

**Important:** The sample documents in the Immigration Litigation Toolbox (including these Web samples) are just that—samples. Each one should be read carefully and Shepardized before adapting it to the facts of a specific case.

Also, be sure you are familiar with and in compliance with your local court rules, including the proper format for the pleadings. While formatting used in these samples approximates a typical pleading format, it will by necessity vary from the actual layout any individual jurisdiction requires.

## [Document Nos. 104–05]

# FBI FINGERPRINT AND CRIMINAL HISTORY REQUEST LETTERS

- Description:** These letters contain the basic format to forward a completed Form FD-258 (Fingerprint Chart) and notarized Authorization for Release of Records to the Federal Bureau of Investigation (FBI), in order to obtain the FBI printout of a client’s arrest history and criminal background.
- Advantages:** Clients forget what they have been charged with, convicted of, or even if they have ever been arrested. These documents are invaluable tools in finding out about a client has forgotten (or poorly remembered) criminal history, and can save a client from subjecting him- or herself to removal when he or she files for relief for which he or she may not be entitled. The FBI usually responds with either the printout of a client’s arrest history, or a stamp on the back of the FD-258 (which they return to the practitioner) indicating that no arrest records exist. It is also an excellent way to recover forgotten or lost alien numbers (*e.g.*, if the client was “turned around” at a port of entry but given no documents showing what happened).
- Limitations:** Some of the information on the arrest record may be inaccurate; attempt to verify all arrests with the reporting agency.
- Citations:** 28 CFR Part 16. Fee (currently at \$18) is provided at 28 CFR §16.33.

[Date]

FBI—CJIS Division  
Attn: SCU, Mod. D-2  
1000 Custer Hollow Road  
Clarksburg, WV 26306

**Re: [Alien's Name]**

To Whom It May Concern:

Enclosed please find a fingerprint chart for the above-named individual whom I am representing. I have also enclosed an authorization for release of records signed by [Alien] in order to have his/her records mailed directly to me at:

[Attorney Name]  
[Firm Name]  
[Address]  
[City, State, and Zip Code]

In the event that you determine that your office is unable to send the report directly to me, please forward the fingerprint results to [Alien] at his/her home address.

[Alien's Name]  
[Address]  
[City, State, and Zip Code]

A money order in the amount of \$18.00 is enclosed to cover the cost of the report. Please do not hesitate to contact me at (\_\_\_\_) \_\_\_\_-\_\_\_\_ if you require additional information. Thank you for your attention in this matter.

Sincerely,

[Attorney]

Enclosures [Authorization for Release, Fingerprint Card]

[Date]

FBI—CJIS Division  
SCU MOD D-2  
1000 Custer Hollow Road  
Clarksburg, WV 26306

**Re: Request for Criminal History**

Dear Sir or Madam:

I am writing to request a report of complete criminal history for the individual whose biographic information appears below. Please send this report directly to the following address:

[Name of Attorney]  
[Firm Name]  
[Address]  
[City, State, and Zip Code]

Enclosed please find:

1. A G-28 form giving me permission to obtain this information as the attorney representing this individual in their immigration matters;
2. Authorization to Release executed by [Alien];
3. A set of fingerprints;
4. A money order payable to the Treasury of the United States in the amount of \$18.

The identifying information is as follows:

Name: \_\_\_\_\_ AKA: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

POB: \_\_\_\_\_ A #: \_\_\_\_\_

Thank you for your assistance.

Very truly yours,

[Attorney]

Enclosures [G-28, Authorization to Release, Completed FBI Fingerprint Card, Check]

[Document No. 205]

**LETTER REQUESTING EXTENSION OF VOLUNTARY DEPARTURE**

- Description:** The attached letter is used to request an extension of voluntary departure.
- Advantages:** Voluntary departure permits an alien to depart the United States in lieu of being subject to removal proceedings and/or a final order of removal and deportation. This may allow the alien to remain in the United States for an additional period of time and avoid the ten-year bar of inadmissibility applicable to aliens who have been previously removed under INA§240 or who have departed while an order of removal was outstanding.
- Limitations:** The total period allowed for voluntary departure may not exceed 120 days including extensions.
- Notes:** Practitioners requesting voluntary departure on behalf of clients should also advise the client regarding the applicability of unlawful presence. An alien who departs under an order of voluntary departure may be inadmissible due to a previous period of unlawful presence.
- Citations:** INA §240B; 8 CFR §1240.26.

[Date]

District Director  
 U.S. Citizenship and Immigration Services  
 [Address]  
 [City, State, and Zip Code]

**Re: Request for 30-Day Extension of Voluntary Departure, for [Alien, “A” Number]**

Dear District Director,

Pursuant to 8 C.F.R. § 1240.26(f), I am writing on behalf of our client, [Alien], to request an extension of time for [his/her] voluntarily departure from the United States. On [date], the Immigration Judge denied [Alien’s] application for [Name of Application], a copy of which is attached; however the Immigration Judge found [Alien] eligible for voluntary departure, and granted [Alien] [X days] to depart, until [date]. [Alien] has appealed this decision to the Board of Immigration Appeals, and the Board of Immigration Appeals denied [his/her] appeal on [date]. The Board of Immigration Appeals has allowed [Alien] [X days] days, until [date], to voluntarily depart from the United States.

[Alien] has filed a Motion to Reopen and Reconsider, as well as a Motion to Stay Removal and a Motion to Stay or Extend Period of Voluntary Departure, with the Board of Immigration Appeals. I enclose a complete copy of [Alien’s] Motions with this letter. [Alien] respectfully requests a 30-day extension of [his/her] Voluntary Departure so that [he/she] may pursue [his/her] motions before the Board of Immigration Appeals.

Since the Board of Immigration Appeals’ decision, [Alien] has married [Name], who is a United States citizen. They were married on [date], in [City/County/State]. [Alien] and [Name] had already been involved in a serious relationship for quite some time, and had already been planning their marriage prior to [Alien’s] order of removal. (See [Alien’s] Affidavit, which is enclosed). They continue to reside in the [City/State] vicinity.

On [date], [Alien’s Spouse] filed an I-130 Petition on behalf of [Alien]. As the spouse of a United States citizen, [Alien] will be immediately eligible to apply for Adjustment of Status. A complete copy of the I-130 Petition is included with the Motion to Reopen. [Alien] filed the Motion to Reopen with the Board of Immigration Appeals because of this new material fact which could not have been presented at any prior hearings before the Immigration Judge.

[Alien] also filed a Motion to Stay Removal and a Motion to Stay or Extend Period of Voluntary Departure with the Board of Immigration Appeals because the Board will be prevented from rendering a decision on [his/her] Motion to Reopen if [his/her] Voluntary Departure period expires prior to a decision by the Board on the Motion to Reopen.

In addition to presenting a request for extension of Voluntary Departure from the Board of Immigration Appeals, [Alien] now also requests an extension from you, as the District Director. As the District Director, you have the power to grant [Alien] such an extension.

[Alien] has a strong likelihood of success on the merits of [his/her] adjustment of status application if [his/her] case is reopened and [he/she] is provided the opportunity to appear once again before the Immigration Judge. In addition, [Alien] continues to be eligible for Voluntary Departure as [he/she] continues to be a person of good moral character and has not been arrested or charged with any crimes.

We would be extremely grateful for your expeditious handling of [Alien's] request. Should you need any further information or documentation, please contact me at ( ) - .

Thank you in advance for your cooperation with this matter.

Very truly yours,

[Attorney]

Enclosures

[Document Nos. 305–08]

**MOTION FOR BOND HEARING/REDETERMINATION**

- Description:** These are four versions of a simple bond motion requesting the immigration judge to schedule a hearing to set a bond or to review a bond determination by U.S. Immigration and Customs Enforcement (ICE).
- Advantages:** The motion is one of the prescribed procedures to schedule a hearing on a bond determination before an immigration judge. Most immigration judges prefer that a written motion be used to make scheduling of the hearing easier for clerical staff. However, oral motions for a bond hearing are proper under 8 CFR §1003.19. Bond hearings are considered separate and apart from the merits hearing on the case and most immigration judges do not record bond hearings. For this reason, it is recommended that a written motion be prepared with supporting documents. Bond hearings can also be requested even before formal proceedings have commenced. The detained individual or his or her representative may request a bond redetermination hearing by simply filing a motion for bond redetermination with the clerk of the court along with the warrant from ICE that sets forth ICE’s original bond determination.
- Limitations:** Not all detained individuals are eligible for bond redetermination. The immigration judge has no jurisdiction to redetermine bond for arriving aliens or those subject to mandatory detention under INA §236(c). In those cases, a bond redetermination motion would not result in a bond hearing. If however, counsel is contesting that the client is properly charged as an arriving alien or improperly charged as being subject to a mandatory detention category, he or she can request a hearing to determine if the judge lacks jurisdiction to determine bond by filing a Motion Requesting a *Matter of Joseph* Hearing. See Document No. 316.
- Notes:** This motion need not include anything but a request for a bond hearing, but it is advisable to set out the reasons that bond should be granted or lowered, and should include supporting evidence. The two key factors the court will consider are danger to the community and flight risk. If counsel is requesting a second bond hearing, he or she must show a change in circumstances from the first bond hearing that warrants a subsequent bond hearing, and such request must be in writing.
- Citations:** 8 CFR §1003.19



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
[LOCATION]

IN THE MATTER OF: )  
)  
)  
[Alien] )  
A[Number] ) IN REMOVAL PROCEEDINGS  
)  
Respondent )  
\_\_\_\_\_ )

**MOTION FOR BOND HEARING**

Comes now [Attorney], counsel of record for the above referenced respondent, [Alien], and pursuant to 8 C.F.R. § 1003.19, requests that a bond redetermination hearing in this matter be set as soon as possible. In support of this request, respondent shows as follows:

1. The respondent, [Alien] has been married to [Spouse], a lawful permanent resident, since December 2000. The couple lives together in a home located at [Address]. They have a two and one-half year old U.S. citizen son together, [Son]. The Respondent’s husband filed an I-130 in her behalf on or about January 27, 2004.
2. U.S. Immigration and Customs Enforcement (ICE) has alleged in the Notice to Appear, dated June 24, 2004, that [Alien] is “an alien present in the United States who has not been admitted or paroled” and “you falsely represented yourself to be a United States citizen for the following purpose or benefit: To obtain a United States passport.” (See Exhibit 1.)
3. [Alien] has been charged in the U.S. District Court, Eastern District of North Carolina with a violation of 18 U.S.C. § 1542. She was granted pre-trial release by U.S. Magistrate Judge [Judge] on June 9, 2004. After appeal by the U.S. Attorney, U.S. District Court Judge [Judge] reaffirmed the Magistrate’s release conditions, and specifically found as follows:

Based on the defendant’s family status, former employment and community support, the court finds that the defendant is *not a flight risk nor a danger to the community*. (Emphasis added.) (See Exhibit 2.)

4. [Alien] secured the required \$20,000.00 bond with her home (Exhibit 3). Due to the ICE detainer filed with the U.S. Marshal’s office, ICE was notified upon the posting of the bond. [Alien] was picked up by ICE officers and is being detained in [Location].
5. ICE officers have refused to set a bond.
6. A non-citizen detained and charged with being removable may be released on bond or parole. INA § 236. [Alien] is not subject to INA § 236(c) mandatory detention as she has no criminal convictions. The provisions of § 236(a) therefore apply in this matter; and pursuant to § 236(a), [Alien] should

not be detained by the Department of Homeland Security unless there is a risk she will abscond, she poses a danger to the community, or she poses a risk to national security. *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999); *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976).

7. **[Alien]** has significant ties to the **[City and State]** community in which she lives. She and her husband are buying their home and regularly participate in church activities at Our Lady of Perpetual Help in **[City]** (Exhibits 4 and 5.) **[Alien]** has worked for a catering business in **[City]** for the past three years and she and her husband file taxes together (Exhibits 6 and 7). Aside from the charge at issue (there is no conviction), she has no criminal history of any kind. As evidenced by the attached letters, she is well respected in the community. (Exhibits 8.)

8. **[Alien]**'s most important community ties are to her husband and son. Her son, **[Son]**, has now been without his mother for over two months. As indicated in the Affidavit of the child's father,

Although I am devastated by my wife being detained and not being with us, **[Son]** is suffering the most. He cannot understand any of what is happening, as at least I can. He is sleeping with me while his mother has been gone and he wakes up in the middle of every night pushing me away and asking for mama. He also roams around the house at times during the day looking and calling for her. (Exhibit 9.)

Further, although **[Son's]** grandmother has helped to care for him over the past two months, she is preparing to return to Mexico for approximately half a year.

9. While she is waiting for removal proceedings to go forward, **[Alien]** needs to be able to consult with her undersigned attorney, **[Attorney]**, regarding her defense to the criminal charge. **[Attorney]**, who has been appointed as **[Alien]**'s Public Defender, has offices in **[Location]**, a short 40 minute drive from **[City]**. **[Location 2]** is more than a five hour drive from **[Attorney's]** offices. She also needs to be available to consult with counsel regarding the removal charges.

10. **[Alien]** has no intention of fleeing from immigration authorities if she is released from detention prior to the resolution of removal proceedings. All of her ties are to her home in **[City]**. She has no history of flight even though questioned by federal authorities months prior to the arrest. She wants only to return home and care for her two and a half year old son, receive support from her husband and community, and have access to counsel to assist her with the criminal and immigration charges. Furthermore, she has pledged to appear in the criminal proceedings in **[Location]** and has posted a \$20,000 bond secured by her home. **[Alien]** is not a threat to national security, is not likely to abscond and is not a poor bail risk.

WHEREFORE, Respondent requests that she be scheduled for a bond redetermination hearing before an Immigration Judge at the earliest available date. Respectfully submitted, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
[Attorney]

[ADD CERTIFICATE OF SERVICE]

[Document Nos. 411–15]

**MOTION TO RECONSIDER AND MOTION TO REOPEN AND REMAND  
(NEWLY DISCOVERED EVIDENCE)**

- Description:** This is a formal motion to the Board of Immigration Appeals seeking reopening of a BIA decision based on new evidence and remand to the immigration court for further proceedings. These motions also are made to the BIA if an appeal is pending. If expedited consideration of the motion to reopen is desired, a separate motion to expedite should be filed with the BIA (see Document No. 415).
- Advantages:** If the client is faced with likely removal and did not have the newly discovered evidence at the original immigration court hearing, then this motion provides the method for introducing that evidence into the record and obtaining a remand to the immigration court to pursue a possible new basis for relief.
- Limitations:** Any new facts to be presented must generally be newly discovered or unable to have been discovered at the time of the merits hearing. Such facts must be presented in the motion and must be accompanied by sworn affidavits or other evidentiary material. The regulation limits filing certain motions to reopen and motions to reconsider by time and number. The BIA may at any time, however, reopen or reconsider on its own motion.
- Notes:** While motions to reopen are based on newly discovered evidence, motions to reconsider must specify error in fact or law made by the BIA or immigration judge. Motions to reopen proceedings to submit an application for relief must be accompanied by the application and necessary supporting documents. Furthermore, 8 CFR must be consulted for the specific requirements for motions to reopen or motions to reconsider regarding certain applications for relief, such as relief under INA §212(c) (8 CFR §1003.44).
- Citations:** 8 CFR §1003.2; also 8 CFR §1003.8 (regarding fees). See also *Board of Immigration Appeals Practice Manual*.

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS  
FALLS CHURCH, VA

IN THE MATTER OF: )  
)  
[Alien] )  
A[Number] ) IN REMOVAL PROCEEDINGS  
)  
Respondent )  
\_\_\_\_\_ )

**MOTION TO REOPEN**

**MOTION TO REOPEN PROCEEDINGS**

[Alien], through undersigned counsel, hereby moves the Board of Immigration Appeals (“BIA”) to reopen his removal proceedings and remand the proceedings back to the Immigration Court for a new hearing. This Motion to Reopen states new facts that will be proven at a hearing if this case is reopened and supported by material evidence that was not available and could not have been discovered or presented at the former hearing. See 8 C.F.R. § 1003.2 (2003).

**STATEMENT OF FACTS**

[Alien], a devote Shi’ite Muslim, is a national and citizen of Bangladesh. On August 23, 2001, [Alien] was admitted to the United States at Atlanta, Georgia, as a nonimmigrant B-2 visitor with authorization to remain in the United States for a temporary period of time, not to exceed six months. [Alien] remained in the United States beyond six months without authorization.

In compliance with 67 Fed. Reg. 77136 (2002), [Alien] “appear[ed] before, register[ed] with, and provide[d] requested information to the Immigration and Naturalization Service on or before February 21, 2003.” [Alien]’s compliance with this Federal Regulation alerted the Government to [Alien]’s unlawful status, and on March 31, 2003, [Alien] was arrested for illegally being present in the United States. See Exhibit 1 (Notice of Rights and Request for Disposition). On April 1, 2003, the Department of Justice initiated removal proceedings by issuing [Alien] a Notice to Appear, Form I-862, alleging that [Alien] was in violation of section 237(a)(1)(B) of the Immigration and Nationality Act. See Exhibit 2 (Notice to Appear).

After removal proceedings were initiated, [Alien] sought the assistance of counsel to inform him of his rights and options. Upon consultation with counsel, [Alien] completed and filed an asylum application on September 23, 2003. See Exhibit 3. [Alien]’s application was not frivolous; however, on August 2, 2004, [Alien] withdrew his application for asylum. See Exhibit 4 (copy of Immigration Judge’s order). [Alien] withdrew his application for asylum because his wife had recently received an approved Labor Certification Application and her employer had filed a Petition for Alien Worker, Form I-140, on her behalf. [Alien] believed that the probability of his ability to legally immigrate to the United States was greater through the Petition for Alien Worker, Form I-140, which had been filed on his wife’s behalf, than through his asylum application.

At his hearing on August 2, 2004, [Alien] requested a continuance, based upon the fact that his wife had recently received an approved Labor Certification Application and that his wife’s employer had filed a Petition for Alien Worker, Form I-140, on her behalf. The Immigration Judge denied [Alien]’s motion for continuance, and granted [Alien] voluntary departure. See Exhibit 4. On September 1, 2004, [Alien] timely filed an appeal with the Board of Immigration Appeals (“BIA”) seeking review of the Immigration Judge’s denial of his motion for continuance. See Exhibit 5 (copy of [Alien]’s appeal to the BIA).

On September 23, 2004, the Petition for Alien Worker, Form I-140, which had been filed on [Alien]’s wife’s behalf, was approved. See Exhibit 6 (I-140 approval notice). On May 10, 2005, [Alien]’s wife filed for Adjustment of Status, based on the approved Form I-140 that had been filed on her behalf, with a priority date of April 25, 2001, making her eligible to adjust her status under I.N.A. § 245(i), 8 U.S.C. § 1255(i). See Exhibit 7 (copy of Application to Register Permanent Residence or Adjust Status). This Motion to Reopen follows.

### ARGUMENT

The BIA may grant a motion to reopen when the motion offers new material facts that were not available at trial and “could not have been discovered or presented at the former hearing.” 8 C.F.R. § 1003.2(c)(1). The BIA has stated:

[W]here an alien is seeking previously unavailable relief and has not had an opportunity to present h[is] application before the Immigration Judge, the Board will look to whether the alien has proffered sufficient evidence to indicate that there is a reasonable likelihood of success on the merits so as to make it worthwhile to develop the issues further at a full evidentiary hearing. *In Re M-S-*, 22 I. & N. Dec. 349 (BIA 1998); *See also Matter of L-O-G-*, 21 I. & N. Dec. 413 (BIA 1996).

[Alien] has proffered sufficient evidence to indicate that there is a reasonable likelihood of success on the merits so as to make it worthwhile to develop the issue further at a full evidentiary hearing. [Alien]’s wife is the beneficiary of an approved Petition for Alien Worker, Form I-140, see Exhibit 6, and has filed for Adjustment of Status. See Exhibit 7. As a direct beneficiary of an approved Petition for Alien Worker, Form I-140, that was filed before April 31, 2001, [Alien] is now eligible to adjust his status to that of a permanent resident of the United States pursuant to I.N.A § 245(i), 8 U.S.C. § 1255(i), too. [Alien]’s wife did not become the beneficiary of an approved I-140 until September 23, 2004; therefore, [Alien] did not have the opportunity to discover such evidence and present it to the court at his hearing on August 2, 2004. [Alien] can now prove these facts at a full evidentiary hearing, as demonstrated by the attached exhibits.

In *In Re Mario Eduardo Velarde Pacheco*, 23 I. & N. Dec. 253 (BIA 2002), the BIA stated:

[A] motion to reopen may be granted, in the exercise of discretion, to provide an alien with an opportunity to pursue the application for adjustment of status where the following factors are present: (1) the motion is timely filed; (2) the motion is not numerically barred by the regulations; (3) the motion is not barred by *Matter of Shaar*, 21 I. & N. Dec. 541 (BIA 1996), or any other procedural grounds; (4) the motion presents a clear and convincing evidence indicating a strong likelihood that the respondent’s marriage is bona fide; and (5) the Service either does not oppose the motion or bases its opposition solely on *Matter of Arthur* 20 I. & N. Dec. 475 (BIA 1992).

In the instant case, the Motion to Reopen has been timely filed. [Alien] filed an appeal with the BIA on September 1, 2004. See Exhibit 5. The BIA has yet to issue an order in this matter; therefore, 90 days from the date of entry of a final administrative order of removal has not passed, as a final administrative order has yet to be entered by the BIA, making this Motion to Reopen timely. See 8 C.F.R. §1003.2(c)(2).

[Alien]’s Motion to Reopen is not numerically barred. This is Respondent’s first Motion to Reopen; therefore, this Motion to Reopen complies with the numerical limitations imposed by 8 C.F.R. § 1003.2(c)(2) on motions to reopen.

In *Matter of Shaar*, the BIA held that neither the filing of a motion to reopen to apply for suspension of deportation during the pendency of a period of voluntary departure, nor the Immigration Judge’s failure to adjudicate the motion prior to the expiration of voluntary departure constitutes an “exceptional circumstance” that would prevent the harsh consequences of denial of relief. 21 I. & N. 541 (BIA 1996). [Alien] is not filing this Motion to Reopen in order to apply for suspension of deportation; therefore, [Alien]’s Motion to Reopen is not barred by *Matter of Shaar*, nor is [Alien]’s motion barred by any other procedural grounds.

[Alien] is eligible to adjust his status. In accordance with 8 C.F.R. § 1003.2(c)(1), [Alien] has submitted his Application to Register Permanent Residence or Adjust Status, Form I-485, with all necessary documentation concurrently with this Motion to Reopen. See Exhibit 8 (copy of [Alien]’s adjustment of status application). [Alien] now asks that the Board of Immigration Appeals to grant his Motion to Reopen, thus enabling him to lawfully remain in the United States with his family.

### CONCLUSION

[Alien]’s wife is the beneficiary of a Petition for Alien Worker, Form I-140, which has now made [Alien] eligible to file for adjustment of his status. [Alien] respectfully requests that the Board of Immigration Appeals reopen his removal proceedings and remand his case back to the Immigration Judge so that he may seek adjustment of his status.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

[Attorney]

[ADD CERTIFICATION OF SERVICE]

[Document Nos. 601–03]

**PETITION FOR REVIEW OF BIA OR DISTRICT COURT DECISION**

- Description:** The following pleadings are used to petition the U.S. Courts of Appeals for a review of a final administrative order of the Board of Immigration Appeals (BIA) or a decision of a federal district court for an issue over which the federal district courts have jurisdiction (*e.g.*, habeas corpus cases).
- Advantages:** A petition for review secures independent judicial review of a final administrative order of removal of the BIA, or appellate review of a district court judgment.
- Limitations:** IIRAIRA declares that certain matters are not subject to judicial review. These include denials of discretionary relief, such as cancellation of removal or adjustment of status, and final orders of deportation against criminal aliens. Furthermore, IIRAIRA provides that the court of appeals shall decide the petition only on the administrative record on which the order of removal is based; that the administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary; and that the Attorney General’s denial of an asylum claim is conclusive unless manifestly contrary to the law and an abuse of discretion.
- Notes:** Petitions for review must be filed within 30 days after the date of the final order of removal.
- Citations:** INA §242.

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

|                        |   |                              |
|------------------------|---|------------------------------|
| Petitioners            | ) |                              |
|                        | ) |                              |
| vs.                    | ) |                              |
|                        | ) |                              |
| ALBERTO R. GONZALES    | ) | <b>PETITION FOR REVIEW</b>   |
| U.S. ATTORNEY GENERAL, | ) | No. _____                    |
|                        | ) | BIA File No: [A Number]      |
|                        | ) | USCIS File No: [File Number] |
| Respondent.            | ) |                              |
| _____                  | ) |                              |

**PETITION FOR REVIEW**

Pursuant to Rule 15, Fed. R. App. P., Petitioners, [Alien] and his son, [Alien], respectfully ask this Court to review the decision and order of the Board of Immigration Appeals entered on June 16, 2005 (the “Order”), dismissing Petitioners’ appeal from the revocation of their petition for alien relative. A copy of the Order is attached to this petition.

Pursuant to 8 U.S.C. § 1252(a)(2)(D), this Court has jurisdiction to review final, non-discretionary, administrative actions of the Board of Immigration Appeals which raise pure questions of law.

Venue is proper in this Circuit because petitioners have, at all relevant times, resided in the State of Wyoming and the revocation which is the subject of this petition was initiated following review by the Denver District Office of U.S. Citizenship and Immigration Services.

Petitioners have not litigated any of the issues associated with this petition in any other courts. Thus, the validity of the order has not been upheld by any of the federal courts. By appealing to the Board of Immigration Appeals, Petitioners have exhausted all administrative remedies prior to commencing this appeal for review.

**[Dated:]**

Respectfully submitted,

**[Attorney]**

**[ADD CERTIFICATE OF SERVICE]**