

[ATTORNEY SIGNATURE
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DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of

NAME,

Respondent.

A# NUMBER

RESPONDENT'S MOTION FOR SUMMARY AFFIRMANCE

The Respondent, NAME, through undersigned pro bono counsel, respectfully moves the Board of Immigration Appeals (BIA) to summarily affirm the decision of the immigration judge (IJ) issued in this matter on DATE, pursuant to 8 C.F.R. § 1003.1(e)(4)(i). The BIA has the authority to streamline its cases by permitting “a single Board member to decide a case by use of a summary affirmance order, otherwise known as affirmance without opinion or ‘AWO’.” *Matter of O-S-G-*, 24 I&N Dec. 56, 58-59 (BIA 2006). The BIA may summarily affirm the IJ’s decision if it determines that the result reached in the decision under review was correct; any errors in the decision under review were harmless or nonmaterial; the issues on appeal do not involve application of long-standing precedent to a novel factual situation; and the factual and legal issues raised on appeal are not so substantial that the case warrants the issuance of a written opinion in the case. 8 C.F.R. § 1003.1(e)(4)(i).

In this case, the Respondent submits that the IJ reached the correct decision. Specifically, the IJ granted the Respondent’s application for [INSERT RELIEF]. In making [his or her] decision, the IJ correctly found that [INSERT SUMMARY OF IJ’S FINDINGS IN FAVOR OF YOUR CLIENT IN WRITTEN DECISION] [cite to IJ decision]. Whether the IJ made the correct factual findings is a question of clear error, to which the BIA must deferentially review. 8 C.F.R. § 1003.1(d)(3)(i); *see also Matter of Z-Z-O-*, 25 I&N Dec. 586 (BIA 2015). Here, the IJ correctly found that the Respondent met [his or her] burden on [RELIEF]. [cite to IJ decision].

Because the IJ reached the correct decision based on long-standing precedent, which does not involve a novel factual situation, and any errors that may exist are harmless or immaterial, summary affirmance is appropriate under 8 C.F.R. § 1003.1(e)(4)(i). In the alternative, should the BIA determine that summary affirmance is not appropriate, none of the six circumstances

warranting review by a three-member panel are present in this case. Therefore, the IJ's decision should otherwise be affirmed through a brief order. 8 C.F.R. § 1003.1(e)(5), (6).

Respectfully submitted this ____ day of [MONTH] of [YEAR]

[ATTORNEY SIGNATURE BLOCK]

Pro Bono Counsel for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Respondent's Motion for Summary Affirmance, and any attached pages, was submitted through the EOIR Courts and Appeals System (ECAS) on [DATE], which will automatically send service notifications to both parties that a new document has been filed.

Signature