

**UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES**

FILE No.A043531010)
)
In the Matter of:) 8CFRSection
)212.5(b),Section212(a)(2)(B)INA,
) 8USC
)Section1182(a)(2)(B),Section322(a)(2)(B)
SLAWOMIR ZAMORA) INA 1996
)
Applicant.)

**MOTION TO TERMINATE DEFERRED INSPECTION AND TO ESTABLISH
CONCLUSIVE ADMISSIBILITY TO THE DISTRICT DIRECTOR**

NOW comes the Applicant, SLAWOMIR ZAMORA by and through his attorneys ROSA MARIA D. MACNEIL & ASSOC., pursuant to 8 CFR Section 212.5(b), Section 212(a)(2)(B) INA, 8 USC Section 1182(a)(2)(B),Section 322(a)(2)(B) INA Amended 1996,and in support of this Motion states the following:

1. That this Applicant is eligible for the following discretionary relief:
 - a) For termination of Deferred Inspection for lack of evidence of alleged criminal convictions, as per Section 212(a)(2)(B) INA, 8USC Section 1182(a)(2)(B).
 - b) Review of this case for production of evidence not available at time of inspection without assistance of Counsel.
2. There is clear, convincing and unequivocal evidence of this alien's inability to produce the necessary evidence at time of his inspection upon returning home from vacation had he had the benefit of efficient assistance of Counsel.
3. That there is sufficient credible evidence showing that this alien meets his burden of proof to rebut the allegations as per the above sections of the law. See Exhibits 1 to 3.
4. That all equities weigh in a light most favorable to this alien, that he was not aided by adequate assistance of counsel, nor he had readily available upon inspection any and all the necessary evidence to meet his burden of proof.
5. That this District Office has jurisdiction over this case and this Motion has been diligently filed, soon after this alien was able to retain counsel.

6. That this alien at no time failed to comply with the law, and at no fault of his own should suffer the collateral consequences of removal by denying him protection under the Due Process Clause and Sixth Amendment Right to Counsel of the U.S. Constitution.
7. That there is no evidence in possession of BCIS to proceed to removal proceedings, that only record requested by BCIS was case No.03200105101, entitled People of the State of Illinois v. Slawomir Zamora, Cook County, Illinois decided 3/21/03 without conviction, that is the government “NOLLE PROSEQUI” the case, see attached Exhibit #1, and made a part hereof.

WHEREAS SLAWOMIR ZAMORA, is hereby respectfully requesting the following:

- A. That this Motion to Terminate Deferred Inspection and to Establish Conclusive Admissibility be granted, any further proceedings terminated.
- B. That written notice of said decision be sent to defense counsel’s office.
- C. For any and all equitable relief this Respondent is entitled to.

Respectfully Submitted,

Rosa Maria D. MacNeil Esq.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

PROOF OF SERVICE

I, Rosa Maria D. MacNeil, an attorney, on oath states that I served this Motion by hand carrying it to the BCIS officer, as an agent for BCIS at 10 West Jackson Blvd. Mezzanine, Chicago, Illinois 60603, before 5:00 p.m. on November 20,2003.

Rosa Maria D. MacNeil, Attorney