

CARA

Family Detention Pro Bono Project

June 30, 2015

DHS Immigration Customs Enforcement
San Antonio Field Office
8940 Fourwinds
San Antonio, TX, 78239
Phone: (210) 967-7012
Area of Responsibility: Central South Texas

Hand Delivered to DO

Field Office Director
Email: Enrique.m.lucero@ice.dhs.gov

RE: 212(d)(5)(A) Parole Request

Principal Applicant: [REDACTED] (A [REDACTED])

MINOR Daughter: [REDACTED] (A [REDACTED])

Dear Officer:

I am writing to request parole for Ms. [REDACTED] pursuant to INA 212(d)(5)(A) for an urgent humanitarian reason or significant public benefit.

Mrs. [REDACTED] is a forty-three year old native and citizen of El Salvador who last entered the United States without inspection through [REDACTED] Texas on or around May [REDACTED] 2015. Ms. [REDACTED] has been detained at the South Texas Family Detention Center in Dilley Texas with her 11 year old daughter [REDACTED] (A [REDACTED]) since shortly after her apprehension. Ms. [REDACTED] had previously resided in the U.S. from approximately 1997 until November 2010. She returned voluntarily to El Salvador in 2010 without any knowledge that she had been ordered removed in absentia by an immigration judge in New York, New York. Ms. [REDACTED] did not actually understand that there had been a court hearing that she missed until meeting with our volunteer attorneys. Ms. [REDACTED] did not have any plans to return to the United States until May 5, 2015, the day her life was threatened and the life of her young daughter by a man called "Flaco". On May 6, 2015, Ms. [REDACTED] fled her home with her daughter and traveled back to the United States for protection.

Due to the 241(a)(5) reinstatement provisions, Ms. [REDACTED] is not currently eligible for bond. On June [REDACTED] 2015, during review of a previous negative reasonable fear determination, Immigration Judge Alexander reversed that decision because he found that Ms. [REDACTED] has a valid claim to support her fear of future threat to life, that it is more likely than not that she would be persecuted on account of a protected ground. It should also be noted that credibility was never an

issue with the asylum officers or the immigration judge—both found her to consistent and credible.

Ms. [REDACTED]'s eleven (11) year old daughter had a master calendar hearing on June [REDACTED] 2015, before Immigration Judge Alexander immediately following the reasonable fear hearing. [REDACTED] appears to be statutorily eligible for SIJS status, because she was abandoned by her father, [REDACTED] years ago. A grant of SIJS for [REDACTED] would result in her adjustment of status to lawful permanent resident.

As you are aware, applying for this relief is a lengthy process and litigation can last well beyond one year. ICE has already reviewed and made a custody determination for [REDACTED]. She will released on recognizance upon the release of her mother.

Ms. [REDACTED] and [REDACTED] have substantial family ties to the United States that should also be considered in this request for parole. Both of her parents are lawful permanent residents, two of her brothers are U.S. citizens, and she has nieces and nephews who are also U.S. citizens. With the support of her family and the strength of her and [REDACTED]'s claims for relief it is likely both will regulate their immigration status in the United States. However, this will take time, likely well beyond one year.

Ms. [REDACTED] is described by those who know her as an honest, hardworking, family oriented and a responsible mother who is constantly looking to help those around her. Ms. [REDACTED] and [REDACTED] both have strong claims for permanent relief in the United States, and with the support of family to daughter a better and safe life in the United States. Enclosed with this request please find indexed documentation supporting the request.

For these reasons, we respectfully request that Ms. [REDACTED]'s parole request pursuant to INA 212(d)(5)(A) be granted. If any additional documentation is needed regarding this request, please contact me by phone or email at brianhoffman5650@icloud.com. Thank you for your time and professional courtesy.

Sincerely,

[REDACTED]
Brian Hoffman
Lead Attorney

BH/jf
Encl.
cc: client

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EVIDENCE IN SUPPORT OF PAROLE REQUEST

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MINOR daughter: [REDACTED] (A [REDACTED])

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Place of Detention:
C/O South Texas Family Residential Center
300 El Rancho Way Dilley, Texas 78017

Date

06-15

A File

Name

AKA:

Country of Citizenship
El Salvador

Place and Manner of Arrival

At or near TX; By Land (PWA)

Date of Arrival

On or about 5/2015

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):
- | | | |
|---|--|---|
| <input type="checkbox"/> Crewmember/applicant | <input type="checkbox"/> Crewmember/refused | <input type="checkbox"/> Crewmember/landed |
| <input type="checkbox"/> Crewmember/violator | <input type="checkbox"/> VWP/applicant | <input type="checkbox"/> VWP/violator |
| <input type="checkbox"/> 235(c) order | <input type="checkbox"/> S-visa nonimmigrant | <input type="checkbox"/> 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):
- | | |
|---|--|
| <input type="checkbox"/> a United States citizen | <input type="checkbox"/> a lawful permanent resident alien |
| <input type="checkbox"/> an alien granted refugee status under section 207 of the Act | <input type="checkbox"/> 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 Department of Homeland Security (DHS) 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 DHS 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 has been referred for a determination in accordance with 8 CFR § 208.31(e).
- ☐ 7. The Secretary of Homeland Security 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 DHS 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).

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
(Date)

at

To Be Determined
(Time)

You are to appear at: Miami EOIR, 333 South Miami Avenue, Suite 700 Miami, FL 33130

(Complete Office Address)

- ☒ 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.

Bibiana L. Arbelaez
(Signature and title of immigration officer) Bibiana L. Arbelaez
Supervisory Asylum Officer

CERTIFICATE OF SERVICE

- ☒ The contents of this notice were read and explained to the applicant in the Spanish language.
- ☒ A copy of this notice was delivered to the above-named applicant by the undersigned on 06-15 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

[Signature]
(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 checked="" type="checkbox"/> Form I-898 |
| <input type="checkbox"/> Forensic document analysis | <input checked="" 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 especially dangerous (with supporting documents attached). | |
| <input type="checkbox"/> FOR 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 checked="" type="checkbox"/> Other (specify): <u>APSO Notes and RF Assessment</u> | |

Alien File Number: [REDACTED]

1. To be explained to the alien by the asylum officer:

USCIS has determined that you do not have a reasonable fear of persecution or torture pursuant to 8 CFR 208.30 for the following reason(s):

- A. You have not established a reasonable fear of persecution in your country of nationality or country of last residence because:
- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - ☒ There is no reasonable possibility that the harm you experienced and/or the harm you fear is on account of one or more of the five grounds for asylum (race, religion, nationality, political opinion, or membership in a particular social group).
 - ☐ You have not indicated that you were harmed in the past, and there is no reasonable possibility that the harm you fear in the future constitutes persecution.
 - ☐ There is no reasonable possibility that you could suffer the harm you fear.

AND

You have not established a reasonable fear of torture in a country to which you may be removed because you have not established that there is a reasonable possibility that:

- ☐ You would suffer severe physical or mental pain or suffering.
 - ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - ☒ The harm you fear 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.
 - ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender; and/or
 - ☐ The harm you fear would not be in accordance with lawful sanctions.
- B. Your claim has been found not credible because your testimony was inconsistent or lacked detail on material issues. When you were given an opportunity to explain, you were unable to give a reasonable explanation about the following issues:
- ☐ Your testimony was internally inconsistent on material issues.
 - ☐ Your testimony was not consistent with documentation on material issues.
 - ☐ Your testimony was not consistent with country conditions on material issues.
 - ☐ Your testimony lacked reasonably sufficient detail on material issues.

You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case.

If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- ☒ Yes, I request Immigration Judge review of the decision that I do not have a reasonable fear of persecution or torture.
- ☐ No, I do not request Immigration Judge review of the decision that I do not have a reasonable fear of persecution or torture.

[REDACTED]
Applicant's Last Name/ Family Name (Print)

[REDACTED]
Applicant's First Name (Print)

[REDACTED]
Applicant's Signature

DAVIS
Asylum Officer's Last Name (Print)

Valerie
Asylum Officer's First Name, (Print)

06 [REDACTED] 15
Date

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

Interpreter used:

- ☒ By telephone. L. Lumbidge 2034522
list interpreter service list ID number used

- ☐ In person. I, _____, certify that I am fluent in both the _____ and English languages.
I interpreted the above information completely and accurately to the alien.

Interpreter's Signature

Date

Record of Determination/Reasonable Fear Worksheet

MIA District Office Code	ZHN Asylum Office Code	[REDACTED] Alien's File Number
Davis Asylum Officer's Last Name	Valerie Asylum Officer's First Name	El Salvador Alien's Nationality
		[REDACTED] Alien's Last Family Name
		[REDACTED] Alien's First Name

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

- 1.1 6/2015
Date of interview [MM/YY/DD]
- 1.2 Dilley, Texas
Interview site
- 1.3 ☒ Applicant received and signed Form M-488 and relevant *pro bono* list on 6/2015
Date signed [MM/DD/YY]
- 1.4 Representative name, address, telephone number and relationship to applicant:
NONE
- 1.5 Persons present at the interview (check which apply)
☐ Representative
☐ Other(s), list: _____
☒ No one other than applicant and asylum officer
- 1.6 Language used by applicant in interview: Spanish
☒ Yes ☐ No
Interpreter Has Forms
- 1.7 Lionbridge# 3032461
Interpreter Service, Interpreter ID Number.
- 1.8 _____
Interpreter Service, Interpreter ID Number.
- 1.9 _____
Interpreter Service, Interpreter ID Number.
- 1.10 ☒ Interpreter oath completed.
- 1.11 ☒ Interpreter was not changed during the interview
- 1.12 ☐ Interpreter was changed during the interview for the following reason(s):
1.13 ☐ Applicant requested a female interpreter replace a male interpreter, or vice versa
1.14 ☐ Applicant found interpreter was not competent
1.15 ☐ Applicant found interpreter was not neutral
1.16 ☐ Officer found interpreter was not competent
1.17 ☐ Officer found interpreter was not neutral
1.18 ☐ Bad telephone connection
- 1.19 ☒ Asylum officer read the following paragraph to the applicant at the beginning of the interview:

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 INS 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. U.S. law has 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.

Alien's File Number: [REDACTED]

SECTION II:

BIOGRAPHIC INFORMATION

- 2.1 [REDACTED]
Last Name/ Family Name [ALL CAPS]
- 2.2 [REDACTED]
First Name
- 2.3 [REDACTED]
Middle Name
- 2.4 [REDACTED]
Date of birth [MM/DD/YY]
- 2.5 Gender ☐ Male ☒ Female
- 2.6 [REDACTED] ALT DOB: [REDACTED]
Other names and dates of birth used
- 2.7 El Salvador
Country of birth
- 2.8 El Salvador
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):

El Salvador
- 2.10 5/2015
Date of last arrival [MM/DD/YY]
- 2.11 [REDACTED] TX
Port of arrival
- 2.12 5/2015
Date of detention [MM/DD/YY]
- 2.13 South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017
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 Christian
Applicant's race or ethnicity
- 2.16 Central American
Applicant's religion
- 2.17 Spanish
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:

- 2.20 Does applicant indicate, or does officer believe medical condition is serious? ☐ Yes ☐ No
- 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
- 2.22 Does applicant claim that medical condition relates to torture? ☐ Yes ☐ No

Alien's File Number: [REDACTED]

SECTION III:

REASONABLE FEAR FINDING

TYPED SWORN STATEMENT IN QUESTION AND ANSWER FORMAT 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 Valerie Davis ZHN227
Asylum officer name and ID CODE (print)

3.8 [Signature]
Asylum officer's signature

3.9 JUN 10, 2015
Decision date

3.10 Briana L. Arbelaez
Supervisory asylum officer name ZHN161

3.11 [Signature]
Supervisor's signature

3.12 JUN 11 2015
Date supervisor approved decision

MIA
076 311 634

REASONABLE FEAR DETERMINATION

ALIEN NUMBER: [REDACTED]

DATE: June 10, 2015

NAME: [REDACTED]

ASYLUM OFFICER: V. Davis, ZHN227

COUNTRY: El Salvador

REVIEWING SAO: B. Arbelaez ZHN227

INTERVIEW DATE: June 10, 2015

LOCATION: Dilley, Texas

JUN 11 2015

Background

The applicant is a 43-year-old female native and citizen of El Salvador. The applicant initially entered the United States without inspection on or about March [REDACTED] 1997, at or near [REDACTED] Texas. The applicant was placed in removal proceedings on 03/1997. The applicant was ordered removed in abstention on August [REDACTED] 1998; the applicant self-deported the United States on November [REDACTED] 2000, which effectuates the removal order. The applicant re-entered the United States without inspection on or about May [REDACTED] 2015, at or near [REDACTED] Texas. A Notice of Intent/Decision to Reinstate Prior Order (I-871) was served on applicant on May [REDACTED] 2015. The applicant claimed fear of returning to El Salvador and was referred to the Houston Asylum Office for a Reasonable Fear interview.

Testimony

The applicant testified to the following: The applicant is afraid that Flaco and other gang members will take her daughter and kill her. The applicant received a phone call on May 5, 2015. The caller stated he was Flaco, and he was with the gang. He told the applicant she had to pay 300 dollars. He instructed the applicant where to leave the money. He threatened the daughter would pay the consequences, if the applicant did not pay them. Flaco did not mention any other family members when he threatened the applicant. The applicant did not respond because she was scared. The applicant called her brother in the United States after the call. The applicant did not report the threat to the police because Flaco threatened to kill her daughter if she reported the threat. She and her daughter left El Salvador the next day, May 6th. The applicant has never been physically harmed. The one threatening phone call from Flaco is the only time she has been threatened. She believes the gang members target her because her parents travel back and forth to the United States and her brothers live in the United States.

The police have never threatened or harmed the applicant. The government has never threatened or harmed the applicant. The applicant does not think the police or the government will hurt her if she goes back. Furthermore, the applicant does not know if there is a connection between the police and the gangs, because she has never had to call the police. The applicant believes the police would not help the applicant with the gang threats because the police do not show up until the day after calling.

The applicant fears her daughter will be killed by Flaco and other gang members on account of her imputed wealth and her membership in a particular social group - immediate family members of applicant's brother and parents.

Credibility

The applicant provided detailed, consistent, and plausible testimony; therefore, she is 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 fear of torture, the applicant must establish that there is a reasonable possibility he or she would be subjected to torture, as defined in the Convention Against Torture and U.S. regulations, in the country to which he or she has been ordered removed.

Applicant's Past Mistreatment

The applicant did not establish past persecution or torture.

Past Persecution

The applicant did not establish she suffered past persecution. To establish past persecution, the applicant must establish the harm rises to the level of persecution, a protected characteristic was *at least one central reason* for the harm, and the government inflicted the harm or a private actor the government was unable or unwilling to control. The applicant did not establish the past harm she suffered was serious enough to rise to the level of persecution. Threats alone could constitute serious harm rising to the level of persecution; however, to determine if threats rise to the level of persecution, the officer must consider the persecutor's ability to carry out the threats and the immanency of the threats. The applicant was threatened one time over the phone. One verbal threat without any indication of immanency or an ability to follow through with the threats does not rise to the level of persecution.

Even if the past harm did rise to the level of persecution, the applicant did not establish the harm she suffered was on account of a protected characteristic. To establish the harm is on account of a protected characteristic, the applicant must establish the protected characteristic is *one central reason* for the harm. Extortion, financial gain and imputed wealth are insufficient to establish a protected characteristic. The gang threatened to kidnap her daughter and possibly kill her daughter, if the applicant refused to pay the extortion money. When asked why the gang demanded she pay money, the applicant indicated the gang possibly thought she had money because her parents go back and forth to the United States and her brothers live in the United States. Thus, the gang believes she has money, which is the basis for their extortion.

The applicant did not establish the harm was on account of her relationship to her family. Motivations incidental or tangential are insufficient to establish one central reason for the harm. Although she possesses a protected characteristic based on her relationship to her family, an applicant's belief of a motivation is insufficient to establish the on account of requirement without some indication from the persecutors of that motivation. Moreover, motivations incidental or tangential are insufficient to establish one central reason for the harm. Flaco did

not mention the applicant's brother or family when they extorted her. The only family member mentioned was her daughter. Thus, the applicant's relationship to her family in the United States is tangential or incidental and does not establish it was one central reason for the persecution. Therefore, the applicant did not establish she suffered past persecution.

Past Torture

The applicant did not establish she suffered torture in the past. To establish harm constituting torture, the applicant must show the following:

- (1) The harm feared reaches the level of severity required to constitute torture.
- (2) The feared harm would be specifically intended to inflict such pain or suffering.
- (3) The pain or suffering feared would be inflicted by, or at the instigation or with the consent or acquiescence of a public official acting in an official capacity.
- (4) The harm would occur while in the custody or physical control of the feared torturer.
- (5) The feared harm would not be the result of lawful sanctions enforced against the applicant.

"Torture is defined as any act by which severe pain or suffering ... is intentionally inflicted on a person ... for any reason ... when such pain or suffering is 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." 8 C.F.R. § 208.18(a). "Torture is an extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment that do not amount to torture." *Id.* Threats alone could constitute persecution; however, torture is more severe harm than persecution. The applicant did not suffer any physical harm, and one threat is insufficient to rise to level persecution. Therefore, the past harm does not rise to the level of torture, and the applicant did not establish she suffered past torture.

Applicant's Risk of Being Persecuted or Tortured

The applicant did not establish a reasonable fear of being persecuted or tortured.

Reasonable Fear of Persecution

The applicant did not establish all four requirements of the *Mogharrabi*. An applicant can show a reasonable fear of future persecution by demonstrating the applicant possesses a protected characteristic; the persecutor is aware, or may become aware, the applicant possesses the characteristic; the persecutor is capable of harming the applicant; and the persecutor is inclined to harm the applicant. *See Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987). The applicant's testimony establishes a reasonable possibility that the harm she fears would be on account of the same motivations as the past harm. As previously discussed, the motivations of the feared persecutors do not constitute harm on account of a protected characteristic. Thus, any future harm for the same reason is insufficient to establish harm on account of a protected characteristic. Although the applicant fears she will be killed because of her relationship to her family in the United States, there were no other incidents of harm, and the gang members said nothing about her family living in the United States. Thus, there is nothing in the record to indicate her family relationship would be one central reason for the harm. Since the applicant has not met one of the requirements under the *Mogharrabi* standard, it is unnecessary to analyze

the remaining three. Therefore, the applicant has not established a reasonable possibility she has a well-founded fear of future persecution.

Reasonable Fear of Torture

The applicant has not established a reasonable possibility of torture if returned to country. In order for an applicant to establish a reasonable fear of torture, she must establish that a reasonable possibility exists the five requirements under the torture definition could be met in a full hearing before an immigration judge.

The applicant must establish a reasonable possibility the harm she fears would be inflicted by a public official, one acting at the instigation of a public official, or one acting with the consent or acquiescence of a public official. The Fifth Circuit has stated that the proper inquiry for "acquiescence" is "willful blindness," or whether public officials "would turn a blind eye to torture." See *Ontunez-Tursios v. Ashcroft*, 303 F.3d 341, 354-55 (5th Cir. 2002). "A finding that a government is unable to control a particular person(s) is not dispositive of whether a public official would instigate, consent or acquiesce to the feared torture. As such, [e]vidence that the police were aware of a particular crime, but failed to bring the perpetrators to justice, is not in itself sufficient to establish acquiescence in the crime." See *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). "Nor does evidence that a government has been generally ineffective in preventing or investigating criminal activities raise an inference that public officials are likely to acquiesce in torture, absent evidence of corruption or other inability or unwillingness to oppose criminal organizations." *Id.* The applicant has not been harmed or threatened by a government official or police officer. When asked if there was a connection between the gang and the police, the applicant testified she does not know if there is a connection. Moreover, she believes the police might not help her because she has heard rumors that the police don't respond to an emergency call until the following day. A rumored dereliction of duty is insufficient to establish the police would consent, instigate, or acquiesce to the harm she fears. Therefore, there is not a reasonable possibility the applicant could establish the police or government would torture, consent, instigate, or acquiesce to the feared harm, and the applicant has not established a reasonable possibility she would be subjected to torture if returned to El Salvador.

Conclusion

Pursuant to 8 CFR Section 208.31(c), asylum officers may not take into consideration mandatory bars to withholding of removal when making reasonable fear of persecution determinations.

For the reasons stated above, the applicant has failed to establish either a reasonable fear of persecution or a reasonable fear of torture.

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
ASYLUM OFFICE: ZHN

DATE: June 10, 2015
ASYLUM OFFICER: Davis #227
Lionbridge# 3032461
Start: 12:00 PM Stop: 1:15 PM

Reasonable Fear Interview

DOB: [REDACTED]
Nationality: Salvadoran
Location of Applicant: South Texas Family Residential Center
Was Attorney Present During Interview? Yes ☐ No ☒
Location of Interview: Dilley, Texas
Asylum Office: Houston, TX

My name is Officer Davis, I am here to ask you questions regarding your fear of return.

Q. Do you speak a language other than Spanish?
A. No just Spanish

Q. Do you have an attorney or representative?
A. No

Q. Have you spoke to one yet?
A. I did speak to an attorney and they gave me advice but here I do not have one

Q. When did you speak to the attorney?
A. Yesterday afternoon

Q. Did you tell the attorney you had an interview?
A. yes

Q. Did the attorney indicate if he was going to represent you?
A. I asked if I had an attorney he said no

Q. Ok you have the right to have one - would you like to reschedule the interview to give you additional time to hire an attorney?
A. Can it be today - I asked him yesterday if I had an attorney he said I can come alone

Q. We can continue today without one or we can reschedule for a later date to give you additional time?
A. No today

Q. So, you are willing to answer my questions without an attorney?
A I hope so

Q. So, are you willing to?
A. Yes

Form I-899 paragraph 1.19.

Q. Did you understand what was read to you?
A. Yes

Q. Do you have any questions about what was just read to you?
A. No

Q. Are you able to understand the translation so far?
A. Yes

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Q. Before we begin, I need to place you under oath. Will you please raise your right hand? Do you swear or affirm that all the statements you are about to make will be the truth, the whole truth, and nothing but the truth?

A. Yes

Interpreter Placed Under Oath

Q. Do you currently have any health problems or illness?

A. No

Q. Are you currently taking any medications?

A. No

Q. How are you and your child being treated here at the facility?

A. Good for now

Q. Did you receive the information about the reasonable fear interview and the list of free legal services at the reasonable fear orientation, on June 5, 2015? (form M-488)

A. Yes

Q. What is your complete and correct name?

A. [REDACTED]

Q. Have you previously used any other names or aliases?

A. No

Records indicate that the applicant has used a shortened variation of her last name - [REDACTED]

Q. What is your date and place of birth?

A. [REDACTED] El Salvador

Q. Have you used any other Dates of Birth?

A. No

Q. Records indicate you have used other dates of birth in [REDACTED]?

A. No it was [REDACTED]

Records indicate alternate DOBs - [REDACTED]; [REDACTED]

Q. Do you have any idea why our records might indicate that you have said you were born in [REDACTED]?

A. No I was born in [REDACTED] so no I don't know

Q. What is your race or ethnicity?

A. Central American

Q. What is your religion?

A. Christian

Q. Are you a citizen of El Salvador?

A. Yes

Q. Are you a citizen of any other country?

A. No

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Q. Have you ever lived in any other country?
A. Over here I was here

Q. Did you ever apply for asylum in the United States before?
A. No

Q. Have you applied for any other immigration benefits in the United States?
A. No

Q. Have you ever applied for permission to come to the US?
A. Yes - in my country

Q. How many times have you applied for permission?
A. 3 times

Q. Were any of those requests granted?
A. No

Q. Why not?
A. They just said I was not granted

Records indicate applications for NIV

Q. Are you single, married, separated, divorced or widowed?
A. I am alone

Q. Do you have any children other than Jasmin?
A. Yes - 1 more - [REDACTED] - He is living in Virginia - he has been here around 4 years

Q. How many years of education did you complete?
A. 6 years - until 6th grade

Q. What work did you do in El Salvador?
A. I was a housewife - I would do chores at the house

Q. Are your parents living? If so, where do they live?
A. Yes - El Salvador - but right now they are here in NY - My father is a resident - My mother not yet she has a visa - she has filed for residency but my father got his first but my mother not yet

Q. Do you have any brothers or sisters? If so, where do they live?
A. I have brothers - In New York - They are citizens

ENTRY INFORMATION

Q. In total how many times have you crossed the border into the U.S.?
A. Only the first time I tried

Q. So, with this time it is 2 times?
A. Yes

Q. When was the first time?
A. It was around 1997 I don't remember

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Q. How long did you stay?
A. Around 4 years – I don't really remember – it was a long time

Q. Why did you go back?
A. I wanted to leave – my son was still small so I left

Q. So, the only other time you tried to come to the US was in May of this year?
A. Yes – this time

REASONS FOR COMING TO US & SUBSTANCE OF THE CLAIM

Q. Why did you leave El Salvador?
A. Because of fear – a lot of fear – for threats

Q. How many times have you been threatened?
A. Just one time I received a phone call

Q. When did you get the phone call?
A. May 5, 2015

Q. What did the caller say?
A. He called and asked for money –

Q. Did he say anything else to you?
A. Yes – That he wanted 300 dollars – that if I did not give him money where he told me to that he was going to kill my daughter

Q. Where did he want you to take the money?
A. On the gate of my land – my property

Q. What did you say to him?
A. I did not say anything because I was very afraid

Q. What else did he say?
A. Yes – mistreated me and I got very afraid

Q. What do you mean?
A. He said ugly things to me – strong words – if I did not give him the money – I would know what will happen to my daughter – they will get her from school

Q. You will not offend me – can you tell me some of the words?
A. He said you bitch I want 300 dollars – I want you to put the money in the gate on your property – you have 24 hours and if not your daughter will pay

Q. Is that all?
A. Just that – I call my brothers – my parents were in the airport coming over here

Q. Did you pay?
A. No – my brothers said no if you pay once they will keep demanding it so come here with your daughter

Q. Did you go to the police?
A. No

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Q. Why not?

A. Because they threatened me if I call the police they will go after my daughter

Q. When did they tell you this?

A. May 5th

Q. So, I was asking earlier and you indicated that you had told me everything – and now you are telling me this – why?

A. I just remembered everything – I am sorry

Q. Why did he want you to pay him money?

A. Because they think I have money – I live at my parent's house – since my brother is here and my parents travel back and forth – they see me there

Q. Why do you believe that is the reason?

A. Just because – because – I did not want to come here – that is the reason I came here

Q. What did they say to you that indicated they were targeting you because they thought you had money?

A. I am the one that lives there – I am the one that takes care of my house – that day my parents left

Q. Who was it that called you?

A. No

Q. Did they say they were part of a group?

A. They did not identify themselves

Q. What did they say to you about your brothers?

A. No not my brothers they said that they wanted the money if not then my daughter would pay the consequences and if not they will go after her

Q. What did they threaten to do to your daughter?

A. They said they were going to get her out of school and they were going to kill her – I just only have my daughter

Q. What kind of harm were they threatening to do to her?

A. They said if I did not give them the money they were going to go get her and kill her

Q. What did you do after you spoke to your brother?

A. They told me they were going to bring me here

Q. When did you leave ES?

A. On the 6th

Q. Have you ever been physically harmed in ES?

A. No – physically

Q. Are there any other times you were threatened besides this one phone call?

A. No

Q. What do you think will happen to you if you go back?

A. I don't want to go back because of the threat to my daughter

Q. What harm will happen to you?

A. What they say to me is they will keep bothering me and bothering me

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Q. Are you afraid they will physically harm you?

A. Yes - once they threaten they will follow through

Q. What specific physical harm do you think they will do?

A. I don't know - they are going to kill my daughter - they will go after her - they hurt you with the most precious things you have - I only have her -

Q. How do you know that they follow through with the threats?

A. I have seen it they kill the people - when they ask for money and they kill family for not paying

Q. You said you don't know the caller - so how do you know this?

A. Because it is them - they talk very bad

Q. But, who is them?

A. The gang members - they don't give name only by nickname

Q. What is the nickname of the person who called you?

A. Flaco

Q. What gang is he a part of?

A. He did not say - he said we are from the gang - I don't remember - I went into a bad state

Q. Why would they harm your daughter to hurt you?

A. They want money and if they ask for the first time they ask for more and more

Q. Is that the only reason they would harm your daughter to hurt you?

A. Since they only called one time - my brother said to leave - we are not going to send money to give to those people

Q. Had you ever spoken to gang members before May 5th?

A. No

Q. Has the gang tried to contact you since May 5th?

A. No they said I had 24 hours to give them the money so my brother told me to close the house down and come here

Q. Are you afraid of anyone else?

A. No, just those people and the gang members I never thought I was ever going to come here

Q. Do you believe that anyone will harm you because of your race? Past?

A. No - No

Q. Your religion? Past?

A. No - No

Q. Your Political opinion? Past?

A. No - No

Q. Is there something about you that makes you different from others in El Salvador?

A. No

Q. Or, because of your nationality? Past?

A. No - No

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Q. Harm or threatened by family? Will be?
A. No - No

Q. Are you willing to return to your home country?
A. No

CONVENTION AGAINST TORTURE:

Q. Do you think your government would harm you if you went back there?
A. The government no - but the gangs yes

Q. Do you think the police will harm you if you return?
A. No

Q. Has the police ever mistreated you in any way?
A. No

Q. Has the government mistreated you in any way?
A. No

Q. Do you know if the gangs are connected to the police?
A. I don't know - I suddenly came here I did not have the opportunity to know what was going on

Q. What would the police do if you reported the gang member's threat to them?
A. If you call them they don't come

Q. How do you know that?
A. I have never made a call but other people who make calls - and when something happens they come the next day or three days after

Q. If you had gone to the police and told them the gang was threatening you, what would the police have said?
A. I don't know - I could not go because they said they would threaten me to kill my daughter

Q. Would the police have helped you if you had gone to the police for help?
A. I don't know - I don't know what they would do

Q. Have you ever reported a crime to the police?
A. No - not me

Q. Do personally know a person who reported a crime to the police?
A. Yes I know some people but they never show when the calls are made

Q. Earlier you were saying that they show a day or two after but now you are saying they never show up. What do you mean?
A. They don't come at the moment you call them - they come later

Q. How do you know the police show up a day later?
A. I have heard several people say they called the police and they don't show up at the moment - in my country that is how the police are

Q. So, even here the police do not show up all the time at that moment of the crime so why do you feel that the police would not have done anything to help you?
A. What I am saying is one makes a call - they don't show up at the moment - they show up later

ALIEN NUMBER: [REDACTED]
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BARS

Q. Do you think that you safely live in another part of El Salvador?

A. No

Q. Why not?

A. ES – no because there it is all the same – no place is safe – there is no security

Q. How do you know that?

A. In all places everywhere is the same – there are maras and gangs

Q. Have you ever committed a crime?

A. No

Q. Have you ever been accused of committing any crime?

A. No

Q. Have you ever been associated with a group that uses violence or other illegal activities to achieve its goals?

A. Thank god no

Q. Have you previously threatened or harmed another human being?

A. No

Q. Before coming to the United States, did you have permission to live in another country other than ES?

A. No

Q. Have you ever been arrested for anything else anywhere that was not already mentioned?

A. No

Q. Has your daughter ever caused harm or suffering to any person?

A. No

Q. When you were here before, were you supposed to go to immigration court?

A. Yes

Q. Did you go?

A. No

Q. Why not?

A. No one reminded me at that time – I was released by bond – I don't remember

Q. Have you ever in your life been married?

A. Accompanied only with my children's father

Q. Has the father of your children ever harmed you?

A. Harm – no – we separated

Q. Has he ever threatened you?

A. No

ALIEN NUMBER: [REDACTED]
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CONCLUSION

Q. Did you have any problems understanding the interpreter during this interview?
A. No

Q. Did you understand each of the questions that I asked you today?
A. Yes

Q. Have the police or the government ever said they will harm you?
A. No

Q. Is there any other information regarding your request that we have not talked about?
A. No

Q. Do you feel that we have discussed everything that happened to you in ES?
A. Yes – everything we have talked about – my story is not a lie

Q. Do you feel that you have been able to tell me everything that could happen if you returned?
A. Yes that is all

Q. Is there anything else you would like to tell me about?
A. No

SUMMARY OF TESTIMONY:

You testified to the following: You are afraid that Flaco and other gang members will take your daughter and kill her. You received a phone call on May 5, 2015. The caller said his name was Flaco and he was with the gang. He told you that he wanted you to pay them 300 dollars. He wanted you to leave the money in the gate on your property. He said your daughter would pay the consequences if you did not pay them. You did not say anything to Flaco because you were scared. You called your brother after you hung up. Your brother said not to pay and to come to the US. You left El Salvador the next day, May 6th. You did not report the threat to the police because Flaco threatened to kill your daughter if you reported it. You have never been physically harmed. The one threatening phone call is the only time you have ever been threatened.

The police have never threatened or harmed you. The government has never threatened or harmed you. You do not think the police or the government will hurt you if you go back. You do not know if there is a connection between the police and the gangs. You have never had to call the police. You believe the police would not help you with the gang threats because they do not show up at the time a person calls.

Q. Is this a complete and correct summary of what you told me about the reasons you fear returning to your country?
A. Yes – but my daughter does not know about this – I just told her we had to leave and I did not tell her why

GT4/339

IMMIGRATION COURT
333 SOUTH MIAMI AVE., STE. 700
MIAMI, FL 33130

In the Matter of:

Case No:

Applicant

IN: REASONABLE FEAR REVIEW PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

On Jun [REDACTED] 2015 at 11:00 A.M. a review of the DHS Reasonable Fear Determination was held in the matter noted above. Testimony [] was [] was not taken regarding the background of the Applicant and the Applicant's fear of returning to his/her country of origin or last habitual residence.

After consideration of the evidence, the Court finds that the alien [] has [] has not established a reasonable possibility that he/she would be persecuted on the basis of his/her race, religion, nationality, membership in a particular social group, or his/her political opinion, or a reasonable possibility that he/she would be tortured in the country of removal.

ORDER:

- [] The Court concurs in the DHS Reasonable Fear Determination because:

Additional reasoning [] is [] is not continued on a separate sheet.

The case is returned to the DHS for removal of the alien. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

- [] The Court vacates the decision of the immigration officer. Pursuant to 8 C.F.R. § 1208.31(g)(2), the alien is hereby placed in "withholding-only" proceedings.

DONE and ORDERED this [REDACTED] day of JUNE 20 15.

SCOTT G. ALEXANDER
Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: ☒ MAIL [M] ☒ PERSONAL SERVICE [P]

TO: ☒ ALIEN ☒ ALIEN's Custodial Officer ☒ ALIEN's ATT/REP ☐ DHS

DATE: 6-30-2015 BY: SGT COURT STAFF

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

X8

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: [REDACTED]

In the Matter of:

Respondent: [REDACTED]

currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of El Salvador and a citizen of El Salvador.
- 3) You entered the United States at or near [REDACTED] TX on 5/ [REDACTED] 2015.
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
- 5) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act(Act), as amended, as immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Miami EOIR, 333 South Miami Avenue, Suite 700, Miami, FL 33130

(Complete Address of Immigration Court, including Room Number, if any)

on To Be Determined at To Be Determined to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Bibiana Arbelaez

Bibiana Arbelaez, Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date:

JUN 11 2015

Dilley, TX
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, 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 the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 06-12-15, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested

☐ by regular mail

☒ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Jason S. ...
(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Free Legal Services Providers List
Updated April 2015

San Antonio Immigration Court

San Antonio, Texas	
American Gateways One Highland Center 314 Highland Mall Blvd., Ste. 501 Austin, TX 78752 (512) 478-0546 <ul style="list-style-type: none"> Only represents clients in San Antonio Immigration Court Will represent aliens in asylum cases 	Immigration & Human Rights Clinic Center for Legal & Social Justice 2507 NW 36th Street San Antonio, TX 78228 (210) 431-2596 <ul style="list-style-type: none"> Will represent aliens in asylum cases
Catholic Charities Archdiocese of San Antonio, Inc. 2903 West Salinas San Antonio, TX 78207 (210) 433-3256 <ul style="list-style-type: none"> Only represents clients in San Antonio Immigration Court 	Refugee & Immigrant Center for Education and Legal Services 1305 N. Flores San Antonio, TX 78212 (210) 226-7722 <ul style="list-style-type: none"> Will represent aliens in asylum cases
Immigration Clinic of the University of Texas School of Law 727 East Dean Keeton Street Austin, TX 78705-3299 (512) 232-1292 <ul style="list-style-type: none"> Will represent aliens in Asylum cases Clinic is closed from May 1 until September 1 	Texas Rio Grande Legal Aid, Inc. 1111 N. Main Ave. San Antonio, TX 78212 (210) 212-3783 Toll Free: (888) 988-9996 <ul style="list-style-type: none"> Will represent Legal Permanent Residents, United States citizens, and U-visa or T-visa applicants
The Bernardo Kohler Center P.O. Box 42185 Austin, Texas 78704 Tel: (512) 831-4272 Fax: (512) 661-0326 <ul style="list-style-type: none"> Will represent indigent aliens in asylum cases Will represent Juveniles (under 21), U-visa, and T-visa applicants Does not provide representation for aliens detained at the Pearsall or Hutto detention facilities 	ASI--Asociacion de Servicios para el Inmigrante Linda Brandmiller, Esq. 8802 Marbach Road, Suite 101 San Antonio, Texas 78227 Tel: (210) 338-VIVE (8483) Fax: (210) 579-9488 Email: lbrandmiller@asiinc.org May charge nominal fee; Only represents clients in San Antonio Immigration Court; Priority cases are juveniles, victims of crime, and trafficking; Will represent aliens in asylum cases; Will provide representation for detainees in Hutto, Karnes, Pearsall, Laredo, and Encinal.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Office of the Chief Immigration Judge (OCIJ) maintains a list of organizations and attorneys qualified under the regulations who provide free legal services. The information posted on this list is provided to OCIJ by the Free Legal Services Providers. The Executive Office for Immigration Review (EOIR) does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of these organizations or attorneys.

San Antonio Immigration Court
06 12-15

Record of Determination/Credible Fear Worksheet

MIA	ZHN		
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
Davis	Valerie	El Salvador	
Asylum Officer's Last Name	Asylum Officer's First Name	Alien's Nationality	

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

1.1 On or about 5/16/2015
Date of arrival [MM/DD/YY]

1.2 At or near [redacted] TX
Port of arrival
South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

1.3 5/16/2015
Date of detention [MM/DD/YY]

1.4 Place of detention
N/A

1.5 5/16/2015; 06/05/2015
Date of AO orientation [MM/DD/YY]

1.6 If orientation more than one week from date of detention, explain delay

1.7 6/10/2015
Date of interview [MM/DD/YY]

1.8 Dilley, Texas
Interview site

1.9 ☒ Applicant received and signed Form M-444 and relevant *pro bono* list on 5/16/2015 + 06/05/2015
Date signed [MM/DD/YY]

1.10 Does applicant have consultant(s)? ☐ Yes ☒ No

1.11 If yes, consultant(s) name, address, telephone number and relationship to applicant
NONE;

1.12 Persons present at the interview (check which apply)

1.13 ☐ Consultant(s)

1.14 ☒ Other(s), list: Applicant's mother testifying (A [redacted])

1.15 ☐ No one other than applicant and asylum officer

1.16 Language used by applicant in interview: Spanish

1.17 Lionbridge# 3032461 ☒ Yes ☐ No
Interpreter Service, Interpreter ID Number. Time Started 1:34 PM Time Ended 2:07 PM

1.18 ☐ Yes ☐ No
Interpreter Service, Interpreter ID Number. Time Started Time Ended

1.19 ☐ Yes ☐ No
Interpreter Service, Interpreter ID Number. Time Started Time Ended

1.20 ☒ Interpreter was not changed during the interview

1.21 ☐ Interpreter was changed during the interview for the following reason(s):

1.22 ☐ Applicant requested a female interpreter replace a male interpreter, or vice versa

1.23 ☐ Applicant found interpreter was not competent

1.24 ☐ Applicant found interpreter was not neutral

1.25 ☐ Officer found interpreter was not competent

1.26 ☐ Officer found interpreter was not neutral

1.27 ☐ Bad telephone connection

1.28 ☒ Asylum officer read the following paragraph to the applicant at the beginning of the interview:

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. 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. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why 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.

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 Female
Date of birth [MM/DD/YY] Gender

2.6 None
Other names and dates of birth used

2.7 El Salvador 2.8 El Salvador
Country of birth Country (countries) of citizenship (list all)

2.9 [REDACTED] El Salvador
Address prior to coming to the U.S. (List Address, City/Town, Province, State, Department and Country).

2.10 Central American 2.11 Christian 2.12 Spanish
Applicant's race or ethnicity Applicant's religion All languages spoken by applicant

2.13 Marital status: ☒ Single ☐ Married ☐ Legally separated ☐ Divorced ☐ Widowed
2.14 Did spouse arrive with applicant? ☐ Yes ☐ No
2.15 Is spouse included in applicant's claim? ☐ Yes ☐ No
2.16 If currently married (including common law marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

2.17 Children: ☐ Yes ☒ No

2.18 List any children (Use the continuation section to list any additional children):

Date of birth (MM/DD/YY)	Name	Citizenship	Present location (if w/PA, list A-Numbers)	Did child arrive with PA?	Is child included in PA's claim?
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below. ☐ Yes ☒ No

2.20 Has applicant notified the facility of medical condition? ☐ Yes ☐ No

2.21 Does applicant claim that the medical condition relates to torture? ☐ Yes ☐ No

2.22 Does the applicant have a relative, sponsor or other community ties, including spouse or child already listed above? ☒ Yes ☐ No

2.23 If YES, provide information on relative or sponsor (use continuation section, if necessary):

Name

Address

New York

Address

☒ Citizen

☐

Legal Permanent Resident

☐

Other

Uncle

Relationship

Telephone Number

SECTION III:

CREDIBLE FEAR INTERVIEW

THE FOLLOWING NOTES ARE NOT A VERBATIM TRANSCRIPT OF THIS INTERVIEW. THESE NOTES ARE RECORDED TO ASSIST THE INDIVIDUAL OFFICER IN MAKING A CREDIBLE FEAR DETERMINATION AND THE SUPERVISORY ASYLUM OFFICER IN REVIEWING THE DETERMINATION. THERE MAY BE AREAS OF THE INDIVIDUAL'S CLAIM THAT WERE NOT EXPLORED OR DOCUMENTED FOR PURPOSES OF THIS THRESHOLD SCREENING. The asylum officer must elicit sufficient information related to both credible fear of persecution and credible fear of torture to determine whether the applicant meets the threshold screening. Even if the asylum officer determines in the course of the interview that the applicant has a credible fear of persecution, the asylum officer must still elicit any additional information relevant to a fear of torture. Asylum officers are to ask the following questions and may use the continuation sheet if additional space is required. If the applicant replies YES to any question, the asylum officer must ask follow-up questions to elicit sufficient details about the claim in order to make a credible fear determination.

3.1 a. Have you or any member of your family ever been mistreated or threatened by anyone in any country to which you may be returned? ☒ Yes ☐ No

See Q&A

b. Do you have any reason to fear harm from anyone in any country to which you may be returned? ☒ Yes ☐ No

See Q&A

c. If YES to questions a and/or b, was it or is it because of any of the following reasons? (Check each of the following boxes that apply).

☐ Race ☐ Religion ☐ Nationality ☒ Membership in a particular social group ☐ Political Opinion

Immediate Family of

3.2 ☒ At the conclusion of the interview, the asylum officer must read the following to applicant:

If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. *If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?* ☐ YES ☒ NO

- 3.3 ☒ At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.

****Typed Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear.

SECTION IV:

CREDIBLE FEAR FINDINGS

A. Credible Fear Determination:

Credibility

- 4.1 ☒ There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.
- 4.2 ☐ Applicant found not credible because (check boxes 4.3-4.5, which apply):
- 4.3 ☐ Testimony was internally inconsistent on material issues.
- 4.4 ☐ Testimony lacked sufficient detail on material issues.
- 4.5 ☐ Testimony was not consistent with country conditions on material issues.

Nexus

- 4.6 ☐ Race 4.7 ☐ Religion 4.8 ☐ Nationality 4.9 ☒ Membership in a Particular Social Group
(Define the social group): Immediate Family of [REDACTED]
- 4.10 ☐ Political Opinion 4.11 ☐ Coercive Family Planning [CFP] 4.12 ☐ No Nexus

Credible Fear Finding

- 4.13 ☒ Credible fear of persecution established.
- OR
- 4.14 ☐ Credible fear of torture established.
- OR
- 4.15 ☐ Credible fear of persecution NOT established and there is not a significant possibility that the applicant could establish eligibility for withholding of removal or deferral of removal under the Convention against Torture.

B. Possible Bars:

- 4.16 ☐ Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):
- 4.17 ☐ Particularly Serious Crime 4.18 ☐ Security Risk 4.19 ☐ Aggravated Felon
- 4.20 ☐ Persecutor 4.21 ☐ Terrorist 4.22 ☒ Firmly Resettled
- 4.23 ☐ Serious Non-Political Crime Outside the United States
- 4.24 ☒ Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal.

C. Identity:

- 4.25 ☒ Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.26 ☒ Applicant's own credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty).
- 4.27 ☐ Passport which appears to be authentic.
- 4.28 ☐ Other evidence presented by applicant or in applicant's file (List): _____
- 4.29 ☐ Applicant's identity was not determined with a reasonable degree of certainty. (Explain on the continuation sheet.)

ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

Decision date

5.6

Decision date
JUN 11 2015

Date Supervisor Approved
decision

ADDITIONAL INFORMATION/CONTINUATION.

See Notes

29

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
ASYLUM OFFICE: ZHN

DATE: June 10, 2015
ASYLUM OFFICER: ZHN227 Valerie Davis
Lionbridge# 3032461
Start: 1:34 PM Stop: 2:07 PM

QUESTIONS & ANSWERS

I'm Officer Davis and I will be conducting your interview today with the help of an interpreter. We are having this interview today because you expressed a fear of returning to your country at some point after you were detained, and today we will discuss what those fears are.

The interpreter will now tell you what the purpose of today's interview is. Interpreter, please read Paragraph 1.28 from form I-870 to the Applicant.

PARAGRAPH 1.28, FORM I-870, READ TO APPLICANT

Q. Do you understand what the interpreter just read to you?
A. Yes

Q. Do you have any questions about what was just read to you?
A. No

OATH ADMINISTERED to APPLICANT

OATH ADMINISTERED to INTERPRETER

Q. Are you ok answering my questions with your mom in the room?
A. Yes

Q. Did you cross the border with your mom at the same time?
A.

Background and I-870 Information

Q. Do you have an attorney or legal representative to assist you?
A. No

Q. Are you ok to answer my questions without an attorney?
A. Yes

Q (Mother): You are still under oath - are you ok with you and your daughter responding to my questions?
A. Yes

Q. What is your complete and correct name?
A. [REDACTED]

Q. Have you ever been known by any other names or aliases?
A. No

Q. What is your date of birth?
A. [REDACTED]

Q. Have you ever used a different birth date?
A. No

Q. Where were you born?
A. El Salvador

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
ASYLUM OFFICE: ZHN

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Start: 1:34 PM Stop: 2:07 PM

Q. Are you a citizen of ES?
A. Yes

Q. Lived in another country?
A. No

Q. Your mom indicated that her race is Central American. Are you the same?
A. Yes

Q. Your mom said she is a Christian - are you?
A. Yes

Q. Is this the first time you have come to the United States?
A. Yes

Q. Do you feel sick today?
A. No

Q. Are you currently taking any medications?
A. No

Q (Mother): Does your daughter have any health concerns?
A. No she is fine

Q. You are single and not married right?
A. Yes

Q. No children, correct?
A. No

Q. If you are released from detention, with whom will you stay? (Name / Address / Relationship / Telephone / status?)

A. My uncles - [REDACTED] - [REDACTED] New York - [REDACTED]
[REDACTED] USC

Q. Did you work in ES?
A. No

Q. How many years did you go to school?
A. Only 5

SUBSTANTIVE SECTION OF THE CLAIM

Q. Has anyone ever been mean to you?
A. No

Q. Are you afraid of anyone?
A. No

Q. Has anyone ever touched you in a bad way?
A. No

Q. Has anyone ever said they were going to hurt you?
A. No

ALIEN NUMBER [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
ASYLUM OFFICE: ZHN

DATE: June 10, 2015
ASYLUM OFFICER: ZHN227 Valerie Davis
Lionbridge# 3032461
Start: 1:34 PM Stop: 2:07 PM

Q. Would someone hurt you if you went back to El Salvador?

A. No

Q. Have the police ever hurt you?

A. No

Q. Have the police ever stopped you and talked to you?

A. No

Q. So, you have never spoken to the police?

A. No

Q. So, no one has ever said bad things to you?

A. No

Q. Have you ever seen bad people?

A. No

Q. So, no one has ever slapped you, punched you or hit you with anything?

A. No

Q (Mother): Do you know of any other reason your daughter would be hurt if she went back?

A. No just that what I told you earlier - I am very afraid

Q (Mother): So you mean the testimony you provided earlier?

A. Yes only about the fear we talked about before but other than that we don't have problems with anyone

Q. Have you ever been hurt because of you are CA? Will be?

A. No - No

Q. Have you ever been hurt because of your Christian? Will be?

A. No - No

Q. Have you ever been hurt because of your Salvadoran? Will be?

A. No - No

Q. Have you ever been hurt because of your view on the government? Will be?

A. No - No

Q. Is there something about you that makes you different from other people in ES?

A. No

Q. Have you ever been hurt by a family member? Will be?

A. No - No

Q. Are you afraid of anyone that works with the government in your country?

A. No

Q. Has anyone in the government ever been mean?

A. No

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
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Start: 1:34 PM Stop: 2:07 PM

End of Interview Questions

Q. Have you ever threatened or harmed another human being?

A. No

Q. Have you ever committed a crime in any country?

A. No

Q. Have you been arrested?

A. No

Q. Have you ever helped a group that is violent?

A. No

Q. Have you ever been involved with a local gang?

A. No

Q. Did you understand the questions that were asked to you, today?

A. Yes

Q. Is there anything else that you would like to add that you think we have not covered today?

A. No

Q. Are you scared something will happen to you if you go home?

A. No

SUMMARY:

You are not afraid of anyone in El Salvador. You have not been hurt by anyone. You have not been threatened by anyone. You are not afraid of the police. You are not afraid of the government. You are not scared something will happen to you if you return.

Q. Does that sound correct?

A. Yes

PARAGRAPH 3.2, FORM I-870, READ TO APPLICANT

Q. Do you have any other questions for me at this time?

A. No

Q (Mother): Do you have questions?

A. If it is not credible what happens

Q(Mother): If you and your daughter get negative decisions - you can ask a judge to review the file. Or, ask to begin the process to return.

A. I do not want to go back

Q (Mother): Any other question?

A. How many days to get a decision?

Q (Mother): It can take up to 3 weeks. Any other?

A. I just hope it is credible. If not then I don't know - one other questions - if I need to speak to a judge do I have to have an attorney

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
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Start: 1:34 PM Stop: 2:07 PM

Q (Mother): You have the right to have one but it is not required. Any other questions?
A. No

MOM'S RELEVANT TESTIMONY FROM RF INTERVIEW

Q. Why did you leave El Salvador?
A. Because of fear - a lot of fear - for threats

Q. How many times have you been threatened?
A. Just one time I received a phone call

Q. When did you get the phone call?
A. May 5, 2015

Q. What did the caller say?
A. He called and asked for money -

Q. Did he say anything else to you?
A. Yes - That he wanted 300 dollars - that if I did not give him money where he told me to that he was going to kill my daughter

Q. Where did he want you to take the money?
A. On the gate of my land - my property

Q. What did you say to him?
A. I did not say anything because I was very afraid

Q. What else did he say?
A. Yes - mistreated me and I got very afraid

Q. What do you mean?
A. He said ugly things to me - strong words - if I did not give him the money - I would know what will happen to my daughter - they will get her from school

Q. You will not offend me - can you tell me some of the words?
A. He said you bitch I want 300 dollars - I want you to put the money in the gate on your property - you have 24 hours, and if not your daughter will pay

Q. Is that all?
A. Just that - I call my brothers - my parents were in the airport coming over here

Q. Did you pay?
A. No - my brothers said no if you pay once they will keep demanding it so come here with your daughter

Q. Did you go to the police?
A. No

Q. Why not?
A. Because they threatened me if I call the police they will go after my daughter

Q. When did they tell you this?
A. May 5th

Q. So, I was asking earlier and you indicated that you had told me everything - and now you are telling me this - why?
A. I just remembered everything - I am sorry

Q. Why did he want you to pay him money?
A. Because they think I have money - I live at my parent's house - since my brother is here and my parents travel back and forth - they see me there

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
COUNTRY: El Salvador
ASYLUM OFFICE: ZHN

DATE: June 10, 2015
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Lionbridge# 3032461
Start: 1:34 PM Stop: 2:07 PM

Q. Why do you believe that is the reason?

A. Just because - because - I did not want to come here - that is the reason I came here

Q. What did they say to you that indicated they were targeting you because they thought you had money?

A. I am the one that lives there - I am the one that takes care of my house - that day my parents left

Q. Who was it that called you?

A. No

Q. Did they say they were part of a group?

A. They did not identify themselves

Q. What did they say to you about your brothers?

A. No not my brothers they said that they wanted the money if not then my daughter would pay the consequences and if not they will go after her

Q. What did they threaten to do to your daughter?

A. They said they were going to get her out of school and they were going to kill her - I just only have my daughter

Q. What kind of harm were they threatening to do to her?

A. They said if I did not give them the money they were going to go get her and kill her

Q. What did you do after you spoke to your brother?

A. They told me they were going to bring me here

Q. When did you leave ES?

A. On the 6th

Q. Have you ever been physically harmed in ES?

A. No - physically

Q. Are there any other times you were threatened besides this one phone call?

A. No

Q. What do you think will happen to you if you go back?

A. I don't want to go back because of the threat to my daughter

Q. What harm will happen to you?

A. What they say to me is they will keep bothering me and bothering me

Q. Are you afraid they will physically harm you?

A. Yes - once they threaten they will follow through

Q. What specific physical harm do you think they will do?

A. I don't know - they are going to kill my daughter - they will go after her - they hurt you with the most precious things you have - I only have her -

Q. How do you know that they follow through with the threats?

A. I have seen it they kill the people - when they ask for money and they kill family for not paying

Q. You said you don't know the caller - so how do you know this?

A. Because it is them - they talk very bad

Q. But, who is them?

A. The gang members - they don't give name only by nickname

Q. What is the nickname of the person who called you?

A. Flaco

ALIEN NUMBER: [REDACTED]
NAME: [REDACTED]
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Start: 1:34 PM Stop: 2:07 PM

Q. What gang is he a part of?

A. He did not say - he said we are from the gang - I don't remember- I went into a bad state

Q. Why would they harm your daughter to hurt you?

A. They want money and if they ask for the first time they ask for more and more

Q. Is that the only reason they would harm your daughter to hurt you?

A. Since they only called one time - my brother said to leave - we are not going to send money to give to those people

Q. Had you ever spoken to gang members before May 5th?

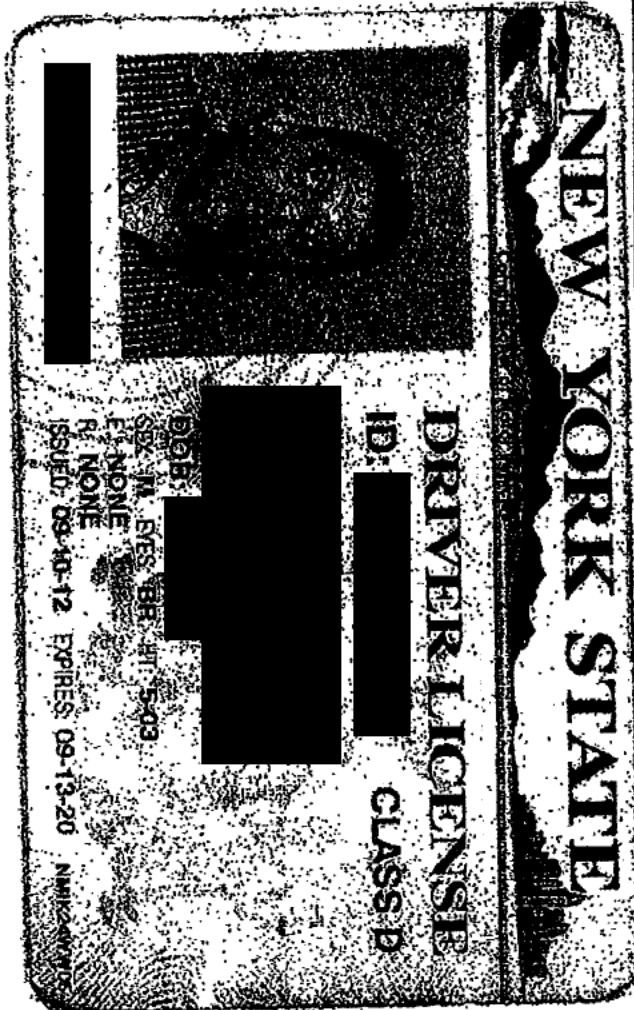
A. No

Q. Has the gang tried to contact you since May 5th?

A. No they said I had 24 hours to give them the money so my brother told me to close the house down and come here

THE UNIVERSITY OF CHICAGO

CGS Registration No.



PLEASE CHECK NAME(S) LISTED FOR ACCURACY

This name(s) printed below must match the name(s) shown on your registration with regard to spelling and number of characters for the insured vehicle. If they do not match, you may not be able to register your vehicle or may be subject to other action by the DMV. Please contact your agent for information and assistance if the name(s) do not match.

[REDACTED]

10/12/2014 10:29:20 AM (10/12/2014)

NEW YORK STATE INSURANCE IDENTIFICATION CARD

State Farm Mutual Automobile Insurance Company
PO Box 8000
Babylon, NY 11702

State Farm



An authorized NEW YORK insurer has issued an Owner's Policy of Liability Insurance complying with Article 6 Motor Vehicle Financial Security Act of the NEW YORK Vehicle and Traffic Law to:

POLICY NUMBER

[REDACTED]

EFFECTIVE DATE

JULY 24 2015 12:01 A.M.

EXPIRATION DATE

NOV 24 2015 12:01 A.M.

(Not acceptable to obtain registration after 45 days from expiration date)

Applies to with respect to the following Motor Vehicle

Year

2008

Vehicle Identification Number

2200-A1E

NAIC

25178

AGENT PHONE 716.377.1800

SEE IMPORTANT MESSAGE ON REVERSE SIDE





Recorded District <div style="background-color: black; width: 40px; height: 15px; margin: 2px;"></div>	New York State Department of Health CERTIFICATE OF LIVE BIRTH	State File Number: <div style="background-color: black; width: 150px; height: 20px; margin: 2px;"></div>
---	--	---

INFANT	1A. Name: First Middle Last					
	1B. Medical Record No.		2A. Date of Birth		2B. Hour: 2:44 PM	3. Sex: Male
	4A. Birth is: Single		4B. If Not Single, Birth is:			
	6. Place of Birth: Hospital					
	6A. Facility Name (Address, if Place of Birth is Other than Hospital / Birthing Center)					
	6B. Locality of Birth:					6C. County of Birth:

MOTHER	7A-1. Name: First Middle Last			Current Last Name: Feliciano-Guzman		
	7A-2. Maiden Last Name:		7B. Date of Birth:	7C. City & State of Birth: (Country, if not U.S.A.) Puerto Rico		
	8A. Residence, State: (Country, if not U.S.A.) New York			8B. County (Terr. or Prov., if not USA)		
	8C. Locality:			8D. Inside City/Village/Uninc.		
	8E. Street and Number of Residence:			8F. Zip Code:		
	8G. Mailing Address:			8H. Zip Code:		
				8I. Medical Record No.:		

FATHER	9A. Name: First Middle Last		
	9B. Date of Birth:	9C. City & State of Birth: (Country, if not U.S.A.) El Salvador	

ATTENDANT	10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief.			10B. Date Signed: Month Day Year		
	Signature: <i>Steven Ross</i>			Title: M.D.		
	10C. Name of Certifier, if Not Attendant: Steven Ross			10D-1. NYS License Number: 106076		
	10E. Attendant's Name: RICHTER AMY R			10F-1. NYS License Number: 227658		
	11A. Registrar Name: Carmela Iardi			11B. Signature of the Registrar: <i>Carmela Iardi</i>		
				11C. Date Filed: Month Day Year		

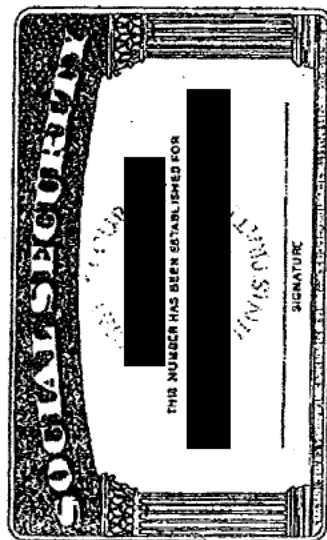
*	12. Information Added or Corrected:			
	Item No.	Date of Correction	Authorization	Original Information

Keep this stub with your personal records. The other side contains important information.

[REDACTED]

WOMAN'S SUFFRAGE CARD

Detach the card below and sign it in ink immediately.
Keep your card in a safe place to prevent loss or theft.
DO NOT CARRY IT WITH YOU.
Do not laminate your card.



Recorded District <div style="background-color: black; width: 40px; height: 20px; margin: 5px;"></div>	New York State Department of Health CERTIFICATE OF LIVE BIRTH	State File Number: <div style="background-color: black; width: 100px; height: 20px; margin: 5px;"></div>
---	--	---

INFANT	1A. Name: First Middle Last					
	1B. Medical Record No.:		2A. Date of Birth:		2B. Hour: 11:47 AM	3. Sex: Female
	4A. Birth Is: Single		4B. If Not Single, Birth Is:			
	5. Place of Birth: Hospital			6A. Facility Name: (Address, if Place of Birth is Other than Hospital / Birthing Center)		
	6B. Locality of Birth:					6C. County of Birth:

MOTHER	7A-1. Name: First Middle Last		
	7A-2. Maiden Last Name:		7B. Date of Birth:
	7C. City & State of Birth: (Country, if not U.S.A.)		7D. Puerto Rico
	8A. Residence, State: (Country, if not U.S.A.)		8B. County (Terr. or Prov., if not USA)
	8C. Locality:		8D. Inside City/Village Limit?
	8E. Street and Number of Residence:		8F. Zip Code:
	8G. Mailing Address:		8H. Zip Code: 8I. Medical Record No.:

FATHER	9A. Name: First Middle Last		
	9B. Date of Birth:	9C. City & State of Birth: (Country, if not U.S.A.)	
		El Salvador	

ATTENDANT	10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief.			10B. Date Signed: Month Day Year		
	Signature: <i>[Signature]</i>			Title: <i>[Signature]</i>		
	10C. Name of Certifier, if Not Attendant: <i>[Signature]</i>			10D-1. NYS License Number: <i>[Signature]</i>		
	10E. Attendant's Name: SANROMAN GERARDO ALFREDO			10F-1. NYS License Number: 149621		
	11A. Registrar Name: <i>[Signature]</i>			11C. Date Filed: Month Day Year		
	11B. Signature of the Registrar: <i>[Signature]</i>			8 26 08		

*	12. Information Added or Corrected:			
	Item No.	Date of Correction	Authorization	Original Information

DOH-1963E (03/2004)

AFFIDAVIT

STATE OF NEW YORK)

s.s.:

COUNTY OF SUFFOLK)

[REDACTED] being duly sworn, depose and say:

1. I am a naturalized United States citizen certificate number [REDACTED] I was born on September [REDACTED] 1970 in [REDACTED] El Salvador.
2. I currently reside at [REDACTED]
3. I am employed with [REDACTED] in the capacity of Cook located in [REDACTED] New York.
4. I make this affidavit in support of sister, [REDACTED] with date of birth of [REDACTED] in [REDACTED] El Salvador.
5. My sister, [REDACTED] is currently detained in Texas and if release I will become financially responsible for her in addition to providing food and shelter.
6. I will also guide her during the pendency of her proceedings.

I thank you for your time and consideration on my case.

Sworn to before me this
26th day of May of 2015

NOTARY PUBLIC

DAVID M. SPERLING
Notary Public, State of New York
No. 023P5041917
Qualified in Suffolk County
Commission Expires 4-16-2019

45

>> 1 1

RECEIVED 05/26/2015 10:11AM

P 4/19

2015-05-26 16:09

**FACTURA**

PAGE 1 OF 4

Account #: [REDACTED]
Statement for: [REDACTED]Statement Dates: 05/05/15
Billing Period: 05/04/15 to 06/03/15**¿CUÁNTO DEBO Y PARA CUÁNDO?**

AMOUNT PAID:

PAYMENT
CHARGED ON:**¿CUÁLES SON LOS DETALLES DE MI CUENTA?**

Previous Balance	\$0.00
Payments Received Since Last Bill	0.00
New Charges:	
DIRECTV Channels	24.99
DIRECTV Equipment Services	54.49
Other Charges, Adjustments & Taxes	3.41
Total New Charges	82.89
Total Amount Due	82.89
Payment Charged to Auto Bill Pay Credit Card	-82.89
CURRENT AMOUNT DUE	\$0.00

¿QUÉ HA CAMBIADO DESDE EL MES PASADO?

There were no changes to your account this month.

¿QUÉ NECESITO SABER?

- ¡Proteja el medio ambiente! Visite directv.com/recycle para informarse sobre cómo reciclar gratis receptores y otros dispositivos electrónicos pequeños que ya no necesita.
- ¿Tiene preguntas acerca de su factura? Encuentre las respuestas, en cualquier momento en directv.com/help

For additional information, see page 2.

¿CÓMO PAGO?Es fácil pagar
por internet en
directv.com/billpayPor correo—envíe
el comprobante
de abajoLlámenos al 1.888.388.6622
y diga, "Pagar mi factura"
Puede optar por un pago por transacciónEn su móvil, envíe el texto
PAY al 21880. Pueden aplicarse
costos por mensajes de texto.

DOBLE SOBRE LA PERFORACIÓN, DESPRENDA Y REGRESE ESTA PORCIÓN JUNTO CON SU PAGO



ACCOUNT NUMBER:

PAYMENT DUE:

None

TOTAL DUE:

\$0.00

PAYMENT AMOUNT:

No action required

☐ Note my change of billing address on reverse side.
DO NOT WRITE OTHER COMMENTS ON THIS FORM.

AB 01 001139 36671 B 6 A



00000000000000000000 [REDACTED] 00000000 00000000 2

P 6/19

RECEIVED 05/26/2015 10:11AM

<< 1 1 >>

46

2015-05-26 16:10


PSEG LONG ISLAND

Customer ID

Please pay upon receipt

\$ 279.58

Please make checks payable to PSEGLI

040002

- ✓ Mail this part of bill with your payment.
- ✓ Be sure that the address on the other side appears in the return envelope window.
- ✓ Write your Customer ID on your check.

Tear here →

www.PSEGLI.NY.com
24 Hours/Day - 7 Days/Week

"My Account" PIN
[REDACTED]

Billing/General Inquiries
Monday - Friday, 8 AM - 8 PM
1-800-490-0025*
outside toll free area
1-631-755-6000*
*Automated Services available
24 Hours/Day - 7 Days/Week

Electric Service Problems
24 Hours/Day - 7 Days/Week
1-800-490-0075

Para Espanol
1-800-490-0085

Hearing or Speech Impaired
1-631-755-6660

Report Theft of Service
1-631-755-6871

SERVICE TO:


PSEG LONG ISLAND
We make things work for you.

Bill Date	Customer ID	Next Meter Reading	Amount Due
06/05/2015	[REDACTED]	On or about 07/06/15	\$ 279.58

BILLING SUMMARY

Balance From Previous Bill	\$ 172.00
PSEGLI Current Charges	105.00
Late Payment Charge	2.58
Please Pay Upon Receipt	\$ 279.58

A 1.5% late payment charge may be applied to outstanding charges if payment is not received by JUN 28

**** SEE BACK OF BILL FOR DETAILS OF CURRENT CHARGES ****

IMPORTANT MESSAGES

A REMINDER. We appreciate the prompt payments you made in the past; however, your account is now overdue. If your payment has already been mailed, please consider this a thank you.

Your last bill was not paid within 23 days of the bill date. As a result, a Late Payment Charge of 1.5% per month has been added to your bill. If payment is not received within 23 days from the date of this bill, you will continue to accrue late payment charges at this rate on your outstanding balance. Please make prompt payment to avoid additional charges. Thank you.

346.58 April 15th Last Payed
Paid Full
6/11/15 \$279.58
#340415

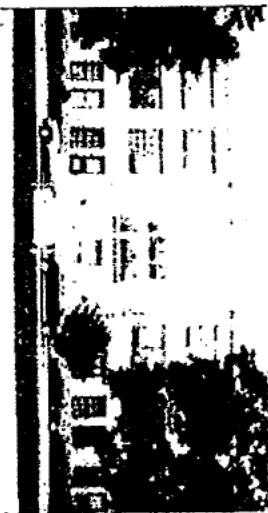
Customer ID: [REDACTED]

Page 1 of 2

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Teacher Comments	
Marking Period 1	<p>has adjusted well to fourth grade. He is a self-reliant student who comes to school prepared and eager to learn. Although [redacted] prefers to work independently, he is beginning to realize the value in working in partnerships/small groups. In addition to [redacted]'s good work habits, he is performing on or slightly above grade level. In Reading, he is able to comprehend texts both literally and inferentially. In Math, he can compute numbers and solve multi-step word problems effectively. It is an absolute pleasure having [redacted] in my class this year!</p>
Marking Period 2	<p>[redacted] is a knowledgeable and independent student who is continuing to meet the expectations of 4th grade. His proficient literary skills enable him to complete both Reading and Writing tasks at a competent level although he doesn't always perform to his capabilities. [redacted] prefers Math and has a strong conceptual understanding, which allow him to work efficiently and accurately when computing and problem solving. He displays an interest as well as an understanding of the Science and Social Studies topics the class studies. Keep up the good work, [redacted]!</p>
Marking Period 3	<p>It has been a joy having [redacted] in my class this year! He is a social and discerning student who is always willing to share his knowledge and experiences. I hope [redacted] continues to read and practice everything he has learned this past year. I wish him all the best all [redacted]!</p>

School District Progress Report



Student: [redacted]

Grade: 4

Teacher: [redacted]

School Year: 2014 - 2015

Dear Parents/Guardians,

Informing you about your child's progress in school is an essential part of the learning process. Not only does it provide information about your child's progress, it is an expression of the Riverhead Schools' commitment to informing and involving parents.

Please discuss this report with your child, giving praise for achievements and discussing areas where improvements are needed. Your involvement in the learning process contributes to your child's sense of self-worth which is essential to academic and social growth.

We encourage on-going communication and welcome your involvement in our efforts. Should you have any questions, please do not hesitate to contact us.

Sincerely, [redacted]

Principal

Teacher Comments	
Marking Period 1	<p>It has been a pleasure getting to know [redacted] She has made great progress since the beginning of the school year. [redacted] is using some of the reading strategies we have introduced and her writing conveys her thoughts and ideas. She works independently and stays on task. We are working on various strategies to solve multi-step math problems and learn basic math facts. [redacted] is meticulous and completes assignments with quality in mind. I am very proud of her accomplishments and thank you for your support from home. Keep up the great work [redacted]</p>
Marking Period 2	<p>[redacted] is a kind and well-mannered student. She has made good progress in all academic areas and it has been a pleasure having the opportunity to work with her. She arrives each day ready to learn and has a positive attitude. She consistently shows interest in the things we do and work is always beautifully done. Her stamina in both reading and writing is commendable. [redacted]'s math skills are good and she actively participates. I am so proud of a [redacted]'s accomplishments! Keep up the great work [redacted]</p>
Marking Period 3	<p>It has been a pleasure having the opportunity to work with [redacted] this year. She has shown nice growth across the curriculum and is a role model for our class. I am so proud of all she has accomplished! Please continue to encourage [redacted] to read during the summer to maintain her acquired skills. It may also be enjoyable for her to continue writing in her journal. Thank you for your support from home! I hope you have a wonderful and restful summer. Best of luck in second grade [redacted]</p>

School District Progress Report



Student: [redacted]

Grade: 1

Teacher: [redacted]

School Year: 2014 - 2015

Dear Parents/Guardians,

Informing you about your child's progress in school is an essential part of the learning process. Not only does it provide information about your child's progress, it is an expression of the Riverhead Schools' commitment to informing and involving parents.

Please discuss this report with your child, giving praise for achievements and discussing areas where improvements are needed. Your involvement in the learning process contributes to your child's sense of self-worth which is essential to academic and social growth.

We encourage on-going communication and welcome your involvement in our efforts. Should you have any questions, please do not hesitate to contact us.

Sincerely,
Thomas E. Payton
Principal

Form I-134, Affidavit of Support

(Answer all items. Type or print in black ink.)

I, [redacted] (Name) residing at [redacted] (Street Number and Name)
[redacted] (City) NY (State) [redacted] (Zip Code if in U.S.) USA (Country)

certify under penalty of perjury under U.S. law, that:

1. I was born on [redacted] (Date: mm/dd/yyyy) in [redacted] (City) [redacted] (State) El Salvador (Country)

If you are not a U.S. citizen based on your birth in the United States, or a non-citizen U.S. national based on your birth in American Samoa (including Swains Island), answer the following as appropriate:

- a. If a U.S. citizen through naturalization, give Certificate of Naturalization number [redacted]
- b. If a U.S. citizen through parent(s) or marriage, give Certificate of Citizenship number [redacted]
- c. If U.S. citizenship was derived by some other method, attach a statement of explanation. [redacted]
- d. If a Lawful Permanent Resident of the United States, give A-Number [redacted]
- e. If a lawfully admitted nonimmigrant, give Form I-94, Arrival-Departure Record, number [redacted]

2. I am 44 years of age and have resided in the United States since 02/1988 (Date: mm/dd/yyyy)

3. This affidavit is executed on behalf of the following person:

Name (Family Name)	(First Name)	(Middle Name)	Gender	Age
[redacted]	[redacted]	[redacted]	F	43
Citizen of (Country)		Marital Status	Relationship to Sponsor	
El Salvador		Single	Sister	
Presently resides at (Street Number and Name)		(City)	(State)	(Country)
Detained South Texas Det. Loc.		Pearson	TX	78061

Name of spouse and children accompanying or following to join person:

	Gender	Age	Child	Gender	Age
Spouse: N/A					
Child: N/A					
Child: N/A					

4. This affidavit is made by me for the purpose of assuring the U.S. Government that the person(s) named in item (3) will not become a public charge in the United States.

5. I am willing and able to receive, maintain, and support the person(s) named in item 3. I am ready and willing to deposit a bond, if necessary, to guarantee that such person(s) will not become a public charge during his or her stay in the United States, or to guarantee that the above named person(s) will maintain his or her nonimmigrant status, if admitted temporarily, and will depart prior to the expiration of his or her authorized stay in the United States.

6. I understand that:

- a. Form I-134 is an "undertaking" under section 213 of the Immigration and Nationality Act, and I may be sued if the person named in item 3 becomes a public charge after admission to the United States;
- b. Form I-134 may be made available to any Federal, State, or local agency that may receive an application from the person named in item 3 for Food Stamps, Supplemental Security Income, or Temporary Assistance to Needy Families; and
- c. If the person(s) named in item 3 does apply for Food Stamps, Supplemental Security Income, or Temporary Assistance for Needy Families, my own income and assets may be considered in deciding the person's application. How long my income and assets may be attributed to the person(s) named in item 3 is determined under the statutes and rules governing each specific program.

7. I am employed as or engaged in the business of Cook (Type of Business) with [REDACTED] (Name of Concern)
 at [REDACTED] (Street Number and Name) [REDACTED] (City) NY (State) [REDACTED] (Zip Code)
 I derive an annual income of: (If self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instructions for nature of evidence of net worth to be submitted.) \$ 54,047.00
 I have on deposit in savings banks in the United States: \$ 12,000.00
 I have other personal property, the reasonable value of which is: \$ 0.00
 I have stocks and bonds with the following market value, as indicated on the attached list, which I certify to be true and correct to the best of my knowledge and belief: \$ 0.00
 I have life insurance in the sum of: \$ 0.00
 With a cash surrender value of: \$ 0.00
 I own real estate valued at: \$ 66047.00
 With mortgage(s) or other encumbrance(s) thereon amounting to: \$ N/A
 Which is located at: [REDACTED] (Street Number and Name) [REDACTED] (City) [REDACTED] (State) [REDACTED] (Zip Code)

8. The following persons are dependent upon me for support: (Check the box in the appropriate column to indicate whether the person named is wholly or partially dependent upon you for support.)

Name of Person	Wholly Dependent	Partially Dependent	Age	Relationship to Me
<u>[REDACTED]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>69</u>	<u>Father</u>
<u>[REDACTED]</u>	<input type="checkbox"/>	<input type="checkbox"/>		
<u>[REDACTED]</u>	<input type="checkbox"/>	<input type="checkbox"/>		

9. I have previously submitted affidavit(s) of support for the following person(s). If none, state "None".
 Name of Person [REDACTED] Date submitted 2013

10. I have submitted a visa petition(s) to U.S. Citizenship and Immigration Services on behalf of the following person(s). If none, state "None".

Name of Person	Relationship	Date submitted
<u>N/A</u>		

11. I ☒ intend ☐ do not intend to make specific contributions to the support of the person(s) named in item 3.
 (If you check "intend," indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in U.S. dollars and whether it is to be given in a lump sum, weekly or monthly, and for how long.
I and, shelter and any medical attention that she may require. I am willing to provide her with everything she needs.

Oath or Affirmation of Sponsor

I acknowledge that I have read "Sponsor and Alien Liability" on Page 2 of the instructions for this form, and am aware of my responsibilities as a sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.
 I certify under penalty of perjury under United States law that I know the contents of this affidavit signed by me and that the statements are true and correct.
 Signature of Sponsor [REDACTED] Date 05/26/2015