**Template Letter Informing ICE of Automatic Stay Based on Filing of**

**Motion to Rescind and Reopen In Absentia Removal Order**

Information requiring modification is highlighted in yellow.

[ATTORNEY LETTERHEAD]

[NAME], District Director

[LOCATION] District Office

U.S. Immigration and Customs Enforcement

Department of Homeland Security

[Address]

 RE: [Respondent’s Name]

 [A Number]

 **Notification of Automatic Stay of Deportation**

Dear [NAME]:

This office represents [Respondent’s Name] as evidenced by the enclosed Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative). [Respondent’s Name] is currently in the custody of U.S. Immigration and Customs Enforcement (ICE) at [name and place of detention facility].

On [date], [Respondent’s Name] filed a motion to rescind an in absentia order and reopen removal proceedings with the [NAME] immigration court. [Attach and cite proof of filing, if available]. **By this letter, we are reminding your office that** **INA § 240(b)(5)(C)** **provides an automatic stay of [Respondent’s Name]’s deportation while the immigration court adjudicates the motion.**

As a result, until the immigration court adjudicates the motion, ICE cannot deport [Respondent’s Name]. Please take all necessary and appropriate steps to ensure compliance with this regulation.

Thank you for your immediate attention to this matter.

Sincerely,

[Attorney’s Name]

Enclosure:Form G-28

 [Proof of filing motion]