



Instructions for using the attached pro se oral opposition to dismissal template:

If the ICE attorney is trying to dismiss your case in immigration court, it is likely because ICE wants to put you in expedited removal instead, which allows them to deport you more quickly and without giving you a hearing in immigration court. The oral motion opposes dismissal so that, if the IJ denies dismissal, you can continue to have your case heard in immigration court. Even if the IJ denies dismissal, ICE may still detain you. Therefore, it is important to make a plan with your loved ones for if you are detained, and to try to find an attorney if at all possible. In order to advocate with ICE on your behalf, any attorney you hire now or in the future will need a [G-28 form](#) signed in ink. **If you do not go to a scheduled court hearing, you may receive an in absentia deportation order, which may lead ICE to detain you at home or elsewhere and deport you very quickly.**

This motion is a **template**, meaning that it does not reflect the specific facts of your case. **You must figure out which of the highlighted portions apply to you (if any)** and only say the ones that make sense for your case. If you can't figure out which ones would apply to you, do not use the highlighted portions at all.

You may need to tell the IJ that you want to make an oral opposition. After the ICE attorney states their intent to dismiss the case, if the IJ does not ask you your position, you will need to say, "Your Honor, I oppose dismissal and would like to state the reasons why I oppose and Your Honor should not dismiss my case."

The oral opposition is designed to be a template to help you determine what to say out loud in court, not a document to be filed. You should not submit the opposition template to the court or to ICE.

REMEMBER TO PRESERVE APPEAL IF THE IJ GRANTS DISMISSAL! This is important whether or not the IJ gives you the opportunity to make your oral opposition. The IJ's refusal to let you oppose the dismissal could be grounds for appeal.

IF ICE DETAINS YOU AND YOU FEAR RETURNING TO YOUR COUNTRY OF CITIZENSHIP, TELL ICE. If ICE arrests you and attempts to deport you through expedited removal but you fear returning to your country of citizenship, you will need to say that you are afraid of going back and request a Credible Fear or Reasonable Fear Interview. Do not wait to be asked about your fear!

Oral Opposition to Dismissal Template for Pro Se Respondents¹

Your Honor, before you dismiss my case, the law requires you to consider my arguments against dismissing my case. Only the Court has the power and the duty to decide which cases are dismissed and the Court should decide my case on the merits.

If you dismiss my case, I will be prejudiced because I will not have the opportunity to present my application(s) for relief and the evidence that I have in support of my application, which is my right under the law. Also, if you dismiss my case, DHS may put me in expedited removal and deport me very quickly, which makes the potential harm in my case even greater than usual.

[If applying for asylum, withholding of removal, or CAT, or if you fear return] I face persecution, torture, and death in my country of citizenship and I must have an opportunity to seek protection here in the United States.

[If applying for cancellation of removal] My [United States Citizen/Lawful Permanent Resident] [spouse/parent/child] would suffer exceptional and extremely unusual hardship if I were deported, and I would lose my ability to stay with and care for my family. I will not have the opportunity to apply for cancellation of removal if this case is dismissed and I am in an expedited removal process.

[If applying for other form of relief, describe harm in denying opportunity to apply]

It was the Department of Homeland Security's choice to put me into these removal proceedings before Your Honor, and they do not have a legal basis for putting me into expedited removal instead. It is also unlawful for DHS to apply their January 24, 2025 expedited removal expansion memo to me retroactively. [If you have lived in the U.S. for more than 2 years] I have lived in the United States since [X date], more than 2 years, and I do not think that expedited removal should apply to me.

Additionally, because DHS has not proven what the regulations that control dismissing a case require, the Court should not dismiss my case. DHS has to prove that circumstances in my case have changed since DHS chose to place me in removal proceedings. DHS also has to prove that the changed circumstances now mean that it is in DHS's best interest to ask Your Honor to dismiss my case. Circumstances have not changed in my case and DHS cannot prove that it is now in the Department's interest to dismiss my case, especially since putting me in expedited removal would mean starting an entirely new process.

DHS's request to dismiss my case is unlawful and would prejudice my case and harm me. I respectfully request that you deny DHS's motion and instead consider my case on its merits.

[If IJ grants dismissal]: I reserve my right to appeal the Court's decision. Your Honor, please note on the record that I reserved appeal and that the dismissal order cannot be executed while my appeal is pending.

¹The National Immigration Project produced this template on May 30, 2025.