

VIA FACSIMILE

[DATE]

Deputy Field Office Director Erik Bonnar
Immigration and Customs Enforcement
Bakersfield Field Office
800 Truxtun Avenue,
Bakersfield, CA 93301
Fax: (661) 328-4599

**REQUEST FOR A PAROLE BOND REDUCTION
OF ASYLUM SEEKER WHO HAS PASSED CREDIBLE FEAR
NAME, A****

Dear Officer Bonnar:

I am writing on behalf of my client, Mr. NA, who is currently detained at Mesa Verde Detention Center to request that his parole bond be reduced. Attached please find a signed Form G-28 for the above client. On September 19, 2016, U.S. Immigration and Customs Enforcement (ICE) determined that Mr. NA may be released on parole bond and set a bond in the amount of \$7,000. *See* Exhibit (Exh.) A, Notification to Grant Parole. Mr. NA respectfully requests that his parole bond be reduced to an amount of \$1,500 or less because he has a strong asylum claim, is now represented by counsel (pro bono), history of compliance with U.S. immigration laws, strong community ties, and no criminal history, which all demonstrate that his continued detention is not in the public interest.

Mr. NA, a * year old asylum seeker, arrived to the United States on [date]. *See* Exh. B, Record of Determination/Credible Fear Worksheet, dated [date] (noting that a credible fear of persecution has been established). Upon his arrival, Mr. NA presented himself to Customs and Border Patrol and expressed his fear of return to [country]. He was thereafter detained by ICE. *See* Exh. K, Jurat for Record or Sworn Statement, dated June 11, 2016; Exh. L, Form I-213, dated June 11, 2016; Exh. J, Record of Sworn Statement in Proceedings, dated June 11, 2016. Mr. NA had a positive credible fear determination, and is now in proceedings in front of the Immigration Judge to apply for asylum. *See* Exh. B; Exh. C, Copy of Mr. NA's filed Form I-589, Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture, filed with EOIR on October 28, 2016; Exh. D, Copy of a filed Form E-28, Notice of Entry of Appearance of Katherine M. Lewis, pro bono counsel.

The current ICE policy directive issued on December 8, 2009 and effective January 4, 2010 applies to Mr. NA because he has been found by U.S. Citizenship and Immigration Services to have a credible fear of persecution or torture if he is returned to [country]. Exh. M,

[Name]

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Page 2 of 3

“Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture;” *see also* 8 C.F.R. § 212.5 (b) (stating that individuals whose continued detention is not in the public interest should be paroled after a case-by-case determination). Those who have passed the credible fear interview, like Mr. NA, should be evaluated on an individual basis to determine if they are to be released on parole. *Id.* at 3. When a detained asylum seeker found to have a credible fear provides proof of or credible statements about his identity and support for a finding that he presents neither a flight risk nor danger to the community, Detention and Removal Operations *should* parole the alien on the basis that his continued detention is not in the public interest. *Id.* (emphasis added). While you have already found Mr. NA warrants a bond parole in the amount of \$7,000, additional factors highlight how a lower bond amount is warranted in his case as continued detention is not in the public interest.

Here, Mr. NA has established his identity through his own statements, which were found credible by the asylum officer during his credible fear interview and by his [country]n passport, which is currently in ICE possession. *See* Exh. B; Exh. L (noting that Mr. NA presented a passport bearing his name and photo). Furthermore, Mr. NA provides a copy of **. Exh. G, Copy of Mr. NA’s membership card in *. These various sources of identity (credible statements, passport, membership card) are sufficient to establish Mr. NA’s identity. *See* Exh. M at 6.

Mr. NA is also not a flight risk as his objective is to remain in the United States in a lawful manner to avoid further harm and possible death in [country]. Upon arrival at the San Ysidro Port of Entry, Mr. NA presented himself to ICE officers and requested asylum. *See* Exh. J; Exh. K; Exh. L. As described in the Jurat for Record or Sworn Statement, Mr. NA left [country] to request political asylum in the United States because he fears he will harmed or killed if he were returned to [country]. Exh. K. On June 27, 2016, his fear of persecution if returned to [country] was found credible by an asylum officer. Exh. B. Based on this fear of persecution, Mr. NA filed an application for asylum with the San Francisco Immigration Court. *See* Exh. C. Consequently, Mr. NA has every incentive to, and will comply with, all obligations required to enable him to remain safely in the United States.

Additionally, Mr. NA fully understands the importance of respecting immigration hearing notices and laws. In 2008, he traveled to the United States on a J-1 visa and left the United States within the time authorized. *See* Exh. M (noting that Field Office personnel should consider an alien’s record of compliance with immigration laws and hearings as a factor in determining flight risk).

Mr. NA has no criminal history and is not a danger to the community. To the contrary, as described by his good friend and legal permanent resident *, Mr. NA is a “very kind, trustful, caring, [and] generous” person that is “not dangerous or harmful to society.” *See* Exh. E, Letter from *, dated October 17, 2016, including copy of permanent resident card. Furthermore, a biographical and biometric information search conducted at the border by the Department of Homeland Security revealed that Mr. NA has “no previous criminal or immigration histories” and that no warrants were found. Exh. K.

[Name]

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Page 3 of 3

If released from detention, Mr. NA will be supported by a community of friends. For example, Mr. * described how he is “willing to provide assistance and full support” to Mr. NA when released from detention. Exh. E. Additionally, Mr. NA’s close friend *, a legal permanent resident, is willing to provide financial support and housing to Mr. NA during the pendency of his immigration case. *See* Exh. F, Affidavit of Financial Support by *, dated September 6, 2016, including copies of identification documents and copy of electricity bill. If released on bond, Mr. NA will be residing with Mr. * at [address].

Additional factors warrant reducing Mr. NA’s parole bond amount. Foremost, Mr. NA has a viable claim for asylum due to past persecution on account of his * political opinion and his membership in the *. Exh. B; Exh. C. He is represented by Van Der Hout, Brigagliano, & Nightingale as pro bono counsel and thereby increasing his likelihood of success on the merits. *See* Exh. D; *see also* Andrew I. Schoenholtz & Jonathan Jacobs, *The State of Asylum Representation: Ideas for Change*, 16 Geo. Immigr. L.J. 739, 740 (2002) available at <http://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/upload/SchoenholtzGILJ2002.pdf> (finding that “*represented asylum cases are four to six times more likely to success than pro se ones*”) (emphasis in original).

In sum, Mr. NA’s continued detention is not in the public interest. Therefore, we respectfully that his parole bond amount be reduced to \$1,500 or less. His pro bono representation by our firm, strong community ties, history of compliance with U.S. immigration laws, desire to remain lawfully in the United States and the strong likelihood of success in his asylum claim constitute strong incentives for him to comply with future immigration obligations and terms set by ICE.

I look forward to hearing from you as soon as possible and thank you in advance for your assistance in this matter. I can be reached at 415-981-3000 or klew@vblaw.com.

Sincerely,

Katherine M. Lewis

klew/kmor/lher

Enclosures