

List of Exhibits in Support of Parole Request for Mr. X-Y-Z

1. Form G-28, Entry of Appearance of attorney A-B-C, signed by Mr. X-Y-Z
2. Letter requesting parole of Mr. X-Y-Z

Identity of Mr. X-Y-Z

3. Copy of Guatemalan identity card of Mr. X-Y-Z

Special Vulnerabilities of Mr. X-Y-Z

4. Copy of positive Credible Fear Determination for Mr. X-Y-Z

Sponsor Information for Mr. A-H, cousin and parole sponsor for Mr. X-Y-Z

5. Sponsor letter of Mr. A-H, cousin of Mr. X-Y-Z
6. Copy of naturalization certificate of Mr. A-H, cousin and parole sponsor of Mr. X-Y-Z
7. Copy of Louisiana driver's license of Mr. A-H, cousin and parole sponsor of Mr. X-Y-Z
8. Copy of utility bill for Mr. A-H at 22 ___ Street, New Orleans, dated October 18, 2017
9. Copy of lease for Mr. A-H at 22 ___ Street, New Orleans, for May 2017-May 2018
10. Copy of pay stubs for Mr. A-H_ from Café ___ in New Orleans, for August, September, and October 2018



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)
▶

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select **only one** box):

1.a. USCIS

1.b. List the form numbers

2.a. ICE

2.b. List the specific matter in which appearance is entered

3.a. CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select **only one** box:

Applicant Petitioner Requestor

Respondent (ICE, CBP)

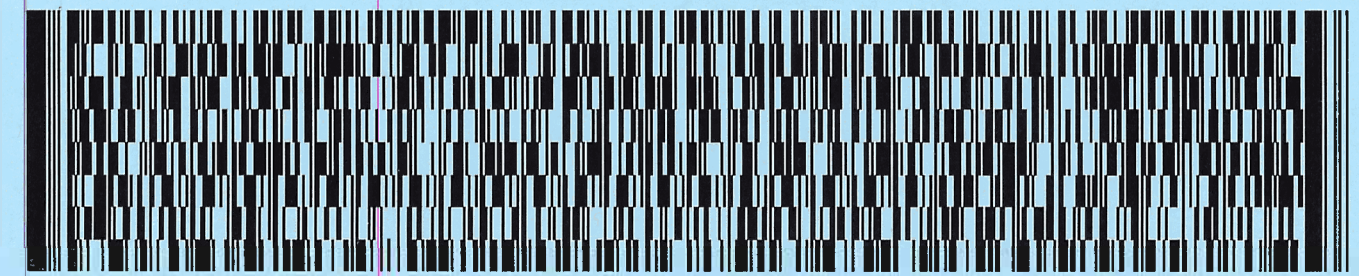
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)
▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. Ste. Flr.

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)
Licensing Authority
State

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires (mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with _____, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent
➔ Client C. Client

3.b. Date of Signature (mm/dd/yyyy) ▶ 6-18-2018

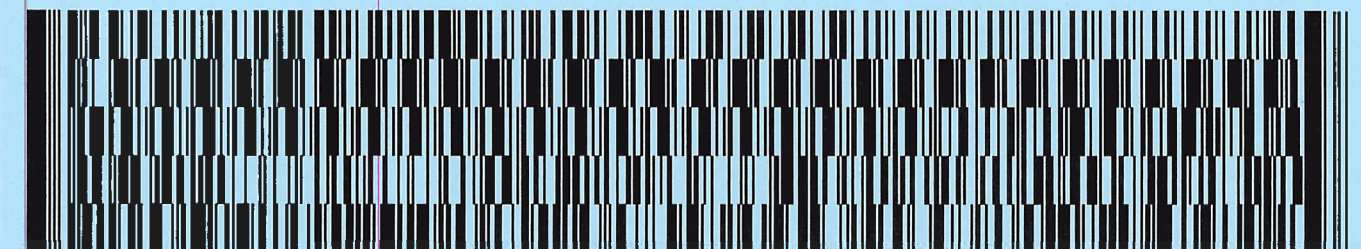
Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative
Attorney Attorney

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ▶ 6/25/2018



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. In addition, Mr. Y-Z fits the definition of an individual with special vulnerabilities, and 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.

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

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.

Request for Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture

ICE has the authority and **discretion** to release arriving aliens seeking asylum in the United States who have been found to have a “credible fear” of persecution or torture by U.S. Citizenship and Immigration Services (“USCIS”) or an Immigration Judge of the Executive Office for Immigration Review (“EOIR”). *See* 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). DHS should review parole requests on a case-by-case basis where the applicant’s release would significantly benefit the public. *See id.*; *see also* 8 C.F.R. §§ 212.5(b); 235.3.

In granting parole requests, ICE considers proof of identity, whether the applicant is a flight risk, whether the applicant presents a danger to the community, and the reasons the applicant merits parole. *See* 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).

Recent administrative changes do not impact the Department’s position regarding the parole eligibility for individuals who have positive determinations after a credible fear interview. Although the President’s Executive Order issued on January 25, 2017, “Border Security and Immigration Enforcement Improvements” indicates that parole is disfavored, additional guidance from DHS clarifies that individuals with positive credible fear findings are parole eligible.¹ The memo states on pages 2–3 that arriving aliens who establish a “credible fear” of persecution or torture are eligible for parole as long as the individual can establish his or her identity and show he or she will not be a flight risk or security risk. *Id.*

Here, Mr. Y-Z was found to have a credible fear of persecution or torture by an asylum officer.

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

¹DHS Memorandum, “Implementing the President's Border Security and Immigration Enforcement Improvement Policies,” Secretary of Homeland Security John Kelly (Feb. 20, 2017), *available at*: https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf.

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.

Special Vulnerabilities

Furthermore, Mr. Y-Z should be released from detention because he is a particularly vulnerable individual. *See* U.S. Immigration and Customs Enforcement Directive 11065.1, Review of the Use of Segregation for ICE (2013) § 5.2, *available at*: https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf. Special vulnerabilities include individuals “who would be susceptible to harm in general population due in part to their sexual orientation or gender identity; or who have victims—in or out of ICE custody—of sexual assault, torture trafficking, or abuse.” *Id.* When an individual is found to have a special vulnerability, the Department of Homeland Security (“DHS”) should consider release from detention if release is “consistent with requirements of mandatory detention, public safety, and other immigration enforcement considerations.” *Id.* Mr. Y-Z fits the definition of an individual with special vulnerabilities and merits release from detention. Other detainees at the GEO facility harass Mr. Y-Z and he fears being subjected to abuse and harm should his detention continue. For example, a group of men yelled at Mr. Y-Z when he walked through the halls, calling him derogatory terms. The intimidation tactics used against Mr. Y-Z make him feel unsafe and particularly vulnerable for future harm.

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

Mr. A____ H_____
22 ____ Street
New Orleans, LA 70____

November 18, 2017

RE: Letter in Support of Parole Request for X-Y-Z

Dear Officer B____,

I, A____ H_____, respectfully requesting that you release Mr X_Y_Z into my custody while his removal case is in front of the immigration court. Mr. X-Y-Z is my cousin, our fathers are brothers. I knew Mr. Z when we were growing up together in Guatemala. We lived in the same town and saw each other all the time. I am 9 years older than Mr. X-Y-Z and I always felt like he was my little brother, I used to carry him on my back and play with him. I left Guatemala when he was 15 but we stayed in touch after that. When I found out from my family that he was in detention in the U.S. I offered right away to take him in.

I live at 22 ____ Street in New Orleans, LA. My phone number is 504-xxx-xxxx. I am a U.S. citizen, since May 2012. Right now I work at the XXX Café on ____ Street in New Orleans. I have been working there for 4 years. I made \$31,000 last year.

If you release Mr. X-Y-Z into my custody I will make sure that he goes to all his immigration court hearings, and help him get to the immigration court. He will live at my apartment. Some of our other family are also living in New Orleans now, including two of my brothers, who have green cards, and my cousin, who is a U.S. citizen, so Mr. X-Y-Z will have family around him. I will also financially support Mr. X-Y-Z while his case is in immigration court.

Thank you for your kind consideration of this request. Please let me know if you have any questions about this letter.

Sincerely,

A____ H_____