

Reactivating closed immigration cases, what's next?

[Government attorneys across the country are submitting requests to re-calendar previously administratively closed immigration cases.](#) What does this mean for the immigration court system, and what does this mean for you?

First of all, what is administrative closure? Immigration Judges for decades have administratively closed, or indefinitely postponed cases in Immigration Court. Another form of administrative closure is also called “prosecutorial discretion” or “PD”. This involved the Prosecutor, or the Government Attorney, using their discretion, to administratively close an immigration case. While a case is administratively closed, it is basically sitting on a shelf, waiting for either party to file a motion asking to place it back on the Judge’s calendar.

Cases were previously administratively closed for many reasons, including but not limited to: (1) Individual is a low priority, meaning the individual has either no criminal history or minor criminal history, and significant ties to the United States; (2) Individual has a pending petition with USCIS, whether it be a marriage petition, another I-130 family-based petition, an employment petition, or Special Immigrant Juvenile Status; or (3) Individual is pursuing forms of post-conviction relief.

Recently, after the Attorney General’s decision in [Matter of Castro-Tum \(27 I&N Dec. 271 \(A.G. 2018\)\)](#) (holding that immigration judges no longer have the authority to administratively close immigration cases), Government Attorneys began to avidly file motions to place these previously closed cases back on the calendars of Immigration Judges across the country. Statistics show that the amount of cases that are being reactivated is nearly double that of any year during the Obama administration. This alarming turn of events has affects not only on the entire Immigration Court system, but may affect your individual case.

Almost immediately preceding this decision by the Attorney General, Immigration Judges were issued a directive implementing case completion quotas. This sent shockwaves through immigrant advocates as well as Immigration Judges across the nation. Immigration Courts are already incredibly overwhelmed and backlogged. This quota system encourages judges, who are already hearing hundreds of cases a week, to complete their caseloads faster, which is an impossible feat. Now, with the *Castro-Tum* decision, judges cannot even use the administrative closure mechanism to lessen their caseload. They must end cases, and fast. It no longer matters that an individual had no criminal history and significant ties to the United States. It is no longer significant that a petition was pending with USCIS and may take a few years to be adjudicated; if the petition is not before the Immigration Court, the Immigration Court cannot make any decisions pertaining to the petition. It is irrelevant that an individual’s criminal history may possibly be vacated, because post-conviction relief takes time, and the Immigration Court cannot wait.

What does this mean for you? That depends on your individual case. If your case was administratively closed, or you were granted Prosecutorial Discretion, the government now has the right to file a Motion to Re-calendar your court hearing. If you have an Immigration Court hearing coming up and still have a petition pending before USCIS, the Immigration judge no longer has the authority to administratively your case. However, there *are* things you can do. But first, you need to consult with an immigration attorney.

To schedule a consultation with Samantha Chasworth, Esq. or with any of the other Immigration and Nationality Lawyers at the Nachman Phulwani Zimovcak (NPZ) Law Group, please feel free to call the Firm at 201-670-0006. Our main office is in Ridgewood, New Jersey. We also have an office located in Branchburg, New Jersey, and New York City. NPZ also maintains affiliated offices in India and in Canada. For more information about our Firm's immigration and nationality law practice, please feel free to visit our website at <http://www.visaserve.com> or to send us an e-mail at info@visaserve.com