

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
MEMPHIS, TENNESSEE

In the Matter of _____

Ms. NICKL

Respondent

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ON REMOVAL PROCEEDINGS

VS. Ms. A. NICK NICK

SEVEN (7) DAYS AND MOTION FOR
STAY OF REMOVAL

I. INTRODUCTION

Respondent, the high undersigned counsel, respectfully moves this court to suspend her removal proceedings pursuant to 8 CFR § 1003.23(c)(3) and Immigration and Nationality Act (INA) § 240(c)(7)(B)(iv) as reauthorized by sections 101(c)(1) of the Real ID act of 2005 (Division B of Public Law 109-13) and as amended by § 823(a)(1) of the Violence Against Women Act and Department of Justice Reauthorization Act of 2006 (P.L. 109-162) (enacted on January 7, 2006). Also pursuant to INA § 240(c)(7)(B)(iv), Respondent moves for an order staying her removal pending final adjudication of this motion.

II. STATEMENT OF THE LAW

A. 8 CFR §1003.23(c)(3)

A motion to suspend may be granted based on new evidence that is material, was not available and could not have been discovered or presented at the hearing.

B. INA § 240(c)(7)(B)(iv) – Time Limitation

Generally, a motion to suspend must be filed within 90 days of the entry of the date of the

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