



# REPRESENTING DETAINED CLIENTS IN BOND HEARINGS AT THE SAN FRANCISCO AND LOS ANGELES IMMIGRATION COURTS

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This guide provides an overview to client representation in the immigration bond context. Serving as counsel in bond hearings involving limited criminal issues is very manageable. This advisory covers the concerns you are likely to encounter in such average bond cases and offers a step-by-step guide to success.

## Typical Bond Process

1. *Locate your client and assess bond eligibility*
2. *Enter your representation and request a bond hearing*
3. *Present your bond case*
4. *Pay bond*

### Step 1: Locate Your Client and Assess Bond Eligibility

#### *Finding your client*

Use Immigration and Customs Enforcement’s (ICE) Online Detainee Locator System<sup>1</sup> to find out where your client is in custody. You can search for your client by 1) his or her Alien Registration Number (Alien Number or A-Number)<sup>2</sup> and country of birth; or 2) by his or her first and last name and country of birth. Keep in mind that this database is only for individuals who are 18 years of age or older.<sup>3</sup> If you have trouble locating a client, contact your local Enforcement and Removal Operations office (ERO).<sup>4</sup> However, you should only do this if you are certain that they are in ICE custody. Often family members are looking for the one apprehended, but don’t know for sure that the arrest is immigration related. We don’t want to alert ICE of a potential criminal arrest for someone at risk of removal.

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<sup>1</sup> See <http://locator.ice.gov/odls/homePage.do>.

<sup>2</sup> The A-Number is a unique seven-, eight- or nine-digit number assigned to a noncitizen at the time his or her A-file is created. The 9-digit USCIS number listed on the front of Permanent Resident Cards (Form I-551) issued after May 10, 2010 is the same as the Alien Registration Number. The A-Number can also be found on the back of these Permanent Resident cards. See <https://www.uscis.gov/e-verify/customer-support/glossary>.

<sup>3</sup> Children classified as Unaccompanied Alien Children (as defined in 6 U.S.C. § 279(g)(2)) are detained by the Office of Refugee Resettlement (ORR), a part of the Department of Health & Human Services, rather than ICE. The location of detained juveniles is confidential, but parents or sponsors may contact the ORR Helpline for Unaccompanied Children or Sponsors for information, at (800) 203-7001. Attorneys must make a request to ORR for information following other procedures. See <https://www.acf.hhs.gov/orr/about/ucs/contact-info>. There is currently ongoing litigation surrounding the right of unaccompanied minors to request release on bond. See <http://www.centerforhumanrights.org/> for information on the case.

<sup>4</sup> See [www.ice.gov/contact/ero/](http://www.ice.gov/contact/ero/) to locate your local Enforcement and Removal Operations (ERO) office.


**Form I-286 and ICE's initial custody determination**

An ICE officer makes the initial determination about whether in custody should be released or remain detained. Form I-286, the "Notice of Custody Determination," includes the details of this determination.

<b>U.S. Department of Homeland Security</b>	<b>Notice of Custody Determination</b>
Edgar HERRERA-FUNBS	Event No: [REDACTED] File No: A [REDACTED] Date: 10/22/2009 FIN#: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:


- detained in the custody of the Department of Homeland Security.
  - released under bond in the amount of \$ 1,500.00
  - released on your own recognizance.
- 
- You may request a review of this determination by an immigration judge.
  - You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

JOHN M. TRINIDAD   
(Signature of authorized officer)

SDDO  
(Title of authorized officer)

SAN FRANCISCO, CALIFORNIA  
(Office location)

- I do  do not request a redetermination of this custody decision by an immigration judge.
- I acknowledge receipt of this notification.

 \_\_\_\_\_ (Signature of respondent)      10/22/09 \_\_\_\_\_ (Date)

<b>RESULT OF CUSTODY REDETERMINATION</b>	
On _____, custody status/conditions for release were reconsidered by:	
<input type="checkbox"/> Immigration Judge	<input type="checkbox"/> DHS Official <input type="checkbox"/> Board of Immigration Appeals
The results of the redetermination/reconsideration are:	
<input type="checkbox"/> No change - Original determination upheld.	<input type="checkbox"/> Release - Order of Recognizance
<input type="checkbox"/> Detain in custody of this Service.	<input type="checkbox"/> Release - Personal Recognizance
<input type="checkbox"/> Bond amount reset to _____	<input type="checkbox"/> Other: _____
_____ (Signature of officer)	



Recognizance specifying the terms of release. Third, ICE may choose to detain the person and set an immigration bond following his or her arrest and the initiation of removal proceedings.<sup>6</sup> The bond amount, which is listed on the I-286 (the box “released under bond in the amount of \$ \_\_\_” will be checked), can vary greatly depending on ICE’s determination of how likely it is that the person will appear at later hearings. ICE can also decide to not issue a bond or release the immigrant by marking the box “detained in the custody of the Department of Homeland Security.”

Some individuals will not be eligible for bond. Notably, arriving aliens and immigrants with certain criminal convictions or terrorism concerns can be subject to *mandatory detention*, which is beyond the scope of this advisory.<sup>7</sup> If ICE believes an individual is subject to mandatory detention, the boxes on Form I-286 indicating, (1) “detained in the custody of the Department of Homeland Security” and (2) “You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody” will be marked. (Some versions of this form do not include the second part, indicating you may not seek review. In reality, even a person subject to mandatory detention may ask the judge to review whether mandatory detention properly applies to them.)

Importantly, your client may seek review of ICE’s initial custody determination in front of an immigration judge (see Step 2: Requesting a bond hearing). Even in cases where the government has indicated that your client is not eligible for bond, your client may appear in front of the immigration judge to challenge that finding.

To evaluate the content of ICE’s initial custody determination, ask your client for his or her Form I-286 as soon as possible. If your client does not have access to the I-286 in detention, ask if a family member can help obtain it. The ICE officer in charge of your client’s case may also be able to get you a copy. Another option is to contact the ICE Office of Chief Counsel to locate the government lawyer (often called the “Trial Attorney,” or “TA”) assigned to your client’s case. Under *Dent v. Holder*,<sup>8</sup> the lawyer should allow you to review the I-286. Know that in order to communicate with ICE on your client’s behalf, you will need to file a G-28 with the agency to enter your representation (see Step 2: Entering representation).

As a practical matter, investigating these pathways to obtaining the I-286 can be time-consuming. They may only be feasible if you are retained before your client’s bond hearing has been set or several weeks in advance of a scheduled hearing. This means that in practice, you may not be able to review your client’s I-286 before appearing in Immigration Court for the bond hearing. However, you can ask the ICE attorney to review the I-286 during the hearing.

**PRACTICE TIP:** If you find yourself in the position of having been retained as counsel by a detained person for whom ICE has not yet made a custody determination (in this case, there would be no I-286), advocate with ICE for your client’s release before removal proceedings are initiated. ICE officers can exercise prosecutorial discretion and release individuals in their custody. Persuade them to do so by emphasizing your client’s equities (see Step 3: Equities) or potential relief opportunities, such as a U visa or DACA.

**PRACTICE TIP:** Always do your own assessment of a client’s bond eligibility, since ICE may get the initial custody determination wrong. Be especially critical if ICE believes your client is subject to mandatory detention, as that determination is very tricky. Additionally, always screen your client for criminal history. You might learn that your client has convictions that impact bond eligibility.

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frequency, GPS (ankle bracelets), and unannounced home visits; (2) Enhanced Supervision/Reporting (ESR), which involves a private company using the same methods as ISAP; and (3) Electronic Monitoring, which ICE operates with the same methods. See ICE, Alternatives to Detention for ICE Detainees (Oct. 23, 2009), AILA Doc. No. 09110666. See also 8 CFR §§ 236.1(d), 1236.1(d); INA § 236(a)(2)(B).

<sup>6</sup> INA § 236(a)(2)(A).

<sup>7</sup> See <https://www.ilrc.org/how-avoid-mandatory-ice-detention>.

<sup>8</sup> 627 F.3d 365 (9th Cir. 2010).

## Step 2: Enter Your Representation and Request a Bond Hearing

### *Entering representation*

In order to communicate with Department of Homeland Security (DHS) employees (i.e., ICE and USCIS) on your client's behalf, you must file a "Notice of Entry of Appearance as Attorney or Accredited Representative" Form G-28<sup>9</sup> with the agency. Enforcement and Removal Offices of ICE will often accept faxed G-28s, and will then discuss with you where your client is held and what custody decisions have been made in your client's case. Enforcement and Removal Officers should accept G-28s without client signatures.<sup>10</sup> Thus, when contacted to help an individual, you can fax a G-28, with your signature as representative to the relevant ERO, then follow up with phone calls for information.

To represent your client before the immigration courts, you must be registered with the Executive Office for Immigration Review's (EOIR) eRegistry system<sup>11</sup> and have a "Notice of Entry as Attorney or Representative before the Immigration Court" Form E-28<sup>12</sup> on file in the particular case. Note that the E-28 includes a box where you must indicate whether you are entering your appearance for all proceedings, the custody and bond proceedings only, or all proceedings other than custody and bond proceedings. The E-28 does not need to be signed by your client. You must serve a copy of the E-28 on the government attorney at the beginning of the bond hearing.

### *Requesting a bond hearing*

After ICE has made an initial custody determination to detain your client, he or she may seek review of the decision in front of the immigration judge.<sup>13</sup> This is called a bond redetermination hearing, but is often referred to as a bond hearing.<sup>14</sup> Most commonly, a person requests a bond redetermination hearing by marking the I-286 boxes indicating "I do...request a redetermination of this custody decision by an immigration judge" and "I acknowledge receipt of this notification," and signing the form at the time of ICE's initial custody determination. However, a bond hearing may also be requested orally (in court), in writing (via written motion for bond redetermination), or, at the discretion of the immigration judge, by telephone.<sup>15</sup> Typically, you must request a bond hearing in court or via written motion; this is the current practice in the San Francisco and Los Angeles Immigration Courts. However, it is appropriate to call the court clerk to inquire- other courts will often accept a call to the court clerk to schedule the hearing. A bond hearing may be requested for an individual in removal proceedings at *any* time after the person is in ICE custody.<sup>16</sup> This means that you can ask for a bond hearing *before* a Notice to Appear (NTA) is *filed* with the Immigration Court or after your client has his or her first hearing.<sup>17</sup>

Once you request a bond hearing, the immigration judge will probably schedule one a few days to a few weeks away. It will likely be your only opportunity for a bond hearing, so be sure to have all of your evidence ready before you ask for the hearing. If your client requested a bond hearing before retaining you and you have not had

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<sup>9</sup> Be sure to use the most recent version of Form G-28. See [www.uscis.gov](http://www.uscis.gov) to access the form. For more information on the G-28, see <https://www.uscis.gov/forms/filing-your-form-g-28>.

<sup>10</sup> See AILA National ICE Liaison Minutes 12/17/2013 (at p. 5) <http://www.aila.org/content/default.aspx?docid=48498>; AILA National ICE Liaison Minutes 4/10/2014 (at p. 1) <http://www.aila.org/content/default.aspx?docid=50517>.

<sup>11</sup> For information about eRegistry and to complete the registration process, see <https://www.justice.gov/eoir/internet-immigration-info>. See <https://www.justice.gov/eoir/eregistry-program> for eRegistry information specific to each immigration court.

<sup>12</sup> Be sure to use the most recent version of Form E-28. See <https://www.justice.gov/eoir> to access the form.

<sup>13</sup> Whereas ICE's initial custody determination happens as a matter of course, you must proactively request a bond hearing.

<sup>14</sup> See 8 CFR §§ 3.19, 236.1, 1003.19, and 1236.1.

<sup>15</sup> 8 CFR § 1003.19(b).

<sup>16</sup> INA § 240.

<sup>17</sup> 8 CFR § 1003.14(a). However, immigration judges have no jurisdiction over bond hearings for individuals who have not been *issued and served* an NTA in relation to removal proceedings pursuant to 8 CFR § 1240. Immigration judges also have no jurisdiction over Visa Waiver Program individuals in asylum-only proceedings. *Matter of Werner*, 25 I&N Dec. 45 (BIA 2009).

adequate time to prepare, consider asking the immigration judge for a continuance when you appear in court. The judge will probably grant your request and reschedule the hearing for two or three weeks away. In deciding whether to go forward with the originally scheduled bond hearing or defer it, you and your client must weigh the value of a continuance for case preparation against your client's desire to try to get out of detention immediately.

**PRACTICE TIP:** Don't rely on the 1-800 number for Bond Hearing dates. Many practitioners call 1-800-898-7180 to learn of upcoming court dates for new clients. This system will provide the next master calendar or merits hearing date in removal proceedings. Bond proceedings information is not in this system. You must call the Immigration Court Clerk to determine if there is a bond hearing date in a case.

### Step 3: Present Your Bond Case

#### *What the judge can do*

An immigration judge can only re-determine a custody decision that ICE has already made. They do not decide custody in the first instance. This is why you want to know what ICE determined initially.

At the bond hearing, the judge can change the bond amount previously set by ICE. The minimum bond an immigration judge can set is \$1500.<sup>18</sup> In lieu of bond, the judge can also consider nonmonetary conditions of bond (i.e., a form of conditional parole). While this is not common practice, it is good to know that you could advocate for release without bond.

**PRACTICE TIP:** In the past, immigration judges denied that they had authority to grant release on conditional parole as an alternative to release on a monetary bond. However, a class action lawsuit, *Rivera v. Holder*,<sup>19</sup> resulted in DHS conceding in a brief that the immigration judge does indeed have this authority. You should use this case to advocate for your clients in court.

The immigration judge may lower the bond amount set by ICE, maintain it, or increase it. The lowest bond a judge can set is \$1,500, and there is no maximum. Therefore, depending on your client's equities and the assigned immigration judge, your client may want to rethink whether requesting a bond redetermination hearing is prudent.

**Example:** Manny is in custody, and his bond has been set at \$10,000. His brother can only come up with \$3,000 to get him released. Manny has a bond redetermination hearing. Through evidence, he persuades the judge that he is likely to come back for all future hearings and he does not pose a danger. The judge agrees to lower Manny's bond to \$3,000. Manny's brother can now post the bond and Manny will go free.

**Example:** Laura has three past DUI convictions, and is now in ICE detention after her last arrest. Her ICE officer believed in her support system, and against the normal practice of her office, authorized release on a bail of \$7,000. If Laura chooses to have a bond hearing, it is important she understands that the immigration judge could increase her bond as well as lower it. Many judges would set higher bonds in Laura's case, so she will need to consider whether it is better to find a way to pay \$7,000.

The immigration judge will usually issue his or her bond decision orally. Sometimes, as in the case of an appeal, the judge will provide a written decision.

In traditional bond proceedings, a person only gets one opportunity to present his case for bond before the court. Following the judge's decision, a request to reconsider the bond will only be allowed if "circumstances have changed materially since the prior bond determination."<sup>20</sup> Such a request must be made in writing. Additionally, both the noncitizen and ICE can appeal the immigration judge's custody determination to the Board of

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<sup>18</sup> INA §236(a).

<sup>19</sup> 307 F.R.D. 539 (W.D. Wa. 2015). For a practice advisory on *Rivera v. Holder* and a copy of DHS's brief conceding this issue, see *Rivera v. Holder Practice Advisory* available at, <https://www.aclu.org/immigrants-rights/rivera-v-holder-practice-advisory>. An immigration judge may not refuse to consider nonmonetary conditions of bond. See *Matter of Garcia-Garcia*, 25 I&N Dec. 93 (BIA 2009); *Cevallos v. Ashcroft*, No. 04-civ-23210-SEITZ (S.D. Fla. 2005).

<sup>20</sup> 8 CFR § 1003.19(e).

Immigration Appeals within 30 days.<sup>21</sup> To do so, reserve appeal at the end of the immigration bond hearing. While the appeal is pending, the removal case will continue as normal.

### ***Proving the bond case***

#### **a. Burden of proof**

Your client has the burden of proving that he or she merits bond by proving that **he or she does not pose a danger to the community**<sup>22</sup> and is not a **flight risk**.<sup>23</sup> Your client also must prove that he or she is not a threat to national security.<sup>24</sup>

Importantly, the burden of establishing bond eligibility is on your client, but your client does not have to disprove every allegation. If your client can show prima facie eligibility, the burden shifts to the government to disprove that your client is eligible.

#### **b. Documenting the case**

##### **i. Danger to the community**

The immigration judge assesses an individual's danger to the community based on:

- Your client's criminal history in the record. The court will consider your client's number of arrests/convictions, the nature of the arrests/convictions, the length of sentences, your client's compliance with sentences, and his or her record of rehabilitation.
- Your client's criminal history not in the record but disclosed by your client.
- Testimony regarding negative or illegal conduct or illegal conduct that your client may not have been arrested for.

Bond determinations are discretionary rather than legal, so immigration judges can attach significant import to arrests even if they did not ultimately result in convictions.

Proving that your client is not a danger to the community or a threat to national security is particularly important if your client has a criminal history, including arrests that did not lead to convictions.

**PRACTICE TIP:** The NTA is not a rap sheet. Do not rely on the NTA as an indicator of your client's criminal history. Some options for getting your client's criminal records include:

1. Ask your client, but do not rely only on your client's memory.
2. Check the I-213.<sup>25</sup> Although you never want to admit to facts in the I-213 in court, the form may include general information about what ICE knows about your client.
3. Ask the ICE attorney to review your client's Alien-file ("A-file," the file maintained by various government agencies for each alien on record) under *Dent v. Holder*.<sup>26</sup>

<sup>21</sup> 8 CFR §§ 236.1(d)(3)(i), 1003.19(f), 1003.38.

<sup>22</sup> *Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009) (clarifying that an immigration judge may not release a person on bond who has not met his burden of demonstrating that his "release would not pose a danger to property or persons"). See also 8 CFR §§ 236.1(c)(8), 1236.1(c)(8).

<sup>23</sup> *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

<sup>24</sup> *Matter of D-J-*, 23 I&N Dec. 572 (AG 2003) (Attorney General's discretion to detain not limited to danger and flight risk; justifying detention of Haitian asylum seekers based on the government's asserted national security interest in deterring mass migration of Haitians by boat). See also *Matter of Khalifah*, 21 I&N Dec. 107 (BIA 1995) (deeming person a terrorist where person facing serious criminal charges in another country in a proceeding whose fairness is in doubt).

<sup>25</sup> The I-213 ("Record of Deportable/Inadmissible Alien") is a DHS document that is used to prove alienage in a removal proceeding. An ICE officer completes the forms upon arresting a noncitizen, before placing him or her in removal proceedings; it includes personal details about the noncitizen and information about the arrest. A sample is included at Appendix A.

4. If your client knows where he or she was arrested, check with the individual courts where he or she may have appeared.
5. Have your client request an Identity History summary from the Federal Bureau of Investigation<sup>27</sup> and/or a record clearance from the California Department of Justice.<sup>28</sup> Keep in mind that both requests require the submission of fingerprints, which may be difficult or impossible to obtain if your client is detained.

**PRACTICE TIP:** Keep in mind that you don't have to be charged with a certain crime to trigger mandatory detention on the basis of that crime.<sup>29</sup> For more information, see Part 2: Advanced Bond Issues.

**PRACTICE TIP:** In recent years, immigration judges and ICE have become especially strict on substance abuse, particularly when it leads to a Driving Under the Influence (DUI) charge. While a DUI may seem like a relatively minor offense, put extra effort into rehabilitation and a strong system of accountability if a DUI is present.

When tackling the danger to society component of a bond case, the best strategy is to research the facts and mitigate. Time permitting, find out as much as possible about what happened during the commission, or alleged commission, of any crimes. Request police reports, talk to others with knowledge of the crimes, talk to the previous defense attorney, and question your client extensively. If your client has substance abuse issues, note that substance abuse can affect memory and the ability to recall important details. Regarding mitigation, collect evidence of rehabilitation (e.g., treatment program completion, probation compliance) and testimony from family or community members regarding your client's good character or rehabilitation, and create a plan for future rehabilitation. For example, if your client is an alcoholic, establish where and when your client will receive treatment upon release.

Additionally, where there is a conviction, it is important for the client to "take responsibility" for what they have done. Clients sometimes state that they did not do what they were convicted of. However, immigration court is not another opportunity to litigate the criminal case, and it will hurt your client to deny responsibility if there is a criminal conviction. In a world where many criminal convictions are a result of plea bargaining, admitting guilt can sometimes be problematic for your client. You might need to discuss the criminal conviction in detail to determine for which conduct your client will be able to take responsibility. It is important to explain to your client that they cannot revisit the criminal conviction, and a finding of guilt is already part of the record.

If your client is questioned regarding events that were charged but have not yet been adjudicated in criminal court, direct your client to assert their Fifth Amendment right to silence. Anything your client says in immigration court could be used against your client in a future criminal proceeding.

## **ii. Flight risk (including relief)**

In assessing flight risk, the immigration judge takes into consideration a large number of factors collectively known as bond equities. Thus, in preparing for the hearing, the advocate should collect evidence addressing bond equities as well as danger/security concerns.

The court assesses flight risk through several factors including the following:

1. Whether the person has a fixed address in the U.S.;
2. the length of residence in the U.S.;

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<sup>26</sup> 627 F.3d 365 (9th Cir. 2010) (holding that government's failure to provide noncitizen copy of his A-file when contents bore on noncitizen's case violated noncitizen's due process rights and that noncitizen was entitled to copy of his A-file under mandatory access provision of removal statute).

<sup>27</sup> See <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

<sup>28</sup> See <https://oag.ca.gov/fingerprints/visaimmigration>.

<sup>29</sup> *In re Kotliar*, 24 I&N Dec. 124 (BIA 2007).



3. family ties;
4. employment history;
5. record of appearance in court;
6. criminal history (including how recent and serious);
7. history of immigration violations;
8. attempts to flee prosecution;
9. manner of entry into the United States;<sup>30</sup> and
10. immigration relief avenues.<sup>31</sup>

In sum, the court is attempting to assess your client's incentives and likelihood to appear at future hearings. The more evidence you present to show that your client is not a flight risk through these factors, the lower the bond will likely be. The following details these factors.

- **Permanent Address and Length of Residence:** A stable address is very important. The longer a client has resided at one address, or in one town, the better.
- **Family Ties:** If a client has relatives (a spouse or children, for example) who are either U.S. citizens or lawful permanent residents, the judge will be more likely to believe that a client's ties to the community are real and strong. This is especially true if the family has lived in the area for a considerable length of time or if the family is able to confer immigration benefits to the client.
- **Employment History:** If a client is currently employed, it tends to show that she has a strong reason to remain in the area. The length and stability of the job is also important.
- **History of Failure to Comply with Court Hearings or Immigration Law:** The immigration judge may also take into consideration a history of non-compliance with immigration laws or a history of failure to appear for other court hearings. These are facts that you should screen for; if they exist, there is a good chance that the government will bring them up at the hearing. As with crimes, you should know all bad facts prior to the hearing and be prepared to provide an explanation and mitigate the consequences.
- **Criminal History:** This is very important to assessing the first factor, "danger to the community."
- **Manner of Entry:** If your client entered unlawfully, the judge may see this as a negative factor in terms of the propensity to follow rules. Here, emphasize examples of the client as a responsible individual and compliance with laws in other areas of their life.
- **Other Community Ties:** Any other evidence you can present to show that a client has strong ties to the community and is therefore likely to remain for her future hearings is helpful. Some examples include church membership or attendance, enrollment in classes, membership in organizations or sports clubs, and involvement in children's school activities.
- **Eligibility for Immigration Relief:** An important consideration is whether a client is eligible for immigration relief in order to remain in United States. For example, if the person soon will immigrate through a family member or is eligible to apply for relief from removal, he or she has more invested in coming to court and is less likely to abscond. Additionally, the likelihood of success on the merits will be weighed. This means that if there is relief, but the likelihood of winning the case is extremely weak, this factor may carry less weight.

**Example:** In Gabriela's case, ICE set a bond of \$5,000. Gabriela's family can only come up with \$2,000. At her bond hearing, held two days after she is arrested, Gabriela and her legal worker ask the immigration judge to reduce the bond to \$2,000. They present evidence to show that Gabriela is a stable person with many family ties and ties to the local community. Moreover, she is eligible to apply for cancellation of removal and she appears to have a strong case. The judge agrees to lower Gabriela's bond.

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<sup>30</sup> *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

<sup>31</sup> *Matter of Ellis*, 20 I&N Dec. 641 (BIA 1993) (upholding denial of bond where respondent had no relief available and is, therefore, a flight risk, and has a serious criminal history rendering him a threat).

### c. Presenting in court

#### i. *Be aware of relevant procedures and practices*

Consult the Immigration Court Practice Manual for general procedures to follow.<sup>32</sup> Also, ask local practitioners about practices and procedures in the particular immigration court where your client's bond hearing will take place. If you have time, go observe someone else's bond hearing in front of the judge who will hear your case. For example, certain judges take testimony whereas others prefer to have informal conferences with counsel. Some judges record their hearings whereas others do not. Many courts require submission of a "Bond Request Worksheet" or "Custody Redetermination Questionnaire."<sup>33</sup> This is a simple form that asks for information to establish community ties, and other relevant factors like criminal history and employment. The San Francisco and Los Angeles immigration court have versions of this form, but practitioners report that not all judges require it. Nonetheless, in other jurisdictions, these worksheets are used to set bond without taking extensive testimony. In some places, e.g. Arizona, the court will set bond based on evidence in the worksheet and any other evidence submitted. The court will allow a profer of the evidence, but no testimony is taken. Generally, filing legal briefs is not common practice. Courts result to briefing the legal issues in cases where there is a question of bond eligibility, i.e. whether mandatory detention applies.

#### ii. *Submitting documentary evidence*

This needs more about evidence, getting a letter attesting that someone can provide room and board at a fixed address, preferably someone with status. Bond evidence should be submitted in a packet, with a court caption or cover page, indicating the documents are for "bond proceedings" bond index chronicling your documents when you are submitting evidence to the immigration judge. The filing deadline for documents is 15 days prior to the hearing.

#### iii. *Testimony*

Some immigration courts take oral testimony during bond hearings. Others don't take testimony and instead allow for an offer of proof. Both the San Francisco and Los Angeles Immigration Courts generally take testimony in bond proceedings, but you can try to negotiate with the Office of Chief Counsel to agree to a bond or stipulate to an amount in lieu of a proceeding. If you are in a court which takes testimony during bond hearings, the general advice is to **be the first to bring up bad facts** including arrest or convictions, particularly if they are charged on the Notice to Appear. If a conviction is going to be brought up regardless by the prosecution, it is better for the noncitizen to bring it up first and have the first opportunity to describe what happened and include any mitigating facts. Neither the court nor the prosecution likes the appearance that the noncitizen is "hiding the ball." If your client has convictions, it is important for him or her to be able to talk about remorse and rehabilitation. It is also important for your client to come across as credible.

**Example:** Sara has a theft conviction and a hard time remembering details due to past alcohol abuse. Sara is the first to admit that she has a drinking problem and presents evidence that she has rehabilitated and continues to attend Alcoholics Anonymous classes. Sara also provides letters of support showing that she has a strong community support system which keeps her accountable. Sara is granted bond.

**PRACTICE TIP:** If your client has family members, employers, or others who are willing to attend the bond hearing, their presence can be persuasive. If your client's hearing is at a court that takes testimony, as family members, employers, or other supporters to testify on your client's behalf.

#### iv. *Bond hearings are separate from individual hearings*

Bond proceedings are distinct and separate from the merits case.<sup>34</sup> Therefore, documents and testimony taken in the bond hearing are not automatically included in the individual hearing. This evidence must be resubmitted at

<sup>32</sup> Available at [www.justice.gov/eoir/vll/OCIJPracManual/ocij\\_page1.htm](http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm).

<sup>33</sup> The worksheets currently in use in the San Francisco and Los Angeles Immigration Courts are included as Appendix B.

<sup>34</sup> 8 CFR § 1003.19(d).

the merits hearing if it is to be considered at that time. However, testimony in a bond hearing can be used to impeach the client during the merits hearing, so testimony preparation is important. Please note that the inverse is also true—any documents already part of the record in removal proceedings will not transfer automatically into the bond proceedings. This is not frequently a concern since most immigrants start with a bond hearing, but in some cases individuals are already in removal proceedings when they are taken into custody. In such cases, any documents that should be considered with a bond request will need to be submitted in bond proceedings.

**v. Use relaxed evidentiary rules to your client's advantage**

The Federal Rules of Evidence are used but they are not binding. Therefore, submit letters of support even if you are not able to authenticate them. Also, object to the submission by the government of a police report (e.g., it is based on hearsay).

**Step 4: Pay Bond**

The following are some practical tips on posting (paying) the bond so that a person can get out of ICE custody.

**Who Can Pay the Bond?** Any person (a relative, friend, the legal worker) can post the bond. However, in practice, the person posting the bond should have legal status in the U.S. If ICE discovers that the person posting the bond, called the **obligor**, is not here legally, it can put him or her in removal proceedings.

**Example:** Clem Clean, who resides in the U.S. without legal status, goes to the ICE office to post the bond for his friend, Tom Trouble. ICE discovers that Clem is here illegally, and arrests him, initiating removal proceedings.

**Where Can the Obligor Post the Bond?** The obligor can post the bond at ANY ICE Enforcement and Removal branch office.

**Example:** Manny's brother has the \$1,500 bond to post. Manny is detained in Texas. His brother can post the bond with the removal branch of the San Francisco ICE Enforcement and Removal office. He does not have to send the money to Texas.

**How Does the Obligor Make the Payment to Post the Bond?** The obligor can either post a bank's cashier's check or U.S. postal money order. The obligor *cannot* post a money order from any other business, such as Western Union—it must be from the post office. Additionally, a person can post the bond through a bond company, which will require collateral (often real property like a house or condominium) and a non-refundable fee.

**What Happens if the Person Released on Bond Fails to Show Up for a Court Hearing or an Immigration Appointment?** If this occurs, it is possible that the obligor will lose the bond. (This is called a **breach** of the bond.)

**Extra Practice Tips: Representing Detained Clients**

*Detention centers*

- Once you locate your client, familiarize yourself with the policies and procedures of the facility where he or she is located (e.g., client's phone access, full contact visits v. partition, legal visitation hours). Contact the detention facility for this information.
- Remember that cases on the detained docket will be expedited. Detained cases are sometimes resolved within a matter of months, so it is important to work quickly and efficiently.
  - Keep a checklist of documents that you need to request early in every case, e.g.:
    - Criminal documents
    - FOIAs
    - Medical records
    - Employment records, tax records, and education records

- Maximize client visits by
  - Preparing a checklist of documents you need signed and information that you need from your client prior to visiting (e.g., intake sheet with vital information and contact information for family and friends who can provide additional assistance)
  - Giving your client case-relevant homework (e.g., employment history).
- Keep a couple of client-signed Form G-28s on file so you can provide them to various offices/officers you may interact with.
- If your detained client is indigent, request a fee waiver for court filing fees by completing and submitting Form EOIR-26A. The form needs to be signed by the client, so plan ahead for the signature.
- Remain friendly with detention facility staff, who may be able to call in favors including getting forms faxed and signed.
- Protect attorney-client privilege by insisting that client meetings are in a private area where conversation are not monitored and labeling all legal mail “attorney-client privileged.”
- Be mindful of the physical and mental health effects of confinement on your client’s ability to mount an effective legal case (e.g., ability to recall important facts and to testify competently at a hearing).
- Provide your client with realistic expectations about confinement (e.g., length). Never promise that your client will be released or will win his or her case. Warn your client about unexpected delays (e.g., cramped docket).

### **Courtroom**

- Argue that your client’s bond amount should be proportional to your client’s income. Watch *Hernandez v. Sessions*,<sup>35</sup> a case pending in the Central District of California that seeks to require the government to consider an immigrant’s financial situation and resources when setting bond for individuals facing deportation or seeking asylum.
- Be a zealous advocate during court proceedings; be litigious and fight for your client! For example, never take for granted that ICE has correctly determined that your client is subject to mandatory detention. It is a very complex legal determination, and ICE agents are not lawyers. Do your own research to assess whether or not certain offenses trigger mandatory detention.
- Video conferencing (“VTC”) technology is now being used in both the San Francisco and Los Angeles Immigration Courts to conduct some bond hearings for detained immigrants remotely. This poses special representation challenges that you should be mindful of, including but not limited to the following:
  - Access to clients can be constrained. You must choose whether to remain with your client in detention during the bond hearing or appear in court with the immigration judge and trial attorney while your client remains in detention. For instance, think about what is wisest to do in each case depending on client communication needs, the judge in whose court you are appearing, and local practice with trial attorneys. Whatever you decide, prepare the client in advance as well as any family members or other witnesses about VTC procedures so they know what to expect.
  - Your client may have trouble hearing the audio of his or her bond proceedings, as well as the interpreter if he or she is using one, since the interpreter sits in the immigration court. There may be slight delays in the transmission of audio between the court and detention facility.
  - If you will appear in immigration court during a VTC bond hearing, plan ahead and obtain signatures from your client on any documents that you will need to submit in court. There will likely be fax machines in the courtroom and detention facility that you or others (the judge or trial attorney) can use to share key case documents with your client during the bond hearing, but you

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<sup>35</sup> See <https://www.aclu.org/cases/hernandez-v-sessions>.

probably will not be able to use the fax machine to obtain the client's signature on an E-28, for instance.

### *Avoiding Transfer*

Be aware that ICE sometimes transfers detainees to different jurisdictions before bond hearings have been requested or scheduled due to limited detention bed space or other reasons. If your client is detained near you, family and friends, key witnesses, or other critical resources and you are concerned about him or her being transferred out of the area, consider whether you could use 8 CFR § 1003.19(c) to request a bond hearing in the venue nearest the detention center as soon as possible. According to 8 CFR § 1003.19(c), venue lies first with the court nearest the place of detention, or secondarily, with the court having administrative control over the case.

You should also use the January 2012 ICE Detainee Transfers memorandum for the same purpose. The memo, which established new guidelines for detainee transfer determinations, specifies that unless a transfer is necessary,<sup>36</sup> ICE should not transfer a detainee when there is documentation confirming an attorney of record in the area where he or she is detained. ICE is also not supposed to transfer detainees who have 1) immediate family nearby; 2) pending or ongoing removal proceedings in the vicinity, or 3) been granted bond or been scheduled for a bond hearing.<sup>37</sup> Alternatively, if your client is detained in a location far from you or other essential aid, use the ICE memo to help you obtain a transfer. Know that this may turn into a race to the courthouse with ICE to secure the venue of your choice.

The following documents are included for your reference:

- A. Sample I-213
- B. Sample Bond Worksheets from the San Francisco and Los Angeles Courts
- C. Bond Document Index

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<sup>36</sup> See ICE Detainee Transfers memorandum of January 4, 2012, part 5.2, paragraph 3, available at <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf>.

<sup>37</sup> See ICE Detainee Transfers memorandum of January 4, 2012, part 5.2, paragraph 1, available at <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf>.

APPENDIX A

U.S. Department of Homeland Security

Subject ID : 281743953

Record of Deportable/Inadmissible Alien

Family Name (CAPS) [REDACTED]		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship GUATEMALA	Passport Number and Country of Issue	File Number Case No: [REDACTED]		Height 65	Weight 150	Occupation CONSTRUCTION	
U.S. Address 630 SANSOME ST SAN FRANCISCO, CALIFORNIA, 94111,				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, UNK, RWI/APOOT			Passenger Boarded at		F.B.I. Number [REDACTED]		
Number, Street, City, Province (State) and Country of Permanent Residence				<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth	Age: [REDACTED]	Date of Action 10/22/2009	Location Code SFR/SFR	Method of Location/Apprehension CLC 518.3			
City, Province (State) and Country of Birth PLAYA GRANDE ELQUICHE, OTR, GUATEMALA		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	Air/New DUBLIN, CALIFORNIA	Date/Hour 10/22/2009 1000		
NIV Issuing Post and NIV Number		Social Security Account Name		(b)(7)(c)			
Date Visa Issued		Social Security Number		Status at Entry PWA-Mexico		Status When Found IN INSTITUTION	
Immigration Record NEGATIVE		Criminal Record See Narrative		Length of Time Illegally in U.S. AT ENTRY			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children 0				
Father's Name, Nationality, and Address, if Known [REDACTED] NATIONALITY: GUATEMALA			Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED] NATIONALITY: GUATEMALA				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s) I6A			
Name and Address of (Last) Current U.S. Employer		Type of Employment	Salary	Employed from/to Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
RECORDS CHECKED							
[REDACTED] (b)(7)(e)							
<p>Record of Deportable/Excludable Alien:</p> <p>Subject came to the attention of U.S. Immigration and Customs Enforcement (ICE) on October 20, 2009 pursuant to his incarceration at Glenn Dyer County Jail in Oakland, California for the following alleged violation(s)</p> <p>01: VC 23152 (A) DUI ALCOHOL/DRUGS 02: VC 12500 (A) DRIVE W/O LICENSE</p> <p>Unknown disposition for the above charge(s) as of October 22, 2009</p> <p>On October 22, 2009, Subject was released to ICE custody in San Francisco DRO office and was interviewed by this Officer. When questioned, Subject freely admitted to this Officer to being a citizen and native of Guatemala since birth and to having entered the United States... (CONTINUED ON I-831)</p>							
Alien has been advised of communication privileges		[REDACTED] (b)(7)(c) (b)(2)					
Distribution:		3 1 1					
on: October 22, 2009 at 1111 (time)		Disposition: Warrant of Arrest/Notice to Appear					
Examining Officer:		[REDACTED]					

(b)(7)(c)

Form I-213 (Rev. 08/01/07)

33

Alien's Name ████████████████████	File Number AC██████████	Date 10/22/2009
Event No: ██████████		

at a place and time not designated by the Attorney General without being inspected, admitted or paroled by an immigration officer.

Subject is a 27 year old single male, who claims to have last entered the United States on or about year 1999 at or near Nogales, Arizona. Subject's claimed last entry could not be verified, therefore, Subject will be processed with unknown date and place of entry in the United States.

Subject did not claim any pending applications before the Department of Homeland Security. Subject did claim fear, should he be returned from the United States to his country of citizenship.

Subject was notified of his consular rights and was given a list of legal services. Subject claims and appears to be in good health.

Subject's criminal history came back with the following information

FBI: ██████████

SID: ██████████

ALAMEDA PFN: ████████

Subject has no known prior conviction(s) but has the following prior arrest(s)

- 05/06/2006 CASO OAKLAND
- 01: PC 12020(A)(1) MANUFACTURE/POS DANG/WPN/ETC
- 02: HS 11350(A) POSSESS NARC CONTROL SUBSTANCE

(b)(7)(c)

Signature		Title
		DEPORTATION OFFICER

APPENDIX B

Los Angeles Immigration Court  
Adelanto Detention Facility  
CUSTODY RE-DETERMINATION QUESTIONNAIRE

COMPLETE QUESTIONNAIRE FOR SUBMISSION TO THE COURT

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

A# \_\_\_\_\_ Alien's name \_\_\_\_\_ Age: \_\_\_\_\_ Current Status: \_\_\_\_\_

Attorney/Waived: \_\_\_\_\_ T/A: \_\_\_\_\_ Initial Bond: \_\_\_\_\_

Bond Requested: \_\_\_\_\_ First Entry Date: \_\_\_\_\_ Last Entry Date: \_\_\_\_\_

Marital Status: \_\_\_\_\_ Spouse's Visa Status: \_\_\_\_\_

Bonded Address / Owner: \_\_\_\_\_

Respondent's family in the U.S. / Status: \_\_\_\_\_

Level of Education: \_\_\_\_\_

Last U.S. Employment & dates: \_\_\_\_\_

Prior U.S. Employment & dates: \_\_\_\_\_

Does respondent have authorization to work in the U.S.? (Yes/No): \_\_\_\_\_

Property Owned: \_\_\_\_\_

Arrests / Convictions & dates: \_\_\_\_\_

Date released from most recent criminal custody: \_\_\_\_\_

Date and manner came into DHS custody: \_\_\_\_\_

Prior DHS history: \_\_\_\_\_

Prior appearance / bond history: \_\_\_\_\_

Possible waivers: \_\_\_\_\_

IMMIGRATION JUDGE'S NOTES:



**BOND REQUEST WORKSHEET**

Alien's Name: \_\_\_\_\_ Alien Number: A \_\_\_\_\_

Attorney's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Interpreter requested \_\_\_\_\_ Language: \_\_\_\_\_

**Initial Bond Set by DHS:** \_\_\_\_\_ **Bond Amount Requested:** \_\_\_\_\_

Is the respondent subject to mandatory custody provisions of Section 236(c) of the Act?

**Background Information** Age: \_\_\_\_\_ Marital Status: \_\_\_\_\_ Date of Marriage: \_\_\_\_\_

Spouse's Status (e.g., USC or LPR): \_\_\_\_\_ Children (yes or no) Number of Children: \_\_\_\_\_

List children's names, dates of birth, and immigration status (if USCs, attach copies of birth certificates):

\_\_\_\_\_  
(Child's Name) (DOB) (Status)

\_\_\_\_\_  
(Child's Name) (DOB) (Status)

\_\_\_\_\_  
(Child's Name) (DOB) (Status)

\*Please use additional sheets if necessary

Birthplace of mother: \_\_\_\_\_ Immigration Status: \_\_\_\_\_

Birthplace of father: \_\_\_\_\_ Immigration Status: \_\_\_\_\_

Is the respondent claiming citizenship of the United States? \_\_\_\_\_ If yes, will the claim be by birth in the U.S., naturalization, acquisition or derivation? \_\_\_\_\_

Does the respondent have any brothers or sisters in the United States?

List siblings' names, dates of birth and immigration status in the United States:

\_\_\_\_\_  
(Sibling's Name) (DOB) (Status)

\_\_\_\_\_  
(Sibling's Name) (DOB) (Status)

\_\_\_\_\_  
(Sibling's Name) (DOB) (Status)

\*Please use additional sheets if necessary

Education (both in the U.S. and elsewhere): \_\_\_\_\_

\*Please use additional sheets to list schools attended, graduation dates, etc.

**Dates of Entry:** First date respondent entered the United States: \_\_\_\_\_

Last date respondent entered the United States: \_\_\_\_\_ Current status: \_\_\_\_\_

Years Resided in the U.S. \_\_\_\_\_ Date became Legal Permanent Resident: \_\_\_\_\_

**Work Authorization:** Does the respondent have authorization to work in the United States?

Has the respondent ever used illegal documentation to work in the U.S.?

List last three places of employment, dates of employment, and last salary received:

_____	_____	_____
(Employer)	(Dates)	(Salary)
_____	_____	_____
(Employer)	(Dates)	(Salary)
_____	_____	_____
(Employer)	(Dates)	(Salary)

**Criminal History:** List all convictions, dates of convictions, sentences received and time served:

_____	_____	_____	_____
(Crime)	(Date Convicted)	(Sentence)	(Time Served)
_____	_____	_____	_____
(Crime)	(Date Convicted)	(Sentence)	(Time Served)
_____	_____	_____	_____
(Crime)	(Date Convicted)	(Sentence)	(Time Served)

\*Please use additional sheets if necessary

**Immigration Custody:** Date the respondent came into custody of DHS/ICE: \_\_\_\_\_

How did the respondent come into custody of DHS/ICE? \_\_\_\_\_

List any previous deportations, voluntary departures, and voluntary returns: \_\_\_\_\_

**Relief:** List all forms of relief the respondent will seek: \_\_\_\_\_

Has anyone ever filed a petition for alien relative for the respondent? \_\_\_\_\_ When? \_\_\_\_\_

Does the respondent own any real estate in the U.S.? \_\_\_\_\_ If yes, how much equity? \_\_\_\_\_

Where will the respondent live if released? \_\_\_\_\_

With whom will the respondent reside? \_\_\_\_\_

\*Other considerations:

\*Please use additional sheets if necessary

APPENDIX C

1 Alison Kamhi (SB 275129)  
2 Jayashri Srikantiah (SB 189566)  
3 IMMIGRANTS' RIGHTS CLINIC  
4 STANFORD LAW SCHOOL  
5 559 Nathan Abbott Way  
6 Stanford, CA 94305-8610  
7 Telephone: (650) 724-7396  
8 Facsimile: (650) 723-4426

9 *Attorneys for Respondent*  
10 [REDACTED]

11 UNITED STATES DEPARTMENT OF JUSTICE  
12 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
13 OFFICE OF THE IMMIGRATION JUDGE  
14 SAN FRANCISCO, CALIFORNIA

<p>15 In the Matter of: 16 [REDACTED] 17 Respondent, 18 In Removal Proceedings.</p>	<p>15 Alien No.: A [REDACTED] 16 <b>LIST OF EXHIBITS IN SUPPORT OF 17 RESPONDENT'S MOTION FOR BOND 18 REDETERMINATION</b> 19 Date of Hearing: [REDACTED] 20 Time of Hearing: 1:00 PM 21 Before: Judge Alison Daw</p>
---	--

1 LIST OF EXHIBITS IN SUPPORT OF [REDACTED]  
 2 [REDACTED] MOTION FOR BOND REDETERMINATION  
 A [REDACTED]

3 A. Declaration of [REDACTED] Respondent  
 4 (May 5, 2013).....9

5 EXHIBITS EVIDENCING [REDACTED] PRIMA FACIE ELIGIBILITY  
 6 THROUGH THE U VISA

7 B. Copy of [REDACTED] Form I-918 Supplement B, Nonimmigrant Visa  
 8 Certification by Karen Guidotti, Chief Deputy District Attorney, San Mateo  
 9 County..... 13

10 C. Copy of [REDACTED] I-918 Receipt Notices from United States Citizenship  
 11 and Immigration Services ..... 16

12 D. Cover letter for [REDACTED] I-918 Petition for Nonimmigrant Status and I-  
 13 192 Application for Advance Permission to Enter as Nonimmigrant .....26

14 EXHIBITS EVIDENCING [REDACTED] FAMILY TIES  
 15 AND COMMUNITY TIES

16 E. Letter from [REDACTED] [REDACTED] fiancé, a United States Citizen (May  
 17 3, 2013).....33

18 F. Letter from [REDACTED] [REDACTED] younger brother (May  
 19 4, 2013).....34

20 G. Letter from [REDACTED] [REDACTED] mother (May 6,  
 21 2013), with English translation attached.....36

22 H. Letter from [REDACTED], [REDACTED] step-father (May 6,  
 23 2013) .....42

24 I. Letter from [REDACTED], [REDACTED] aunt (May 4, 2013) .....44

25 J. Letter from [REDACTED] [REDACTED] aunt (May 4, 2013).....46

K. Letter from [REDACTED] [REDACTED] great-aunt (May  
 4, 2013).....48

L. Letter from [REDACTED] [REDACTED] friend  
 (May 4, 2013).....50

1 M. Letter from [REDACTED] [REDACTED] friend (May 4,  
2013).....52

2 N. Letter from [REDACTED], Insights Program Manager, Confirming [REDACTED]  
3 Attendance (May 6, 2013) .....54

4 O. Letter from [REDACTED] Licensed Marriage and Family Therapist (January  
23, 2012).....55

5 P. Anger Management Support Group.....58

6 Q. Sequoia District Adult School Verification of Enrollment and Total Hours...59

7

8 R. [REDACTED] fiancé [REDACTED] United States Birth Certificate .....62

9

10 Dated:

Respectfully submitted,

11

12

13 \_\_\_\_\_  
Alison Kamhi

14 Jayashri Srikantiah  
15 IMMIGRANTS' RIGHTS CLINIC  
16 STANFORD LAW SCHOOL  
17 559 Nathan Abbott Way  
Stanford, CA 94305-8610  
Telephone: (650) 724-2442

18 *Attorneys for Respondent*  
19 [REDACTED]

20

21

22

23

24

25