

[Template for documenting that a *J.O.P.* class member's removal is stayed under the settlement agreement. This template was prepared in March 2025; it is not a substitute for legal advice and should be reviewed and modified according to case circumstances.]

[Your email or letter should include contact information for counsel, with Form G-28 attached.]

DATE

[Address the letter or email to the specific deportation officer if known, and/or to the DHS Immigration and Customs Enforcement, Enforcement and Removal Operations Office with jurisdiction over the ICE detention facility where the class member is detained.]

**Re: CLIENT NAME (AXXX-XXX-XXX) - Stay of Removal Mandated by *J.O.P. v. DHS* Settlement**

Dear ICE Official:

This office represents [Client's Full Legal Name, "First Name"], (AXXX-XXX-XXX) in connection with [specify: all immigration matters / matters relating to detention and removal / a pending motion to reopen a removal order / other], as reflected in the attached Form G-28. (Exh.1). [Client name]'s removal order is stayed because [Client name] is a member of the certified class in *J.O.P. v. DHS*, 8:19-cv-01944 (D. Md.). The final settlement agreement in *J.O.P. v. DHS* (the "*J.O.P.* Settlement") provides:

With respect to any Class Member with a final removal order, ICE will refrain from executing the Class Member's final removal order until USCIS issues a Final Determination on one properly filed asylum application under the terms of this Agreement. In order to comply with this provision, ICE Enforcement and Removal Operations (ERO), the agency responsible for executing removal orders, will make an entry indicating there is a stay in its system of records for all identified Class Members, including Class Members identified by USCIS. This alert will not be removed from any individual case until such time as USCIS indicates it is appropriate to remove it.

*J.O.P.* Settlement, Section III.I, available at <https://www.ice.gov/doclib/legalNotice/jopSettlementAgreement.pdf>.

The following facts and evidence demonstrate that [Client name] is a member of the Class, as defined in the *J.O.P.* Settlement, Section II.E:

- (1) [client name] was determined to be a UAC, as reflected in the attached Office of Refugee Resettlement Verification of Release Form [or specify other evidence of a UC determination] (Exh. 2);
- (2) [client name] filed Form I-589, Application for Asylum and for Withholding of Removal, with USCIS, as reflected in the attached Notice of Receipt, indicating that USCIS

received [his/her/their] asylum application on [DATE] and assigned it receipt number [Receipt #] (Exh. 3);

- (3) On the date [he/she/they] filed [his/her/their] asylum application, [client name] {Choose relevant option(s) and delete inapplicable text} [was 18 years of age or older, as reflected in Exhibit 2, showing his/her/their date of birth to be MMDDYY] [and/or] [had a parent or legal guardian in the United States available to provide care and physical custody {optional: describe enclosed documentation, if available, such as a cover letter filed with Form I-589 reflecting this basis for class membership or ORR documentation of release to a parent}; and
- (4) USCIS has not adjudicated [his/her/their] asylum application on the merits [optional: enclose proof if available, such as a printout from USCIS Case Status Online].

{Alternatively, if the referenced documentation or comparable evidence is not available, enclose a short factual declaration under 28 U.S.C. § 1746 attesting to the above information.}

Therefore, under the *J.O.P. v. DHS* Settlement, USCIS must exercise initial jurisdiction over [client name's] asylum application, and the removal order issued to [client name] is stayed pending that adjudication while the Settlement remains in effect.

Pursuant to the *J.O.P. v. DHS* Settlement, please confirm that [client name]'s stay of removal is reflected in your system of records. Please contact me at (XXX) XXX-XXXX or [email address] to confirm ICE's stay notation. Thank you for your attention to this matter.

Respectfully,

[Name, Title]

Encl.