692 (BIA 2012). Immigration judges regularly administratively closed cases. See *Memorandum for All Immigration Judges from William R. Robie, Chief Immigration Judge, Executive Office for Immigration Review, Re: Operating Policy and Procedure 84-2: Cases in Which Respondents/Applicants Fail to Appear for Hearing* at 1 (Mar. 7, 1984) (explaining that immigration judges "may, in appropriate circumstances[,] . . . order that [a] case be administratively closed"")). It has become a routine "tool used to regulate proceedings" and "manage an Immigration Judge's calendar (or the Board's docket)." *Avetisyan*, 25 I&N Dec. at 694. It has been used, for example, to pause cases while the United States Citizenship and Immigration Services ("USCIS") adjudicates a noncitizen's pending visa petition, or a noncitizen facing removal on criminal grounds pursues direct appeal or post-conviction relief in criminal court. It also has served to facilitate the exercise of prosecutorial discretion, allowing government counsel to request that certain low-priority cases be removed from immigration

judges' active calendars or the Board's docket, thereby allowing adjudicators to focus on higher-priority cases.

In *Avetisyan*, the Board authorized immigration judges and the Board to administratively close a case over the objection of one party after considering the following factors:

- (1) the reason administrative closure is sought;
  - (2) the basis for any opposition to administrative closure;
  - (3) the likelihood the respondent will succeed on any petition, application, or other action he or she is pursuing outside of removal proceedings;
  - (4) the anticipated duration of the closure;
  - (5) the responsibility of either party, if any, in contributing to any current or anticipated delay;
- and
- (6) the ultimate outcome of removal proceedings . . . when the case is re-calendared before the Immigration Judge or the appeal is reinstated before the Board.

In the instant case, Respondent seeks administrative closure while she applies for lawful permanent residency based on her nearly decade long marriage to her U.S. Citizen husband. Respondent has no bars to the granting of lawful permanent resident status other than the in-absentia removal order entered by this court which is the subject of a contemporaneously filed Motion to Rescind In Absentia Removal Order. Respondent is likely to succeed on her application as U.S. Citizenship and Immigration Services ("USCIS") previously approved Respondent's conditional lawful permanent residency. Current USCIS processing times for the I-130 are 31 to 40 months according to [www.USCIS.gov](http://www.USCIS.gov). Finally, Respondent does not bear responsibility for these proceedings as USCIS used Respondent's correct mailing address in Florida prior to mailing the Notice to Appear to Respondent's old address in California.

Respondent did not receive notice of the termination of her conditional permanent residency, a notice to appear or this court's in absentia removal order as all three were mailed to Respondent's old address in California.

For these reasons, this court should administratively close this matter, even over the objection of the Department of Homeland Security, Immigration Customs Enforcement.

Respectfully submitted,



Susan Pai

Dated: July 13, 2021



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
IMMIGRATION COURT  
LOS ANGELES

In the Matter of: \_\_\_\_\_ File No.: A

**[PROPOSED] ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent's Motion to Administratively Close Removal 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 \_\_\_\_\_.

\_\_\_\_\_  
Immigration Judge

\_\_\_\_\_  
Date

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