

ABC/NACARA Procedures Manual

XVI. PROCESSING AT CONCLUSION OF NACARA/ASYLUM INTERVIEW

E. Requests for Withdrawal of I-881

NACARA requests may be dismissed if the applicant requests to withdraw the application. See, NACARA Procedures Manual at XVII: "Asylum Officer Decision-making and Documentation of Decisions After Conducting the Interview." Also, NACARA Procedures Manual Appendices at APPENDIX AZ(1) - "NACARA Dismissal Letter - Applicant Withdrew Application."

In the event of a withdrawal, the asylum office may issue an NTA (code A-1), or not issue an NTA (code A-6). Not issuing an NTA to a NACARA applicant who withdraws the I-881 would enable that person to file a new I-881 with USCIS.

If controlling legal precedent requires that the special rule cancellation of removal application must have accrued 7 years of CPP and GMC at the time of the filing of Form I-881 and the application was filed prematurely, asylum officers must inform the affected applicants of the option to withdraw the I-881 without the issuance of an Notice to Appear, enabling them to re-file when they have accrued the prescribed time.