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February 28, 2020

Immigration and Customs Enforcement

Enforcement and Removal Operations

St Paul Field Office

1 Federal Drive Suite 1601

Fort Snelling, MN, 55111

Phone: (612) 843-8600

**Re: Parole Request for NAME, A #**

Dear Enforcement and Removal Operations Officer:

The ORGANIZATION represents NAME in removal proceedings and in this request for parole in his case pursuant to 8 CFR §212.5(b). We respectfully request that you redetermine his custody and release him on their own recognizance, or, in the alternative, for a reasonable bond.

Mr. NAME has been held in ICE custody sinceNovember 6, 2019. Mr. NAME has resided in the United States since April 3, 2000, when he entered as an asylee. Mr. NAME is eligible to adjust status with a I-602 waiver. His application is currently being adjudicated by USCIS. Mr. NAME’s parents are United States citizens, and he is the third child # USC and LPR siblings. Prior to detention in ICE custody, Mr. NAME provided significant support to his family by providing daily rides, caring for siblings, caring for nieces and nephews, paying bills, and making himself available on any weekday to help. His family has been struggling in his absence, and they would benefit from reuniting with Mr. NAME. For the reasons discussed below, it is not in the public interest to keep Mr. NAME in custody while USCIS adjudicates his application to adjust status.

**Overview**

Mr. NAME was born in Somalia on DOB. At the outbreak of the Civil War in Somalia, Mr. NAME remained with his mother and his two older siblings, NAME and NAME. They were separated from his father who, unbeknown to the family, made his way to the United States. His father, NAME, was granted asylum and later petitioned for his family members to come to the United States. Mr. NAME left behind five half-siblings in Somalia, NAMES.

Mr. NAME first entered the United States on April 3, 2000**.** His father and mother had four more biological children born in 2000, 2004, 2006, and 2010 after they reunited. His parents began to live apart starting in 2004. Since 2004, Mr. NAME’s siblings have resided with his mother Nasra Ahmed. Mr. NAME lived with his mother until 2009, after which he lived with his father. No matter where he has lived, Mr. NAME sees his mother and siblings nearly every day.

Since his parents’ separation, Mr. NAME has been a constant and vital source of support to his family. His older sister NAME married and moved out of the family home in 2004. His brother NAME worked as a truck driver and was not available to provide the same type of support as Mr. NAME. Beginning in 2004, Mr. NAME would wake up with his mother, assist her in the morning, take care of his siblings during the day, and then attend classes or work in the evenings. He obtained his undergraduate degree in 2011. He chose an online university so that he could have the flexibility to care for his younger siblings. Since obtaining that degree, Mr. NAME has worked night and weekend shifts exclusively. He chose these shifts so that he could continue to be available to his family on weekdays.

Mr. NAME’s five half-siblings joined his mother in the United States in 2014. His mother moved to Hopkins, and Mr. NAME drove to Hopkins from Minneapolis every day to help his mother and siblings. Mr. NAME ensured they could enroll in school, find jobs, and had an interpreter available as they adjusted to life in the United States.

Mr. NAME has a wife and child in Djibouti. His wife and child have not been able to join him in the United States, and he cannot live in Djibouti with them. He faces discrimination when he visits the country. He is unable to perform simple tasks, like paying bills. His son, NAME is 2 years old and suffers from a medical condition, which causes long-term swelling. There is no hospital in Djibouti that is equipped to treat his condition. Mr. NAME was saving money to pay for his son’s treatment in Turkey. Mr. NAME hopes that his wife and child will be able to join him in the United States one day.

Mr. NAME is currently detained because he left for Canada to seek a way to continue working while searching for a way for his wife and child to join him. While he was in Canada, he continued to provide financial support to his siblings and mother. When Mr. NAME learned he should not have gone to Canada, he contacted US government officials to inquire how best to reenter the United States. He complied with the government’s requests in order to reenter the country. He has remained detained since he has returned.

**Flight Risk**

Mr. NAME is not a flight risk because he has strong family ties in the United States, he has a history of employment in the United States, he has access to counsel, and he may be able to post a minimal bond with help from his family in the United States.

As demonstrated in the attached documents. Mr. NAME has two U.S. citizen parents. He has 11 siblings in the United States. His 11 siblings are either U.S. Citizens or Lawful Permanent Residents. His family in the United States has been struggling in his absence. His mother must rely on co-workers for rides and assistance getting her family around. His father, likewise, no longer has the support of rides to complete weekly errands. His mother is unable to pay bills on her own and seeks assistance from others each month. His youngest siblings is 9 years old and has sleeping at night in relation to his detention.

Mr. NAME can reside with any family member, but his mother would like him to live in her home so that she can benefit from his support. His mother resides at ADDRESS. His mother’s income is modest. For this reason, her oldest daughter and son-in-law, NAME, have promised to provide additional financial support if necessary. Mr. NAME will have a stable place to live, to meet with his attorney, and to attend future court hearings. He will receive the support of his entire family.

Mr. NAME has one minor child, and he in no way wishes to jeopardizes his future by failing to appear for any immigration hearing. Mr. NAME’s past experiences have shown him that he cannot support his family from Djibouti or in Somalia. His ultimate goal is to seek treatment for his child in the United States and to move his wife and child to the United States. That is why he contacted CBP prior to returning to the United States and complied with that office’s guidance in order to reenter the United States.

Mr. NAME has strong relief from removal, which is an incentive to his continued attendance at Court proceedings. He is eligible to adjust status and qualifies for a waiver for his conviction that constitutes a crime involving moral turpitude. He is currently awaiting USCIS’s adjudication of his application.

**Danger to Society**

Mr. NAME is not a danger to society. His most serious conviction was for aiding and abetting theft in 2006. Mr. NAME did not actively participate in the theft, but he was with a group of men who stole money from a pizza deliveryman. Mr. NAME plead guilty to the charge, because he recognized that he could have taken action to prevent the theft, help the victim, or do anything differently. He has no similar arrests, charges, or convictions since 2006. He has had no contact with the other two men involved in the theft since 2006.

Mr. NAME was convicted of contempt in court in 2007. In this incident, Mr. NAME failed to appear at court following a subpoena to testify. He was present for the arrest of a friend who possessed a controlled substance. Upon realization that he had missed a court date, Mr. NAME contacted the court to reschedule the hearing date and subsequently appeared at a hearing to testify. He has no other similar arrests, charges, or convictions since 2007.

In 2004, Mr. NAME was briefly arrested for carrying a weapon. That arrest has since been expunged from his records. Mr. NAME is unsure why he received a ticket for carrying a weapon. He permitted the officers to search his backpack and, later, to search his house. The ticket was dismissed at his first court date.

Since 2007, Mr. NAME’s criminal history consists only of traffic offenses. Mr. NAME has paid all fines associated with these offenses. Mr. NAME’s criminal history and an affidavit describing these events are available in the supporting documents provided to the court at pages 6-9 and 60-97.

Mr. NAME’s continued detention is not in the public interest. For this reason, we respectfully request that he be released on his own recognizance or be given a minimal bond. His pro bono representation by our firm, strong community ties, desire to remain lawfully in the United States, and the likelihood of success in his adjustment of status applicate constitute strong incentives for him to comply with future immigration obligations and terms set by ICE.

Enclosed, please find the following documents in support of this request:

* Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative;
* Copy of Ms. NAME Most recent pay stubs;
* Copy of NAME Mr. NAME’s brother-in-law, most recent income taxes;
* Copy of email from NAME confirming he will provide whatever support is needed to Mr. NAME;
* A copy of Mr. NAME’s I-485 and I-602 applications;
* A copy of Mr. NAME’s documents in support of his I-485 application and I-602, *including:*
  + Letters of support from his parents, family, and friends, *pages 10-36*;
  + Mr. NAME’s identity documents, *pages 37-43*;
  + NAME’s certificate of Naturalization, *page 46*;
  + Identity documents of Mr. NAME’s family members, *pages 48-56;*
  + Mr. NAME’s criminal records, *pages 60-97*
* A copy of Mr. NAME’s conviction records for aiding and abetting theft, *please note that Mr. NAME was not convicted of aiding and abetting a burglary, the charge was amended to gross misdemeanor theft as stated on page 14.*

Thank you for your attention and careful consideration of this request. I look forward to hearing from you in this matter. I can be reached at NUMBER or EMAIL.

Sincerely,

Attorney