



## What is Pretermission?

**Pretermission** is a process that the immigration judge or the government attorney may use to deny or cancel your asylum application **before you are able to tell your story and present your evidence in a full immigration hearing**. If the court decides to **preterm** your application, your final hearing will be canceled and the immigration judge will issue a **removal order** in your case.

## Reasons for Pretermission:

The government attorney, or the immigration judge, might attempt to close your case, and order you removed or deported, before your final hearing if:

1. The judge believes that your application for asylum does not contain enough detail; or that your story, as written, does not show why you are eligible for asylum.
2. The judge or the government attorney believes that you are required to seek asylum in another country based on an agreement between the U.S. government and that country's government. These agreements are referred to as "**ACAs**" or "**Asylum Cooperative Agreements**."
3. You have not paid the new fees that are required as part of your asylum application.

## A motion for pretermission can be oral or written:

The government attorney may ask the judge to preterm your asylum application while you are at a court hearing. The judge might allow the government attorney to do this; it is called an **oral motion** for pretermission. Or the judge might make the government attorney file a **written motion** for pretermission after your hearing is over. A **written motion** will be sent to you via regular mail to the last address the court has in your file.

## You must respond within 10 days:

You will have 10 days to respond from the date the government attorney makes the oral or written motion.

- If an **oral motion** for pretermission is made, you will have 10 days from your court hearing to respond.
- If a **written motion** for pretermission is sent to your home you will have 10 days from the day it was mailed to respond.

**IMPORTANT!** In order for your asylum case to continue its regular process in immigration court, **you need to respond to the motion to preterm!** Even if the judge has given you a future court date, if you do not submit a response to the motion to preterm by the deadline the judge has given you, your future court date will be canceled and you will be given a deportation order. Please keep in mind that it can be difficult to prevent the immigration judge from terminating your case. The possibility of your case being successful depends on many factors. Read the section below to understand what you can do now.

## What to do now:

- If the government attorney tries to make an oral motion to pretermit, you have the right to tell the judge:
  - *I would like a full asylum hearing*
  - *I want the attorney to file a written motion so that I can better understand the arguments being made and can have enough time to respond.*
  - *I would like time to respond in writing to the government's motion*
- If the government attorney says they want to deport you to a third country (a country other than your country of nationality) and you are scared to go to that country, you can explain to the judge and the government attorney why.
- If the immigration judge allows the government attorney to make an **oral motion**, you have the right to say to the judge:
  - *Please give me more time to respond to what the attorney is saying in the motion.*
- Make sure to note the due date or deadline that the court gives you to respond.

**My due date to respond is \_\_\_\_\_**

- Make sure the immigration court has your correct address so that you receive any motion or other documents sent by the government attorney or the court. If you need to change your address make sure to complete and file an EOIR-33 Change of Address form with the court before you leave.
- Responding to a motion to pretermit involves making complicated legal arguments. Continue to look for legal counsel to assist you with your case. Visit [immigranthehelpny.org](http://immigranthehelpny.org) for resources to find legal counsel and learn more about pretermission.



- Email Immigrant ARC at [pretermit@immigrantarc.org](mailto:pretermit@immigrantarc.org) if you receive a motion to pretermit, have questions about pretermission, or would like additional information.
  - *Please note: We can not guarantee assistance and we do not provide legal representation*



- Keep Checking your EOIR case information portal online for any status changes.

**REMEMBER:** The consequence of not responding to a motion to pretermit will be the canceling of any future scheduled hearings in your case and being ordered deported from the United States.