



DETAINED

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

In the Matter of _____)
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)
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In removal proceedings)
_____)

File No.: A [redacted]-[redacted]-[redacted]

Immigration Judge: Rodger C. Harris

Next Hearing: Master Calendar Hearing
March 31, 2015 at 10:00 am

MOTION FOR BOND REDETERMINATION

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

In the Matter of)
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File No.: A [REDACTED]-[REDACTED]-[REDACTED]

DETAINED

MOTION FOR BOND REDETERMINATION

Respondent, [REDACTED], by and through counsel, respectfully requests a reduction of the bond set by Immigration and Customs Enforcement (“ICE”) from \$7,500 to \$2,000.

In support of this motion, Respondent submits as follows:

1. Mr. [REDACTED] entered the United States without inspection on or around March 7, 2012 in [REDACTED] Texas. He was arrested and detained by ICE on May 7, 2014 in [REDACTED], Texas. On May 13, 2014, ICE determined that Mr. [REDACTED] was not subject to mandatory detention and set his bond amount at \$7,500. Unfortunately, his family simply cannot afford to post the \$7,500 needed to release him from custody.
2. When considering a bond redetermination, the Court may consider three main issues: (1) whether the applicant’s circumstances have changed materially since the immigration court’s initial bond redetermination, (2) whether the applicant poses an immediate flight risk, and (3) whether the applicant is a danger to the community.¹ The Immigration Court may further consider reducing [REDACTED]’s bond based on the following relevant factors: eligibility for relief from deportation, family ties in the U.S., lack of criminal history,

¹ See 8 C.F.R. § 1003.19(e) (2006); *Matter of Guerra*, 24 I&N Dec. 37 (B.I.A. 2006).

complete record of appearances in court proceedings, employment history, and limited financial resources.²

Statement of Facts

3. Mr. [REDACTED] is a twenty-five-year-old man from Honduras. He entered the United States without inspection on or around March 7, 2012 in [REDACTED] Texas.³ He lived, worked, and attended church in [REDACTED] for two years and two months.⁴ He gathered with his family, his younger brother and five cousins, every weekend to share meals and play soccer against other community soccer teams.⁵ And he spoke with the mother of his six-year-old son, [REDACTED], every day to stay involved in [REDACTED]'s life in Honduras.⁶ He sent money back to his son and the rest of his family every week.⁷
4. While living in [REDACTED] he also spent time with his girlfriend, [REDACTED]. In October 2013, she became pregnant, and Mr. [REDACTED] learned that they were going to have twins.⁸ They were happily preparing to start a family together until she miscarried in December 2013, losing their unborn children.⁹ The couple was devastated by this loss, and Mr. [REDACTED] did his best to comfort and provide moral support to his girlfriend.¹⁰
5. On May 7, 2014, Mr. [REDACTED] was traveling to visit his brother near Dallas, Texas when he was arrested and detained by the Department of Homeland Security ("DHS") in Corpus

² *Matter of Guerra*; *Matter of Patel*, 15 I&N Dec. 666 (B.I.A. 1976).

³ Decl. of [REDACTED] at ¶ 4 (Tab A).

⁴ *Id.* at ¶ 4-5; Decl. of [REDACTED] at p. 20-21 (Tab B).

⁵ [REDACTED] Decl. at ¶ 4 (Tab A).

⁶ *Id.* at ¶ 5; Letter of [REDACTED] at p. 31 (Tab C).

⁷ *Id.*; *see also* [REDACTED] Decl. at p. 21 (Tab B).

⁸ [REDACTED] Decl. at ¶ 7 (Tab A).

⁹ *Id.* at ¶ 8.

¹⁰ *Id.*

Christi, Texas.¹¹ On May 13, 2014, DHS determined that Mr. [REDACTED] was not subject to mandatory detention and set his bond amount at \$7,500 while he was still detained in Port Isabel Detention Center (“PIDC”) in Los Fresnos, Texas.¹²

6. Over the next few months, Respondent was transferred by ICE from PIDC to Karnes County Residential Center in Karnes City, Texas, and finally, to Immigration Centers of America-Farmville (“ICA-Farmville”) in Farmville, Virginia. While in detention, Mr. [REDACTED] filed an application *pro se* for asylum, withholding of removal, and protection under the Convention Against Torture, on or around July 24, 2014.¹³
7. Mr. [REDACTED] secured legal representation through the [REDACTED] [REDACTED] on December 9, 2014.¹⁴ By that time, he had been detained at ICA-Farmville for nearly five months without a set Master Calendar Hearing. The Court set Respondent’s a Master Calendar Hearing for January 15, 2015.
8. While Mr. [REDACTED] has been detained, he and his family have experienced a tremendous amount of financial hardship.¹⁵ Mr. [REDACTED]’s modest savings have been completely depleted during his extensive time in detention.¹⁶ His six-year-old son, [REDACTED], and the rest of his family in Honduras are very poor and are no longer able to rely on him to send back remittances.¹⁷ His younger brother and three of his cousins have recently become unemployed.¹⁸ The only family member still able to assist [REDACTED] in posting bond is his

¹¹ *Id.* at ¶ 9; Form I-682 Notice to Appear (May 7, 2014) (on record).

¹² Form I-286 Notice of Custody Determination (May 7, 2014) (on record).

¹³ Form I-589 Application for Asylum and Withholding (July 24, 2014) (on record).

¹⁴ [REDACTED] Decl. at ¶ 14.

¹⁵ [REDACTED] Decl. at ¶ 16 (Tab A).

¹⁶ *Id.*

¹⁷ *Id.*; Letter at p. 31 (Tab C); [REDACTED] Decl. at p. 21 (Tab B).

¹⁸ [REDACTED] Decl. at ¶ 16 (Tab A); [REDACTED] Decl. at p. 21 (Tab B).

oldest brother, [REDACTED], who lives in [REDACTED] Texas and has only \$2,000 in savings.¹⁹ [REDACTED] is willing to spend his entire savings at this time in order to help his brother post bond.²⁰

9. After more than ten months in detention, Mr. [REDACTED] has long hoped to post bond and is anxious to be released. However, he has never been able to afford a \$7,500 bond amount and was unable to navigate the process of requesting a bond reduction until he obtained legal counsel.²¹

Argument in Support of Bond Reduction

10. First, since his initial bond redetermination, Mr. [REDACTED]'s circumstances have changed materially. He has been detained for over ten months, filed for asylum and other forms of relief from removal, acquired legal representation, and has experienced increasing financial hardship.

11. Second, Mr. [REDACTED] is not a flight risk and would appear for any scheduled proceedings. Mr. [REDACTED] is not a flight risk because he is an asylum applicant, has family ties in the U.S., and intends to live, work, and attend church with this older brother, [REDACTED], in [REDACTED] Texas, where he has already been offered a job.²²

12. Mr. [REDACTED]'s potential immigration relief under a grant of asylum, withholding of removal, or protection under the Convention Against Torture assures he will not violate the terms and conditions of his bond. The Respondent is committed to attending all future court

¹⁹ *Id.*

²⁰ *Id.*

²¹ [REDACTED] Decl. at ¶ 15 (Tab A).

²² *Id.*; [REDACTED] Decl. at p. 21 (Tab B); Letter of [REDACTED] and [REDACTED] at p. 36 (Tab E). [REDACTED] and [REDACTED] are the [REDACTED] and [REDACTED], respectively, of The [REDACTED], Inc., where [REDACTED] is currently employed. The employers have already offered Mr. [REDACTED] employment as a woodworker.

appearances, and his brother, [REDACTED], has already agreed to drive him to all of his court hearings.²³

13. Mr. [REDACTED] has family ties to the U.S. in the form of two brothers and four cousins.²⁴ When the Respondent lived in Texas, he was very close with his family, as he spent almost all of his free time with them.²⁵ The remainder of his time was spent with his girlfriend, [REDACTED], with whom he was ready to raise twins. Only a few months before Mr. [REDACTED] was detained, [REDACTED] had a miscarriage, and Mr. [REDACTED] and his girlfriend lost their unborn children.²⁶

14. Respondent, if released, will travel to [REDACTED], Texas and live with his older brother, [REDACTED], who is a father figure to the Respondent.²⁷ Of all his siblings, Mr. [REDACTED] has the strongest bond with his brother [REDACTED], having lived with him and his wife in Honduras since he was fourteen years old.²⁸ Indeed, [REDACTED] has protected and supported the Respondent for most of his life.²⁹

15. [REDACTED] and his community have already offered to support Mr. [REDACTED] throughout the remainder of his immigration proceedings. [REDACTED]'s employers have offered the Respondent a job as a woodworker at The [REDACTED], Inc and are willing to accommodate his court schedule.³⁰ Additionally, the pastor at [REDACTED]'s long-time church,

²³ [REDACTED] Decl. at ¶ 18 (Tab A); [REDACTED] Decl. at p. 21 (Tab B); [REDACTED] and [REDACTED] Decl. at p. 36 (Tab E).

²⁴ [REDACTED] Decl. at ¶ 4 (Tab A); [REDACTED] Decl. at p. 20-21 (Tab B)

²⁵ [REDACTED] Decl. at ¶ 4 (Tab A).

²⁶ *Id.* at ¶ 8 (Tab A).

²⁷ [REDACTED] Decl. at p. 20 (Tab B).

²⁸ [REDACTED] Decl. at ¶ 3 (Tab A).

²⁹ [REDACTED] Decl. at p. 20 (Tab B)

³⁰ [REDACTED] and [REDACTED] Decl. at p. 36 (Tab E).

La [REDACTED] [REDACTED] in [REDACTED], Texas, has invited Mr. [REDACTED] to become a member of the church.³¹

16. Third, Mr. [REDACTED] is not a danger to the community. Mr. [REDACTED] is a Honduran national of good moral character; he has no criminal history whatsoever. Prior to his detention in immigration custody, Mr. [REDACTED] had never been arrested, either in the U.S. or Honduras, and has no criminal past or history of violence.³²

17. Additionally, Mr. [REDACTED] is a devout Christian and has attended church in Honduras and in the U.S. frequently and consistently.³³ At ICA-Farmville, he attends church services every week and meets every morning with similarly devout friends to discuss and read the Bible.³⁴ Mr. [REDACTED] also independently studies the Bible and sings in the church choir.³⁵

18. Finally, the Court should consider reducing Mr. [REDACTED]'s bond to \$2,000 because he and his family have incredibly limited financial resources. The Respondent's family members in both the U.S. and Honduras are either unemployed or very poor.³⁶ Additionally, the family's financial situation has worsened since the Respondent is unable to work and support his family while in detention. [REDACTED] is the only person able to help pay the Respondent's bond, and he has only \$2,000 in savings.³⁷

19. Immediately following Respondent's Master Calendar Hearing on March 10, 2015, ICE Assistant Chief Counsel indicated a willingness to stipulate to a lower bond amount due

³¹ Letter of Pastor (Tab F).

³² [REDACTED] Decl. at ¶ 11 (Tab A); [REDACTED] Decl. at p. 21 (Tab B).

³³ [REDACTED] Decl. at ¶ 3, 5, & 13 (Tab A); [REDACTED] Decl. at p. 20 (Tab B); Letter at p. 30 (Tab C); Letter from Chaplain at p. 35 (Tab D). Chaplain is Mr. [REDACTED]'s chaplain in ICA-Farmville).

³⁴ [REDACTED] Decl. at ¶ 13 (Tab A); Chaplain Letter at p. 35 (Tab D).

³⁵ *Id.*

³⁶ [REDACTED] Decl. at ¶ 16 (Tab A); [REDACTED] Decl. at p. 21 (Tab B).

³⁷ *Id.*

to Respondent's status as an asylum applicant and after presentation of Respondent's ties to the U.S. and supporting evidence through a motion to the court. ICE counsel asked that Respondent's counsel contact her after filing the motion and supporting documents.

Conclusion

20. In sum, Mr. [REDACTED]'s circumstances have materially changed, and he is neither a flight risk nor a danger to the community. Unfortunately, the bond amount of \$7,500 set by ICE is simply beyond the reach of Mr. [REDACTED] and his brother, [REDACTED], who is his sole source of financial support at the moment. [REDACTED] has agreed to house his brother and take him to his court hearings. He has also already secured employment and the support of a Christian community for his brother. Mr. [REDACTED] is an honorable, Christian man who looks forward to presenting his full application for asylum, withholding of removal, and protection under the Convention Against Torture in his future individual hearing.

Wherefore, for the foregoing reasons, Respondent respectfully moves that this motion be granted.

Date: March 25, 2015

[REDACTED]

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

In the Matter of: [REDACTED]

A [REDACTED]-[REDACTED]-[REDACTED]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Motion for Bond Redetermination, 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 with the reasons stated in the opposition to the motion.

The motion is untimely per _____.

Other:

Deadlines:

The application(s) for relief must be filed by _____.

The respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

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
IMMIGRATION COURT
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A [REDACTED]-[REDACTED]-[REDACTED]

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Immigration Judge

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS

Date: _____ By: Court Staff _____

File No: A - -

DETAINED

PROOF OF SERVICE

On this ____ day of March, 2015, I, _____, served a copy of this:

MOTION FOR BOND REDETERMINATION 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.

Signature

Date