

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ASISTA IMMIGRATION ASSISTANCE,
INC., et al.,

Plaintiffs,

v.

TAE D. JOHNSON, Acting Director, in his
official capacity, et al.,

Defendants.

Case No. 3:20-cv-00206-JAM

Judge: Hon. Jeffrey A. Meyer

JOINT MOTION TO HOLD IN ABEYANCE

Pursuant to the Court's Order of March 4, 2021, the parties, having conferred, jointly move to hold this case in abeyance for a period of 90 days while U.S. Immigration and Customs Enforcement (ICE) continues actively reviewing its policies on the processing of applications for administrative stays of final orders of removal for individuals with pending U-nonimmigrant status petitions.

To protect the interests of Plaintiffs and their clients, and consistent with agency priorities, ICE commits that during the 90-day period ending June 15, 2021, it will, after individualized review of each case:

- 1) Hold on denying new or pending stay requests for individuals with pending U-nonimmigrant status petitions;
- 2) Hold on removing any person who has a pending U-nonimmigrant status petition; and
- 3) Not oppose continuing removal proceedings for any person with a pending U-nonimmigrant status petition;

except for individuals who fall into one of the following categories identified in the February 18, 2021 Memorandum to ICE Employees from Acting Director Tae D. Johnson providing Interim Guidance on Civil Immigration Enforcement and Removal Priorities:¹

- A) Priority Category 1 (National Security): Individuals who have engaged in or are suspected of engaging in terrorism or terrorism-related activities; who have engaged in or are suspected of engaging in espionage or espionage-related activities, or whose apprehension, arrest, or custody is otherwise necessary to protect the national security of the United States;
- B) Priority Category 3 (Public Safety): Individuals who pose a current threat to public safety *and* have been convicted of an aggravated felony as defined in 8 U.S.C. § 1101(a)(43) or convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or individuals not younger than 16 years of age who intentionally participated in an organized criminal gang or transnational criminal organization to further the illegal activity of the gang or transnational criminal organization; or
- C) Individuals presenting extraordinary cases that do not fall within the enumerated provisions of the Priority Category 1 or Priority Category 3 sections of the Johnson memorandum but who are nonetheless national security or public safety risks as contemplated in the memorandum. Any determination that a case falls into this category is subject to the guidelines for “Preapproval for Other Priority Cases” outlined on page 6 of the February 18, 2021, Johnson memorandum.

¹ Available at https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance.pdf (last visited March 17, 2021).

If an individual falling within one of the categories enumerated above was under 16 years of age when he or she committed the offense in question, further exceptional consideration will be given before denying any pending stay request from, opposing continuation of removal proceedings for, or removing that individual.

Noncitizens or their representatives may contact the appropriate ICE field office to seek review of any ICE actions that implicate the terms of this agreement, to ensure compliance with those terms, in accordance with the process outlined at <https://www.ice.gov/ICEcasereview> (last visited March 17, 2021), or, where relevant, may contact the local field office for the Office of the Principal Legal Advisor. The parties agree to meet and confer promptly should Plaintiffs wish to raise any concerns regarding compliance with this agreement.

Accordingly, the parties respectfully request that the Court hold this case in abeyance for a period of 90 days, ending June 15, 2021.

Respectfully submitted,

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