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DATE

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: Request for Case Review and Release from ICE Custody**

**NAME, A #**

To Whom It May Concern:

I respectfully submit this request for custody redetermination on behalf of my client **NAME, A #**, born **DOB**, detained at **Kandiyohi County Jail.** A previous request was made pursuant to *Fraihat* on November 24, 2020. This request is made in light of the February 18, 2021 memo titled “Interim Guidance: Civil Enforcement and Removal Priorities.”

Mr. NAME does not fall under the priority categories outlined in this memo – (a) a national security enforcement priority, (2) a border security priority, or (3) a public safety priority. He is not a national security enforcement priority, because he has not engaged and is not suspected of any terrorism-related, espionage-related, or other activities that threaten the national security of the United States. Mr. NAME is not a border security priority, because he was not apprehended at the border or a port of entry and was present in the United States before November 1, 2020.

Mr. NAME is not a public safety priority, because he has not been convicted of an aggravated felony or of an offense for which an element was active participation in a street gang. His criminal history is not extensive or serious. Mr. NAME has been arrested once while he has been in the United States. His arrest resulted in a misdemeanor disorderly conduct conviction on January 29, 2021. His sentence of 90 days was stayed by the Hennepin County court.

The February 18 memo calls for particular attention to be exercised in cases of noncitizens suffering serious “mental illness.” Mr. NAME has been diagnosed with Bipolar I Disorder with hypomanic episodes and was found incompetent in his proceedings before the immigration court.

Mr. NAME was brutally assaulted in March of 2020. The assault required hospitalization for head trauma. A family friend, NAME, reported that his mental health rapidly deteriorated after this attack. He became combative and withdrawn. In June 2020, he agreed to leave Ms. Name’s house, because he thought that a period of homelessness would show that the streets were “good” and “God was present in them” if he were to be homeless in June of 2020. During this period of homelessness, he self-medicated with alcohol. His bipolar disorder symptoms, when combined with the effects of alcohol, resulted in erratic behavior and his arrest. The police took him to Hennepin County Medical Center briefly during the arrest because he was experiencing a mental health crisis.

While at Kandiyohi County Jail, Mr. NAME has been able to engage with mental health and chemical health evaluators. He was diagnosed with bipolar disorder. Through his diagnosis, he learned that alcohol exacerbates his mental health symptoms. He now takes medication that stabilizes his mood and thought processes, and he understands that further treatment is paramount to his continued stability. Mr. NAME’s discipline records at the jail reflects the marked improvement he has made since his diagnosis.

Because Mr. NAME has been able to address his mental health with the use of the medication, he has shown signs of rehabilitation since his June 2020 arrest. He poses no danger to persons or property. Dr. NAME, who performed the mental health evaluation, has recommended outside, intensive treatment to assist Mr. NAME with his symptoms. If released, Mr. NAME will be able to return to Ms. NAME’S house. Ms. NAME now understands that his behavior was related to his mental health. Mr. NAME also has the support of a clinical counselor to ensure he has the access and assistance he needs to enroll in intensive treatment.

Mr. NAME’s case is currently on appeal at the Bord of Immigration Appeals. He is also in the process of preparing a U visa application because he was the victim of a third-degree assault plans to apply for a U visa, because he was the victim of a brutal assault that left him unconscious with head trauma.

**Previous Request under *Fraihat* and for Humanitarian Parole**

Mr. NAME, through his lawyer, previously made a request under the *Fraihat* injunction on November 24, 2020. Mr. NAME continues to be fall under a class of individuals whose detention must be reviewed. Mr. NAME’s mental health renders him medically vulnerable.

Additionally, section 236(a) of the Immigration and Nationality Act and DHS regulations at 8 CFR §236.1(c)(8) authorize the Department of Homeland Security to release individuals on “conditional parole if “such release would not pose a danger to property or persons, and [ . . .] The alien is likely to appear for any further proceeding.” Release under INA §236(a) is distinct from humanitarian parole under INA §212(d)(5)(A), and does not carry the more stringent urgent humanitarian reasons or significant public benefit requirements of that subsection. In this case, however, Mr. NAME is neither a danger to persons or property nor a flight risk and his release is merited for urgent humanitarian reasons and significant public benefit.

On behalf of my client, I respectfully request that he be released from ICE custody as quickly as possible.

I have included the following documents in support of this request:

* Receipt for Mr. NAME’s pending BIA Appeal;
* Minneapolis Police Department Report showing eligibility for a U visa;
* Photos of the March 2020 assault and stitches he received following the assault;
* Sentencing Order dated January 29, 2021 from the Hennepin County Criminal Court;
* Translated Letter from the Colombian Police showing that Mr. NAME does not have any arrests or convictions in Colombia;
* Letter of Support from NAME, *confirming that Mr. NAME will be able to reside at her home;*
* Letter of Support from NAME, Licensed Professional Clinical Counselor and Licensed Alcohol and Drug Counselor, *confirming that she will assist with Mr. NAME’s enrollment in substance use care, individual therapy, and appropriate medication management in a location accessible to him;*
* Letter from El Primer Paso confirming eligibility for the Intensive Outpatient Chemical Dependency Treatment program;
* Mr. NAME’s Diagnostic Mental Health Evaluation;
* Form G-28.

If you would like further information, please do not hesitate to contact me. I look forward to hearing from you and thank you in advance for your assistance in this matter. Because of the urgency of this situation, I request that ICE serve me with any decision regarding this request via email at EMAIL.

Sincerely,

Attorney