

PAROLE INFORMATIONAL GUIDE



SPLC
Southern Poverty
Law Center

Parole Litigation FAQ for Detained Individuals and Their Support Networks

On May 30, 2019, the Southern Poverty Law Center (SPLC) & the American Civil Liberties Union (ACLU) filed a lawsuit against the Department of Homeland Security (DHS) in U.S. District Court. The lawsuit alleged that the New Orleans Immigration and Customs Enforcement (ICE) Field Office is denying eligible asylum seekers a fair consideration for parole, which is a type of conditional liberty. On September 5, 2019, Judge James E. Boasberg granted Motions for Class Certification and Preliminary Injunction in the case *Heredia Mons, et al. v. McAleenan et al.* (DHS). Many people are left with questions about what this decision means and how it may affect the cases of individuals detained by the New Orleans ICE Field Office.

1. What does the Judge's decision on September 5, 2019 mean?

Preliminary Injunction. An injunction is an order from a judge forcing a party to a case to take certain actions or refrain from taking certain actions. In this case, the federal judge ordered the New Orleans ICE Field Office to follow certain procedures when they make decisions about class members' requests for parole. First, they must give people notice of their right to seek parole in a language they understand. Second, they must give people an opportunity to submit evidence in support of parole requests. Third, they must consider that evidence in light of three key factors in deciding whether to grant parole. The factors are:

- a. *Identity.* Has the person showed to ICE's satisfaction that they are who they say they are?
- b. *Flight Risk.* Has the person showed that if released, they will comply with their obligation to attend all court hearings in their immigration case?
- c. *Danger to Community.* Has the person showed they do not pose a danger to the community?

Class Certification. When a judge certifies a class, that means that his or her decisions in the case apply not only to the plaintiffs named in the suit, but also to all class members. This tool enables lawsuits to benefit greater numbers of people subject to the same harms suffered by the plaintiffs. Here, the judge provisionally certified a class for the purpose of applying the preliminary injunction, meaning that all class members are eligible for parole determinations following the rules set out above. The judge allowed SPLC and the ACLU of Louisiana to represent all class members for the purposes of this suit. **That does not mean that we represent every class member in their individual parole application; we do not.**

2. Who is part of the class? Who is eligible for potential relief under this lawsuit?

The class is composed of individuals who meet the following requirements:

- a. Currently in the custody of the New Orleans ICE Field Office, meaning they are detained by ICE in Louisiana, Mississippi, Alabama, Arkansas, or Tennessee
- b. Became detained immediately after presenting themselves at a port of entry at the U.S. border and asking for asylum¹
- c. Passed a credible fear interview **AND**
- d. Do not have a final order of removal

3. What about detained individuals who had their appeals denied by the Board of Immigration Appeals (BIA); does this lawsuit help them?

Unfortunately, individuals whose appeals were denied by the BIA are not included in the class subject to very limited exceptions. Therefore, the judge's orders do not apply to them.

If a person chooses to appeal their asylum denial to the BIA, the BIA may sustain the appeal, passing it back to the Immigration Judge, or may deny the appeal.

If the BIA sustains the appeal, they remain eligible for parole so long as they continue to be in custody.

If the BIA denies the appeal, that person has a final removal order and may be deported from the United States.

If, however, a person is still in the process of appealing their asylum decision to the BIA and has not yet received a response from the BIA, their order of removal is not final, and they may apply for parole. Please note that ICE may consider the initial denial by an immigration judge to increase their risk of flight.

4. How can we stop my loved one's deportation after the BIA denies their appeal?

You may appeal the BIA's decision to a U.S. Circuit Court of Appeals via a Petition for Review, and seek a stay of removal from the Circuit Court. In some circuits, a temporary stay of removal is automatic; this may require further argument to the court as to why the stay should continue. Please know that stays are hard to win. If the Circuit Court denies the stay, and your loved one is deported, their appeal may remain pending even after they are deported.

You may seek a stay of removal from ICE using Form I-246. You may be required to present your passport or other travel document.

You may ask the BIA to reconsider its decision within 30 days of its decision if you believe the BIA misapplied the law. This will not carry an automatic stay of removal. You may file a stay motion with the BIA.

You may be eligible to ask the BIA or the immigration court to reopen the case within 90 days of the BIA's decision. Not every case is eligible for reopening; generally, a case may be eligible for reopening if (a) there has been a material change in the country conditions such that the respondent is now eligible for asylum, (b) the respondent received ineffective assistance of counsel, and did certain things to document and notify the attorney; (c) changes after the removal order, either in the respondent's case or in the law, mean that the respondent is no longer removable in the way the government charged on the NTA; and (d) a battered spouse seeks certain forms of relief. Only in very limited circumstances does this result in an automatic stay of removal. A person may file a stay motion with either the immigration court or the BIA.

For more information about motions to reconsider and motions to reopen, you may visit:

http://cdn.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/C.pdf

https://www.americanimmigrationcouncil.org/sites/default/files/practice_advisory/the_basics_of_motions_to_reopen_eoir-issued_removal_orders_practice_advisory.pdf

Please be aware that a failure to cooperate in the deportation process can result in criminal prosecution.

5. Why can't the lawsuit be amended to include the rest of the people who remain detained without due process but are not in the class?

We recognize that the relief that seek through this class action lawsuit is limited to persons who qualify for parole under the 2009 Parole Directive, and that there are many people who are confined against their will and deserve a chance for release, but are not part of the class in this lawsuit.

The relief in this case is limited. Some of those limitations have to do with the way the government has designed the immigration laws. The government confines people subject to several different laws and rules that apply at different stages of people's immigration cases. Specifically, different laws and rules govern detention for persons before and after they receive a final order of removal. The rule enforced in this case is the 2009 Parole Directive, a rule that Homeland Security created to apply only to certain people. The government has long taken the position that people with final orders of removal do not qualify for release on parole under the 2009 Parole Directive.

We share in your sadness that not everyone is now eligible for relief under our lawsuit. We hope, however, that you too share in our belief that it is better to help some than none, and that the fight for justice for your detained loved ones certainly does not end here.

6. If I apply for parole now, will I get it?

The New Orleans ICE Field Office now has a court order to adjudicate parole decisions as written in their own 2009 Parole Directive. Though we hope they comprehend the seriousness and severity of the court order, we cannot predict just how ICE will respond. Even if ICE does begin to adjudicate parole decisions, we cannot know how many individuals will be released on parole.

7. If I already requested parole, do I need to submit a new application?

The plaintiffs' position is that the New Orleans ICE Field Office is responsible for re-adjudicating any past parole requests. However, because we do not know exactly how ICE is going to approach this process, you may want to resubmit a request for parole.

8. Where can I go for information on how to request parole?

We have developed a resource for persons wanting to prepare parole requests themselves without an attorney. Please see the **attached Parole Guide** or go to our website at <https://www.splcenter.org/our-issues/immigrant-justice/how-prepare-ask-ice-release-parole>, where you can download the guide, watch our recorded informational webinar, and find other helpful resources. If you have any additional questions, you may call our Parole Hotline number at **833-907-1214** from 9:00 am to 4:00 pm (Central Time Zone), Tuesdays through Fridays, except holidays. As we have a high call volume, we appreciate your patience.

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Instructions for requesting parole

Step 1. Find your sponsor.

Who can be my sponsor?

Your sponsor is a person who agrees to take responsibility for you throughout the process of your immigration case. This person will attest to ICE, in writing, that: (1) it will give you a home to live in once you leave detention (2) it will give you financial support (3) it will ensure that you go to your court hearings.

Does my sponsor have to be my relative?

Not necessarily. The rules do not require sponsors to be relatives of people who apply for parole. However, experience shows us that ICE considers it more favorable if the sponsors are familiar. If you do not have a family member who is willing to be your sponsor, do not give up. Consider other options, such as faith organizations, support for immigrants, or solidarity with compatriots in your country.

Does my sponsor have to be a citizen or permanent resident of the U.S.?

There is no written rule that requires it. However, experience teaches us that ICE rarely approves parole for someone if their sponsor is not a citizen or permanent resident of the U.S. So do your best to locate a sponsor that is a citizen or resident.

Step 2. Collaborate with your sponsor to prepare a letter of support.

What is the purpose of the support letter?

The letter of support is your opportunity to show ICE that your sponsor will honor promises to give you a home, support you financially, and make sure that you will go to all your hearings in immigration court until your court case is over.

What does my sponsor's letter of support have to say?

Your sponsor's letter of support must contain the following elements:

1. Data on sponsor

- full name of sponsor
- physical address of sponsor
- sponsor phone number
- sponsor immigration status (preferably permanent resident or U.S. citizen)

2. Your information

- your full name
- your A number
- your country of origin

3. *Explanation of how you and your sponsor know each other*

- what relationship do you have (for example, married, parent / child, cousins, friends, or met through a migrant support organization)
- how long you've known each other
- anecdotes that show how your sponsor knows your character or how close your relationship is

4. *Written commitments of sponsor*

- promise that if you go on parole, you will live at the address indicated with your sponsor
- promise that the sponsor is willing to support you financially during your immigration case

Step 3. [Get all the necessary documents.](#)

You will need documents that establish several things: your identity, that you are not going to escape if they let you out on parole, and that you are not a danger to the community.

[Identity documents](#)

There are several documents that you can include in your application to establish your identity. See the list of documents in the section of this guide entitled, "Parole Checklist, Documents that can prove identity."

[Documentation that you are not a risk of flight.](#)

These documents will come mainly from your sponsor. In addition to your sponsor's letter, you will need:

1. *Proof of your sponsor's residential address.* Make sure that any document you are going to use contains the name and residential address of your sponsor. Examples:

- phone bill
- utility bill
- mortgage or lease

2. *Proof of immigration status of your sponsor.* Examples:

- copy of permanent resident card (green card)
- copy of U.S. passport

[Documentation that you are not a danger to the community.](#)

Do you have a criminal record in your home country?

- No → try to get a certification of no criminal record from the government of that country
- Yes → include evidence that you served any sentence that was imposed, you were rehabilitated, and / or the accusation was motivated by political reasons connected to your persecution. See the list of documents in the section of this guide entitled, "Parole Checklist, Documents That Can Prove You Are Not a Danger to the Community."

Step 4. Translate any document that is not in English.

For any document that is not in English, include the document in the original language, plus two things:

1. A translation of the document into English
2. A translation certificate

The translation certificate should read as follows:

Certificate of Translation
I, _____, hereby state that I am fluent in the English and _____ languages, and am competent to translate from _____ to English, and that I have translated the foregoing document fully and accurately to the best of my abilities.
Signed: _____
Dated: _____

Step 5. Make a final review of your application.

Make sure you have met all the requirements. Use the section of this guide titled, "Parole Checklist," to verify that you have followed all the steps.

Step 6. Send the document.

You or your sponsor can send the request. Requests should be directed towards your ICE Deportation Officer.

If your sponsor sends it in the mail, ask them to use a mail service that certifies the receipt of the shipment. If your sponsor sends it by email, make sure they save the evidence of the parole request submission.

No matter who sends it, try to make a copy of your complete application before sending it and keep it in your files.

Parole Checklist

1. Documents that May Prove Identity

- Passport
 - Your original valid passport OR
 - Copy of your passport AND one or more of the other identity documents listed here
- National ID Card
 - Your original, valid national ID card OR
 - Copy of your national ID card AND one or more of the other identity documents listed here
- Birth Certificate
 - Your original birth certificate AND one or more of the other identity documents listed here
 - Copy of your birth certificate AND one or more of the other identity documents listed here
- Affidavit (Letter) from a Person Who Can Confirm Your Identity
 - Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - Must be signed by a lawful permanent resident (green card holder) or citizen of USA. Also, must include a copy of the person's passport or green card
 - Must include the person's full name and her/his address and phone number(s)
 - Must state how and for how long he or she has known you

2. Documents that May Prove that You are Not a Flight Risk

- Affidavit (Letter) from a Person or Community Organization Who Will Support You
 - Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - Must include the person's/organization's full name and her/his address and phone number(s)
 - Must be signed by a lawful permanent resident (green card holder) or citizen of USA. Also, must include a copy of the person's passport or green card
 - Must state that you will reside at the address listed and that the person/organization is willing to support you – for example, provide you housing and food – while you are in immigration proceedings
 - Must include a copy of a utility or telephone bill, with the person's/organization's name and current address matching the address of residence included in the affidavit
 - Must include an explanation of your relationship to the person and how long you have known each other.
 - Can include details of any other ties that you have to where you will live (other family, friends, etc)
 - Can include anecdotes that demonstrate your relationship to the person and your strong moral character
- In addition to the Affidavit of Sponsorship, you may also submit
 - Letters from others in the community, showing their support. Note: must include the writer's name, address, contact information, and immigration status
 - Documentation of any legal, medical or social services you will receive upon release

3. Documents that May Prove that You are Not a Danger to the Community

- A certificate of a clean criminal record in your home country and any other countries in which you have resided.
- A copy of a certificate of a clean criminal record in your home country and any other countries in which you have resided.
- Evidence of acquittal or dismissal of any criminal charges
- Certificates for rehabilitation classes or evidence of other positive accomplishments (completion of a degree or training, long-term employment, volunteer activities, activities with your place of worship)
- Affidavit attesting to your clean criminal record
 - Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - Must be signed by you
- Affidavit attesting to your rehabilitation
 - Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - Must be signed by a lawful permanent resident (green card holder) or citizen of the USA. Also, must include a copy of her/his passport or green card
 - Must include the person's full name and her/his address and phone number(s)
 - Must state how and for how long he or she has known you
 - Must explain why she/he believes that you have been rehabilitated

Tips

1. Remember, this is not your asylum application. While you may make mention of the persecution or torture that brought you to the United States, this should not be the focus of your parole request. Rather, you should focus on proving 1) your identity, 2) that you are not a flight risk, and 3) that you are not a danger to the community. ICE should focus on these characteristics in making parole decisions.
2. If your identification was confiscated by immigration officials, consider mentioning which documents are in the possession of the government in the letter of support.
3. If any letters of support can be notarized, it is best to do so. Consider asking at your local bank or post office or paying a notary.
4. Make sure to translate any documents that are not in English, and provide both the original and translated versions. This includes Affidavits of Support, passports, birth certificates, and any other documents in a language other than English.
5. You can be creative! If you have other documents, letters, or certificates that you feel help prove your identity and that you do not pose a flight risk or public safety risk, you can include them.
6. It is important that you and the person(s) supporting you understand the contents of your parole request. You should be called for an interview with an ICE agent, and the person supporting you may be called to confirm information from the Affidavit of Support.
7. You may wish to submit a cover page that briefly explains the request and lists the documents you have included in the request.
8. Attached you will find a packet of sample Affidavits of Support to give you an idea of what such a letter looks like. Please remember that these are only samples. These documents should not be submitted to ICE in your parole request, and you should not copy any of the letters verbatim. This is a personal process and each case is unique.

SAMPLE LETTERS OF SUPPORT

PLEASE NOTE, THESE ARE MEANT AS EXAMPLES. YOU SHOULD NOT SUBMIT THESE LETTERS OR COPY THE LETTERS VERBATIM.

LETTERS OF SUPPORT MUST CONTAIN INFORMATION SPECIFIC TO YOUR CASE.

Make sure to translate any documents that are not in English, and provide both the original and translated versions.

Good Example #1

State of Florida
 County of Polk
 Sworn to (or affirmed) and subscribed to on this 17 day
 of June, 2019, by [Redacted] of person making statement.
 Personally known to me
 Produced Identification
 Type of Identification Produced Florida Driver Lic.
 Notary Signature [Signature]
 Title Notary Public
 My appointment expires 6/21/2021 June 12, 2019

[Redacted]
 1315 [Redacted] Av
 [Redacted] FL [Redacted]

Dear ICE Official:

I, [Redacted] respectfully request that R [Redacted] S [Redacted] P [Redacted] A# [Redacted] be released from detention while attending his court hearings before the Immigration Court in Florida.

I am a U.S. citizen. I have lived in the United States for my entire life and have lived in my current city and community for over 13 years.

I have known R [Redacted] over the course of this past year. My current boyfriend is R [Redacted]'s cousin and introduced us to each other. I have gotten to know R [Redacted] and always seen him as a kind man. While R [Redacted] is in detention, I speak to him over 2 or 3 times per week.

If released from detention, R [Redacted] will live with us at my home located at [Redacted] [Redacted] FL [Redacted]. I will financially support R [Redacted] with clothing, food, and all his necessities, and I will ensure that I will provide transportation for all of R [Redacted]'s future immigration court hearings.

I have attached a copy of my birth certificate to prove my immigration status in the United States. I have also included a copy of an electricity bill to prove the address of my home and a copy of my financial records to show that I can financially support R [Redacted] while he fights his asylum case before the Florida immigration court.

Thank you for your gracious consideration to this request. Please do not hesitate to contact me directly with any questions. I work from home and thus am available after 9 AM EST. You may contact me at [Redacted]. I have presented this letter, along with my original Florida driver's license and birth certificate, copies of which are attached to this letter, to a certified notary public of the state of Florida.

Sincerely,

[Redacted]
 [Redacted]
 [Redacted]



Zachary Kallal
 State of Florida
 My Commission Expires 08/21/2021
 Commission No. GG 318985

DO NOT SUBMIT OR COPY SAMPLE ONLY

*****Beware of form letters!*****

The Letter of Support should be personalized!

Here is an example of a form letter.

This is NOT what you want!

AFFIDAVIT SUPPORT

residing at [REDACTED] American Citizen identified with New Jersey Driver's License [REDACTED]
I was born on [REDACTED] certify under penalty of perjury that:
Work at: [REDACTED] Since: [REDACTED]
and as follows:

This affidavit is executed on behalf of the following person:

Name: [REDACTED] Marital Status: Single
Relationship to Sponsor: Brother in Law
DOB: [REDACTED]
Address: Stewart Detention Center / 146 CCA Road Lumpkin, G.A, 31815

I am willing and able to provide financial support, room, board and all the expenses for the person on whose behalf this affidavit is executed. This affidavit is made by me assuring that the person named about will not become a public charge.

Oath or Affirmation of Sponsor

I certify under penalty of perjury under New Jersey law that I know the contents of this affidavit signed by me and that statement are true and correct.

[REDACTED]

08/7/19
Date

YANETH LORA
ID # 2382441
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Feb. 17, 2024

STATE OF [REDACTED]
COUNTY OF [REDACTED]

DO NOT SUBMIT OR COPY

SAMPLE ONLY

August 30, 2019

Immigrations and Customs Enforcement
P.O. Box 248
Lumpkin, GA 31815

Dear ICE official:

I, [REDACTED], American citizen, identified with New Jersey Driver's License #L [REDACTED], certify that my brother-in-law, [REDACTED] [REDACTED], is welcome to stay with my family at our home in New Jersey if released on parole. I assure that he will not become a public charge. I have worked at [REDACTED] since August 13, 2018, and I am willing to provide financial support, room, board, and all related living expenses for [REDACTED] while he proceeds with his asylum case.

I have been in a relationship with [REDACTED]'s sister, [REDACTED], for three years. We were reunited on May 14, 2019, and now she lives with my family and me in New Jersey. Our address is [REDACTED], [REDACTED].

Together with my family, I give my full support to [REDACTED] and her brother in their asylum case. We will assure that [REDACTED] attends all his ICE check-ins and hearings before the court.

I have attached my driver license and proof of U.S. citizenship to this letter and I am happy to provide anything else you may need to proceed with this request.

Thank you for your consideration and I look forward to receiving [REDACTED] into our home as soon as possible.

Sincerely,

[REDACTED]

[REDACTED]

DO NOT SUBMIT OR COPY
SAMPLE ONLY

All class members of the parole lawsuit have the following boxes checked*

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No. A [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

Tallahatchie County Correctional Facility, 415 U.S. Highway 49 N, Tutwiler, MS 38963

(Number, street, city and ZIP code)

(Area code and phone number)

- * You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Cuba and a citizen of Cuba;
- 3) You applied for admission at POE, Paso Del Norte, El Paso, TX on 1/29/2019;
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

* This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

LaSalle Service Processing Center, 830 Pinehill Road, Jena, LA 71342

(Complete Address of Immigration Court, including Room Number, if any)

on TBD at TBD to show why you should not be removed from the United States based on the charge(s) set forth above.

(Date)

(Time)

charge(s) set forth above.

Dusty Clark
Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

FEB 15 2019

Date

Houston, TX

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/erg>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

FEB 27 2019

This Notice To Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1) of the Act.

In person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of Officer)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

PAROLE ADVISAL AND SCHEDULING NOTIFICATION

Alien's Claimed Name(s) (including AKAs) _____ A#(s) _____
Detention Facility Name and Location <u>Tallahatchie Correctional Facility, TUTWILER, MS</u>
Field Office <u>New Orleans</u>

NOTICE TO THE ALIEN

Because you have been determined to have a "credible fear" of persecution or torture, U.S. Immigration and Customs Enforcement (ICE) will consider whether to parole you from custody pending the resolution of your immigration proceedings. As an Asylum Officer may have already explained to you, ICE may grant you parole if you can establish to ICE's satisfaction: (1) your identity; (2) that you are likely to appear for all scheduled hearings and enforcement appointments (including for removal from the United States if you are ordered removed); and (3) that you do not present a security risk to the United States or a danger to the community.

1) Documents that May Prove Identity

- **Passport**
 - o Your *original*, valid passport *OR*
 - o Copy of your passport AND one or more of the other identity documents listed here
- **National ID Card**
 - o Your *original*, valid national ID card *OR*
 - o Copy of your national ID card AND one or more of the other identity documents listed here
- **Birth Certificate**
 - o Your *original* birth certificate AND one or more of the other identity documents listed here
 - o Copy of your birth certificate AND one or more of the other identity documents listed here
- **Affidavit (Letter) from a Person Who Can Confirm Your Identity**
 - o *Must* include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - o *Must* be signed by a lawful permanent resident (green card holder) or citizen of the United States of America and include a copy of the person's passport or green card
 - o *Must* include the person's full name and her/his address and phone number(s)
 - o *Must* state how and for how long he or she has known you

2) Documents that May Prove that You are Not a Flight Risk

- **Affidavit (Letter) from a Person or Community Organization Who Will Support You**
 - o *Must* include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - o *Must* include the person's/organization's full name and her/his address and phone number(s)
 - o *Must* be signed by a lawful permanent resident (green card holder) or citizen of the United States of America and include a copy of the person's passport or green card
 - o *Must* state that you will reside at the address listed and that the person/organization is willing to support you – for example, provide you housing and food – while you are in immigration proceedings
 - o *Must* include a copy of a utility or telephone bill, with the person's/organization's name and current address matching the address of residence included in the affidavit
 - o *Can* include details of any other ties that you have to where you will live (family, friends, etc.)
- **In addition to the Affidavit of Sponsorship, you may also submit**
 - o Letters from others in the community where you will live, showing their support. Note: *must* include the writer's name, address, contact information, and immigration status.
 - o Documentation of any legal, medical or social services you will receive upon release

3) Documents that May Prove that You are Not a Danger to the Community

- Evidence of acquittal or dismissal of any criminal charges
- Certificates for rehabilitation classes or evidence of other positive accomplishments (completion of a degree or training, long-term employment, volunteer activities, activities with your place of worship)
- Affidavit attesting to your rehabilitation
 - o Must include your full name, your date of birth, your nine-digit A-number, and your country of origin
 - o Must be signed by a lawful permanent resident (green card holder) or citizen of the United States of America and include a copy of her/his passport or green card
 - o Must include the person's full name and her/his address and phone number(s)
 - o Must state how and for how long he or she has known you
 - o Must explain why she/he believes that you have been rehabilitated

If you would like ICE to consider any documents as part of its assessment whether to parole you from detention, you must provide those documents as soon as possible to allow ICE sufficient time to review the documents thoroughly before your interview. You may also request additional time to obtain documents for ICE's consideration, but should make that request as soon as possible.

ICE has scheduled you for an interview to assess whether you meet these qualifications. That interview will take place at the time and place indicated below.

Your parole interview has been scheduled with an ICE officer at the following date and time:

08/16/2018 @ 5:00 PM
(Month, Day, Year) (Time - Indicate "a.m." or "p.m.")

Please provide any paperwork you would like considered (or any request for additional time to gather paperwork) no later than

08/16/2018, to:
(Month, Day, Year)

JAMES SHEFFIELD
Officer Name

415 U.S. HIGHWAY 49 N TUTWILER, MS 38963
Address/City/State/Zip

+1 (662) 345-6567
Office Telephone Number

+1 (662) 345-8527
Fax

(ICE Detention and Removal Operations Field Office Personnel: Indicate Manner in Which Alien Should Provide Documentation)

Following your interview, you will be notified in writing of ICE's decision, usually within 7 days. If your request is denied, you will receive a written explanation of the denial.

PROOF OF SERVICE

Asylum Seeker's Signature: _____

Date: 08/16/2018

ICE Officer's Name: _____

Language Used: _____ Interpreter Number (if applicable): _____

Sample Parole Interview Questions

1. **Do you have a sponsor? (Yes or No)** *¿Usted tiene un patrocinador? Escriba nombre, dirección y teléfono de su patrocinador (Sí o No)*
2. **What is their relation to you? (Name, address, phone number)** *¿Cuál es su relación familiar con su patrocinador? (Nombre, dirección, número de teléfono)*
3. **Will you be living with your sponsor? (Yes or No)** *¿Usted vivirá con su patrocinador? (Sí o No)*
4. **If not, where will you be residing and their relation to you? (Name, address, phone number)** *Si no ¿con quién vivirá en los Estados Unidos? ¿Y cuál es su relación con la persona con quien vivirá? (Nombre, dirección, número de teléfono)*
5. **Do you have close family ties living in the United States? Describe: (mother, father, number of children; USC or LPR)** *¿Tiene familia cercana en los Estados Unidos? Descripción: (¿madres, padre, hijos? ¿Ciudadanos o residentes permanentes?)*
6. **If your parole is granted, do you have travel arrangements?** *Si le conceden libertad condicional, ¿puede usted o su familia pagar por su viaje a la dirección de su patrocinador?*
7. **Do you have sufficient funds for any form of transportation/food? (Taxi, bus fare or plane ticket)** *¿Usted tiene suficientes fondos/dinero para pagar su transportación y su comida? (taxi, pasaje en autobús, pasaje en avión)*
8. **Do you have any community ties or non-governmental sponsors? Describe: (church, rehabilitation programs)** *¿Usted tiene algún vínculo con alguna comunidad o una entidad no relacionada con el gobierno? Descripción: (Un iglesia o programa de rehabilitación)*
9. **Have you ever been convicted of a crime? Describe: (only answer Yes or No)** *¿Usted tiene antecedentes penales, alguna condena criminal o arresto? Descripción: (Solo conteste Sí o No)*
10. **Do you have a valid, government-issued documentation of identity?** *Tiene algún document de identificación emitido por algun gobierno?*
11. **In the absence of government-issued documentation of identity, are there any third-party affidavits from affiants, who are themselves able to establish their own identity and address, that support the validity of the individual's claimed identity?** *¿Si usted no tiene algun documento de identificación, tiene alguna persona que pueda establecer su identidad por medio de una declaración jurada?*
12. **Is there anything you want to add?** *Usted quiere añadir alguna otra información?*