

Notice of Entry of Appearance as Attorney or
Representative Before the Immigration Court

(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY			ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.)
██████████	██████████	██████████	██████████
(First)	(Middle Initial)	(Last)	
██████████		██████████	
(Number and Street)		(Apt. No.)	
██████████	FL	██████████	
(City)	(State)	(Zip Code)	
Entry of appearance for (please check <u>one</u> of the following):			
<input checked="" type="checkbox"/> All proceedings			
<input type="checkbox"/> Custody and bond proceedings only			
<input type="checkbox"/> All proceedings other than custody and bond proceedings			

Attorney or Representative (please check one of the following):

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary), and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court ██████████ Bar Number (if applicable) ██████████

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).

I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):

I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID NUMBER

DATE

X ██████████ ██████████ ██████████

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS

Name ██████████ ██████████ ██████████
(First) (Middle Initial) (Last)

Address ██████████

Law Firm: ██████████
(Number and Street)
██████████ ██████████ ██████████
(City) (State) (Zip Code)

Telephone: ██████████ Facsimile: _____ Email: ██████████

Check here if new address

Indicate Type of Appearance:

Primary Attorney/Representative Non-Primary Attorney/Representative

On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)

I am providing pro bono representation. Check one: yes no

Proof of Service

I (Name) _____ mailed, emailed or delivered a copy of this Form EOIR-28 on (Date) _____ to the DHS (U.S. Immigration and Customs Enforcement – ICE) at _____

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

X _____

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 *et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

NOT DETAINED

[REDACTED]
New York License [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], telephone
[REDACTED]

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ORLANDO, FLORIDA**

In the Matter of:)
)
[REDACTED])
)
Respondent,)
)
In Removal Proceedings)
_____)

File No.: A [REDACTED]

Immigration Judge: TBD

Next Hearing: N/A

**RESPONDENT'S MOTION TO TERMINATE REMOVAL PROCEEDINGS
PURSUANT TO MATTER OF CORONADO ACEVEDO**

Respondent, Mr. [REDACTED] through undersigned counsel, respectfully requests this Court to terminate removal proceedings pursuant to *Matter of Coronado Acevedo*, 28 I&N Dec. 648 (A.G. 2022) to allow him to seek adjustment of status before U.S. Citizenship and Immigration Services (“USCIS”) based on his Prima Facie Eligibility for Adjustment under the Cuban Adjustment Act (“CAA”) and states the following as good cause:

1. Pending the outcome of the rulemaking process, immigration judges may consider, and where appropriate, grant termination or dismissal of removal proceedings in certain types of limited circumstances, such as where termination is necessary for the respondent to be eligible to seek immigration relief before USCIS. *See Matter of Coronado Acevedo*, 28 I&N Dec. 648 (A.G. 2022).
2. To be granted adjustment under the CAA, an applicant must: (1) be a native or citizen of Cuba; (2) have been inspected and admitted or paroled into the U.S. after January 1, 1959; and (3) have at least one year of aggregate physical presence in the U.S. before applying for benefits under section 1 of the CAA. Any inspection and admission or parole, regardless of the classification of admission or purpose of parole, meets this requirement. *See Pub. L 89-732*.
3. On or about [REDACTED], 2019, Mr. [REDACTED] a citizen of Cuba, applied for admission at or near El Paso, Texas Port of Entry. **See Attached “Exhibit A”**.
4. The Department of Homeland Security (“DHS”) placed Mr. [REDACTED] in the Migrant Protection Protocols (“MPP”) program. Accordingly, Mr. [REDACTED] remained in Mexico until [REDACTED] 2021.

5. On or about [REDACTED] 2021, DHS paroled Mr. [REDACTED] pursuant to Section 212 (d)(5)(A) of the Immigration and Nationality Act (“INA”). As a result, Mr. [REDACTED] has been present in the U.S. since that date. **See Attached “Exhibit B”.**
6. Accordingly, Mr. [REDACTED] is (1) a native or citizen of Cuba; (2) was paroled into the U.S. on [REDACTED], 2021; and (3) has more than one year of aggregate physical presence in the U.S.
7. Therefore, Mr. [REDACTED] is prima facie eligible to register his permanent residence or adjust status under the CAA.
8. Under *Matter of Coronado Acevedo*, it is appropriate and in the interest of justice and judicial efficiency to terminate Mr. [REDACTED]’s removal proceedings in order to allow him to seek immigration relief before USCIS.
9. DHS will not suffer prejudice as a result of the termination of these proceedings.

FOR THE FOREGOING REASONS, Mr. [REDACTED] respectfully requests this court to terminate the removal proceedings initiated against him so that he may be able to seek adjustment of status under the CAA before USCIS.

Respectfully submitted,

[REDACTED]

[REDACTED]
New York License [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], telephone
[REDACTED]

TABLE OF CONTENTS

- Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

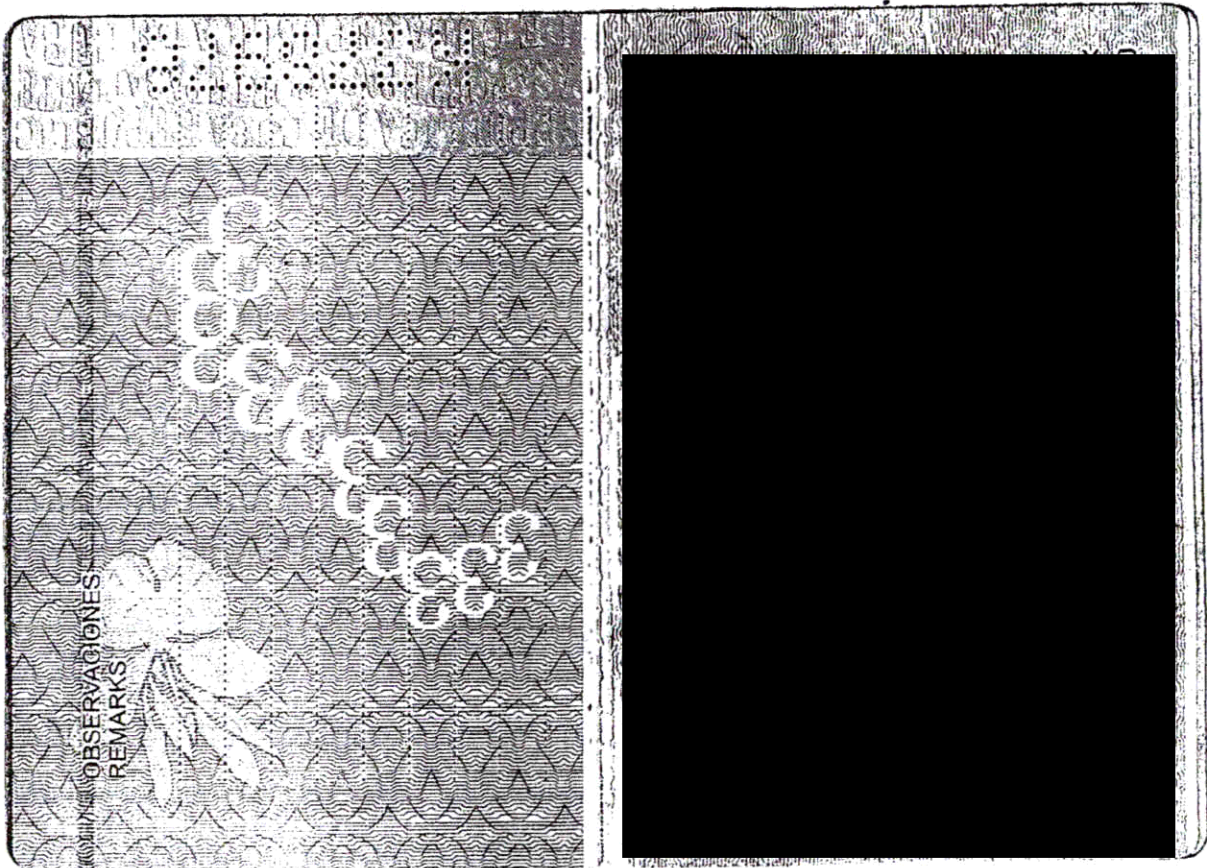
- Motion to Terminate Removal Proceedings

Exhibit A4

Exhibit B7

- Order of the Immigration Judge
- Certificate of Service

EXHIBIT A



MPP

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject [redacted] FINS #: [redacted] File No: A [redacted]
DOB: [redacted] Event No: [redacted]

In the Matter of:

Respondent: [redacted] currently residing at:

[redacted] (Number, street, city and ZIP code) [redacted] (Area code and phone number)

- 1. You are an arriving alien.
2. You are an alien present in the United States who has not been admitted or paroled.
3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;
2. You are a native of CUBA and a citizen of CUBA ;
3. You arrived in the United States at or near EL PASO, TEXAS, on or about June 15, 2019;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 700 E. SAN ANTONIO, STE 750, EL PASO, TEXAS 79901

[redacted], 2019 at 01:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

MARIO MURIEL JR. ASST. PATROL AGENT IN CHARGE
(Signature and Title of Issuing Officer)

Date: [redacted] 2019 Fort Hancock, Texas (City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on [redacted] 2019, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

[X] in person [] by certified mail, returned receipt requested [] by regular mail

[] Attached is a credible fear worksheet.

[X] Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

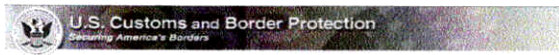
(Signature of Respondent if Personally Served)

SALVADOR GRIEGO JR. BORDER PATROL AGENT (Signature and Title of officer)

6

EXHIBIT B

For: [Redacted]



Most Recent I-94

Admission (I-94) Record Number :

[Redacted]

Most Recent Date of Entry: [Redacted]

19

Class of Admission : DT

Admit Until Date : [Redacted]

Details provided on the I-94

Information form:

Last/Surname :

[Redacted]

First (Given) Name : [Redacted]

Birth Date :

[Redacted]

Document Number : [Redacted]

Country of Citizenship : Cuba

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

For Your Info

Effective April 26, 2013, DHS began automating the admission process.

An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94.

A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ORLANDO, FLORIDA**

_____)
In the Matter of:)
_____)
Respondent,)
In Removal Proceedings)
_____)

File No.: A _____

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's **MOTION TO TERMINATE 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 applications for relief must be filed by _____.
- The respondent must comply with DHS biometrics instruction by _____.
- The hearing has been reset for _____.

Date

Immigration Judge

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 _____

CERTIFICATE OF SERVICE

On February 17, 2023, I mailed a copy via U.S.P.S of this Motion to Terminate Removal Proceedings Pursuant to Matter of Coronado Acevedo to the Office of the Chief Counsel, U.S. Department of Homeland Security, 3535 Lawton Road, Suite 100, Orlando, FL 32803.

