

October 12, 2018

Office of the General Counsel (original)
U.S. Department of Homeland Security
Washington, DC 20528

Tracy Short, Principal Legal Advisor (copy)
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
425 I Street NW, Room 6100
Washington, DC 20536

Scott K. Falk, Chief Counsel (copy)
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection (copy)
McAllen Station
3000 West Military Highway
McAllen, TX 78503

Enforcement and Removal Operations (copy)
San Antonio Field Office
U.S. Immigration and Customs Enforcement
1777 NE Loop 410 Floor 15
San Antonio, TX 78217

Re: Notification of Incident and Claim for Damages under the Federal Tort Claims Act
[REDACTED] (DOB: [REDACTED])

Our office represents [REDACTED] ("Mr. [REDACTED]") in his claim against U.S. Immigration and Customs Enforcement ("ICE") and U.S. Customs and Border Protection ("CBP"), subdivisions of the U.S. Department of Homeland Security ("DHS"). Enclosed please find the Claim for Damage, Injury, or Death (Standard Form 95) (Exh. A), and Mr. [REDACTED]'s authorization statement (Exh. B).

Pursuant to 28 U.S.C. § 2675(a) and 28 C.F.R. § 14.2(a), we hereby provide notification of an incident that occasions liability under the Federal Tort Claims Act ("FTCA") and present a demand for monetary damages in the amount of \$500,000 resulting from CBP and ICE agents' tortious conduct, including (1) false imprisonment; (2) abuse of process; (3) intentional infliction

of emotional distress; (4) violation of Mr. ██████'s rights to liberty and due process of law under article 1, section 19 of the Texas Constitution; and (5) violation of Mr. ██████'s right to *non-refoulement* under the Refugee Convention, to which the United States is a signatory.

As explained below, CBP and ICE unlawfully imprisoned and deported Mr. ██████ in late October 2016, and subsequently deported him to Mexico. CBP and ICE detained and deported Mr. ██████ even after (1) Mr. ██████ produced identification issued by Washington State and a document from his attorney regarding his immigration case currently pending before the immigration court, and despite (2) Mr. ██████'s having previously posted bond in his immigration case and having a pending application for statutory withholding of removal and protection under the Convention Against Torture ("CAT"). CBP and ICE's actions were especially egregious in light of the fact that a DHS asylum officer had previously determined that Mr. ██████ has demonstrated a significant possibility of showing that he reasonably fears torture if forced to return to Mexico. As a direct and proximate result of CBP and ICE's unlawful conduct, Mr. ██████ faced grave threats to his life in Mexico, was evicted from his apartment and lost his belongings, was separated from his family, and has suffered and continues to suffer severe emotional distress.

The following is a brief synopsis of the circumstances and events surrounding Mr. ██████'s FTCA claims.

Mr. ██████'s Immigration Case

Mr. ██████ has lived in the United States for over fifteen years. He was previously removed in 2001 and 2002, (Exh. C) but reentered the country in an effort to escape from two drug-related groups that were pursuing and threatening him (Exh. D). In December 2014, ICE detained Mr. ██████ after he was arrested for a DUI, and DHS moved to reinstate Mr. ██████'s prior removal order. (Exh. E).

On February 10, 2015, a DHS asylum officer interviewed Mr. ██████ to determine whether there was a significant possibility that Mr. ██████ had a reasonable fear of persecution or torture if removed to Mexico (Exh. F). During that interview, Mr. ██████ explained that he feared torture and reprisal in Mexico because he had witnessed a murder executed by members of the Los Zetas Cartel and two Mexican police officers in 1997 (Exh. D). Mr. ██████ was injured when the perpetrators of the murder shot him while he fled the scene (Exh. D). Following the murder, Mr. ██████ tried to report the crime to the police, but when he did so, he encountered at least one of the police officers involved in the murder (Exh. D). Two police officers then seized Mr. ██████, took him outside of the city, and beat him unconscious. Mr. ██████ subsequently fled Mexico for safety in the United States, recognizing that his life was in extreme danger (Exh. D).

In addition, Mr. ██████ explained that he also feared retribution from a separate drug trafficking organization, known as Los Caballeros Templarios (Exh. D). Mr. ██████'s cousins had been involved with that organization and owed the cartel between \$50,000-60,000 (Exh. D). However, the cousins were jailed sometime during the mid-2000s, and as a result, Los Caballeros Templarios pursued payment from Mr. ██████ because they knew he was a family member of the cousins (Exh. D).

Following Mr. [REDACTED] interview, the USCIS officer determined that Mr. [REDACTED] had demonstrated a significant possibility of establishing eligibility for protection under CAT (Exhs. D, F). Accordingly, his case was referred to an immigration judge (IJ) for withholding of removal proceedings, and he was scheduled for an April 21, 2015, master calendar hearing. (Exhs. G-H). Mr. [REDACTED] subsequently filed an I-589 application requesting withholding of removal and protection under CAT at a master calendar hearing on June 2, 2015 (Exh. I).

After six months in detention, Mr. [REDACTED] was given a bond hearing before the IJ. The IJ set a bond in the amount of \$7,000 on June 17, 2015, which Mr. [REDACTED] posted. (Exh. J). Mr. [REDACTED] is currently awaiting a hearing on the merits of his withholding of removal and CAT application, which is scheduled for March 16, 2021.

Mr. [REDACTED]'s Visit to Texas and Unlawful Imprisonment and Deportation

In October 2016, while Mr. [REDACTED] was waiting for his next hearing, he travelled to Hidalgo, Texas, to spend time with members of his family. One evening on or around October 22, 2016, Mr. [REDACTED] attended a party with a cousin and some friends. Mr. [REDACTED] did not drink at the party. After leaving the party, Mr. [REDACTED] had a disagreement with his friends in his vehicle, and he was left on the side of the road. Mr. [REDACTED] was unsure where he was, and began to follow a group of individuals he did not know at a distance, walking towards the city lights. Eventually, some Border Patrol agents appeared and began to apprehend the members of the group that Mr. [REDACTED] was following. Mr. [REDACTED] decided to keep walking, but a Border Patrol agent stopped him and asked him to identify himself. At this point, Mr. [REDACTED] produced his Washington State ID and papers demonstrating that he was in ongoing removal proceedings. The Border Patrol agents seized Mr. [REDACTED]'s papers, but allowed him to keep his state-issued ID. The agents then told Mr. [REDACTED] to sit down and arrested him along with the members of the group that he was following.

The Border Patrol agents then took Mr. [REDACTED] and the others to a detention center. Once at the detention facility, an immigration officer processed Mr. [REDACTED]. Mr. [REDACTED] again produced his Washington State ID, and informed the officer that he had an open immigration case in which he was requesting protection in the United States. He also told the officer that (1) he had other papers among the things that the arresting Border Patrol agents took from him that demonstrated he was in proceedings before the immigration court, and that (2) immigration officials had previously detained him, and that he paid a bond to leave detention. Rather than investigating Mr. [REDACTED]'s status, the officer called him a liar, accused him of having a fake ID, and questioned whether he really feared returning to Mexico. The officer also requested that Mr. [REDACTED] sign a paper agreeing to be deported, but Mr. [REDACTED] refused. After this processing interview, Mr. [REDACTED] was placed into a holding room with at least 20 other individuals.

Mr. [REDACTED] spent at least two full days and nights in the detention center. During his time in the facility, he requested that CBP officers permit him to make a phone call to his immigration attorney. The officers simply responded by telling Mr. [REDACTED] that he did not have a right to a phone call and would not be permitted to contact his attorney.

At some point after his initial processing, Mr. [REDACTED] spoke with a second immigration officer via a computer. Once again, Mr. [REDACTED] insisted that he could not be deported because he was already

in removal proceedings before the immigration court in which he was requesting protection in the United States. This officer also ignored Mr. ██████'s pleas, and again demanded that Mr. ██████ sign a form agreeing to deportation.

In addition to the two interviews at the detention facility, CBP officers repeatedly took Mr. ██████ from his cell and attempted to have him sign papers agreeing to his deportation. The officers informed Mr. ██████ that he had a prior removal order, and that they had no information about his pending immigration case despite the fact that Mr. ██████ used the same name and was assigned the same A number each time he was in removal proceedings (Exhs. C, E, I, K). Indeed, as noted above, ICE officials in Washington State had previously identified Mr. ██████ as an individual that had been previously removed from the United States, demonstrating that it was easy to tie Mr. ██████'s active immigration proceedings to his previous removal order (Exhs. C, E, I, K). On each occasion that officers demanded he sign papers stipulating to his removal, Mr. ██████ refused, informing officials that he was in removal proceedings before an immigration judge and seeking protection. He also insisted to the officers that he wanted to speak with a judge, believing that the judge would actually review his papers—unlike the CBP officers, who ignored his pleas. Mr. ██████ felt very intimidated by the officers demanding that he sign the papers despite his pending withholding of removal case.

On a separate occasion, a CBP officer also threatened Mr. ██████ with physical harm if he did not obey orders. Mr. ██████ was leaving the holding room where he was detained for a headcount, and the officer became angry with Mr. ██████ because he thought Mr. ██████ was moving slowly, telling Mr. ██████ that he “could do whatever he wanted” to Mr. ██████ if he failed to follow orders. Another officer also repeatedly yelled “Donald Trump” and referred disparagingly to Mr. ██████ and the other detainees as “illegals.”

CBP officers eventually placed Mr. ██████ in a separate small room apart from the main holding rooms with a few other individuals who were insisting on seeing a judge. While part of this group, a CBP officer again asked Mr. ██████ to sign papers. Because Mr. ██████ does not read English well, he asked the officer if the papers would permit him to see a judge. The officer responded “sure, just sign.” In reality, Mr. ██████ surmised that he had been deceived into signing a paper accepting administrative removal.

Several hours after signing these papers, and after at least two days of being detained, immigration officers deported Mr. ██████ and others who were with him in the detention center. During the deportation process, immigration officials returned Mr. ██████'s immigration documents to him. He used these papers to make one final effort to avoid deportation, bringing the papers to the attention of some of the deporting officers. Despite his pleas, the officers informed Mr. ██████ that his court hearing had been “cancelled.” This was not true. At the time, Mr. ██████ was scheduled for a hearing in June 2017 in Seattle, Washington (Exh. L). Moreover, his proceedings were not terminated, and indeed, he continues to have a court hearing scheduled for 2021. The officers then kept the immigration documents Mr. ██████ showed them and forcibly removed him to Mexico.

Mr. ██████'s Life-Threatening Danger in Mexico Because of His Unlawful Deportation

Within the first two or three days of arriving in Mexico, Mr. ██████ made contact with his attorney to explain what happened and to seek assistance reentering the United States. His attorney immediately contacted ICE to demand that her client be permitted to return to the United States. Mr. ██████ also called his sister and brother-in-law, who lived in Zacatecas, Mexico, and made arrangements to stay with them while he resolved the problem of his unlawful deportation. Mr. ██████ first travelled to Monterrey, located a few hours away from Zacatecas, and called his brother-in-law, ██████ who had agreed to pick him up. Mr. ██████ told no one else of his location. However, the next day, before ██████ could arrive, two trucks filled with armed men headed for the house where Mr. ██████ was staying. Mr. ██████ fled in fear, and began to travel to Zacatecas on his own.

Once Mr. ██████ arrived in Zacatecas, he discovered that ██████ had been brutally murdered. Mr. ██████ suspects that ██████ talked to Mr. ██████'s brother, ██████ about Mr. ██████'s deportation to Mexico. Mr. ██████ believes that Santos often works for a Mexican drug trafficking organization. In the past, ██████ had previously made clear that he could harm Mr. ██████ sending Mr. ██████ a photo of himself with an assault rifle—a weapon that only members of a drug trafficking organization carry. As a result, Mr. ██████ believes that the members of the drug trafficking organization that ██████ works for tortured and killed ██████—who was not involved in organized crime—in an effort to locate Mr. ██████. Mr. ██████ believes that the armed men then used the information extracted during that torture to find where Mr. ██████ was staying in Monterrey in order to come and kill him. Pictures of ██████'s body corroborate part of this account, demonstrating that ██████'s assailants first tortured him by ripping off his fingernails, and that they then killed him with a shot to head (Exh. M).

Knowing that his life was in danger, Mr. ██████ fled to the countryside and lived in a cave for the next few months. Mr. ██████ left the cave only to obtain provisions and to contact his immigration attorney. During that time, Mr. ██████ experienced significant anxiety, desperation, and fear, knowing that he was being pursued, and he even contemplated suicide.

Meanwhile, Mr. ██████'s attorney quickly set out to secure his return to the United States after Mr. ██████ contacted her. Despite his attorney's repeated communications with ICE demanding that Mr. ██████ be immediately readmitted to the United States, DHS did not finalize the arrangements to permit Mr. ██████ to return to the United States for over two months. The agency delayed in making these arrangements despite the fact that immigration authorities had unlawfully deported Mr. ██████ and despite the life-threatening danger that he faced. Mr. ██████ was eventually permitted to present himself at the border in mid-January 2017, and CBP officers paroled him into the country. From there, he took a bus to Washington, D.C., after a bus company employee mistakenly believed he wished to travel there instead of Washington State. Eventually Mr. ██████ managed to return to Washington in late January 2017.

Emotional and Financial Harm Suffered as a Result of Unlawful CBP and ICE Activity

Mr. ██████ experienced, and continues to experience, significant emotional and financial harm because of his unlawful detention and deportation. As described above, Mr. ██████ experienced

substantial fear and desperation during his time in detention as he fought to remain in the United States and obtain release. Subsequently, Mr. [REDACTED] suffered severe emotional trauma during his time in Mexico, including exacerbation of his post-traumatic stress disorder symptoms, depression, and anxiety. He also experienced significant fear because of the life-threatening danger that he faced. That harm and emotional trauma was reasonably foreseeable, given that Mr. [REDACTED] had already demonstrated that there was a “significant possibility” that it was “more likely than not” that he would be tortured or persecuted in Mexico if deported. 8 C.F.R. § 208.30(e)(2) (establishing “significant possibility” standard); *see also id.* § 208.16(b) (explaining standard for obtaining withholding of removal).

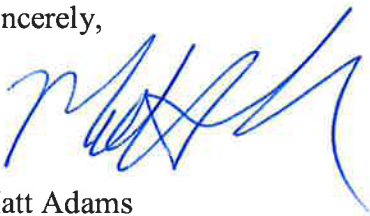
Moreover, Mr. [REDACTED] suffered direct, tangible financial harm because of CBP and ICE officers’ actions. In addition, Mr. [REDACTED] also lost all the belongings in his apartment, because he was unable to pay for the apartment during his time in Mexico and thus his belongings were discarded when another tenant replaced him. Finally, Mr. [REDACTED]’s deportation caused him to be separated from one of his children, who he tries to see every couple weeks. In short, Mr. [REDACTED] suffered significant, foreseeable, and direct emotional and financial harm as a result of the unlawful CBP and ICE activity described above.

* * *

Despite a clear mandate to do so, CBP and ICE repeatedly failed to fulfill their obligation to determine whether Mr. [REDACTED] was subject to detention, had expressed a fear of returning to Mexico, or was currently in removal proceedings that might prevent deportation to Mexico. As a consequence, Mr. [REDACTED] was unlawfully detained for approximately two to three days and then deported in direct violation of the Immigration and Nationality Act and binding international law. As a consequence, Mr. [REDACTED] suffered significant emotional trauma, foreseeable and life-threatening danger, and financial loss. For these reasons, Mr. [REDACTED] submits this claim under the FTCA for compensation in the amount of \$500,000.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Matt Adams
Attorney for [REDACTED]
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98104
Tel: (206) 957-8611
Fax: (206) 587-4025

LIST OF EXHIBITS

- A. FTCA Claim Form, Standard Form 95, dated October 12, 2018
- B. Claim Form Authorization Statement, dated October 1, 2018
- C. Form I-213, Record of Deportable/Inadmissible Noncitizen, dated December 18, 2014
- D. Reasonable Fear Determination, dated February 17, 2015
- E. Form I-871, Notice of Intent/Decision to Reinstate Prior Order, dated December 18, 2014
- F. Form I-899, Record of Determination/Reasonable Fear Worksheet, dated February 10, 2015
- G. Notice of Referral to Immigration Judge, dated February 20, 2015
- H. Amended Notice of Hearing for Master Calendar Hearing for April 21, 2015, dated March 23, 2015
- I. Form I-589, Application for Asylum and Withholding of Removal, dated June 2, 2015
- J. Custody Order of the Immigration Judge, dated June 17, 2015
- K. Warrant of Removal/Deportation, dated August 21, 2001
- L. Notice of Hearing for June 21, 2017, dated February 22, 2016
- M. Copies of photos of Mr. [REDACTED] s brother-in-law, [REDACTED] after he was murdered

EXHIBIT A

**CLAIM FOR DAMAGE,
INJURY, OR DEATH**

INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

See attached

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.

████████████████████
Matt Adams, NWIRP, 615 Second Ave., Ste. 400, Seattle, WA 98104

3. TYPE OF EMPLOYMENT

MILITARY CIVILIAN

4. DATE OF BIRTH

██████████

5. MARITAL STATUS

SINGLE

6. DATE AND DAY OF ACCIDENT

Oct. 2016 - Jan. 2017

7. TIME (A.M. OR P.M.)

N/A

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

CBP and ICE unlawfully imprisoned Mr. Luna for 2-3 days in late October 2016, and unlawfully deported him, violating his statutory and state constitutional rights. These unlawful acts result in FTCA liability for the torts of false imprisonment, intentional infliction of emotional distress, abuse of process, and violation of Mr. Luna's Texas Constitutional rights to liberty and due process. See attached letter detailing claims.

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

N/A

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).

N/A

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Deprived of liberty for 2-3 days, unlawfully deported to a life-threatening situation despite a strong claim for statutory withholding and protection under the Convention against Torture, separated from family and home, and experienced loss of possessions. Unlawful CBP and ICE acts also caused severe emotional distress. Please see attached letter detailing claims.

11. **WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

500,000.00

500,000.00

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

13b. PHONE NUMBER OF PERSON SIGNING FORM

206 957 8611

14. DATE OF SIGNATURE

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

N/A

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No

N/A

17. If deductible, state amount.

0.00

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

N/A

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code), No

N/A

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

- B. *Principal Purpose:* The information requested is to be used in evaluating claims.
- C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Tort Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

EXHIBIT B

Claim Form Authorization Statement

I [REDACTED] am represented by Matt Adams of Northwest Immigrant Rights Project (NWIRP). I authorize NWIRP to submit a claim letter on my behalf to the Department of Homeland Security, ("DHS"), and any other government agency, requesting compensation for the events surrounding my detention and deportation by DHS and the harm that action caused.

10-1-18

Dated



Certificate of Interpretation

I, Aaron Korthuis, hereby certify that I interpreted the authorization statement above into Spanish and read it to the declarant who indicated that he understood it and agreed to its contents. I further certify that I am competent in both English and Spanish to render and certify such interpretation.

10-1-18
Dated


Aaron Korthuis

EXHIBIT C

First		Middle		Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship MEXICO		Passport Number and Country of Issue [REDACTED]		Height 65	Weight 170	Occupation Cook	
U.S. Address 1623 EAST J STREET, SUITE 5 TACOMA, WASHINGTON, 98121							
Date, Place, Time, and Manner of Last Entry 08/29/2001, UNK, WI - Without Inspection				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence							
Date of Birth [REDACTED]		Age: 39		Date of Action 12/18/2014		Location Code POC/POO	
City, Province (State) and Country of Birth ZACATECAS, MEXICO				Form: (Type and No.) Lited <input type="checkbox"/> Not Lited <input type="checkbox"/>			
NIV Issuing Post and NIV Number				Social Security Account Name			
Date Visa Issued				Social Security Number			

Immigration Record POSITIVE - See Narrative		Criminal Record See Narrative	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children
[REDACTED]		[REDACTED]	

Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Words(s) See Narrative
Name and Address of (Last)(Current) U.S. Employer [REDACTED]	Type of Employment Crew Chief	Salary Hr	Employed from/to

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: 9465229

Left Index fingerprint [REDACTED] Right Index fingerprint [REDACTED]

OTHER ALIASES KNOWN BY:

[REDACTED]

Subject Health Status

Claims to have pain in his right arm due to a car accident

... (CONTINUED ON I-831)

Alien has been advised of communication privileges MS 12/18/14 (Date/Initials) R 4794 JOSEPHINE SORAGHAN DO (Signature and Title of Immigration Officer)

Distribution:	Received: (Subject and Documents) (Report of Interview)
File	Officer: R 4794 JOSEPHINE SORAGHAN
Record	on: December 18, 2014 (time)
Stats	Disposition: REINSTATEMENT OF DEPORT ORDER I-871
	Examining Officer: HEATON, COREY R <u>CHW</u>

Alien's Name [REDACTED]	File Number [REDACTED]	Date 12/18/2014
Event No: PO01512000001		

Current Administrative Charges

12/18/2014 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

Previous Criminal History

On 12/21/2004, the subject was arrested for the crime of "Harassing Communication" which resulted in a conviction. The subject was sentenced to 30 day(s), This is a level 3 crime.

On 04/17/2001, the subject was arrested for the crime of "Burglary" which resulted in a conviction. The subject was sentenced to 5 year(s), This is a level 1 crime.

Records Checked

- CIS Pos
- EARM Pos
- CLAIM Neg
- NCIC Pos
- ABIS Neg

At/Near

Vancouver, WA

Record of Deportable/Excludable Alien:

On 11/28/2014 the Subject, [REDACTED] was brought to the attention of Agent Lundquist from the Portland Enforcement and Removal Operations office (ERO). A Secure Communities hit notified Agent Lundquist that the Subject was lodged in the Cowlitz County Jail on 11/28/2014 after being arrested on charges of Driving Under the Influence of Alcohol (DUII).

Agent Lundquist conducted record checks on the Subject and identified him as a prior Removed Criminal Alien with no record of the Subject making a legal entry into the United States after his last removal, dated 08/29/2001. The Subject was released from the Cowlitz County Jail prior to the placement of an ICE detainer and Agent Lundquist referred the case to the Portland Violent Criminal Alien Section team (VCAS).

Agent Soraghan from the Portland VCAS team was assigned the case on 12/02/2014. A Field Operations worksheet (FOW) was completed and signed on 12/17/2014. On 12/18/2014, an attempt was made to arrest the Subject. On this day at approximately 6am, Agent Soraghan, Lopez, Roberts and Louie conducted a knock and talk at the Subject's address (3613 51st NE Apt I-4, Vancouver, WA). After knocking, the Subject came to the door and Agent Soraghan identified herself and the VCAS team as Law Enforcement Agents and immediately identified the Subject as the target via photo comparison. The Subject confirmed he was SOLIS-Barrios, Reyes and gave the Agents consent to enter the apartment. The Subject was detained at approximately 06:02am without incident and was transported to the Portland ICE/ERO Office in Portland, OR.

Signature

R 4794 JOSEPHINE SORAGHAN

Title

DO

Alien's Name [REDACTED]	File Number [REDACTED]	Date 12/18/2014
Event No: PO01512000001		

While at the Portland ERO office the Subject was served a Notice of Intent/Decision to Reinstate a Prior Order form I-871. This process requires taking a written sworn statement from the previously deported alien regarding his biographic information, alien status, and immigration history, including previous removals from the United States, and subsequent re-entry information. Prior to any questioning regarding this process, Agent Soraghan read SUBJECT his Miranda Rights per the ICE approved Record of Sworn Statement in Affidavit Form I-877, witnessed by Agent Crawford. Agent Soraghan proceeded to question Subject only after he stated that he understood his rights and marked the form indicating so and agreed to proceed without anyone else present.

In his post-Miranda advisal statement, SUBJECT freely admitted to being a native and citizen of MEXICO, having last been removed to MEXICO from the United States on 08/29/2001 through the Brownsville, TX Port of Entry. Subject then stated when asked, that he subsequently illegally re-entered the United States on the same day he was removed. Subject stated that on 8/29/2001 after he was removed, he walked to the port of entry gate in Brownsville and walked across into the United States from Mexico without showing proof of legal status to the Immigration Agent at the POE gate. There is no record of the Subject making an entry at Brownsville POE on this date. It should be noted that IDENT revealed a VR on the Subject dated 2/1/2002. He also admitted when asked, that he had never applied for, nor received permission to legally re-enter or remain the United States after being deported from either the Attorney General or the Secretary for the Department of Homeland Security. Records checks on SUBJECT through the Computer Linked Application Information Management System (CLAIMS) were negative.

Records checks on Subject through the Computer Linked Application Information Management System (CLAIMS) were negative.

SUBJECT claims 3 children born in the United States:

1. Ceri AGE: 12 years
2. Eva AGE: 10 years
3. Adrion AGE: 2 years

Subject claims he has pain in his right arm due to a car accident he had two weeks ago. He claims he is not taking any medication for this pain.

Subject stated he has no gang association.

Subject stated he has no fear of persecution or torture if removed from the United States to Mexico.

SUBJECT stated he has NO reason to believe he is a citizen of the United States. SDDO initials *CS*

SUBJECT stated he has NO reason to believe that one or both of his parents have any claim to United States citizenship. SDDO initials *CS*

SUBJECT made NO claim to have served in the United States armed forces. SDDO initials *CS*

IMMIGRATION HISTORY

Records checks through CIS revealed that SUBJECT has been previously removed from the

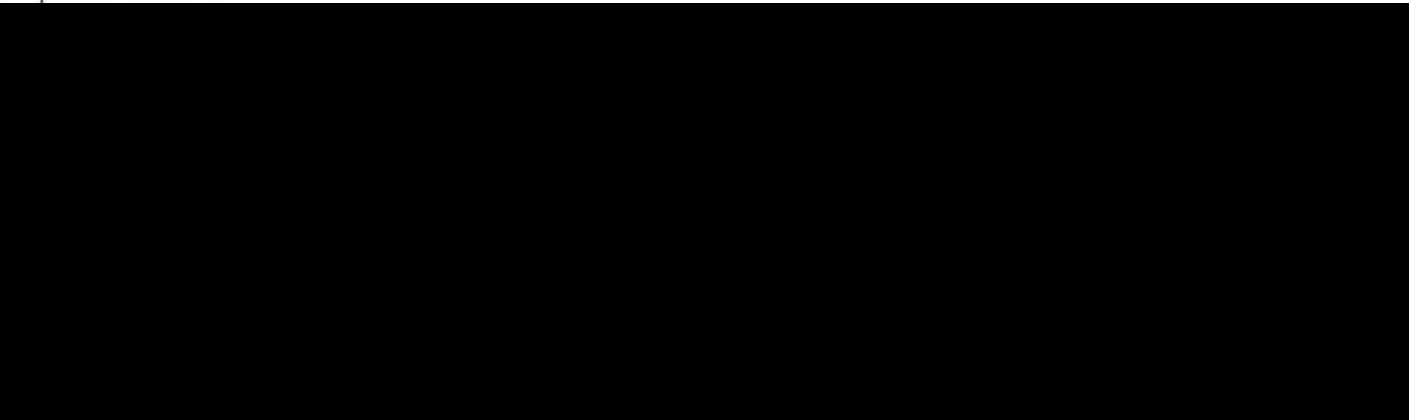
Signature R 4794 JOSEPHINE SORAGHAN <i>[Signature]</i>	Title DO
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Alien's Name [REDACTED]	File Number [REDACTED]	Date 12/18/2014
Event No: PO01512000001		

United States on or about the following dates;

08/29/2001-NTA/Removal-Brownsville-TX/POE
02/01/2002-VR/HID POE

The National Crime Information Center (NCIC) also revealed the following known criminal convictions:



SUBJECT was served with Form I-871, Notice of Intent/Decision to Reinstate a Prior Removal Order and was transported to the Northwest Detention Center for repatriation arrangements. He was also provided with a free legal services listing and consular rights notification form CNF-1.

Other Identifying Numbers

ALIEN- [REDACTED]
ENTRY STATUS

Not Applicable

Signature R 4794 JOSEPHINE SORAGHAN	Title DO
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EXHIBIT D

Positive Reasonable Fear Determination

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: Mexico
ATTORNEY: None
INTERPRETER: Language Line #60

DATE: February 17, 2015
ASYLUM OFFICER: D. Sieminski, ZSF227
REVIEWING SAO: L. Robinson, ZSF094
LOCATION: Seattle, WA District Office

Background

The applicant indicated that he is a 40-year old male native and citizen of Mexico who last entered the United States on or after August 29, 2001, at an unknown place. The applicant entered without inspection by an immigration official. The applicant was previously ordered removed on August 15, 2001 and was physically removed to Mexico on August 29, 2001. On December 18, 2014, Immigration and Customs Enforcement issued a Notice of Intent/Decision to Reinstate Prior Order charging him as removable pursuant to his prior removal.

The applicant fears that he will be harmed by members of an organized criminal group in collusion with Mexican governmental authorities if he is returned to Mexico.

Summary

The applicant testified that he is afraid of being tortured and killed if he is returned to Mexico. The applicant testified that he fears being tortured and killed by the Zetas because the applicant witnessed a murder in 1997. The applicant testified that at that time, he heard people screaming and went to see what it was. The applicant testified that he saw two members of the zetas and two police officers beating up a man and a woman and that the applicant then saw them killed. The applicant testified that he ran away and was shot at by the people who killed the man and woman. The applicant testified that he was hit by a bullet in the leg and that he also cut his leg with a wire while trying to flee. The applicant testified that he later went to file a police report regarding the incident. The applicant testified that when he went to file the report, the applicant encountered one of the police officers who was involved in the killing. The applicant testified that he and another police officer pushed the applicant into a police car and took the applicant out of the city. The applicant testified that they beat him with curved sticks until the applicant was unconscious. The applicant testified that he then fled to the US. The applicant testified that while he was in the US, the applicant helped his family members with their drug business. The applicant testified that the drugs came from the Caballeros Templarios. The applicant testified that in 2005, the applicant's cousins were arrested and they owed \$60,000 to the Caballeros Templarios. The applicant testified that he fears being harmed because the Caballeros Templarios want the money from the applicant. The applicant testified that there is no place he can be safe in Mexico.

Credibility

The applicant presented testimony that was consistent, sufficiently detailed, and plausible. The applicant is therefore found to be credible.

Analysis

To establish a reasonable fear of persecution, the applicant must establish that there is a reasonable possibility he or she would be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion in the country to which he or she has been ordered removed.

To establish a reasonable possibility of torture, an applicant must establish: (1) that the harm feared reaches the level of severity required to constitute torture; (2) that the feared harm would be specifically intended to inflict such pain or suffering; (3) that the pain or suffering feared would be inflicted by, or at the instigation of a public official acting in her/his official capacity, or with the consent or acquiescence of a public official or other individual acting in an official capacity; (4) that the harm would occur while in the custody or physical control of the feared torturer; and (5) that the feared harm would not be the result of lawful sanctions enforced against the applicant.

The standard of proof to establish "reasonable fear of persecution or torture" is the "reasonable possibility" standard. This is the same standard required to establish a "well-founded fear" of persecution in the asylum context. The "reasonable possibility" standard is lower than the "more likely than not standard" required to establish eligibility for withholding of removal. It is higher than the standard of proof required to establish a "credible fear" of persecution.

Applicant's Risk of Torture

To establish a reasonable possibility of torture, an applicant must establish: (1) that the harm feared reaches the level of severity required to constitute torture; (2) that the feared harm would be specifically intended to inflict such pain or suffering; (3) that the pain or suffering feared would be inflicted by, or at the instigation of a public official acting in her/his official capacity, or with the consent or acquiescence of a public official or other individual acting in an official capacity; (4) that the harm would occur while in the custody or physical control of the feared torturer; and (5) that the feared harm would not be the result of lawful sanctions enforced against the applicant.

To begin with, it must be noted that the applicant was a victim of torture in the past. The applicant testified that he was severely beaten in the past after the police abducted him while he was trying to file a police report regarding the murder he witnessed. The applicant testified that he was pushed into a police car and taken out of town. The applicant testified that he was then beaten by two police officers with curved sticks. The applicant testified that he was beaten so severely that he lost consciousness. This is severe enough to amount to torture. The applicant testified that this harm was inflicted on him in order to extract information from him regarding what he witnessed and was specifically intended to inflict pain. As noted above, this also occurred with the consent or acquiescence of the police because the police were the people who harmed him. The applicant also established that this was done to him while he was under the physical control of the people who harmed him because he was pushed into a police car and driven out of town. The applicant was under the control of the police the entire time. The applicant also testified that this was not done pursuant to any lawful sanction. Thus, the applicant has established all of the elements discussed above. A finding that an applicant suffered torture in the past does not raise a presumption that it is more likely than not the applicant will be subject to torture in the future. However, regulations require that any past torture be considered in evaluating whether the applicant is likely to be tortured, because an applicant's experience of past torture may be probative of whether the applicant would be subject to torture in the future.

To that end, the applicant established a reasonable fear of torture if he is returned to Mexico. The applicant testified that he fears being tortured and killed by members of organized criminal groups or cartels -- namely the Zetas and the Caballeros Templarios. The applicant further testified that he feared the government because the organized criminal groups have connections with the government and the police. In this case, the applicant has established a reasonable possibility that the harm he fears is severe enough to constitute torture. The applicant testified that he fears being killed by organized criminals if he is removed to Mexico, which is severe enough to rise to the level of torture. Because no actor in Mexico has a legitimate reason to harm the applicant, the applicant has established that the harm he suffers in the future would be specifically intended to inflict pain on the applicant. The applicant testified that he fears being harmed by the Zetas and the police because he witnessed members of the Zetas and the police beating and killing a man and a woman. As noted above, the applicant was tortured by the police because he witnessed this crime. The

applicant further testified that he fears being killed by the Caballeros Templarios because his family members owe the Caballeros Templarios \$60,000. Neither of those is a legitimate reason to harm the applicant.

The applicant fears being tortured by members of a cartel with the consent or acquiescence of a public official or other individual acting in an official capacity. The applicant testified to having specific knowledge that the police are connected to at least one cartel – the Zetas. The applicant testified that he was apprehended by police officers who pushed him into a police vehicle and transported him out of town. The applicant further testified that these officers beat him with curved sticks until he was unconscious. This evidence is sufficient to establish that the police would consent or acquiesce to organized criminal groups torturing the applicant.

Furthermore, the conclusion that the police would consent or acquiesce to organized criminal groups torturing the applicant is also bolstered by country conditions information. Country reports show human rights violations by the authorities in Mexico are widespread and ongoing. Corruption by the authorities is also pervasive and reflects their involvement with criminals and drug cartels. A recent report notes that, "Amnesty International has documented some 152 individual cases of disappearance in seven states. Amnesty International believes that, on the basis of the information available, in at least 85 cases there is sufficient evidence of the involvement of public officials for them to constitute crimes of enforced disappearance under international law. In the vast majority of other cases, there was evidence of lack of due diligence by the authorities to locate the victim, to investigate the circumstances of the disappearance, and to respect the rights of relatives." Amnesty International, *Confronting a Nightmare: Disappearances in Mexico*, 4 June 2013, AMR 41/025/2013, available at: <http://www.refworld.org/docid/51b18c524.html> [accessed 17 February 2015]. That report also notes that "Criminal gangs are frequently blamed, but this presumption is rarely based on a full investigation. In fact, criminal gangs have infiltrated the police and security forces and, as a result, many public officials have colluded in disappearances carried out by these gangs." *Id.* The Department of State reports that "[s]ignificant human rights-related problems included police and military involvement in serious abuses, including unlawful killings, physical abuse, torture, and disappearances. Widespread impunity and corruption remained serious problems, particularly at the state level, in the security forces, and in the judicial sector." 2012 Country Reports on Human Rights Practices – Mexico (Apr. 19, 2013) available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> [last accessed 17 February 2015]. "Security forces, acting both in and out of the line of duty, arbitrarily or unlawfully killed several persons during the year, often with impunity." *Id.* The CNDH reported that there were at least 7,000 unidentified bodies of persons killed in the last six years in morgues and common graves, while a PGR-compiled list of more than 25,000 people who had disappeared since December 2006 was leaked to the *Washington Post* in November. *Id.* There were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. *Id.*

In addition, Amnesty International has also documented collusion between police and criminal gangs in Mexico. "Amnesty International has urged the Mexican government to thoroughly investigate links between drug and criminal gangs and public officials, following the arrest this week of 16 police officers accused of working with gang members responsible for mass killings near the US border." Amnesty International, *Mexico urged to take action over collusion between criminal gangs and police*, 14 April 2011, available at: <http://www.refworld.org/docid/4dad203a8.html> [accessed 17 February 2015]. The most recent Amnesty International report notes that "In some areas of the country in recent years, well-armed and organized criminal gangs and drug cartels, often operating in collusion with public officials, have posed a particular challenge. The authorities have often overlooked or even tacitly sanctioned the use of torture or other ill-treatment, as "necessary" to enable the police and military to catch suspected offenders and reassure public opinion." Amnesty International, *Out of control: Torture and other ill-treatment in Mexico*, 4 September 2014, AMR 41/020/2014, available at: <http://www.refworld.org/docid/540d7c604.html> [accessed 17 February 2015].

The applicant has also established a reasonable possibility that it would be more likely than not that he would suffer torture if he is returned to Mexico. The applicant testified that members of the Zetas have recently learned that he has been detained in the United States and have inquired about the applicant with family members in Mexico. The applicant further testified that he believes that they gained this information through friends and relatives' facebook pages, which discussed the applicant's detention. In addition, the applicant testified that he could be found by these individuals because they would be able to locate him through national databases, which they have access to through their connections with Mexican authorities. When viewed cumulatively, the risk of harm faced by the applicant rises to the level necessary to show a reasonable possibility that it will occur if the applicant is returned to Mexico.

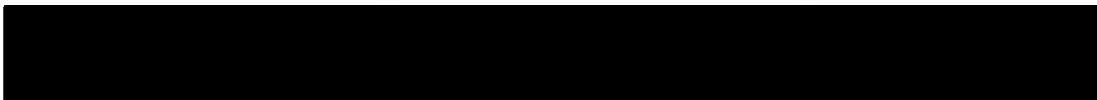
The applicant has established a reasonable possibility that the harm he fears would occur while in the custody or physical control of the feared torturer. The applicant's testimony about his past torture and country conditions cited above also demonstrate that organized criminals and the police have the ability to kidnap and torture the applicant while he is under their physical control. As noted above, members of the police were able to torture the applicant in the past while the applicant was in their custody. Finally, the applicant has established a reasonable possibility that the harm he fears would not be the result of lawful sanctions enforced against the applicant. The applicant testified that he has never committed a crime or violated the law in Mexico.

The applicant has not established that there is a reasonable possibility that he could avoid torture by relocating within his country of removal and that, under all circumstances, it would be reasonable for the applicant to do so. The applicant testified that the organized criminals he fears are associated with governmental authorities who have tortured him in the past. The fact that such organized criminals are associated with the police is confirmed by independent country conditions reports. The applicant testified, and country conditions information confirms, that the authorities have assisted organized criminals with kidnapping and harming individuals. In addition, the applicant testified that he also fears being harmed by the Caballeros Templarios if he is returned to Mexico. The applicant testified that he fears being harmed by this organization because of a debt owed to the Caballeros Templarios by family members. This, in conjunction with country conditions cited above, is sufficient to establish that there is no safe internal relocation option. Therefore relocation is not reasonable.

The applicant has established that he has a reasonable fear of being tortured if he returns to Mexico.

BARS

The applicant's criminal history in the U.S. consists of the following:



Pursuant to 8 CFR 208.31(c), the mandatory bars were not taken into consideration in making the determination of the applicant's reasonable fear eligibility

Conclusion

The applicant has established that he has a reasonable fear of being tortured if he returns to Mexico.

EXHIBIT E

Notice of Intent/Decision to Reinstate Prior Order

File No. [Redacted]

Event No: P001512000001

Date: December 18, 2014

FIN #: 9465229

Name: [Redacted]

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of Removal entered against you. This intent is based on the following determinations:

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on August 15, 2001 at Chicago, Illinois

2. You have been identified as an alien who:

[X] was removed on August 29, 2001 pursuant to an order of deportation / exclusion / removal.

[] departed voluntarily on [] pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).

3. You illegally reentered the United States on or about August 29, 2001 at or near Unknown Location

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You do not have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the Spanish language.

R 4794 JOSEPHINE SORAGHAN (Printed or typed name of official)

[Signature of official]

(Signature of official)

DO (Title of officer)

Acknowledgment and Response

I [X] do [] do not wish to make a statement contesting this determination [Redacted Signature] 12/18/14 (Date)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

December 18, 2014 (Date)

Portland, OR (Location)

[Signature of authorized deciding official]

COREY R. BRATON (Printed or typed name of official)

BDDO (Title)

EXHIBIT F

D. Sieminski ZSF227

Interview Date: 02/10/2015

Alien's File Number: A 077 862 233

SECTION II:

BIOGRAPHIC INFORMATION

- 2.1 [REDACTED]
Last Name/ Family Name [ALL CAPS]
- 2.2 [REDACTED] 2.3 [REDACTED]
First Name Middle Name
- 2.4 [REDACTED] 2.5 Gender Male Female
Date of birth [MM/DD/YY]
- 2.6 Reyes Luna
Other names and dates of birth used
- 2.7 Mexico 2.8 Mexico
Country of birth Country (countries) of citizenship (list all)
- 2.9 Prior address in last country in which applicant fears persecution or torture (List Address, City/Town, Province, State, Department and Country):
Zacatecas, Mexico
- 2.10 08/29/2001 2.11 Unknown
Date of last arrival [MM/DD/YY] Port of arrival
- 2.12 12/18/2014 2.13 Northwest Detention Center
Date of detention [MM/DD/YY] Place of detention
- 2.14 Grounds provided by Deportation Officer for removal:
 Prior order reinstated pursuant to 241 (a)(5) of the INA
 Removal order pursuant to 238(b) of the INA (based on aggravated felony conviction)
- 2.15 Latino/Indigenous 2.16 Catholic 2.17 Spanish
Applicant's race or ethnicity Applicant's religion All languages spoken fluently by applicant
- 2.18 Does the applicant claim to have a medical condition (physical or mental), or has the officer observed any indication that a medical condition (physical or mental) exists? Yes No
- 2.19 If YES, Explain:

Mental problems

- 2.20 Does applicant indicate, or does officer believe medical condition is serious? Yes No (N/A)
- 2.21 Does applicant request immediate attention for a medical condition, or does the officer believe applicant needs immediate attention for a medical condition? Yes No (N/A)
- 2.22 Does applicant claim that medical condition relates to torture? Yes No (N/A)

SECTION III: REASONABLE FEAR FINDING

TYPED RECORD OF INTERVIEW AND ASSESSMENT OF REASONABLE FEAR MUST BE ATTACHED TO THIS WORKSHEET. If the asylum officer finds the applicant not credible, the sworn statement must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues. A person has a reasonable fear of persecution or torture if there is a reasonable possibility the person would be persecuted or subjected to torture.

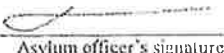


A. Credibility Determination

- 3.1 The applicant's testimony was sufficiently detailed, consistent and plausible in material respects and therefore is found credible.
- 3.2 The applicant's testimony was found not credible in material respects. [Assessment must (1) identify specific discrepancies, inconsistencies, kind of detail applicant was unable to provide, etc. (2) Summarize applicant's explanation for the inconsistencies, inability to provide detail, etc.; and why the explanation failed to overcome reasons for finding the applicant not credible; and (3) explain how the non-credible aspects of the testimony are material to the claim.]
- 3.3 Material aspects of the applicant's testimony were found credible in part and not credible in part. [Assessment must identify which material aspects were credible and which were not credible. For part of testimony found not credible, (1) identify specific discrepancies, inconsistencies, kind of detail applicant was unable to provide, etc.; (2) Summarize applicant's explanation for the inconsistencies, inability to provide detail, etc.; and (3) Explain how the non-credible aspects of testimony are material to the claim.]

B. Reasonable Fear Determination

- 3.4 **Reasonable Fear of Persecution Established (I-863 Box 6)**
 [The applicant has established that there is a reasonable possibility of suffering harm constituting persecution in the country to which the applicant has been ordered removed, AND the applicant has established that there is a reasonable possibility the persecution she/he fears is on account of race, religion, nationality, membership in a particular social group, or political opinion.]
 Is political opinion related to Coercive Family Planning? Yes No
- 3.5 **Reasonable Fear of Torture Established (I-863 Box 6)**
 [The applicant has established that there is a reasonable possibility that 1) the applicant would be subject to severe pain or suffering in the country to which the applicant has been ordered removed; 2) the feared harm would be specifically intended to inflict severe physical or mental pain or suffering; 3) the pain or suffering would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity; 4) the feared harm would be inflicted while the applicant is in the custody or physical control of the offender; and 5) there is a reasonable possibility that the feared harm would not be in accordance with lawful sanctions.]
- 3.6 **No Reasonable Fear of Persecution Established and No Reasonable Fear of Torture Established (I-863 Box 5, if applicant requests review)** [Assessment must explain reasons for both findings.]

ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

3.7 D. Sieminski ZSF227 Asylum officer name and ID CODE (print)	3.8  Asylum officer's signature	3.9 02/17/2015 Decision date
3.10  Supervisory asylum officer name	3.11  Supervisor's signature	3.12 FEB 19 2015 Date supervisor approved decision

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP & IMMIGRATION SERVICES
RECORD OF INTERVIEW**

Office: ZSF	File No: [REDACTED]
At: Tacoma, WA	Date: 02/10/2015
Statement by: [REDACTED]	
In the Case of: [REDACTED]	
Before: D. Sieminski ZSF227	Start Time: 8:30 am
In the: Spanish language	End Time: 10:46
Interpreter: Language Line #60	
Applicant's Representative: None	
Others Present: None	

My name is Officer Sieminski and I am an asylum officer with the U.S. government. I am interviewing you today because you have expressed a fear of returning to your country.

[To the Interpreter]

Q. *Do you affirm that you will truthfully, literally, and fully interpret the questions asked and answers given; that you will not add to, delete from, or comment on the matter to be interpreted; and that you will notify the officer immediately if you become aware of your inability to interpret in a neutral manner because of a bias against the applicant or the applicant's race, religion, nationality, political opinion or membership in a particular social group?*

A. yes

[To the Applicant]

Q. Do you still have a fear of returning to your country, Mexico?

A. no, not fear. I feel terror.

Q. Have you received orientation papers describing this reasonable fear interview?

A. yes

Q. Did you understand those papers?

A. no I wasn't able to understand because I have mental issues.

~~Q. Do you have any questions about anything in those papers?~~

A. the problem is that they were in English.

Q: it looks like you got them in Spanish as well?

A: I did not look well at those papers. I only saw them in English.

Interpreter read section 1.19 on the Form I-899:

The purpose of this interview is to determine whether you should be referred to an immigration judge to apply for withholding or deferral of removal. You will be eligible for such a referral if the CIS finds that there is a reasonable possibility you would be persecuted or tortured in the country to which you have been ordered removed. I am going to ask you questions about why you fear returning to the country to which you have been ordered removed, or any other country. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. US law provides strict rules to prevent the disclosure of what you tell me today about the reasons you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

APSO D. Sieminski ZSF227
A [REDACTED] Date: 02/10/2015

Q. Do you understand what was just read to you?

A. yes

Q. Do you understand your Spanish interpreter?

A. yes

Q. Are you willing to answer my questions today?

A. yes

Q. Do you promise to tell the truth, the whole truth, and nothing but the truth?

A. yes

Q. Do you have an attorney helping you with your reasonable fear case?

A. I was in the process of getting one but then when I came I was told I had to wait two weeks to get one.

Q. You have the right to have an attorney or accredited representative present during your reasonable fear interview. Do you want to continue this interview without an attorney or accredited representative?

A. its ok. I have not been able to get the money.

Q. How are you feeling today?

A. a bit nervous.

Q: what kind of mental issues were you talking about before?

A: well the process for requesting asylum it was because I was hit very badly on my head and left unconcious and I have problems understanding things. I can understand if you explain slowly and sometimes I have to ask questions. Right now I have medication.

Q; what kind of medication?

A: I have no idea.

Q. How have you been treated in detention?

A. very good.

Q. Are you taking any medication or have health conditions that would affect your ability to be interviewed today?

A. no, nothing.

I will first ask you some biographical and identity questions. Then you can tell me why you do not want to return to Mexico.

Background Questions

Q. Are you married?

A. right now I'm not sure I was in the process of getting divorced.

Q. Do you have any children?

A. yes, [REDACTED]

Q: where are they now?

A: the [REDACTED]

Q: where are your parents?

A: I don't know who my father is and my mother is in zacateca

Q: do you have siblings?

A: yes, we are 11.

Q: how many of them are in mexico and how many in the US?

A: at the moment all are in mexico except for one that was deported.

Q. What is the highest level of education you have completed?

A. I went to secondary school but didn't finish.

Q. How many total times have you entered the U.S.?

A. I was deported once, so that would be two times.

Q. When did you first enter the U.S.?

A. I believe it was 1997.

Q: did you have legal immigration status when you came?

A: no

Q: you were deported august 2001?

A: correct.

Q: how long did you remain in mexico in 2001?

A: not even an hour. Not even half an hour.

Q: you turned around and came right back?

A: well I was locked up. I looked for information because I was afraid of going back. After I left immediately I went to immigration to get information. I requested a forgiveness letter. There were 3-4 other men and then I went with them up to the officer.

Q: Mexican immigration officials or US immigration officials?

A: it was on the border. I think they were US officers.

Q: where were you?

A: the same border where I was deported.

Q: know which city you were deported to?

A: I'm not sure but I think it was San Ysidro.

Q: what were you doing in that line?

A: as I mentioned I was going to ask for information about how to get a forgiveness letter. Then when I was together with the other people the immigration officer told us to cross over because they were looking at the car.

Q: did the immigration official let you in?

A: yes he made a sign with his hand so we could come in.

Q: in 2001 you were in mexico a very short period of time?

A: yes

Q: the last time you were in Zacatecas, was it 1997?

A: yes, 1996 or 1997.

I will now ask you about why you are afraid to return to Mexico.

Claim

Q. Who are you afraid of in Mexico?

A. two cartels right now.

Q: which cartels?

A: the zetas cartel is the one ruling Zacatecas right now. And the cartel of los caballeros templarios

Q. Other than the zetas and the caballeros templarios, are you afraid of anyone else in Mexico?

A: also everything included because right now many police are also included.

Q: why are you afraid of the zetas?

A: right now at this moment there are people requesting asylum they are working with them.

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██████████ date: 02/10/2015

Q: what do you mean people requesting asylum are working with them?

A: no that's the reason why I'm requesting asylum.

Q: why are you requesting asylum?

A: ok my story begins this way. I was in Mexico on the side of the city I was living in. then I heard some noise. Since I was young and curious I went to see what is happening. so then there was a river near where I was and I heard people screaming. I got close and saw they had two people there a man and a lady. And they were dressed as police officers. And those are the two persons that are working with the zetas.

Q: the man and woman were dressed as police officers?

A: no

Q: the man and woman were the ones screaming?

A: I think so because they were bullying.

Q: there were two others dressed as police?

A: correct there were two hitmen from the zetas and two police officers.

Q: how were the police officers dressed?

A: with blue uniforms.

Q: how do you know the other two people were zetas?

A: because currently they work for the zetas.

Q: how do you know that?

A: because I know those people from the place I was living.

Q: what makes you think they worked for the zetas?

A: they work for the zetas and I know. I know that because one of them works in the hills selling and planting marijuana and the other distributes the drugs. Julio Ernesto Cardenas is known as "el chango". He's the one in charge of the land. And Alfredo Friday "el gallo" he is the one in charge of distributing the drugs to children in Zacatecas.

Q: how do you know this information?

A: everyone knows it.

Q: did you ever belong to the zetas?

A: no never.

Q: were Julio and Alfredo the ones with the police?

A: correct.

Q: can you tell me what happened?

A: once I heard the screams and went to investigate. I got close and saw how they were being beaten up. After a while beating them up. I saw both of them being shot in the head. So once I saw that I got scared and I made a noise. So when they turned around to see where the noise was coming from. They saw me and I ran away. So then they started to shoot at me and chase me. I just ran and ran and they were shooting at me. when I was going to cross a wire fence, I cut myself on my leg and almost at the same instant, one of the shots hit me. and I managed to continue walking and at times I ran. And as soon as I had a chance I hid. And I did not come out until after it was night. After that, I went home but I did not want my family to see me. so then I helped myself with one of my brothers. Then he helped me to hide so they would not be able to find me. after I don't remember, it was about two days. And my brother was telling me I had to report them but I was afraid. After that he continued insisting. So then I went to Fresnillo, Zacatecas to report what happened.

Q: what happened?

A: when my brother told me to go to Fresnillo, I did go but when I was getting there. I got out of the bus and one of the police officers involved in the killing was there. he saw me when I got off the bus.

Q: was he at a police station?

A: yes. So then I was going there but him and someone else who was working with him they grabbed me by my arms and

put me in the police truck and they took me out of the city. Then they were calling me many things, about what was I doing there and what had I seen. Then they started to beat me.

Q: were you in the car when they were beating you or did they take you somewhere?

A: one of them was hitting me inside the car. Until we reached outside the city. Then they got me off the vehicle and then they both started to beat me even harder. The police officers used something called a curved stick. And they were hitting my head several times with that.

Q: were they saying anything to you?

A: yes they were asking me what I had seen and if I saw something to say yes. They continued hitting me until I lost consciousness and I don't know what happened.

Q: where were you when you woke up?

A: I woke up in the flat part outside of the city.

Q: what did you do after that?

A: I tried going back home but I reached a river and was able to clean some of the blood up. Once I got home my brother helped me clean up more. So then he told me that I had to leave the country because if not they would keep looking for me. I went to Reynosa. And I looked for someone to help me cross. I paid a coyote and I came.

Q: Why would the zetas want to harm you now?

A: because I'm still a witness to that crime. And right now they know that I'm detained.

Q: how do they know you are detained?

A: because right now one lives in the city I was living and he asked by when will I be back.

Q: the thing you witnessed, that was 1997?

A: yes

Q: who is the person who was living in the city you were living in?

A: I'm not exactly sure which of the two but I think it's the one called el change

Q: which one is el change?

A: Julio cardenas

Q: you were living in Vancouver, WA?

A: when I was arrested yes.

Q: Julio cardenas lives in Vancouver too?

A: no he was living where I was living before in Zacatecas.

Q: who did he ask about you?

A: one of my brothers.

Q: which brother?

A: his name is [REDACTED]

Q: why would Julio be asking about you all of a sudden after almost 20 years?

A: I don't know exactly why but I believe that day when they left me. they thought I was dead.

Q: did you wake up in the same place where they were hitting you until you were unconscious?

A: yes

Q: did you speak with your brother edgar?

A: no, he told my sons mother.

Q: where is your son's mother?

A: in [REDACTED]

Q: when did edgar tell this to your son's mother?

A: not too long ago and she came and visited me.

Q: what did she tell you?

A: to be careful. To be careful because they will be looking for me once I am out of here.

Q: can you tell me the exact words?

A: that's what she told me and then she explained everything that happened in a letter.

Q: where is the letter?

A: I believe I have it with my belongings.

Q: what did the letter say?

A: the letter said that for me to try to stay here. To be careful. If I went back because that person had been asking my brother edgar.

Q: how would [REDACTED] have any idea you were in detention in the US after so long?

A: because in mexico everything is known. As soon as I was detained it was on facebook that I was detained. I think maybe he found out that way.

Q: who put that on facebook?

A: lots of my cousins they started making comments.

Q: why would [REDACTED] be looking for facebook posts about you?

A: I don't really know if it was my facebook but since we knew each other in mexico and went to school together we had many friends in common.

Q: why are you afraid of the caballeros templarios?

A: when that happened I went to Reynosa. From there I crossed into texas. All that area, McAllen and other cities known as the valley. There I lived for a year with this relative and her husband.

Q: why are you afraid of the caballeros templarios?

A: because when I was living with him, he was dedicated to drug trafficking. I never got involved. On two occasions he asked me to help him wrap some marijuana and on another occasion to help him wrap some marijuana and cocaine. I did not like that because I was from problems. Then I came to Chicago.

Q: why would the caballeros templarios want to harm you now?

A: I was living with a male cousin and my cousin was also selling drugs from mexico here. He asked me if I knew about someone and I told him about the person I was living with. So then they both started working. Then once they came to bring a shipment and I was there. so several cousins and my brother were sent to jail and they owed some money. Then they went to visit me and told me that I would have to pay since I was one of their alliances and that's why I'm afraid of the templarios.

Q: how do you know the drugs were coming from the caballeros templarios?

A: because my cousin works for them.

Q: how do you know that?

A: he told me.

Q: what makes you think the CT know you were involved in this?

A: because as I had said a while ago they owed some money and I was there at one of the deliveries. And I was the one that contacted them with my cousin. The one in McAllen.

Q: what do you mean you were at one of the deliveries?

A: I was the person that told my cousin in Chicago about my other cousin in texas and when they were making a delivery I was in the house because I was living there.

Q: did you ever have any contact with the caballeros templarios?

A: they were the ones that came to bring the drugs.

Q: how do you know those people were in the caballeros templarios?

A: because they were always talking and bragging about all the power they had.

Q: were you ever threatened at all by the caballeros templarios?

A: yes when my cousins were sent to jail. And several cousins and my brother.

Q: how were you threatened?

A: they came and they contacted me in Chicago and we met and they told me that I would have to pay or if not they were going to take other actions.

Q: when was this?

A: I don't know the exact date and I can get the information.

Q: a year and month?

A: the year I believe was between 2005 and 2007, I think.

Q: how much money did they want?

A: right now I'm not sure they mentioned \$50,000 or \$60,000. I'm convinced its more \$60,000 because each kilo of cocaine was 20.

Q: did you pay them?

A: no and at that time I went to live in the hotel.

Q: have you had any contact with the caballeros templarios since that happened?

A: no

Q: has anyone in your family been threatened or harmed by the caballeros templarios since then?

A: nothing that I know of.

Q: why do you think the caballeros templarios would want to harm you now?

A: right now I'm not sure if they know where I am. But because of the money owed.

Q: are your cousins or brother out of jail?

A: my brother is already out of jail even though I don't know where he is. And my cousins are also out of jail, except for one of them. He was the boss.

Q: are they in the US or in Mexico?

A: [REDACTED] he is the owner of the cartel, eh is down here. The other ones I believe in Mexico. Where in Mexico I don't know.

Q: What would happen to you if you returned to Mexico?

A: I don't know they might torture me or kill me, I don't know.

Q: do you know if the CT are connected to the police or other authorities in Mexico?

A: they control the police.

Q: what makes you say that?

A: lots of pictures in the newspapers and everyone says it.

Q: have you seen or heard anything that makes you think they were connected to the police?

A: not seen, but heard.

Q: what have you heard?

A: when they were connected in Michoacan and Reynosa. Part of Reynosa is controlled by them. They also pay the police so they can hand people that are going from here to there.

Q: what do you mean?

A: because many people that go from here. The trucks are stopped by the police and handed over to them by the police. A friend of mine who lives in Chicago. He had been living in the same place as me in Mexico. He was making a business and he was taking things from here to Mexico and from Mexico here. And he would charge certain amounts depending on

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how much the box weighed. Then there was an occasion when he was going there and he was stopped by the police and then they told some other people, I believe it was the caballeros, and according to my friend they were behind a police car using ski masks. One of them came over and said they knew who he was and how many times he had come here. They also told him that he would have to pay certain amounts each time he entered to not have problem.

Q: this was the police that said this?

A: no, it was the man with the ski mask. That's what he told me. he said they were charging him \$3000. And they also gave him a telephone number he would call each time he was going to make a payment.

Q. Could you move to a different area in Mexico to avoid the harm you fear?

A. if it was a matter of moving everyone would move. The problem is for you to be able to move you need to get some id's and they control all that area apart from the government and they will know where I am. Because without an ID document you cannot work anywhere.

Q: how would they find you?

A: once I go to get an id, anyone can give them information.

Q: what do you mean by that?

A: lets say if I were to get an id, they would have access to that information they could know from where I came and who I am.

Q: how would they have access to that?

A: they have people working for them on the inside. That's the way they find many people that have become victims.

Q. Is there any other harm you suffered in Mexico that you want to tell me about?

A. no

Q. Do you fear harm by any public officials or anyone connected to the government in Mexico?

A. yes because many of the police are controlled by them. Not all of them but many of them.

Q. Would anyone be punishing you because you violated the law in Mexico?

A. I have not committed any crime in Mexico and I don't have a bad record.

Additional Nexus Questions

Q. Did you belong to any groups or organizations in Mexico or the US?

A. no, not belong to any I only was with my cousins on one of the deliveries.

Q. Would you have any problems in Mexico because of your *political opinion*?

A. with the government, no

Q. Would you have any problems in Mexico because of your *race, ethnicity, or nationality*?

A. well we were being classified as lower class because we live near the mountains so they discriminate against us.

Q: would you have any problems because you are latino?

A: no

Q: would you have any problems because you are indigenous?

A: just normal.

Q: what does that mean?

A: well lots of people in the city call us Indians and say we should go back to the land, but its just discrimination. That exists in all parts of the world.

Q: what kind of discrimination?

A: well how can I say this. The discrimination for having indigenous blood.

Q: what was the discrimination like?

A: as I mentioned, they call us Indians and derogative term and tell us to go back to our land.

Q: anything other than insults?

A: for me, no, but some of the people from where I am from they have been assaulted and attacked.

Q: what are you afraid would happen to you because you are indigenous?

A: the normal thing that happens to all of us, we were denied jobs or opportunities because we did not belong to a social class.

Q: would you be able to get a job if you return?

A: without an ID I would not be able to get a job. except working the land selling marijuana. That is not good because sooner or later you will have problems.

Q: are your siblings and family members able to find jobs and work in Mexico?

A: they work in Mexico.

Q: Would you have any problems in Mexico because of your religion?

A: no

Q: Would you have any problems in Mexico because you are connected to a marginalized group or community that society in Mexico disapproves of?

A: only for being indigenous.

I will now review my notes to see if there is anything else I would like to ask.

Additional Questions

Q: When immigration officials apprehended you in December 2014, you did not tell them you were afraid to return to Mexico. Why not?

A: because I do not tell this to many people. Only to those people that I know are trustworthy.

Possible Bars

Q: Have you ever been to any countries, other than Mexico and the U.S.?

A: no

Q: Have you ever had legal status in any country, other than Mexico?

A: no

Q: Have you ever applied for asylum or refugee status in another country?

A: no

Q: Has any other country ever offered you any type of legal status?

A: no

Q: Have you ever been arrested?

A: yes in Mexico. One time.

Q: what were you arrested for in Mexico?

A: because of a car accident.

Q: was anyone hurt?

A: no

Q: how many times were you arrested in the US?

A: [REDACTED]

Q: Have you ever been charged with a crime?

A: yes

Q: [REDACTED]

A: yes

Q: Have you ever committed a crime for which you were not arrested or charged?

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[REDACTED] Date: 02/10/2015

A. not that I remember.

Q. Have you ever harmed anyone for any reason?

A. I've never been violent. I avoid violence. I also hate abuse of power.

Q. Have you ever belonged to any armed groups?

A. nothing except my cousins.

Q. aside from your cousins, have you ever helped any armed groups in any way?

A. no

Q. Have you ever received any type of police or military training?

A. no

Q. Have you ever supported terrorists or terrorist groups in any way?

A. no

Q. Have you ever been associated or affiliated with a gang, cartel, or drug traffickers in any way?

A. only with my cousins.

Q. I have no more questions. Is there anything you would like to add about your reasonable fear case?

A. no that's all.

Q. Did you understand my questions?

A. yes

I am going to write a short summary of what you have told me today and then I will read it back to you. Please listen carefully and let me know if anything needs to be changed.

You testified that you are afraid of being tortured and killed if you are returned to Mexico. You testified that you fear being tortured and killed by the Zetas because you witnessed a murder in 1997. You testified that you heard people screaming and went to see what it was. You testified that you saw two members of the zetas and two police beating up a man and a woman and that you then saw them killed. You testified that you ran away, were shot at and were hit by a bullet and cut your leg with a wire. You testified that you later went to file a police report. You testified that when you went to file the report, one of the police officers who was there saw you. You testified that he and another police officer pushed you into a police car and took you out of the city. You testified that they beat you with curved sticks until you were unconscious. You testified that you then fled to the US. While in the US you helped your family members with their drug business. You testified that the drugs came from the Caballeros Templarios. You testified that in 2005 your cousins were arrested and they owed \$60,000 to the Caballeros Templarios. You testified that you fear being harmed because the Caballeros Templarios want the money from you. You testified that there is no place you can be safe in Mexico.

[APSO summarized the case to the alien and provided an opportunity to correct any errors as required by regulation. The alien had no corrections to the summary. (or APSO corrected the errors indicated by the alien)]

Q. Is this correct?

A. yes

Q. Do you have any questions for me?

A. no

End Time: 10:46 am.

EXHIBIT G

M-15-3-A

Notice of Referral to Immigration Judge

	Date 2-20-15
	A-File [REDACTED]
	Country of Citizenship Mexico
	IN DHS CUSTODY AT Northwest Detention Center, 1623 E J Street, Suite 5, Tacoma, WA 98421
Place and Manner of Arrival Unknown - EWI	Date of Arrival 08/29/2001

To immigration judge:

- 1. The above-named alien has been found inadmissible to the United States and ordered removed pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act). A copy of the removal order is attached. The alien has requested asylum and/or protection under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act and 8 CFR § 208.30(g).
- 2. The above-named alien arrived in the United States as a stowaway and has been ordered removed pursuant to section 235(a)(2) of the Act. The alien has requested asylum and/or withholding of removal under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act.
- 3. The above-named alien arrived in the United States in the manner described below and has requested asylum and/or withholding of removal under the Convention against Torture. The matter is referred for a determination in accordance with 8 CFR 208.2(c). Arrival category (check one):
 - Crewmember/applicant
 - Crewmember/refused
 - Crewmember/landed
 - Crewmember/violator
 - VWP/applicant
 - VWP/violator
 - 235(c) order
 - S-visa nonimmigrant
 - Stowaway: credible fear determination attached
- 4. The above-named alien has been ordered removed by an immigration officer pursuant to section 235(b)(1) of the Act. A copy of the removal order is attached. In accordance with section 235(b)(1)(C) of the Act, the matter is referred for review of that order. The above-named alien claims to be (check one):
 - a United States citizen
 - a lawful permanent resident alien
 - an alien granted refugee status under section 207 of the Act
 - an alien granted asylum under section 208 of the Act.
- 5. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the Immigration and Naturalization Service (INS) has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien does not have a reasonable fear of persecution or torture. The alien has requested a review of that determination in accordance with 8 CFR §§ 208.31(f) and (g).
- 6. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the INS has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien has a reasonable fear of persecution or torture. The matter is referred for a determination in accordance with 8 CFR § 208.31(e).
- 7. The Commissioner of the INS has determined that the release from custody of the above-named alien who is under a final order of removal would pose a special danger to the public according to the standards set in 8 CFR § 241.14(f)(1). The INS has therefore invoked procedures to continue the alien's detention even though there is no significant likelihood that the alien will be removed from the United States in the reasonably foreseeable future. The matter is referred to the immigration judge for a review of this determination in accordance with 8 CFR § 241.14 (g).

EX-1
TLF
2-26-15 Form I-863 (rev. 10/24/02)

Notice of Referral to Immigration Judge

NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on:

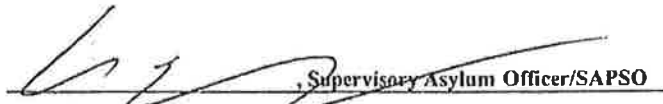
To be determined at To be determined
(Date) (Time)

You are to appear at: Tacoma Immigration Court - 1623 East J Street, Suite 3, Tacoma, WA 98421
(Location)

You may be represented in this proceeding, at no expense to the government, by an attorney or other individual authorized and qualified to represent persons before an Immigration Court. If you wish to be so represented, your attorney or representative should appear with you at this hearing. In the event of your release from custody, you must immediately report any change of your address to the Immigration Court on Form EOIR-33, which is provided with this notice. If you fail to appear for a scheduled hearing, a decision may be rendered in your absence.

You may consult with a person or persons of your own choosing prior to your appearance in Immigration Court. Such consultation is at no expense to the government and may not unreasonably delay the process.

Attached is a list of recognized organizations and attorneys that provide free legal service.


Supervisory Asylum Officer/SAPSO
(Signature and title of immigration officer)

CERTIFICATE OF SERVICE

The contents of this notice were read and explained to the applicant in the Spanish language.

The original of this notice was delivered to the above-named applicant by the undersigned on 2-20-15 and the alien has been advised of communication privileges pursuant to 8 CFR 236.1(c). Delivery was made:

in person by certified mail, return receipt requested by regular mail


I.A.
(Signature and title of immigration officer)

Attachments to copy presented to immigration judge:

- | | |
|---|---|
| <input type="checkbox"/> Passport | <input type="checkbox"/> Form I-860 |
| <input type="checkbox"/> Visa | <input type="checkbox"/> Form I-869 |
| <input type="checkbox"/> Form I-94 | <input type="checkbox"/> Form I-898 |
| <input type="checkbox"/> Forensic document analysis | <input type="checkbox"/> Asylum officer's reasonable fear determination worksheet (I-899) |
| <input type="checkbox"/> Fingerprints and photographs | <input type="checkbox"/> Asylum officer's credible fear determination worksheet (I-870) |
| <input type="checkbox"/> EOIR-33 | |
| <input type="checkbox"/> FOR 8 CFR 241.14(f) CASES ONLY: Written statement including summary of the basis for the Commissioner's determination to continue the alien in detention, and description of the evidence relied on in finding the alien specially dangerous (with supporting documents attached). | |
| <input type="checkbox"/> EOR 8 CFR 241.14(f) CASES ONLY: Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cause Hearing at 8 CFR 241.14(h). | |
| <input type="checkbox"/> Other (specify): _____ | |

EXHIBIT H

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

[REDACTED]
C/O USDHS, C-2
TACOMA, WA 98421

[REDACTED] FILE A [REDACTED]

DATE: Mar 23, 2015

UNABLE TO FORWARD - NO ADDRESS PROVIDED

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5107 Leesburg Pike, Suite 2000
FALLS CHURCH, VA 20530

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

X OTHER: PLEASE SEE ATTACHED AMENDED HEARING NOTICE FOR 4/21/15 AT 9:30 A.M.


COURT CLERK
IMMIGRATION COURT

FF

CC: ANTHONY M. CAPECE, ASSISTANT CHIEF COUNSEL
1623 EAST J. STREET, SUITE 2
TACOMA, WA, 98421

AMENDED NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

RE: [REDACTED]
FILE: [REDACTED]

DATE: Mar 23, 2015

TO: [REDACTED]

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Apr 21, 2015 at 09:30 A.M. at:

1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT TACOMA, WA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE (P)
TO: [] ALIEN ALIEN c/o Custodial Officer [] ALIEN's ATT/REP DHS
DATE: 3/23/15 BY: COURT STAFF [Signature] V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

EXHIBIT I

F-4 - app
5 - FRIV
wmm

Brian Wolf
Rios & Cruz, P.S.
811 1st Ave, Ste. 340
Seattle, WA 98104

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
TACOMA, WASHINGTON

In the Matter of:

[REDACTED]

)
)
)
)
)

File No: A

[REDACTED]

Immigration Judge Fitting

Next Hearing: June 2, 2015 at 9:30 AM

FILE COPY


RESPONDENT'S I-589 SUBMISSION

1

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	Form I-589	<u>3-16</u>
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	Proof of submission to USCIS, which will be submitted on 06/02/2015	<u>17</u>
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Respectfully submitted this 2nd day of June, 2015 by



Brian Wolf
Attorney for Respondent

**I-589, Application for Asylum
and for Withholding of Removal**

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any) [REDACTED]		2. U.S. Social Security Number (if any) N/A	
3. Complete Last Name [REDACTED]		4. First Name [REDACTED]	5. Middle Name
6. What other names have you used (include maiden name and aliases)? [REDACTED]			
7. Residence in the U.S. (where you physically reside) Northwest Detention Center			
Street Number and Name 1623 E. J Street		Apt. Number 5	
City Tacoma	State WA	Zip Code 98421	Telephone Number None- detained
8. Mailing Address in the U.S. (if different than the address in Item Number 7)			
In Care Of (if applicable): Brian Wolf, Rios & Cruz, P.S.		Telephone Number (253) 507-4735	
Street Number and Name 811 First Avenue		Apt. Number 340	
City Seattle	State WA	Zip Code 98104	
9. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input checked="" type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
11. Date of Birth (mm/dd/yyyy) [REDACTED]	12. City and Country of Birth Mazatlan, Sinaloa Mexico		
13. Present Nationality (Citizenship) Mexican	14. Nationality at Birth Mexican	15. Race, Ethnic, or Tribal Group Hispanic	16. Religion Catholic
17. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input checked="" type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c.			
a. When did you last leave your country? (mm/dd/yyyy) 08/29/2001		b. What is your current I-94 Number, if any? N/A	
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date 02/2002	Place El Paso, TX	Status None	Date Status Expires N/A
Date 02/2002	Place El Paso, TX	Status None	
Date 08/29/2001	Place Brownsville, TX	Status None	
19. What country issued your last passport or travel document? Mexico	20. Passport Number Unknown		21. Expiration Date (mm/dd/yyyy) Unknown
	Travel Document Number N/A		
22. What is your native language (include dialect, if applicable)? Spanish	23. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	24. What other languages do you speak fluently? None	
For EOIR use only.	For USCIS use only.	Action: Interview Date: _____ Asylum Officer ID#: _____	Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____

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Part A.II. Information About Your Spouse and Children

Your spouse I am not married. (Skip to Your Children below.)

1. Alien Registration Number (A-Number) (if any)		2. Passport/ID Card Number (if any)		3. Date of Birth (mm/dd/yyyy)		4. U.S. Social Security Number (if any)	
5. Complete Last Name			6. First Name		7. Middle Name		8. Maiden Name
9. Date of Marriage (mm/dd/yyyy)			10. Place of Marriage			11. City and Country of Birth	
12. Nationality (Citizenship)			13. Race, Ethnic, or Tribal Group			14. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location):							
16. Place of last entry into the U.S.		17. Date of last entry into the U.S. (mm/dd/yyyy)		18. I-94 Number (if any)		19. Status when last admitted (Visa type, if any)	
20. What is your spouse's current status?		21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)	
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No							

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. (Skip to Part A.III., Information about your background.)
 I have children. Total number of children: 3

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) (if any) N/A		2. Passport/ID Card Number (if any) Unknown		3. Marital Status (Married, Single, Divorced, Widowed) Single		4. U.S. Social Security Number (if any) Unknown	
5. Complete Last Name Unknown			6. First Name [Redacted]		7. Middle Name Unknown		8. Date of Birth (mm/dd/yyyy) [Redacted]
9. City and Country of Birth Iowa United States			10. Nationality (Citizenship) United States		11. Race, Ethnic, or Tribal Group Hispanic		12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S. ? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):							
14. Place of last entry into the U.S. Unknown		15. Date of last entry into the U.S. (mm/dd/yyyy) Unknown		16. I-94 Number (if any) N/A		17. Status when last admitted (Visa type, if any) Unknown	
18. What is your child's current status? U.S. citizen		19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy) N/A		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No							

Part A.II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) <i>(if any)</i> N/A		2. Passport/ID Card Number <i>(if any)</i> Unknown		3. Marital Status (<i>Married, Single, Divorced, Widowed</i>) Single		4. U.S. Social Security Number <i>(if any)</i> Unknown	
5. Complete Last Name Unknown		6. First Name [REDACTED]		7. Middle Name		8. Date of Birth (<i>mm/dd/yyyy</i>) [REDACTED]	
9. City and Country of Birth Iowa United States		10. Nationality (<i>Citizenship</i>) United States		11. Race, Ethnic, or Tribal Group Hispanic		12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (<i>Complete Blocks 14 to 21.</i>) <input type="checkbox"/> No (<i>Specify location:</i>)							
14. Place of last entry into the U.S. Unknown		15. Date of last entry into the U.S. (<i>mm/dd/yyyy</i>) Unknown		16. I-94 Number (<i>If any</i>) N/A		17. Status when last admitted (<i>Visa type, if any</i>) Unknown	
18. What is your child's current status? U.S. citizen		19. What is the expiration date of his/her authorized stay, if any? (<i>mm/dd/yyyy</i>) N/A		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? (<i>Check the appropriate box.</i>) <input type="checkbox"/> Yes (<i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i>) <input checked="" type="checkbox"/> No							
1. Alien Registration Number (A-Number) <i>(if any)</i> N/A		2. Passport/ID Card Number <i>(if any)</i> None		3. Marital Status (<i>Married, Single, Divorced, Widowed</i>) Single		4. U.S. Social Security Number <i>(if any)</i> Unknown	
5. Complete Last Name [REDACTED]		6. First Name [REDACTED]		7. Middle Name		8. Date of Birth (<i>mm/dd/yyyy</i>) [REDACTED]	
9. City and Country of Birth Olympia, WA United States		10. Nationality (<i>Citizenship</i>) United States		11. Race, Ethnic, or Tribal Group Hispanic		12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (<i>Complete Blocks 14 to 21.</i>) <input type="checkbox"/> No (<i>Specify location:</i>)							
14. Place of last entry into the U.S. N/A		15. Date of last entry into the U.S. (<i>mm/dd/yyyy</i>) N/A		16. I-94 Number (<i>If any</i>) N/A		17. Status when last admitted (<i>Visa type, if any</i>) N/A	
18. What is your child's current status? U.S. citizen		19. What is the expiration date of his/her authorized stay, if any? (<i>mm/dd/yyyy</i>) N/A		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? (<i>Check the appropriate box.</i>) <input type="checkbox"/> Yes (<i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i>) <input checked="" type="checkbox"/> No							
1. Alien Registration Number (A-Number) <i>(if any)</i>		2. Passport/ID Card Number <i>(if any)</i>		3. Marital Status (<i>Married, Single, Divorced, Widowed</i>)		4. U.S. Social Security Number <i>(if any)</i>	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth (<i>mm/dd/yyyy</i>)	
9. City and Country of Birth		10. Nationality (<i>Citizenship</i>)		11. Race, Ethnic, or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S.? <input type="checkbox"/> Yes (<i>Complete Blocks 14 to 21.</i>) <input type="checkbox"/> No (<i>Specify location:</i>)							
14. Place of last entry into the U.S.		15. Date of last entry into the U.S. (<i>mm/dd/yyyy</i>)		16. I-94 Number (<i>If any</i>)		17. Status when last admitted (<i>Visa type, if any</i>)	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (<i>mm/dd/yyyy</i>)		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? (<i>Check the appropriate box.</i>) <input type="checkbox"/> Yes (<i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i>) <input type="checkbox"/> No							

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Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
			Mexico	1977	1997

2. Provide the following information about your residences during the past 5 years. List your present address first.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
		WA	United States	12 2014	Present
		WA	United States	2013	12 2014
		WA	United States	2012	2013
		NV	United States	2011	2011
		IA	United States	2008	2011

3. Provide the following information about your education, beginning with the most recent.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Unknown	Secondary School	Rancho Felipe Angeles El Barranco, Zacatecas, Mexico	1990	1993
Unknown	Secondary School	Rancho Felipe Angeles El Barranco, Zacatecas, Mexico	1989	1990
Adolfo Lopez Mateo Primaria	Primary School	Rancho Felipe Angeles El Barranco, Zacatecas, Mexico	1983	1989

4. Provide the following information about your employment during the past 5 years. List your present employment first.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Unemployed	None- detained	12 2014	Present
		12 2012	12 2014
		01 2012	11 2012

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

	Full Name	City/Town and Country of Birth		Current Location	
Mother		Unknown	Mexico	<input type="checkbox"/> Deceased	Fresnillo, Zacatecas Mexico
Father		Unknown		<input type="checkbox"/> Deceased	Unknown
Sibling		Unknown	Mexico	<input checked="" type="checkbox"/> Deceased	
Sibling		Unknown	Mexico	<input type="checkbox"/> Deceased	Fresnillo, Zacatecas Mexico
Sibling		Unknown	Mexico	<input type="checkbox"/> Deceased	Fresnillo, Zacatecas Mexico
Sibling		Unknown	Mexico	<input type="checkbox"/> Deceased	Fresnillo, Zacatecas Mexico

* See address

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Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Political opinion |
| <input type="checkbox"/> Religion | <input checked="" type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input checked="" type="checkbox"/> Torture Convention |

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

- No Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

B. Do you fear harm or mistreatment if you return to your home country?

- No Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

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Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No Yes

2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

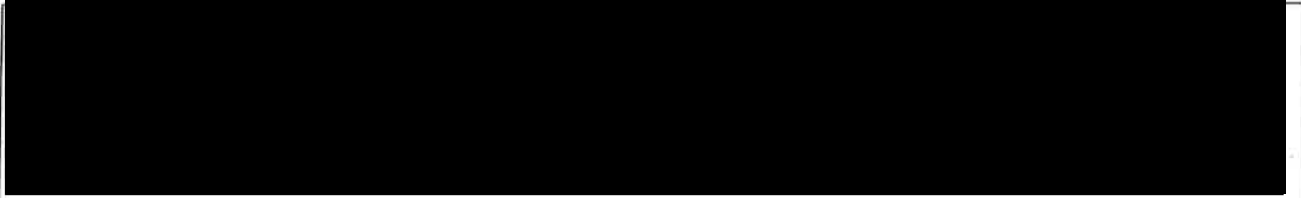
9

Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

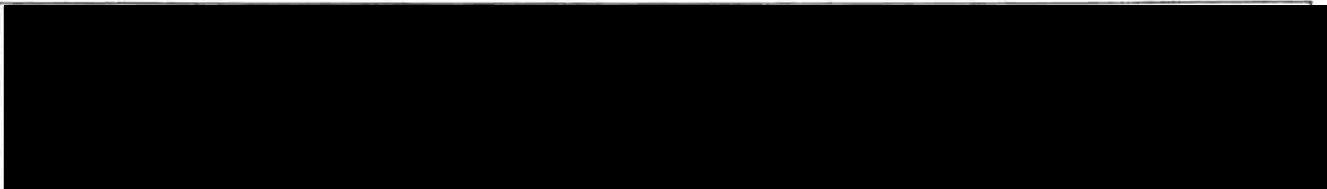


[Redacted area]

5. Are you filing this application more than 1 year after your last arrival in the United States?

No Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.



[Redacted area]

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

See attached addendum.

Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name. [REDACTED]	Write your name in your native alphabet. × [REDACTED]
---	--

Did your spouse, parent, or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

_____ (Name)	_____ (Relationship)	_____ (Name)	_____ (Relationship)
--------------	----------------------	--------------	----------------------

Did someone other than your spouse, parent, or child(ren) prepare this application? No Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? No Yes

Signature of Applicant (The person in Part A.I.)

[× [REDACTED]]
_____ within the brackets

_____ Date (mm/dd/yyyy)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer [REDACTED]		Print Complete Name of Preparer BRIAN WOLF	
Daytime Telephone Number (253) 507-4735		Address of Preparer: Street Number and Name 811 1ST AVENUE	
Apt. Number 340	City SEATTLE	State WA	Zip Code 98104

Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge

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Additional Information About Your Claim to Asylum

A-Number (if available)	Date
Applicant's Name	Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part A.III.

Question 5.

Please note that my siblings are actually my step-siblings.

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Addendum

[REDACTED] (Page 1)

Additional Entry History:

Date Arrived: 01/01/1997, Place: Unknown, TX, Status: None

[REDACTED]

Employer: Unemployed; Las Vegas , NV , United States
Occupation: None
From: 2011, To: 2011

Employer: Unknown; Davenport, IA, United States
Occupation: Commercial cleaning crew member
From: 2002, To: 2011

Additional Siblings:

[REDACTED]

[REDACTED]

A [REDACTED]

ADDENDUM

[REDACTED]

EXHIBIT J

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1623 EAST J STREET SUITE 3
TACOMA, WA 98421

IN THE MATTER OF:

FILE: A [REDACTED]

[REDACTED]

Docket: TACOMA, WA

RESPONDENT

IN REMOVAL PROCEEDINGS

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is HEREBY ORDERED that:

No Action _____

ORDERED No Jurisdiction:

- Arriving Alien.
- Mandatory Detention under 236(c).
- Reinstated Order of Removal / Final Order of Removal
- Withholding Only Proceedings
- Does not meet the 180 day requirement.

ORDERED that the request for a change in custody status be denied.
Bond to remain at \$ _____ or REMAINS AT NO BOND.

ORDERED that the request be granted and that respondent be released from custody under bond of \$ 7,000 by agreement

Danger to Community / Flight Risk. *Financial Bond*

OTHER _____

Tammy L. Fitting

Tammy L. Fitting
Immigration Judge
Date: June 17, 2015

Appeal: WAIVED/RESERVED (A / I / B)
Appeal Due By _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] Alien's ATT/REP [] ICE
DATE: 06/17/15 BY: COURT STAFF SB *PS*
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

EXHIBIT K

Warrant of Removal/Deportation

File No: A [REDACTED]

Date: August 21, 2001

To any officer of the United States Immigration and Naturalization Service:

[REDACTED]
(Full name of alien)

who entered the United States at Laredo, Texas on February 10, 2000
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: the appropriation "Salaries and Expenses, Immigration and Naturalization Service, 2001", including the expense of an attendant, if necessary.

[REDACTED]
(b)(6), (b)(7)(C), (k)(2)

ADDD & D
(Title of INS official)

08/29/01 Omaha, Nebraska
(Date and office location)

**COPIES DOCKET CONTROL
AT OMAHA, NEBRASKA**

*MA-272A
LSC*

EXHIBIT L

IMMIGRATION COURT
1000 SECOND AVE., SUITE 2500
SEATTLE, WA 98104

Dobrin & Han, PC
Dobrin, Vicky Jane
705 Second Ave, Suite 610
Seattle, WA 98104

FILE: [REDACTED]

RE: [REDACTED]



NOTICE OF WITHHOLDING -- ONLY HEARING

PLEASE TAKE NOTE THAT YOUR ~~WITHHOLDING-ONLY HEARING HAS BEEN~~
~~SCHEDULED/RESCHEDULED~~ BEFORE THE IMMIGRATION COURT ON
Jun 21, 2017 AT 08:30 A.M. AT THE FOLLOWING ADDRESS:
1000 SECOND AVE., SUITE 2500
SEATTLE, WA 98104

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE SO REPRESENTED, YOUR ATTORNEY OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

IN THE EVENT THAT YOU ARE RELEASED FROM CUSTODY, YOU MUST IMMEDIATELY REPORT ANY CHANGE IN YOUR ADDRESS AND TELEPHONE NUMBER TO THE IMMIGRATION COURT ON THE ATTACHED FORM EOIR-33. IF YOU FAIL TO PROVIDE AN ADDRESS, YOUR SCHEDULED HEARING MAY BE HELD IN YOUR ABSENCE.

FAILURE TO APPEAR AT YOUR HEARING EXCEPT FOR EXCEPTIONAL CIRCUMSTANCES* MAY RESULT IN ONE OF THE FOLLOWING ACTIONS:

1. YOUR HEARING WILL BE HELD IN YOUR ABSENCE AND YOUR APPLICATION MAY BE DENIED BY AN IMMIGRATION JUDGE.
2. YOU MAY BE TAKEN INTO CUSTODY BY THE DEPARTMENT OF HOMELAND SECURITY AND HELD FOR FURTHER ACTION.
3. YOU MAY BE REMOVED FROM THE UNITED STATES WITHOUT FURTHER HEARING.

*EXCEPTIONAL CIRCUMSTANCES REFERS TO EXCEPTIONAL CIRCUMSTANCES SUCH AS SERIOUS ILLNESS OF THE ALIEN OR DEATH OF AN IMMEDIATE RELATIVE OF THE ALIEN, BUT NOT INCLUDING LESS COMPELLING CIRCUMSTANCES.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE 1-800-898 7180 OR 240-314-1500.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN'S ATT/REP DHS
DATE: 2-23-16 BY: COURT STAFF [Signature]
Attachments: EOIR-33 EOIR-28 Legal Services List Other
CORRECTED "Withholding ONLY" Hearing Notice