

# Termination of Removal Proceedings for Naturalization

## TERMINATION OF REMOVAL PROCEEDINGS FOR NATURALIZATION

A noncitizen **\*does not\*** need to submit proof of a pending naturalization application to seek termination for naturalization. 8 CFR § 1003.1(m)(1)(ii)(B), 1003.18(d)(1)(ii)(B). The new regulations establish that an EOIR adjudicator may terminate proceedings when the noncitizen is *prima facie* eligible for naturalization. 8 CFR §§ 1003.1(m)(1)(ii)(B), 1003.18(d)(1)(ii)(B). The noncitizen is not required to file for naturalization prior to seeking termination on this basis. However, the EOIR adjudicator may not terminate for naturalization if DHS affirmatively opposes the motion for termination on this basis.

**The new standard is favorable to noncitizens in proceedings who are *prima facie* eligible for naturalization and seeking termination on this basis. It replaces the former 8 CFR § 1239.2(f), which the Board had interpreted to require an affirmative communication from DHS. This confirms the noncitizen's *prima facie* eligibility for naturalization before an EOIR adjudicator could terminate removal proceedings. See *Matter of Acosta Hidalgo*, 24 I&N Dec. 103 (BIA 2007); *Matter of Cruz*, 15 I&N Dec. 236 (BIA 1975). The prior standard was almost impossible to meet, and cases were almost never terminated for naturalization.**

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