

[REDACTED]

**DETAINED**

Law student intern appearing pursuant to 8 C.F.R. 1292.1(a)(2)  
Capital Area Immigrants' Rights Coalition  
1612 K Street NW, Suite 204  
Washington, DC 20006  
(202) 331-3320

[REDACTED]

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**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
ARLINGTON, VIRGINIA**

\_\_\_\_\_  
In the Matter of \_\_\_\_\_  
\_\_\_\_\_  
Respondent  
In removal proceedings  
\_\_\_\_\_

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File No.: A [REDACTED]

Immigration Judge Thomas G. Snow

Next Hearing:

[REDACTED]

**MOTION AND MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT'S  
RELEASE ON BOND OR, IN THE ALTERNATIVE, RELEASE ON HIS OWN  
RECOGNIZANCE**

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| In the Matter of       | ) |  |
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|                        | ) |  |
| Respondent             | ) |  |
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|                        | ) |  |
| In removal proceedings | ) |  |
|                        | ) |  |

File No.:

Respondent, [REDACTED], by and through his undersigned representatives, respectfully moves this Immigration Court to release him from immigration detention on a bond of \$1,500, or, in the alternative, on his own recognizance. As grounds for this motion, Respondent avers to the following:

- A [REDACTED]

4. Respondent is eligible for release on bond or conditional parole pursuant to Section 236(a) of the Immigration and Nationality Act (“INA”). His sole criminal violation is for driving without a license in violation of Virginia Code § 46.2-300. He was found guilty of this violation in Prince William General District Court on June 24, 2014, and was sentenced to pay a fine of \$100.<sup>1</sup> He therefore is not subject to mandatory detention under INA §236(c).
5. Respondent is not a flight risk. He has lived continuously in the United States for almost 10 years, and he and his wife have two U.S. citizen children, ages two (2) and three (3).<sup>2</sup> He is an integral part of his community and his family in the United States. To provide for his wife and his young children, prior to his detention by ICE, Respondent worked six days a week at a construction job and spent his limited time off sharing childcare duties with his wife.<sup>3</sup> In Respondent’s absence the family has lost its primary source of income and his wife has struggled to pay for their children’s most basic necessities. Respondent’s wife and children are currently facing eviction from their apartment and imminent homelessness.<sup>4</sup>
6. Respondent is eligible for relief from removal. He is in the process of applying for a U-Visa on the basis of a horrific stabbing assault he suffered in 2009, which led to his hospitalization and an emergency heart operation.<sup>5</sup> Respondent subsequently assisted law enforcement in the investigation of the case and provided information to prosecutors that

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<sup>1</sup> Tab G, Virginia Court Case Information System disposition showing Respondent’s conviction for driving without a license.

<sup>2</sup> Tab B, Birth Certificates of Respondent’s U.S. citizen sons.

<sup>3</sup> Tab A, Affidavit of Respondent’s wife.

<sup>4</sup> *Id*; Tab C, May 15, 2015 first Notice of Eviction issued to Respondent’s wife for her inability to pay rent following Respondent’s detention.

<sup>5</sup> Tab D, Respondent’s 2009 medical documents, including trauma center discharge information and invoices detailing costs of Respondent’s emergency heart operation and post-operative pain management services.

led to his attacker's conviction for unlawful wounding in Prince William Circuit Court.<sup>6</sup>

Respondent's request for certification of his U-Visa is currently being processed by the Prince William Police Department.

7. Respondent is not a danger to the community. As previously stated, Respondent has only one conviction on his record, for the traffic-related offense of driving without a license. While Respondent has been arrested for two other offenses he was not convicted in either case. Respondent has one arrest in connection with a domestic violence charge that was dropped, and he has one arrest in connection with a marijuana possession charge, which was placed in deferred action until March of 2016.<sup>7</sup> He has no history of violent or reckless crimes, and his wife attests strongly to his gentle and loving nature, particularly with respect to his role as father and caregiver of his two young children.<sup>8</sup>
8. Given these considerations, Respondent should be released on the lowest possible bond, or, in the alternative, he should be released on his own recognizance.<sup>9</sup> He does not pose a flight risk and will not fail to appear before the Court when required to do so. He presents no threat to the safety or security of the community. His only convictions are for minor traffic infractions. He has no prior immigration record or history of non-appearance at immigration court proceedings.

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<sup>6</sup> Tab E, 2009 Summons for respondent to testify against his attacker in Prince William Circuit Court; Tab F, Virginia Court Case Information System disposition showing 2009 conviction of Respondent's attacker on the charge of unlawful wounding.

<sup>7</sup> Tab H, Virginia Court Case Information System disposition showing Respondent's pending charge for possession of marijuana in Prince William General District Court, with disposition deferred until 2016.

<sup>8</sup> Tab A, Affidavit of Respondent's wife.

<sup>9</sup> INA § 236(a) expressly authorizes the Attorney General to release a noncitizen from detention pending a removal case "on a bond of at least \$1,500 ...or conditional parole."

WHEREFORE, Respondent respectfully requests that the Court release him on a bond of \$1,500,  
or, in the alternative, release him on his own recognizance.

Respectfully Submitted,

\_\_\_\_\_  
Date

\_\_\_\_\_  
Law student intern appearing pursuant to 8  
C.F.R. 1292.1(a)(2)  
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1612 K Street NW, Suite 204  
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\_\_\_\_\_  
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**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
Arlington, Virginia**

In the Matter of: [REDACTED]-

A Number.: [REDACTED]

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent's Motion for Bond, it is HEREBY ORDERED that the

motion be: ☐ **GRANTED** ☐ **DENIED** because:

- ☐ DHS does not oppose the motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees to the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per: \_\_\_\_\_.
- ☐ Other:

Deadlines:

- ☐ The application(s) must be filed by: \_\_\_\_\_.
- ☐ The respondent must comply with DHS biometrics instructions by: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Immigration Judge

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Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Atty/Rep ☐ DHS

Date: \_\_\_\_\_

By: Court Staff: \_\_\_\_\_

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
Arlington, Virginia**

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By: Court Staff: \_\_\_\_\_

[REDACTED]

**PROOF OF SERVICE**

On this \_\_\_\_\_ of \_\_\_\_\_, 2015, I, \_\_\_\_\_, served a copy of this:

**MOTION AND MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT'S  
RELEASE ON BOND OR, IN THE ALTERNATIVE, RELEASE ON HIS OWN  
RECOGNIZANCE**

and all attached pages to: \_\_\_\_\_ The Office of Chief Counsel \_\_\_\_\_

at the following address: \_\_\_\_\_ 1901 S. Bell Street, Suite 900 \_\_\_\_\_

\_\_\_\_\_ Arlington, VA 22202 \_\_\_\_\_

By (check one): ☐ first-class mail ☐ courier service ☐ hand-delivery.

\_\_\_\_\_  
[REDACTED] [REDACTED], Esq.  
Staff Attorney  
Capital Area Immigrants' Rights Coalition  
1612 K Street, NW, Suite 204  
Washington, DC 20006  
(T) 202-331-3320, x16

\_\_\_\_\_  
Date