



Neighborhood Defender Service of Harlem

July 25, 2014

Immigration and Customs Enforcement
Enforcement and Removal Operations
201 Varick Street
New York, NY 10014

Re:

Request for Release from Custody

I am writing to request that you please release my client, XX YY, on his own recognizance for the remainder of his removal proceedings. Mr. YY was ripped from his family, including his 9 months pregnant wife, while he was on his way to work nearly two months ago. Despite maintaining a clean criminal record for the last five years, Mr. YY is being unnecessarily detained while he fights his removal case.

Mr. YY would be eligible for bond from an immigration judge, however his family does not have enough money to pay even the minimum \$1,500. Mr. YY does not pose a danger to the community nor is he a flight risk. I am asking that you **release him on his own recognizance, or under an alternative to detention.**

Mr. YY Has Dependent Children

Mr. YY was arrested by ICE just five days before the birth of his son. Because he missed his son's birth, he was not able to be put on the birth certificate. Mr. YY has still not met his son, who is nearly two months old now.

Mr. YY and Ms. ZZ also have a one year old son together, named XX, who has been left without a father. He is too young to understand why his dad disappeared one day. According to Ms. ZZ, young XX has started calling strangers "da da" on the street, and she frequently finds him banging on their bathroom door crying "da da", in the hope that his dad will come out.

Mr. YY has also been raising Ms. ZZ's three and a half year old daughter, AA, as his own for the last 3 years. AA's father does not provide any support to their family; Mr. YY was the sole provider until he was detained.

Although Mr. YY and Ms. ZZ had recently been forced to move into a shelter, they were working to save money to move into an apartment. It has been extremely



Neighborhood Defender Service of Harlem

difficult for Ms. ZZ to take care of three children on her own in a shelter where she is not allowed to cook or even boil water to make her son's formula. Ms. ZZ desperately needs Mr. YY released so that he can support them financially, and provide an extra set of hands to care for their children. **There is no reason for Mr. YY's children to be without a father while his case is pending**, and for Ms. ZZ to have to care for three children on her own.

Mr. YY is Not a Danger

Mr. YY is not a danger to the community. Mr. YY has not been arrested in 5 years. He did not come into ICE custody because of a recent arrest, **he was picked up outside his home** while on his way to work.

It has been nearly 20 years since Mr. YY was arrested for anything violent or charged with any felony. In the last 19 years, he has had just 4 arrests, for jumping the subway turnstile, trespassing, possessing a small amount of marijuana, and menacing, because he allegedly verbally threatened another man.

For the last three years, Mr. YY has been living a peaceful life with his girlfriend and their young children. There is no reason to believe that if he were released, he would pose a danger to anyone or that he would commit any crime.

Mr. YY is Not a Flight Risk

Mr. YY is not a flight risk. He has lived in New York City as a lawful permanent resident for 25 years. He has a girlfriend and two very young children here, who he will eagerly return to living with if he is released. They currently reside at _____. In addition to the support of his girlfriend to ensure that he comes to court, Mr. YY has the support of his sister, P, and his attorney.

Mr. YY has every reason to attend his removal hearings because **he is eligible for relief** (a waiver under former INA Section 212(c)). Because of his strong family ties, strong work history, and strong evidence of rehabilitation, Mr. YY has an excellent chance of being granted the waiver by the Immigration Judge. Mr. YY has no history of failing to appear in court; there is no reason to believe that he would choose to skip court now, when he is likely to be granted relief.

Furthermore, **Mr. YY has stable employment.** He has been working in the warehouse at _____ for about 4 years and is an excellent employee, according to his supervisors. He was hired there permanently in 2013, after originally being placed there through the Active Staffing Temp Agency. Mr. YY has been working with Active Staffing since 2001 and they report that he is a responsible, on-time employee.



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Mr. YY Should Be Released

Mr. YY's detention is preventing him from parenting and financially supporting his United States citizen children and girlfriend. It is a waste of government resources to detain Mr. YY when he was picked up outside his home, does not pose a danger to anyone, and is not at risk for failing to appear at his removal hearings. **Mr. YY should be released under an order of supervision or any other alternative to detention, so that he can be reunited with his family and return to work.**

If you have any additional questions, I can be reached at (212) 876-5500 x127. If this request is denied, I respectfully ask that you provide me with a written explanation of the reasons for the denial.

Thank you for your prompt attention to this matter.

Kindly,

Rachel Kling
Staff Attorney

Attachments:

- A. Letter of VV ZZ
- B. Birth Certificates of Mr. YY's Sons
- C. Letter of P
- D. Letter from Active Staffing
- E. Confirmation of Employment from _____