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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
AURORA, COLORADO**

In the Matter of:

[REDACTED]

In bond proceedings

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)
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File No.: A [REDACTED]

Detained

Immigration Judge: Elizabeth McGrail Next Master Calendar Hearing: [REDACTED]

**DEPARTMENT OF HOMELAND SECURITY'S OPPOSITION TO RESPONDENT'S
RENEWED MOTION FOR CUSTODY REDETERMINATION HEARING**

The Department of Homeland Security ("DHS"), by its Assistant Chief Counsel, hereby opposes the respondent's Renewed Motion for Custody Redetermination Hearing ("Motion").

The Respondent previously had a bond hearing on [REDACTED] 2017, and the Immigration Judge granted the Respondent a \$7,000 bond, noting that the Respondent posed a flight risk due

to the fact that he was eligible for limited relief and had no real family or community ties in the United States. Respondent submitted a Motion for Subsequent Bond Hearing (“Prior Motion”) on [REDACTED] 2017, which was denied due to the fact that he had not demonstrated his circumstances had materially changed to warrant a redetermination of his bond. In the instant Motion, Respondent again asks for a bond redetermination. The Motion should be denied because Respondent has not demonstrated any material change in circumstances that would justify a bond redetermination.

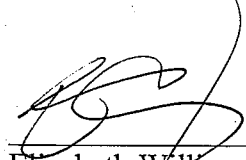
A motion for a subsequent bond hearing “shall be considered only upon a showing that the alien’s circumstances have changed *materially* since the prior bond redetermination.” 8 C.F.R. § 1003.19(e) (emphasis added). *Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006).

Here, the circumstances identified in the Motion are almost identical to those outlined in the Prior Motion, with changes being that Respondent has now submitted his T Visa application to USCIS and has filed a complaint with the Department of Labor against his prior employer. Motion at 3-4. However, these are not “material change[s]” sufficient to warrant a bond redetermination, particularly because they do nothing to indicate Respondent has enhanced community or family ties in the United States which would lessen his potential flight risk, or that he has become eligible for additional relief. The submission of a T-Visa to USCIS does not demonstrate any change in Respondent’s available relief, as Respondent previously stated that he intended to pursue a T-Visa. Prior Motion at 4. Moreover, to the extent Respondent argues that the fact that the money his family sent to the United States to be used for his bond was stolen, this does not demonstrate any enhanced ties; if anything, these circumstances demonstrate a lack of community – Respondent had to rely on a family member of a fellow detainee to post bond for him and that person allegedly stole the money, indicating no loyalty to Respondent whatsoever.

See Motion at 4. While the situation outlined by Respondent is unfortunate, it only highlights his lack of ties and community in the United States, and reinforces his potential flight risk.

Given that there is no material change in circumstances sufficient to justify a bond redetermination, DHS opposes the Motion in all respects and requests that it be denied.

Respectfully submitted,

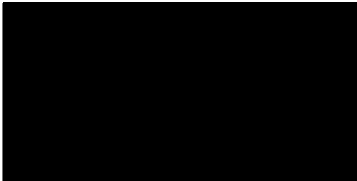
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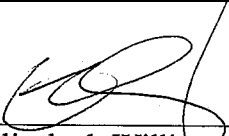
Elizabeth Williams
Assistant Chief Counsel

November 22, 2017
Date

CERTIFICATE OF SERVICE

I hereby certify that, on November 22, 2017, I served a true copy of this DEPARTMENT OF HOMELAND SECURITY OPPOSITION TO RESPONDENT'S MOTION FOR BOND and any attached pages by placing it in the out-going mail bin as first class mail, postage prepaid and addressed as follows:





Elizabeth Williams
Assistant Chief Counsel

11/22/2017
Date