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United States Department of Justice

Executive Office for Immigration Review

Immigration Court

New York, New York

File No. A# 000-000-000	)	**IN REMOVAL PROCEEDINGS**
	)	
	)	**Motion for Administrative Closure**
	)	
In the Matter of	)	**Immigration Judge Wiseman**
	)	
Catherine CLIENT	)	
Respondent	)	
	)	

For the reasons and upon the grounds set forth in the attached memorandum, Respondent **Catherine Client,** through her attorney, Andrea Attorney, respectfully moves this court to grant Administrative Closure of the Removal Proceedings pending against her, for which a Master Calendar Hearing is to occur before this court on January 1, 201XX at 9:30 am.

Dated: October __, 20XX

Respectfully submitted,

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File No. A# 000-000-000	)	**IN REMOVAL PROCEEDINGS**
	)	
	)	**Memorandum in Support of**
	)	**Motion for Administrative Closure**
	)	
	)	
	)	
In the Matter of	)	**Judge Honorable Wiseman**
	)	
Catherine CLIENT	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	

This Memorandum is submitted in support of Respondent's Motion for Administrative Closure of the Removal Proceedings pending against her, for which a Master Calendar Hearing is to occur before this court on January 1, 20XX at 9:30 am.

I. STATEMENT OF PROCEDURAL HISTORY

Respondent was admitted into the United States on [MONTH] [DAY], [YEAR] on a visitor's (B2) visa issued her at the United States Embassy in Santo Domingo, Dominican Republic on [MONTH] [DAY], [YEAR].

On or about [MONTH] [DAY], [YEAR], Respondent married a United States Citizen in a civil ceremony in the State of Massachusetts, and settled in the State of Massachussetts. On or about [MONTH] [DAY], [YEAR] Respondent's United States Citizen Husband filed forms I-130, I-765 and I-485 with United States Citizenship and Immigration Services on Respondent's behalf.

From the date of her marriage and until on or about [MONTH] [DAY], [YEAR], when Respondent finally fled the marital home and moved to the State of New York, Respondent suffered repeated severe episodes of emotional and physical violence at her husband's hands.

On or about [MONTH] [DAY], [YEAR], Respondent was served with a Notice to Appear before the Immigration Court by mail at her new address in the State of New York.

On or about [MONTH] [DAY], [YEAR], Respondent, through counsel, filed a Violence Against Women Act Self-Petition with the Vermont Service Center of the United States Citizenship and Immigration Service.

On or about [MONTH] [DAY], [YEAR], Respondent was served by mail with a Notice of Hearing in Removal Proceedings, stating that she was scheduled for a Master Calendar Hearing before this court on January 1, 20XX at 9:30am.

II. STATEMENT OF FACTS

Respondent suffered severe physical and emotional abuse at the hands of her United States Citizen husband, as described in the affidavit and other supporting evidence accompanying her Violence Against Women Act Self-Petition.

In the most recent incident of violence, on or about [MONTH] [DAY], [YEAR], Respondent's husband called her "stupid" and "ignorant" and threatened her with deportation, then wrapped his hand around Respondent's hair, and slammed her head against a wall, causing her to lose consciousness.

III. BASIS FOR REQUEST FOR ADMINISTRATIVE CLOSURE

Respondent seeks administrative closure so that she may await the adjudication of her Violence Against Women Act Self-Petition, and seek to adjust status as the abused spouse of a United States citizen, pursuant to INA §204(a)(1)(A)(iii) and § 245(a).

IV. STATEMENT OF LAW

Pursuant to **INA §204(a)(1)(A) (iii):**

(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that--

(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

(II) For purposes of subclause (I), an alien described in this subclause is an alien--

(aa) **(AA)** who is the spouse of a citizen of the United States;

(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

(CC) who was a bona fide spouse of a United States citizen within the past 2 years and--

(aaa) whose spouse died within the past 2 years;

(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

(bb) who is a person of good moral character;

(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the

citizen of the United States that the alien intended to marry; and

(dd) who has resided with the alien's spouse or intended spouse.

Pursuant to **INA § 245(a)**

(a) The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification as a VAWA self-petitioner may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if

(1) the alien makes an application for such adjustment,

(2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and

(3) an immigrant visa is immediately available to him at the time his application is filed.

V. ARGUMENT

As evidenced in her Violence Against Women Self-petition and supporting evidence, Respondent married her United States Citizen husband in good faith, resided with her husband for a period of approximately one and a half years, is a person of good moral character, and is eligible to be classified as an immediate relative.

Respondent therefore makes out a prima facie case for classification as a VAWA Self-Petitioner Pursuant to INA §204(a)(1)(A) (iii).

Additionally, as the spouse of a United States Citizen, once Respondent's request for a Violence Against Women Self-Petition is granted by the Vermont Service Center, Respondent will be immediately eligible to adjust status to that of a Lawful Permanent Resident pursuant to INA § 245(a).

VI. CONCLUSION

For the foregoing reasons, Respondent believes that good cause has been shown to merit an administrative closure of the Removal proceedings pending against her in this court.

Dated: October __, 20XX

Respectfully submitted,

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