



## US IMMIGRATION AND NATIONALITY LAW

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**Q : U.S. Immigration and Customs Enforcement (ICE) Plans to Dismiss Thousands of Removal Cases across the U.S. How are cases chosen to be recommended for dismissal?**

**a :** On August 20, 2010 ICE released a memo entitled "Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Application or Petitions," which applies to persons in removal proceedings who meet the following criteria:

- The alien must be the subject of an application/petition with U.S. Citizenship and Immigration Services (USCIS) that has a current priority date, if required, for adjustment of status;
- The alien appears eligible for relief as a matter of law and in the exercise of discretion;
- The alien must present a completed adjustment of status application, if required; and
- The alien must be statutorily eligible for adjustment of status (a waiver must be available for any ground of inadmissibility).

In such cases, ICE will ask that the Immigration Judge dismiss the removal proceedings without prejudice to the government and transfer the case to USCIS. The ICE attorney will not request that the case be transferred to USCIS if "there are any investigations or serious, adverse factors weighing against the dismissal of proceedings. Adverse factors include criminal convictions, evidence of fraud or other criminal misconduct, and national security and other public safety considerations."