

**Catholic Charities Immigration Legal Services
The James Cardinal Hickey Center
924 G Street NW
Washington DC 20001
202-772-4342**

John E. McCarthy
Assistant Field Office Director
U.S. Immigration & Customs Enforcement
Enforcement & Removal Office
31 Hopkins Plaza, 7th Floor
Baltimore, MA 21201

March 23, 2017

VIA HAND DELIVERY

**Re: I-246 Application for a Stay of Deportation (Renewal)
Felipe X – AXXXXXXXX**

Dear Assistant Director McCarthy:

Catholic Charities of the Archdiocese of Washington represents Felipe X (hereinafter Mr. X), a citizen of Mexico, on his application to renew his stay of removal. Baltimore Immigration and Customs Enforcement (ICE) Enforcement and Removal Office (ERO) granted Mr. X a stay of removal on September 24, 2012. On September 30, 2013, Baltimore ICE ERO extended the stay of removal until March 29, 2014.

Mr. X requests that his removal be stayed again because removing him would be contrary to the public interest due to humanitarian concerns involving his three U.S. citizen children—in particular his permanently disabled nine (9) year-old son whose condition has not improved and requires specialized attention by doctors and teachers. Moreover, his two (2) year-old daughter is currently recovering from a recent surgery.

Since May 11, 2011, Mr. X has diligently reported to your office due to an outstanding order of removal. At his reporting date with Baltimore ICE ERO on September 25, 2013, Mr. X was taken into custody by Deportation Officer (DO) Watson. Mr. X' detention was not prompted by criminal issues, but rather by his status as a removal priority and a lack of new stay of removal application, according to DO Watson. After he was granted a stay on September 30, 2013, ICE ERO released Mr. X the next day. Following his release, Mr. X has continued to consistently report to your office, the most recent of which occurred on March 5, 2014.

In addition to the enclosed I-246 and a money order for the \$155 covering the application fee,

Felipe X – AXXXXXXXX

please find documentation in support of Mr. X' case. Baltimore ICE ERO is already in possession of Mr. X' valid passport. As such, please see attached a copy of his passport identification page.

Statement of Law and Applicable Regulations

Section 241.6 of the Regulations provide that an alien under a final order of removal may apply for a stay of that order. As required by the Regulations, this application for a stay of removal, along with required fee, is being filed with the district office having jurisdiction over Mr. X' case.

The Regulations state that in making a determination on the application for stay, ICE should take into account the humanitarian considerations found at Section 241(c) of the Immigration & Nationality Act and at Section 212.5 of the Regulations, which discusses the parole of aliens into the United States. Section 212.5(b)(5) of the Regulations applies to Mr. X' case because it addresses aliens whose removal is not in the public interest.

Argument

I. MR. X' REMOVAL SHOULD BE STAYED BECAUSE HIS REMOVAL WOULD BE CONTRARY TO THE PUBLIC INTEREST

A. Mr. X merits a stay of removal because he is the father of three U.S. children and the sole source of financial support for his family.

On balance, Mr. X does not fall within ICE's enforcement priorities. He is the father of three U.S. citizen children, including one who is permanently hearing impaired in both ears, and provides sole financial support to his children and wife.

In his June 2011 memorandum on prosecutorial discretion, then Director John Morton stated that ICE officers should consider all relevant factors, such as having strong ties to the United States, having U.S. citizen children, and being a primary caretaker of a person with a mental or physical disability.¹ Moreover, Acting Director John Sandweg issued a memorandum on parental interests and immigration enforcement on August 23, 2013 that asks ICE officers and personnel to pay close attention to enforcement actions that negatively affect the parental rights of alien parents with minor children and to safeguard these rights.² That memo further states that if an ICE Field Office learns that an alien in custody is a parent or guardian of a minor child, that office "should reevaluate any custody determination to the extent permitted by law and in accordance with existing ICE policy."³

¹ John Morton, ICE Director, *Memorandum on Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, & Removal of Aliens*, 4-5 (June 17, 2011) (hereinafter Morton Memo).

² John Sandweg, ICE Acting Director, Memorandum 11064.1, *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

³ *Id.* at ¶5.2(2).

An exercise of prosecutorial discretion should be based on the totality of circumstances. Any decision should be in line with ICE's four enforcement priorities: (1) individuals who are a national security risk; (2) individuals with lengthy and/or serious criminal records; (3) known gang members or individual who are "a clear danger to public safety"; and (4) individuals with "egregious ... immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud."⁴

Though they have been a cohabitating couple for longer than they have been married, Mr. X married his wife X on March 15, 2011. Together they live with their two sons, and one daughter: nine (9) year-old ██████ X, four (4) year-old X, and two (2) year-old X, all born in the United States.⁵

Mr. X is in fact ██████'s stepfather. The Immigration and Nationality Act defines a stepchild as fitting the "parent" and "child" relationship "provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred."⁶ ██████ was only four (4) years-old when Mr. X met his wife, ██████'s mother, and the two married when ██████ was six (6) years-old.⁷ ██████'s biological father has been wholly absent from ██████'s life.⁸ Since ██████ was 4-years-old, Mr. X has been the parent who put him to bed and fed him when he was hungry, and at times ██████ asked for Mr. X more than his mother.⁹ Thus, Mr. X has been ██████'s only father and ██████'s reactions to Mr. X's detention by ICE reflect this sentiment.¹⁰ During Mr. X's detention, ██████ has been the child most visibly affected by his father's absence.¹¹

In addition to his hearing-impaired son, Mr. X's infant daughter ██████ also significantly relies on her father's care and financial support. On January 8, 2014, she underwent surgery for hypertrophy of the tonsils and requires home care and follow-up appointments.¹²

Since June 2012, Mr. X has been a Packing Supervisor at ██████ in Hyattsville MD, and because his wife is a stay at home mom, he is the sole breadwinner for his family.¹³ X, the owner of ██████, attests that Mr. X is not only an invaluable employee who has earned a management position through hard work, but he is also a person of solid character.¹⁴ According to him, without Mr. X, "the business at ██████ will suffer as will the many employees currently

⁴ Morton Memo 5.

⁵ X Declaration, ¶ 1.

⁶ INA § 101(b)(1)(B); *See Matter of Morales*, 25 I&N Dec. 186 (BIA 2010) (citing *Matter of G-*, 8 I&N Dec. 355, 359 (BIA 1959)). This reasoning has also been followed for purposes of determining hardship to family members in the context of considering eligibility for discretionary relief.

⁷ ██████ X Declaration, ¶ 14.

⁸ *Id.* at ¶ 16.

⁹ *Id.* at ¶ 17.

¹⁰ *Id.* at ¶ 19.

¹¹ *Id.* at ¶ 20; *see also* X Declaration, ¶ 6.

¹² *See* Documents from Children's National Medical Center regarding ██████'s surgery for hypertrophy of tonsils (Jan. 8, 2014) and detailing care instructions (Jan. 22, 014).

¹³ X Declaration, ¶ 2; *see also* Letter from X, General Manager of ██████ (Sept. 25, 2013).

¹⁴ Letter from X, Owner of ██████ (Mar. 4, 2014).

reporting to ██████” and “we need more people like Mr. X not less.”¹⁵ The Director of Logistics describes Mr. X as having a “tireless work ethic,” has helped the company to “grow exponentially” during his time there, and is “both a vocal leader and a leader by example.”¹⁶ In addition, the Vice President of Operations confirms that Mr. X’ leadership qualities and skills has “quickly set him apart” and supports granting him a visa that would “allow him to remain a valuable employee at ██████.”¹⁷ Fifty-two (52) employees at ██████ have signed a petition in support of Mr. X’ stay request.¹⁸

B. Mr. X’ 9-year-old son ██████ has a permanent hearing disability.

██████ has sensorineural hearing loss in both ears requiring the permanent use of hearing aid.¹⁹ Sensorineural hearing loss involves malformation, dysfunction, or damage to the inner ear (cochlea).²⁰ It often exists at birth and the hearing loss is usually permanent.²¹ Sometimes the loss is progressive and therefore requires the administration of repeat audiologic testing.²²

It is well-known that in the first few years of life, “hearing is a critical part of a kids’ social, emotional, and cognitive development. Even a mild or partial hearing loss can affect a child’s ability to speak and understand language.”²³ Unfortunately, because ██████ was diagnosed at the age of four and he did not receive early intervention means,²⁴ he now must receive close monitoring to determine the full extent of his needs and how best to serve them to allow him to succeed in life despite his disability.

In addition to the hearing aid that ██████ will need to use for the rest of his life, ██████ also needs speech language therapy and special education accommodations.²⁵ ██████ attends Andrew Jackson Academy, where he is a student of the Deaf and Hard of Hearing Program.²⁶ ██████ wears a hearing device during school hours for all instruction and is making progress with his academic goals while managing his disability.²⁷ He receives audiological and direct support services from a teacher of the deaf/hard of hearing in order to ensure he is accessing the

¹⁵ *Id.*

¹⁶ Letter from X, Director of Logistics at ██████ (Mar. 6, 2014).

¹⁷ Letter from X, VP of Operations at ██████ (Mar. 4, 2014).

¹⁸ See Signed Petition by 52 employees of ██████ in support of ██████ and asking DHS to approve his application for a stay of removal.

¹⁹ See X, Ph.D, C.C.C.-A., Audiological Evaluation at Children’s Hearing and Speech Center, Children’s Hospital, Washington DC (Aug. 5, 2013) (stating that ██████ has a permanent hearing loss and must permanently use hearing aids).

²⁰ See Hearing Evaluation in Children, KidsHealth.Org

http://kidshealth.org/PageManager.jsp?dn=KidsHealth&lic=1&ps=107&cat_id=192&article_set=22902 (last visited Mar. 11, 2014).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ ██████ X Declaration, ¶ 22-24.

²⁵ X Declaration, ¶ 4.

²⁶ *Id.*

²⁷ See Maryland State Department of Education (MSDE), Individualized Education Program, Progress Report on IEP Goals (Apr. 16, 2013).

general education curriculum.²⁸ The school audiologist stays in contact with his outside audiologist to monitor ██████'s hearing levels.²⁹

A team of doctors and specialists treat and monitor ██████'s disability at the Children's Hearing and Speech Center at Washington, DC Children's Hospital.³⁰ ██████ continues to visit for audiological and hearing aid evaluations.³¹ According to his doctor, his hearing loss requires frequent monitoring and medical appointments.³² Mr. X is listed as ██████'s primary caregiver on medical records.³³ He is also the parent who takes ██████ to his doctor's appointments and follows up with medical recommendations, because ██████'s mother does not drive and Mr. X is the parent that best understands the doctors' treatment and care instructions.³⁴ If Mr. X is removed to Mexico, ██████ has two options neither of which will serve his best interests nor support his disability treatment.

C. If Mr. X is removed to Mexico, his family, especially his disabled son, would suffer extreme hardship.

If Mr. X is removed to Mexico, he and his family would face two difficult options: either (1) to move the entire family to Mexico; or (2) to have his wife and children stay in the United States without him. Both options would result in extreme hardship his family, especially his disabled stepson ██████.

1. To move to Mexico with Mr. X would lead to ██████'s hearing disability deteriorating and potential institutionalization where he would be mistreated and at risk of being trafficked.

If Mr. X were not granted a stay of removal, he would have to return to Mexico, specifically to the small town of Teutla in the State of Puebla, where he grew up and the rest of his family resides.³⁵ Teutla is home for 564 inhabitants with the median education being about 5 years of school and approximately 68 inhabitants are still illiterate.³⁶ That means that ██████ would have to move to a country he has never known and that does not provide the specialized treatment and therapy he requires.

██████ is currently enrolled in a program at Andrew Jackson Academy that is specifically designed to meet the needs of students with hearing disabilities. According to ██████, the

²⁸ Letter from X, Chairperson, Andrew Jackson Academy (Feb. 19, 2014).

²⁹ *Id.*

³⁰ X Declaration, ¶ 4.

³¹ See Audiological Evaluation conducted by ██████, Ph.D. C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Jan. 6, 2014).

³² See Letter from X, Ph.D., C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Mar. 12, 2014).

³³ See Children's National Medical Center, Hearing and Speech Center Receipt (Dec. 12, 2013).

³⁴ See Letter from X, Ph.D., C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Mar. 12, 2014); see also ██████ Declaration, ¶ 7.

³⁵ Felipe X Declaration, ¶ 8.

³⁶ <http://www.mexico-facts.com/Puebla/Jolalpan/Teutla/> (last visited Mar. 11, 2014).

chairperson of his program, the school provides direct support services and without such continued services, ██████ is unlikely to reach his full capabilities as an adult.³⁷ ██████'s teacher describes him as a very focused student who is willing to maximize his learning opportunities.³⁸ Among other listed strengths, ██████ attends class every day, comes prepared with materials, gets along with other students, has a positive attitude, participates in class, and thinks creatively.³⁹ He also received a 3.214 GPA during the first quarter of the 2013-2014 school year with A's in Math, Art, Music, Physical Education, Social Skills, and Work Habits.⁴⁰ On February 28, 2014, ██████ received Certificates of Citizenship for Outstanding Social Skills, Exceptional Performance in Mathematics, Superb Science Skills, and a 3.0 GPA or above.⁴¹ ██████ continues to thrive at his new school in Maryland.

On the other hand, ██████ will not receive the necessary support that he needs in Mexico. The prevalence of sensorineural hearing loss across different age groups in developing countries has been studied very little and in Mexico, no study on the prevalence of sensorineural hearing loss in children has been carried out.⁴² Moreover, the reach of the special education services in Mexico compared to the entire school-aged population is not far or deep. According to the Mexican Education Department only 8% of all schools provide special education services through middle school, and the majority of the locations offering special education services are in urban areas or densely populated counties.⁴³ The data also shows a clear bias towards providing services to wealthier cities than rural communities.⁴⁴ Being a small rural community, Teutla is definitely not the place where ██████ would be able to receive the services he needs to cope with his hearing disability, and any services he may be able to access would not compare to those he currently receives in the United States.

According to ██████ doctor, "it is in ██████'s best medical and developmental interests to remain in the United States in his current family structure."⁴⁵ ██████ requires frequent monitoring and Mexico may lack the pediatric audiologists and financial help that he currently receives in Maryland.⁴⁶ Even if services are available in Mexico, Mr. X would not be able to have ██████ receive the specialized treatment, therapy, and special education he needs because

³⁷ See Letter from X, Chairperson, Andrew Jackson Academy (Feb. 19, 2014).

³⁸ See Comments from X, ESOL teacher, Parent/Teacher Conference Form (Nov. 11, 2013).

³⁹ See *id.*

⁴⁰ See Report Card from Prince George's County Public Schools, Andrew Jackson Academy (Nov. 4, 2013).

⁴¹ Dr. X, Principal, Andrew Jackson Academy, Certificates of Citizenship for Outstanding Social Skills, Exceptional Performance in Mathematics, Superb Science Skills, and a 3.0 GPA or above (Feb. 28, 2014).

⁴² Martinez-Wbaldo, MC, et al., *Sensorineural Hearing Loss in High School Teenagers in Mexico City and its Relationship with Recreational Noise*. *Cad. Saúde Pública*, Rio de Janeiro, 25(12):2553-2561, dez, 2009, available at <http://www.ncbi.nlm.nih.gov/pubmed/20191147>.

⁴³ Mary Mount-Cors, *Special Education in Mexico*, LEARN INC., University of North Carolina at Chapel Hill, available at <http://www.learnnc.org/lp/pages/1911> (last visited Mar. 11, 2014).

⁴⁴ John P. Tuman et al., *Autism and Special Education in Mexico*, 2 GLOBAL HEALTH GOVERNANCE 7 (2008).

⁴⁵ Letter from X, Ph.D., C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Mar. 12, 2014).

⁴⁶ See *id.*

those services are available in another part of the country—in urban areas— and Mr. X would not have the necessary economic resources to travel.⁴⁷ Mr. X will lack the resources because his age combined with his six years of schooling and previous work as a subsistence farm worker will subject him to few limited job opportunities.⁴⁸

Furthermore, even in urban areas where these services are provided, they are far from adequate to attend to the needs of special education students. In Mexico, there are two methods of providing special education to children with disabilities: Unit of Support Services for Regular Education (USAER) and Center of Multiple Attention (CAM).⁴⁹ USAERs are multidisciplinary special education support groups for children with disabilities, who can be in regular classrooms, and these groups are supposed to work in coordination with the regular teachers. CAMs are centers for children with more severe disabilities, who cannot be integrated into the regular classrooms.⁵⁰

At first, ██████████ would presumably be placed in the general education classes with USAER support group. This system is far from even being adequate to meet the needs of all Mexican children with disabilities. Regular teachers do not have the necessary training, and as a result, they have no idea how to proceed with special needs children.⁵¹ Each USAER team is responsible for five schools within their district and thus cannot provide the time or resources expected by the regular classroom teachers and their special needs students.⁵²

Moreover, each school is assigned two-resource special education teachers, but they work on a different schedule than the regular teachers, and the specialists (i.e. psychologists, speech and language pathologist, and social worker) provide assistance only one day a week to each school in their sector.⁵³ This sporadic schedule does not allow these professionals to adequately coordinate the students' needs let alone provide the time to coordinate and educate parents on how best to work with the school in meeting the special needs of their child, which is crucial for these special needs students to become productive members of society. Finally, not every school is assigned a team due to shortage of prepared personnel.⁵⁴

If ██████████'s condition deteriorates, as is expected, he would probably have to attend a CAM Center, particularly a Deaf/Hard of Hearing School. This does not present a better prospect for ██████████ either. Owing to lack of personnel, teachers at the CAM who were trained in one special education discipline are required to work with children whose disability requires specific training that these teachers do not possess. Thus, specialists in visual impairment work with children with hearing impairment; teachers accustomed to working with children with mental

⁴⁷ Teutla, Puebla is located 204 km from Mexico City, which requires three hours of travel by car.

⁴⁸ Felipe X Declaration, ¶ 11.

⁴⁹ Todd Fletcher et al., *The Changing Paradigm of Special Education in Mexico*, 27 BILINGUAL RES. J. 409, 411 (2003).

⁵⁰ *See id.*

⁵¹ *Id.* at 424.

⁵² *Id.* at 420.

⁵³ *Id.*

⁵⁴ *Id.* at 421.

retardation suddenly face the need to give speech therapy.⁵⁵ Therefore, even if ██████ were able to attend one of these schools, it is unlikely that he will receive the services that he needs for his condition.

Finally, because he will not receive the educational and medical services he needs and his parents will not have the financial and community support to help him, ██████ may end up institutionalized. This is a common fate for children and adults with disabilities. Often “what is considered a ‘severe’ disability justifying institutionalization in Mexico may be an extremely minor disability that would require very limited support to families to enable them to keep their children in the community.”⁵⁶ However, in Mexico there is little to no community support to help persons with disabilities and their families solely manage the disability.⁵⁷

In its November 2011 report on Mexico’s treatment of persons with disabilities, Disability Rights International (DRI) discovered that the institutionalized care of persons with disabilities was degrading, unsafe, unsanitary, and abusive.⁵⁸ Institutional staff frequently restrained non-compliant and/or aggressive patients; also lobotomies and psychosurgery are performed on patients even though these practices have been discredited in other developed countries.⁵⁹ Even more alarming, children with disabilities at these institutions were at a higher risk of being trafficked. Children have literally disappeared from these facilities, and the Mexican government could not give DRI the number of children, nor a simple list of the names of the disappeared children, placed in its institutions.⁶⁰ For example, one six-year-old girl was placed in an institution though her grandmother had custody. When her parents and grandmother went to look for her, the girl had disappeared from the institution; it is believed that she was trafficked.⁶¹ If ██████ had to move to Teutla, Puebla, Mexico, his disability could deteriorate due to a lack of access to the necessary treatments and educational programs. This deterioration may cause him to be unable to function, and he may be placed in a notorious inhumane and degrading institution. Placement in such an institution puts him at risk of being trafficked, a tragic and preventable outcome.

In conclusion, the special education system in Mexico will not meet ██████’s special education needs, speech language therapy and medical monitoring that he requires to become a productive U.S. citizen. Furthermore, ██████ faces a significant risk that his disability will deteriorate, causing him to be placed in an institution, where he will suffer inhumane and degrading treatment and may be possibly trafficked. If ██████ returns to the United States at some point in his future, it is in the United States’ public interest to invest in ██████ while he is still young and his disability can be tempered. Otherwise, ██████ is likely to come back to the United States requiring more care and resources, perhaps even life-long psychological services, especially if he

⁵⁵ *Id.* at 419.

⁵⁶ Disability Rights International, *Abandoned & Disappeared: Mexico’s Segregation & Abuse of Children & Adults with Disabilities* 20 (Nov. 30, 2011).

⁵⁷ *Id.*

⁵⁸ *Id.* at 7-10.

⁵⁹ *Id.* at 10-13, 17.

⁶⁰ *Id.* at 18-19, 23-24.

⁶¹ *No Progress for Disabled People*, AMERICA, NAT’L CATH. REV., Jan. 3, 2011 available at <http://americamagazine.org/issue/761/signs/no-progress-disabled-people>.

is institutionalized in Mexico.

2. ***Remaining in the United States without Mr. X, the sole breadwinner and family coordinator, will affect the family psychologically and transform the family into a single-parent family that lacks a source of income and someone to drive ██████ to his medical appointments.***

The only other option remaining for ██████ would be to stay in the United States with his mother and siblings and face a financially precarious future because Mr. X is the breadwinner of the family. Either option will be very detrimental to ██████'s development as a productive member of society in spite of his disability. His mother already has her hands full taking care of his 4-year-old brother and 2-year-old sister, who is currently recovering from surgery. His mother readily admits that she relies on Mr. X to help care for all the children and to take ██████ to his frequent doctors' appointments.⁶² ██████'s doctor describes Mr. X as primarily responsible for ██████'s appointments and is very consistent with following through with medical recommendations.⁶³ Mr. X is also the primary contact for ██████'s school matters, and according to the chairperson of ██████'s program, Mr. X has gone to the school many times over the past year to talk with the staff and find out how ██████ is doing.⁶⁴ According to her, it is obvious how attached ██████ is to his father and how essential Mr. X is to ██████'s progress.⁶⁵

Though ██████'s school helps him with his learning and communication skills, it is largely his family who helps him not only adjust to the different hearing devices he will need as he grows into adulthood, but also to emotionally and psychologically accept his disability and to help him to cope with the social and emotional challenges he will face throughout his life. Removing ██████'s father from the country would mean that his mother would have to focus on providing for the basic needs of her children, even though ██████'s disability requires much more than just the provision of his basic needs. This lack of adequate care would negatively affect his well-being because he would have to mostly cope with his disability on his own; an unreasonable expectation of a 9-year-old boy.

Furthermore, ██████ and his younger siblings, ██████ and ██████, would suffer psychologically if Mr. X is removed to Mexico. As stated above, ██████ developed a close psychological and emotional bond with Mr. X early on in their relationship; he considers Mr. X his father perhaps because he was old enough to feel abandoned by his biological father. ██████ has a unique, special relationship with his father. ██████'s diagnosis has brought him even closer to his father because it has been Mr. X who has coordinated ██████'s medical care. A study by the Urban Institute found that children, especially young children, have behavioral problems after the separation from and the deportation of a parent due to immigration enforcement.⁶⁶ Emotional responses included increased anxiety, fear, anger, and withdrawal, and

⁶² X Declaration, ¶ 7.

⁶³ See Letter from ██████, Ph.D., C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Mar. 12, 2014).

⁶⁴ See Letter from ██████, Chairperson, Andrew Jackson Academy (Feb. 19, 2014).

⁶⁵ *Id.*

⁶⁶ See Ajay Chaudry et al., *Facing Our Future: Children in the Aftermath of Immigration Enforcement*,

these changes were exhibited in very young children and persisted in longer separations.⁶⁷ Because of Mr. X' recent detention, ██████ has been the most affected by his absence. During Mr. X' prior detention, ██████'s teachers at Beacon Heights Elementary School noticed that he was withdrawn.⁶⁸ If Mr. X is removed, ██████ and his siblings would continue to experience behavioral changes, but ██████ is most at risk because this will be his second encounter with feelings of abandonment and the loss of his father.

In addition, Mr. X' family would suffer financial hardship if ICE ERO removes him. Because Ms. X is a stay at home mother, she could not financially support their three children without Mr. X. Mr. X is an active parent and is the primary parent responsible for ██████'s hearing treatments. Ms. X would be unable to take ██████ to his frequent doctor's appointments because she does not drive and would have to care for her younger children.⁶⁹ Future financial difficulties due to Mr. X' removal would affect the family's food security, causing the children to experience hunger and loss of basic care.⁷⁰

██████ needs not only the economic support of his father but also the stability and guidance that only a complete family can provide to a child. ██████ says he loves his father and does not want to leave him.⁷¹ His family will not be complete if Mr. X is deported.

CONCLUSION

It would be contrary to the public interest to remove a man who is a loving husband, responsible father of three U.S. citizen children—including one who is permanently hearing impaired—the sole breadwinner for his family, needed and respected by his employer and employees, and is not a danger to society or a threat to anyone.

Thank you for your time and consideration of this application. Catholic Charities understands and respects that ICE ERO has the important task of removing unauthorized aliens from the United States. Catholic Charities also appreciates that exceptions to removal priorities exist and we respectfully request that Mr. X be considered an exception for the benefit of his U.S. children, especially ██████ who is permanently disabled.

Please do not hesitate to contact me if you have any questions about Mr. X' case.

Respectfully submitted,

The Urban Institute, 41-48, Feb. 2010.

⁶⁷ *Id.*

⁶⁸ Letter from ██████, Principal of Beacon Heights Elementary School (Mar. 10, 2011).

⁶⁹ X Declaration, ¶ 7.

⁷⁰ See Chaudry et al, *Facing our Future*, 27-32, 41.

⁷¹ See Letter from ██████ X, Mr. S' son.

Michelle Mendez, Attorney for X
Catholic Charities of the Archdiocese of Washington
Immigration Legal Services
924 G Street, NW, Washington, DC 20001

[REDACTED]
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**EXHIBIT LIST FOR MR. X'
STAY OF REMOVAL APPLICATION**

EXH.	NAME
Declarations & Biographic Documents	
A.	Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.
B.	Form I-246, Application for a Stay of Deportation or Removal.
C.	Copy of Felipe X' Mexican Passport.
Evidence of Hardship to U.S. Citizen Family Members	
D.	Declaration of Felipe X.
E.	Declaration of X, Mr. X' Wife.
F.	Proof of Family Relationships: * Marriage Certificate for Felipe X and X * Birth Certificate of ████████ X * Birth Certificate of X * Birth Certificate of X * Family photos
G.	Letter and Audiological Evaluation conducted by ████████, Ph.D, C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Aug. 5, 2013), stating that ████████ has a permanent hearing loss and must permanently use hearing aids.
H.	Letter from X, Ph.D., C.C.C.-A., Children's Hearing and Speech Center, Children's Hospital, Washington DC (Mar. 12, 2014), stating that it is in ████████'s best medical and developmental interests to remain in the U.S. and describing Mr. X' responsibilities in ████████'s medical care.
I.	Audiological Evaluation conducted by X, Ph.D. C.C.C.-A., Hearing and Speech Center, Children's Hospital, Washington DC (Jan. 6, 2014), stating that ████████ continues to be monitored for his sensorineural hearing loss and testing of hearing aids.
J.	Progress Report on Individualized Education Program Goals from Maryland State Department of Education (Apr. 16, 2013), showing ████████ must use his hearing devices during school hours and is making progress on his academic goals.
K.	Children's National Medical Center, Hearing and Speech Center Receipt (Dec. 12, 2013), listing Mr. X as ████████ caregiver.
L.	Letter from Andrew Jackson Academy, ████████'s Elementary School (Aug. 5, 2013), stating it has a new Deaf and Hard of Hearing Program.

M.	Letter from X, Chairperson of the hearing impaired program, Andrew Jackson Academy, describing the educational support services that ██████ receives at the school and his attachment to Mr. X (Feb. 19, 2014).
N.	Comments from Dr. X, ESOL teacher, Parent/Teacher Conference Form (Nov. 11, 2013), noting ██████'s many academic strengths and his strong focus in school.
O.	Report Card from Prince George's County Public Schools, Andrew Jackson Academy (Nov. 4, 2013), showing ██████'s GPA and grades.
P.	Certificates of Citizenship for Outstanding Social Skills, Exceptional Performance in Mathematics, Superb Science Skills, and a 3.0 GPA or above earned by ██████ and signed by Dr. ██████, Principal, Andrew Jackson Academy (Feb. 28, 2014).
Q.	Letter from X, Principal of Beacon Heights Elementary School (Mar. 10, 2011), which is ██████'s prior elementary school and states that ██████'s behavior changed during Mr. X' previous detention.
R.	Letter from ██████ X, describing how he loves Mr. X and does not want him to go to Mexico
S.	Photographs of ██████ X wearing his required hearing aids.
T.	Documents from Children's National Medical Center regarding ██████'s surgery for hypertrophy of tonsils (Jan. 8, 2014) and detailing care instructions (Jan. 22, 014).
Documents of Support from Employers and Colleagues	
U.	Letter from X, General Manager of ██████ (Sept. 25, 2013), stating that Mr. X has been employed by ██████ since June 6, 2012 and works there as a Packing Supervisor.
V.	Letter from X, Owner of ██████ (Mar. 4, 2014), in support of Mr. X' request to stay in the U.S. and describing him as an invaluable employee with solid character.
W.	Letter from X, Director of Logistics at ██████ (Mar. 6, 2014), in support of Mr. X and describing his work ethic, leadership skills, and dedication to his family.
X.	Letter from X, VP of Operations at ██████ (Mar. 4, 2014), in support of Mr. X and describing his leadership qualities and importance to the business.
Y.	Signed Petition by 52 employees of ██████ in support of X and asking DHS to approve his application for a stay of removal.
US ICE Policy Memos	
Z.	Acting Director John Sandweg, ICE Memo 11064.1, Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities (Aug. 23, 2013).
AA.	Director John Morton, ICE Memo on Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, & Removal of Aliens (June 17, 2011).
Updated Evidence on Lack of Special Education in Mexico & the Treatment of Persons with Disabilities	

BB.	John P. Tuman et al., <i>Autism and Special Education Policy in Mexico</i> , 2 GLOBAL HEALTH GOVERNANCE 7 (2008), available at http://www.ghgj.org/Tuman_Autism.pdf .
CC.	<i>No Progress for Disabled People</i> , AMERICA, NAT'L CATH. REV., Jan. 3, 2011 available at http://americamagazine.org/issue/761/signs/no-progress-disabled-people .
DD.	Disability Rights International, <i>Abandoned & Disappeared: Mexico's Segregation & Abuse of Children & Adults with Disabilities</i> (June 2011) available at http://www.wcl.american.edu/humright/center/documents/DRIRreport_English.pdf .
EE.	Ajay Chaudry et al., <i>Facing Our Future: Children in the Aftermath of Immigration Enforcement</i> , The Urban Institute, 41-48, Feb. 2010 available at http://www.urban.org/UploadedPDF/412020_FacingOurFuture_final.pdf .