

DATE, 2017

/NAME OF DEPORTATION OFFICER
ICE ERO
12445 E. Caley Avenue
Centennial, CO 80111

RE: Humanitarian Parole Request for Mr. X Y-Z, AXXX-XXX-XXX

Dear Officer /NAME:

On behalf of Mr. X Y-Z, AXXX-XXX-XXX, I hereby submit this request for parole, pursuant to 8 C.F.R. § 212.5(b).

On /DATE, 2017 Mr. Y-Z received a positive credible fear determination from an asylum officer. Mr. Y-Z does not pose a danger to the community, nor does he present a flight risk. Mr. Y-Z warrants a favorable exercise of discretion by way of parole so as to release him from immigration detention and allow him, outside of detention, to pursue relief in removal proceedings in the form of asylum. For reasons explained and documented below, Mr. Y-Z's ongoing detention at taxpayer expense serves no purpose and he accordingly respectfully asks that ICE carefully consider his request for parole.

Commented [RW1]: Only leave this in if the client had a credible fear interview (CFI) at the border

Overview

[FACTUAL SUMMARY]

X Y-Z was born in Guatemala on June XX, 19XX. Because of his sexual orientation, Mr. Y-Z suffered numerous instances of physical, sexual, and psychological abuse in Guatemala.

Mr. Y-Z had a credible fear interview on February XX, 2017. On March XX, 2017, an asylum officer determined Mr. Y-Z has a credible fear of return. Mr. Y-Z has been in ICE custody since January XX, 2017. During his detention at GEO ICE Aurora Detention Facility ("GEO"), other detainees harassed and threatened Mr. Y-Z because of his sexual orientation. He continues to fear for his safety and wellbeing while being held in detention.

Eligibility for Asylum, Withholding, and Protection Under the Convention Against Torture

Mr. Y-Z is likely eligible for asylum because he suffered persecution by government officials, and by persons the government is unable or unwilling to control, on account of his particular social group of gay men from Guatemala. Mr. Y-Z has suffered past persecution and thus is entitled to a presumption of future persecution. [Add anything here about the asylum restrictions and how client can rebut the presumptions.]

Mr. Y-Z is also eligible for withholding of removal because of the threat of persecution on account of his particular social group. His past persecution makes that threat more likely than not.

Finally, he is also eligible for protection under the Convention Against Torture. Based on the past harm he experienced at the hands of government officials and private actors to whom the government acquiesced, he is more likely than not to experience torture again if he is removed.

Eligibility for Parole

Identity

Mr. Y-Z reports that ICE has a copy of his government issued identification from Guatemala. That identification provides sufficient proof of his identity.

Flight Risk

Mr. Y-Z does not present a flight risk. Mr. Y-Z's cousin X-P is a United States citizen living in New Orleans. Mr. Y-Z has a support system in New Orleans and will be able to attend all of his future immigration hearings.

Danger to the Community

Mr. Y-Z is not a danger to the community. Mr. Y-Z is not a danger to the community because he does not have any criminal history. Consequently, he can demonstrate he has not committed any violent crimes, engaged in any behavior that would make him a danger to the community, or been involved in any activities that are contrary to U.S. national security interests.

Release on Parole in Public Interest

Mr. Y-Z's release is in the public interest. He is a survivor of persecution and has a strong support system in the United States. The persecution he experienced in his home country has left him in fear of his life and his continued detention has had a detrimental impact on his well-being. His release will facilitate access to the support he needs to recover his from trauma, facilitate his access to counsel and greatly increase his likelihood of success as he pursues relief in removal proceedings in the form of asylum.

In conclusion, Mr. Y-Z has close ties to the United States, he is not a flight risk, nor is he a danger to the community. Mr. Y-Z fits the definition of an individual with special vulnerabilities and merits release from detention. Mr. Y-Z warrants a favorable exercise of discretion and merits parole so that he may pursue asylum outside of detention.

Mr. Y-Z respectfully requests that he be released from ICE custody as soon as possible. He has already been detained at GEO for ## days and further detention at taxpayer expense is not warranted. As set forth in the Department's directive, applicants for parole and counsel should receive "written notifications of parole decisions... within seven days" of the interview for parole or submission of parole request "absent reasonable justification for delay in providing such notification." U.S. Customs and Immigration Enforcement Directive 11002.1, "Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture" (Dec. 8, 2009) at 6. Accordingly, we look forward to your prompt response to this request.

Thank you in advance for your time in considering this request. Please do not hesitate to contact me should you require any additional documentation to assist you in rendering a favorable decision regarding Mr. Y-Z's request for parole.

Sincerely,

ATTORNEY NAME
ATTORNEY'S FIRM
FIRM'S ADDRESS
FIRM'S PHONE NUMBER
FIRM'S FAX NUMBER
ATTORNEY EMAIL ADDRESS