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MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Acting Chief Counsel
Office of Chief Counsel, New York City

Thomas Decker, Field Office Director
Enforcement and Removal Operations, Field Office New
York

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)



**U.S. Immigration
and Customs
Enforcement**

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
300 N. Los Angeles Street
Los Angeles, CA 90012

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

DATE: March 14, 2017

MEMORANDUM FOR: DIRECTOR OF FIELD LEGAL OPERATIONS, OPLA
ASSISTANT DIRECTOR FOR FIELD OPERATIONS, ERO

FROM: David Marin
Field Office Director, Los Angeles, CA

(b)(6);(b)(7)(C)
Deputy Chief Counsel

(b)(6);(b)(7)(C)
Assistant Chief Counsel

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
15 Governor Drive
Newburgh, NY 12550



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York

(b)(6);(b)(7)(C), Assistant Field Office Director
Enforcement and Removal Operations, New York

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

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(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

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(b)(6);(b)(7)(C);(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIM MEMORANDUM

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Jo Ann McLane, Chief Counsel
Office of Chief Counsel, San Antonio

Daniel A. Bible, Field Office Director
Enforcement and Removal Operations, Field Office San Antonio

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

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CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

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(b)(5);(b)(6);(b)(7)(C)

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(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
15 Governor Drive
Newburgh, NY 12550



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, New York

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

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CONCLUSION AND RECOMMENDATION

(b)(5)



U.S. Immigration and Customs Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Raphael Sanchez, Chief Counsel
Office of Chief Counsel, Seattle

(b)(6);(b)(7)(C) (A) Field Office Director
Enforcement and Removal Operations, Field Office Seattle

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(5)

FACTS

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Office of Chief Counsel

U.S. Department of Homeland Security
880 Front Street Ste. (b)(1)
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, Field Office
San Diego

(b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

(b)(6);(b)(7)(C) Assistant Chief Counsel
Office of Chief Counsel, San Diego

SUBJECT: Claim to U.S. Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

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May 15, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Nicole Guzman, Chief Counsel
Office of Chief Counsel, Phoenix

Enrique M. Lucero, Field Office Director
Enforcement and Removal Operations, Field Office,
Phoenix

Reviewed by: (b)(6);(b)(7)(C)
Senior Attorney, Florence, Arizona

Author: (b)(6);(b)(7)(C)
Assistant Chief Counsel, Tucson, Arizona

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)



**U.S. Immigration
and Customs
Enforcement**

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
300 N. Los Angeles Street, Room (b)(6);(b)(7)(C)
Los Angeles, CA 90012

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

February 21, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director of Field Operations, ERO

FROM: David A. Marin, Field Office Director
Enforcement and Removal Operations, Los Angeles, CA

Sandra Anderson, Chief Counsel
Office of the Chief Counsel, Los Angeles, CA

(b)(6);(b)(7)(C) Deputy Chief Counsel
Office of the Chief Counsel, Las Vegas, NV

(b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, Las Vegas, NV

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

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of the Freedom of Information and Privacy Act

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Sarah L Hartnett, Chief Counsel
Office of Chief Counsel, Houston, Texas

Patrick D. Contreras, Field Office Director
Enforcement and Removal Operations, Field Office Houston,
Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)



**U.S. Immigration
and Customs
Enforcement**

February 23, 2017

CLAIM TO UNITED STATES CITIZENSHIP

MEMORANDUM FOR: OPLA USC Claims
USC Claim ERO

FROM: (b)(6);(b)(7)(C) DCC, Las Vegas Sub-Office
Robert Culley, FOD

SUBJECT: Case Analysis - Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

SUBJECT: (

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LEGAL ANALYSIS

(b)(5)

SUBJECT:

(b)(6);(b)(7)(C);(b)(5)

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(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS²

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C)

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CONCLUSION AND RECOMMENDATION

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**U.S. Immigration
and Customs
Enforcement**

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
300 N. Los Angeles Street
Los Angeles, CA 90012

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

DATE: May 4, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: David Marin, Field Office Director
Enforcement and Removal Operations, Field Office Los Angeles, CA

Sandra Anderson, Chief Counsel
Office of the Chief Counsel, Los Angeles

(b)(6);(b)(7)(C) Deputy Chief Counsel
Office of the Chief Counsel, Los Angeles, CA

(b)(6);(b)(7)(C) Assistant Chief Counsel
Office of Chief Counsel, Los Angeles, CA

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(6);(b)(7)(C)

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(6);(b)(7)(C)



KeyCite Blue Flag – Appeal Notification
Petition for Certiorari Docketed by [PIERRE THOMAS v. JEFFERSON B. SESSIONS, III, ATTORNEY GENERAL](#), U.S., February 22, 2017

828 F.3d 11
United States Court of Appeals,
First Circuit.

[Pierre Thomas](#), Petitioner,

v.

Loretta E. Lynch, Attorney General of the United
States, Respondent.

No. 15–1805

|
July 5, 2016

Synopsis

Background: Haitian-born alien who was removed following state law conviction for armed robbery petitioned for review of denial by the Board of Immigration Appeals (BIA) of his motion to reopen the proceedings against him, arguing that he became a United States citizen by operation of the derivative citizenship statute and his mother’s naturalization.

[Holding:] The Court of Appeals, [Barron](#), Circuit Judge, held that alien did not “begin to reside permanently” in the United States upon his mother’s naturalization, as required for him to obtain derivative citizenship.

Petition denied.

West Headnotes (1)

- [1] [Aliens, Immigration, and Citizenship](#)
🔑 [Children of Citizens Born Abroad; Acquired Citizenship](#)

Haitian-born alien convicted of armed robbery under Massachusetts law did not obtain derivative citizenship under prior version of statute, which required that upon his mother’s naturalization, he “thereafter beg[an] to reside permanently in the United States while under the

age of eighteen years”; the phrase “reside permanently” required him to obtain the status of lawful permanent resident, which alien never pursued, as he was in the United States unlawfully. Immigration and Nationality Act § 320, 8 U.S.C.A. § 1431(a).

1 Cases that cite this headnote

*12 PETITION FOR REVIEW OF AN ORDER OF THE BOARD OF IMMIGRATION APPEALS

Attorneys and Law Firms

[Rhonda F. Gelfman](#), with whom The Law Offices of Rhonda F. Gelfman, P.A., North Miami Beach, FL, were on brief, for petitioner.

[Linda Y. Cheng](#), Trial Attorney, Office of Immigration Litigation, Civil Division, with whom [Benjamin C. Mizer](#), Principal Deputy Assistant Attorney General, Civil Division, and [Anthony P. Nicastro](#), Acting Assistant Director, Office of Immigration Litigation, were on brief, for respondent.

Before [Kayatta](#), [Barron](#), and [Stahl](#), Circuit Judges.

Opinion

[BARRON](#), Circuit Judge.

We must decide in this case whether petitioner Pierre Thomas satisfied the applicable statutory criteria for obtaining derivative citizenship in consequence of his mother’s naturalization. Those criteria were set forth in the derivative citizenship statute that was in effect at the time that Thomas was still a minor. Thomas concedes that he is removable as an alien who has been convicted of an aggravated felony if he did not satisfy those criteria. Because we conclude that he did not satisfy them, we deny his petition.

I.

The following facts are not in dispute. Thomas was born in Haiti and was lawfully admitted to the United States in

1986, at the age of five, as a nonimmigrant visitor. He was authorized to remain in the United States for six months, but he and his parents remained in the country beyond that date. After his father died in 1993, Thomas continued to live in the United States with his mother for the remainder of his childhood.

At some point while Thomas was a child, his mother obtained lawful permanent resident status. On July 31, 1995, when Thomas was fourteen years old, Thomas's mother filed an I-817 Application for Voluntary Departure on Thomas's behalf under the Family Unity Program.¹ That application was approved on August 25, 1995, giving *13 Thomas authorization to remain in the United States for two years. Then, in 1997, Thomas's mother filed a Form I-130 petition, pursuant to 8 U.S.C. § 1154(a)(1)(B)(i)(I), to classify Thomas as the child of an alien lawfully admitted for permanent residence. That petition was approved on October 7, 1997.

On May 18, 1999, Thomas's mother became a naturalized United States citizen. Three days later, Thomas turned eighteen years old. Thomas did not apply to become a lawful permanent resident during that three-day period that followed his mother's naturalization or at any other point. Instead, he continued living in the United States without a lawful admission for permanent residence.

In 2003, Thomas was convicted in Massachusetts state court for armed robbery. Then, in 2012, the United States initiated removal proceedings against Thomas pursuant to section 237(a)(2)(A)(iii) of the INA (8 U.S.C. § 1227(a)(2)(A)(iii)), which provides that "[a]ny alien who is convicted of an aggravated felony at any time after admission is deportable." Thomas contested removal on the ground that he became a United States citizen in 1999, by operation of the derivative citizenship statute then in effect. The Immigration Judge ("IJ") assigned to Thomas's case rejected that contention and, on October 17, 2012, ordered him removed. The Board of Immigration Appeals ("BIA") affirmed that decision on February 25, 2013, and Thomas was removed to Haiti in April of that year.

Thomas's current petition is for review of the denial by the BIA of his motion to reopen the proceedings against him. Thomas made that motion after he was arrested on a charge of illegal reentry upon his return to the United States in April 2015.

Because the motion was filed more than 90 days after the BIA's 2013 removal order, the BIA denied his motion to reopen on timeliness grounds. See 8 U.S.C. § 1229a(c)(7)(C)(i) (providing that, subject to limited

exceptions, a "motion to reopen shall be filed within 90 days of the date of entry of a final administrative order of removal"). On appeal, however, the government has expressly disavowed reliance on the time bar in this case and has urged us to reach the merits. We thus deem the government to have waived any timeliness argument and will proceed to the merits of Thomas's citizenship claim. See 8 U.S.C. § 1252(b)(5)(A).

II.

Thomas's petition hinges on the proper construction of the derivative citizenship law that was in effect before Thomas turned eighteen years old. That law, former section 321(a) of the INA, provided that:

A child born outside of the United States of alien parents ... becomes a citizen of the United States upon ...

(2) The naturalization of the surviving parent if one of the parents is deceased;

... if

(4) Such naturalization takes place while such child is under the age of eighteen years; and

(5) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization of ... the parent naturalized under clause (2) ... of this subsection, or thereafter begins to reside permanently in the United States while under the age of eighteen years.

8 U.S.C. § 1432(a) (1999), repealed by Child Citizenship Act of 2000, Pub. L. No. 106-395, § 103(a), 114 Stat. 1631, codified *14 at 8 U.S.C. § 1431(a).²

Thomas and the government agree that Thomas's mother, as his lone surviving parent, was naturalized while Thomas was under eighteen. The parties further agree that Thomas was not "residing in the United States pursuant to a lawful admission for permanent residence at the time of [his mother's] naturalization." The only question we must address, therefore, is whether Thomas, upon his mother's naturalization, "thereafter beg[an] to reside permanently in the United States while under the age of eighteen years."

Under the BIA's interpretation of former section 321(a), the answer is that Thomas clearly did not. The BIA has concluded that "the phrase 'begins to reside permanently

in the United States while under the age of eighteen years,' is most reasonably interpreted to mean that an alien must obtain the status of lawful permanent resident while under the age of 18 years." [Matter of Nwozuzu](#), 24 I. & N. Dec. 609, 612 (BIA 2008). In other words, according to the BIA, the latter clause of paragraph (5) in former subsection 321(a) contains "a shorthand reference to the requirement of the first clause." *Id.* at 614 n. 5. Thus, as Thomas concedes, Thomas's citizenship claim would fail under the BIA's interpretation because he "was not lawfully admitted for permanent residence prior to his 18th birthday" and thus never satisfied either clause.

Thomas argues that we should reject the BIA's interpretation of that section. He contends that we should join the Second Circuit in concluding that the BIA's interpretation, under which the second clause of former paragraph 321(a)(5) is merely a shorthand reference to the first clause, is contrary to the plain language of the statute because the phrase "reside permanently" in the second clause unambiguously means something broader than "resid[e] ... pursuant to a lawful admission for permanent residence" in the first clause. See [Nwozuzu v. Holder](#), 726 F.3d 323, 327 (2d Cir.2013); but see [United States v. Forey-Quintero](#), 626 F.3d 1323, 1326–27 (11th Cir.2010) (adopting the BIA's interpretation).³

Thomas further contends that he satisfied the requirements of that broader, second clause because he satisfied the criteria for "residing permanently" that the Second Circuit set forth in [Nwozuzu](#). According to [Nwozuzu](#), "[b]egins to reside permanently' does not require 'lawful permanent resident' status" but merely requires "some objective official manifestation of the child's permanent residence." 726 F.3d at 333.

In the end, as we will explain, Thomas cannot satisfy the statutory criteria even under his preferred, broader reading of *15 "reside permanently."⁴ And that is because he offers no explanation of how he can be said—in light of the words "thereafter begins" in the key clause—to have done what he needed to do by the time he needed to do it. But before explaining our conclusion in that regard, we first pause to explain the difficulty in construing the two words that are the focus of the dispute between Thomas and the BIA.

III.

If one knew nothing else, it would not be altogether surprising if the phrase "reside permanently" was, as the BIA contends, just a shorthand for "resid [e] ... pursuant

to a lawful admission for permanent residence." Those two words appear right after the longer phrase, in the same section, and one certainly might use those words colloquially as a shorthand description of what came before.

But there are some contrary indications that point towards Thomas's preferred reading. The phrase "reside permanently" is not defined in the INA, but the phrase "lawfully admitted for permanent residence" is. And the definition of that longer phrase includes "residing permanently" as a component part, thus suggesting they are not synonyms.⁵

Similarly, the terms "permanent" and "residence" are separately defined in the INA, each without reference to lawful admission. "Permanent" is defined in the INA as "a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law." 8 U.S.C. § 1101(a)(31). "Residence" is defined in the INA as "the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent." *Id.* § 1101(a)(33). Thus, the INA's separate definitions of "residence" and "permanent" together arguably yield a definition for "reside permanently"—"to have as a principal, actual dwelling place for a continuing or lasting period"—that makes no reference to lawful admission for permanent residence.

Moreover, if one looks elsewhere in the United States Code, Congress has sometimes distinguished between "an alien lawfully admitted for permanent residence" and one who is "otherwise permanently residing in the United States under color of law." See, e.g., 42 U.S.C. § 1382c(a)(1)(B)(i) (specifying that benefits under Title XVI of the Social Security Act may only be paid to an "aged, blind, or disabled" individual who "is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law"); *id.* § 602(a)(33) (replaced in *16 1997) ("A State plan for aid and services to needy families with children must ... provide that in order for any individual to be considered a dependent child, ... such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law"). Thus, for this reason, there are signs that "residing permanently" might not be just a shorthand.

On the other hand, if “reside permanently” is read as something broader than a shorthand reference to “resid[e] ... pursuant to a lawful admission for permanent residence,” the requirements for becoming a citizen at the time of the relevant naturalization would be stricter than the requirements for becoming a citizen after that naturalization. But it is not at all clear why Congress would have intended that result. Indeed, under the parallel section of the predecessor statute, the 1940 Nationality Act (“1940 Act”), the requirements for acquiring derivative citizenship at the time of the relevant naturalization apparently were less strict than were the requirements for becoming a citizen “thereafter.”⁶

Similarly, a consideration of the adjacent section of the INA, former section 320, also points against the broader reading of “reside permanently” because of the strange disjuncture that would otherwise arise. Former section 320 addressed how aliens who were born abroad to one alien parent and one citizen parent—as opposed to aliens born abroad to two alien parents, which former section 321 addressed—could acquire derivative citizenship.

Under the plain language of former section 320, aliens born abroad to one alien parent and one citizen parent could not acquire derivative citizenship without obtaining a lawful admission for permanent residence.⁷ It is therefore hard to see why Congress would have intended for aliens born abroad to two alien parents to be able to acquire derivative citizenship without obtaining such an admission. And yet, under Thomas’s reading of “reside permanently” in former section 321, one would have to conclude that Congress did intend for that to be the case.⁸

*17 Nevertheless, we need not definitively resolve this dispute over the correct construction of “reside permanently” in former section 321(a)(5). No matter how those words are best construed, we still must account for the words “thereafter begins” in that subsection. And, as we next explain, Thomas’s contention clearly unravels in consequence of those words.

IV.

Because Thomas concedes that he was not residing in the United States pursuant to a lawful admission for permanent residence at the time of his mother’s naturalization, he can only prevail if he “thereafter beg[an] to reside permanently in the United States while under the age of eighteen years.” 8 U.S.C. § 1432(a)(5) (1999). But Thomas cannot show that he did so.

The record reveals that Thomas took no official action with respect to his citizenship status in the three-day window between his mother’s naturalization and his eighteenth birthday. Thomas never applied for lawful permanent resident status,⁹ and the filings of both the I-130 and the I-817 were made prior to his mother’s naturalization. Moreover, the objective factors that might lead one to think he resided permanently in the United States—such as his years of residence and the presence of family members in the country—were all present before she was naturalized (and “at the time of the naturalization”).

Thus, even if we assume that Thomas “reside[d] permanently” in the United States during the time period to which the statute directs our attention, he “beg[an]” to do so before his mother was naturalized and then never experienced any relevant change in status or took any relevant action between the time of her naturalization and his eighteenth birthday. Accordingly, it is hard to see how, following his mother’s naturalization, he can be said to have “thereafter beg[un] to reside permanently.”

Nor can we simply read “thereafter begins to reside permanently” to mean “thereafter ... reside[s] permanently.” Doing so would require us not only to ignore the word “begins” but also to drop the word “to” and change “reside” to “resides,” and we are not in the business of rewriting statutes.

In addition to this obvious textual problem, such a reading runs counter to even the Second Circuit’s description of the function of the second clause. The Nwozuzu Court explained that the purpose of that second clause is to “address[] minors who, at the time the [relevant] parent was naturalized, either lived abroad or lived in the United States but had not been ‘lawfully *18 admitted for permanent residence’ ” and who therefore “did not derive citizenship automatically upon the parent’s naturalization.” Nwozuzu, 726 F.3d at 329. But reading “begins” out of the statute, while construing “reside permanently” as Thomas asks us to, would lead to the conclusion that Thomas became a citizen (essentially) automatically upon the naturalization of his mother rather than upon some triggering event that occurred “[]after” her naturalization.

Relatedly, reading “begins” out of the statute seems to render the first clause of the paragraph superfluous if “reside permanently” is not a shorthand, as it is hard to see how one who is “residing ... pursuant to a lawful admission for permanent residence” is not also necessarily one who is “resid [ing] permanently.” Cf.

[Romero-Ruiz v. Mukasey](#), 538 F.3d 1057, 1062 (9th Cir.2008); [Matter of Nwozuzu](#), 24 I. & N. Dec. at 614.¹⁰

Thomas makes no attempt to address the problems that the words “thereafter begins” pose for his attempt to fit the facts of his case into the statute. It is true that giving force to those words could advantage aliens who start residing permanently in the United States later over those who do so earlier. But that arguably anomalous consequence arises only on a broad construction of “reside permanently.” If that phrase is instead construed as a shorthand for “resid[e] ... pursuant to a lawful admission for permanent residence,” then the statute provided no incentive for aliens to delay the onset of their permanent residence.

In light of the problems with reading “begins” out of former section 321(a)(5), and because the only argument we have identified against giving force to “thereafter

begins” seems to support the proposition that “reside permanently” was a shorthand, we conclude that Thomas did not satisfy the terms of the statute. Accordingly, his claim to derivative citizenship fails.¹¹

V.

For the reasons set forth above, we **deny** Thomas’s petition for review.

All Citations

828 F.3d 11

Footnotes

- 1 The Family Unity Program, as authorized by the Immigration Act of 1990, Pub. L. No. 101–649, § 301, 104 Stat. 4978 (Nov. 29, 1990), “allow[ed] certain spouses and children of [legalized] aliens ... to work and to remain in the U.S. without fear of deportation.” 72 No. 8 Interpreter Releases 283.
- 2 The Child Citizenship Act of 2000 replaced the derivative citizenship statutes then in effect with the following:
A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
(2) The child is under the age of eighteen years.
(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.
8 U.S.C. § 1431(a).
- 3 The Ninth Circuit, construing the language of the clause prior to the BIA’s decision in [Matter of Nwozuzu](#), concluded that “in order to obtain the benefits of derivative citizenship, a petitioner must not only establish permanent residence, but also demonstrate that he was residing in some lawful status.” [Romero-Ruiz v. Mukasey](#), 538 F.3d 1057, 1062 (9th Cir.2008).
- 4 For this reason, we need not decide whether the BIA’s construction of former section 321(a) is entitled to [Chevron](#) deference. Compare [Nwozuzu](#), 726 F.3d at 326–27 (applying [Chevron](#) in assessing the BIA’s construction of former section 321(a)), with [Minasyan v. Gonzales](#), 401 F.3d 1069, 1074 (9th Cir. 2005) (“Because the INA explicitly places the determination of nationality claims solely in the hands of the courts ..., we are not required to give [Chevron](#) deference to the agency’s interpretation of the citizenship laws.” (internal quotation marks omitted)). We will assume, favorably to Thomas, that we owe the BIA no deference.
- 5 “The term ‘lawfully admitted for permanent residence’ means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.” 8 U.S.C. § 1101(a)(20).
- 6 Under that statute, an alien would acquire derivative citizenship simply by “residing in the United States” at the time of the relevant naturalization, but, thereafter, needed to “begin[] to reside permanently in the United States” (while under the age of eighteen years). 76 Cong. Ch. 876 § 314(e), 54 Stat. 1137, 1145–46 (repealed 1952).
- 7 Former section 320 provided that an alien child born abroad to one citizen parent and one alien parent shall, if such alien parent is naturalized, become a citizen of the United States, when ...
(1) such naturalization takes place while such child is under the age of eighteen years; and
(2) such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of eighteen years.

8 U.S.C. § 1431 (1994).

- 8 Even if “reside permanently” is not a shorthand, there may be reason to doubt whether an alien can “reside permanently” in the United States if he is here unlawfully (as Thomas was at the relevant time) without at least some authorization from the government to remain (which Thomas did not have). Thomas has provided no authority for the proposition that an alien who is present in the United States unlawfully and without such authorization can nonetheless be “residing permanently” herein, and we have found none. Cf. Holley v. Lavine, 553 F.2d 845, 849 (2d Cir.1977) (determining that an alien who resided in the United States illegally but possessed an official letter from the INS stating that the agency did not contemplate enforcing her departure at that time, was “permanently residing in the United States under color of law” within the meaning of a regulation implementing the Social Security Act); Sudomir v. McMahon, 767 F.2d 1456, 1462 (9th Cir.1985) (citation and internal quotation marks omitted) (upholding as “permissible” the following administrative interpretation of a statute referring to aliens “permanently residing under color of law”: “A residence may be ‘permanent’ where the INS has permitted an alien to stay in the United States so long as he is in a particular condition, even though circumstances may change, and the alien may later lose his right to stay.”). But given that Congress has written statutes that include a requirement that an alien be “permanently residing in the United States under color of law,” see, e.g., 42 U.S.C. § 1382c(a)(1)(B)(i)(II), it is possible that the words “reside permanently” do not themselves impose an “under color of law” requirement.
- 9 We note that the record shows that Thomas’s mother had numerous interactions with the immigration authorities and, in fact, became a lawful permanent resident herself. And Thomas has made no argument that he was in any way precluded from applying for lawful permanent resident status or that he did not know how to do so.
- 10 To the extent one might think “begins” was simply a meaningless redundancy in former section 321, that notion is belied somewhat by the parallel section of the 1940 Act, which contained the same basic structure as former section 321. As we have set out above, that section, section 314(e) of the 1940 Act, provided that a minor alien whose parent(s) naturalized would acquire derivative citizenship if: “[he] is residing in the United States at the time of the naturalization ... or thereafter begins to reside permanently in the United States while under the age of eighteen years.” 76 Cong. Ch. 876 § 314(e), 54 Stat. 1137, 1145–46 (repealed 1952). Under that statutory language, no alien would be in a position like Thomas is now, having arguably “beg[un]” to reside permanently prior to the naturalization of his parent(s), and lived in the United States continuously thereafter, but having failed to acquire derivative citizenship under the first clause of the section. Thus, there would have been no reason to read the word “begins” out of section 314(e) of the 1940 Act, because that word would not have barred from citizenship any alien who “reside[d] permanently” “[a]fter” the relevant naturalization while under the age of eighteen years.
- 11 Because we deny Thomas’s petition on the merits, we do not address the government’s argument that Thomas is collaterally estopped from claiming citizenship as a result of his November 2015 guilty plea to a charge of illegal reentry by a removed alien (a plea that Thomas contends has since been withdrawn).

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Page 5222

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5223

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5224

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5225

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5226

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5227

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5228

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of the Freedom of Information and Privacy Act

Page 5229

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5230

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5231

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Page 5233

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of the Freedom of Information and Privacy Act

Page 5234

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5239

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Family Name (CAPS) (b)(6);(b)(7)(C)		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmplxn MED
Country of Citizenship EL SALVADOR	Passport Number and Country of Issue	File Number (b)(6);(b)(7)(C);(b)(7)(F)		Height 68	Weight 160	Occupation	
U.S. Address See Narrative				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 05/15/1993, HID, FX2 - CHILD OF ALIEN RES, UNDER 21			Passenger Boarded at		EBI Number (b)(6);(b)(7)(C);(b)(7)(F)		
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension CFD 511.2.3			
Date of Birth (b)(6);(b)(7)(C)	Date of Action 03/07/2017	Location Code SAV/ATL		At/Near See I-831	Date/Hour 03/07/2017 08:55		
City, Province (State) and Country of Birth San Miguel, EL SALVADOR		AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number					
Immigration Record POSITIVE - See Narrative				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)					Number and Nationality of Minor Children None		
Father's Name, Nationality, and Address, if Known (b)(6);(b)(7)(C)				Mother's Present and Maiden Names, Nationality, and Address, if Known (b)(6);(b)(7)(C)			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks		Charge Code Words(s) See Narrative	
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.) (b)(6);(b)(7)(C)							
<p>Subject Health Status ----- The subject claims good health.</p> <p>Current Administrative Charges ----- 03/07/2017 - 237a2Aiii - Aggravated Felony: 101(a)(43)(U) Attempt or Conspiracy to Commit an Offense Described in Section 101(a)(43)</p> <p>... (CONTINUED ON I-831)</p>							
Alien has been advised of communication privileges _____ (Date/Initials)				(b)(6);(b)(7)(C) _____ (Signature and Title of Immigration Officer)			
Distribution: File OCC EOIR				Received: (Subject and Documents) (Report of Interview) Office: (b)(6);(b)(7)(C) on: March 7, 2017 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Office: (b)(6);(b)(7)(C)			

Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C)	Date 03/07/2017
----------------------------------	---------------------------------	--------------------

Previous Criminal History

On 02/11/2010, the subject was arrested for the crime of "Cocaine - Smuggle" which resulted in a conviction on 07/31/2015. The subject was sentenced to 60 month(s).

U.S. Address

(b)(6);(b)(7)(C)

At/Near

Folkston, GA

Record of Deportable/Excludable Alien:

CASE INITIATION:

(b)(6);(b)(7)(C) was identified as a citizen of El Salvador serving a sentence for conspiracy to distribute or possess with intent to distribute cocaine, methamphetamine, marijuana, or methylenedioxyamphetamine at the D. Ray James, in Folkston, GA. It was determined by records that (b)(6);(b)(7)(C) was a citizen of Norway that was granted status of lawful permanent resident on July 7, 2009.

PROCESSING INFORMATION:

(b)(5);(b)(6);(b)(7)(C);(b)(7)(E)

IMMIGRATION HISTORY:

In 1988, (b)(6);(b)(7)(C) entered the United States without being admitted or paroled by an immigration officer to live with his father. (b)(6);(b)(7)(C) subsequently returned to his native country of El Salvador after his father petitioned for him to come to the United States legally.

On October 25, 1990, (b)(6);(b)(7)(C) was petitioned for by his father by filing an, (I-130), petition for alien relative. On April 23, 1991, (b)(6);(b)(7)(C) petition was approved.

On May 15, 1993, (b)(6);(b)(7)(C) was admitted into the United States in Hidalgo, TX as lawful permanent resident, child of alien resident, (FX-2).

CRIMINAL HISTORY:

(b)(6);(b)(7)(C)

DERIVATIVE ISSUES:

Signature (b)(6);(b)(7)(C)	Title DO
-------------------------------	-------------

Alien's Name (b)(6);(b)(7)(C);(b)(7)(E)	File Number	Date 03/07/2017
--	-------------	--------------------

None

APPEALS CHECK:

No known appeals pending.

CONSULAR\PHONE CALL NOTIFICATION: subject was notified of his right to communicate with a Consular Officer from his country.

PROSECUTORIAL DISCRETION:

This subject is a prosecution priority.

CUSTODY RECOMMENDATION:

Mandatory Detention pursuant to Section 236(c) of the INA.

HEALTH\HUMANITARIAN:

Subject did not indicate or claim any medical issues at time of interview.

(b)(6);(b)(7)(C)

TRAVEL DOCUMENT:

None

DISPOSITION:

(b)(6);(b)(7)(C);(b)(7)(E)

Other Identifying Numbers

(b)(6);(b)(7)(C)

Signature

(b)(6);(b)(7)(C)

Title

DO

Office of Chief Counsel

U.S. Department of Homeland Security
880 Front Street Ste. (b)(6);(b)(7)(C)
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, Field Office
San Diego

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)



**U.S. Immigration
and Customs
Enforcement**

February 21, 2017

MEMORANDUM FOR: Sean Gallagher
Field Office Director

THROUGH: Official Channels

FROM: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Supervisory Detention Officer

SUBJECT: Permission to Place U.S. Armed Forces Veteran (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) in Removal Proceedings under
Section 237 of the INA.

(b)(6);(b)(7)(C);(b)(5)

Alienage and Status

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5);(b)(6);(b)(7)(C)

Decision:

Issue a Notice to Appear

Do Not Issue a Notice to Appear

(b)(6);(b)(7)(C)

for
Sean Gallagher, Field Office Director

March 3, 2017
Date

United States District Court EASTERN DISTRICT OF TEXAS

Sherman

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

(b)(6);(b)(7)(C)

Case Number: (b)(6);(b)(7)(C)

USM Number

(b)(6);(b)(7)(C)

Defendant's Attorney

Date of Original Judgment: 12/18/2012 (Or Date of Last Amended Judgment)

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
Direct Motion to District Court Pursuant to 28 U.S.C § 2255 or 18 U.S.C. § 3559(c)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- pleaded guilty to count(s) 1 of the Second Superseding Indictment
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 21 U.S.C. § 846 & 841(b)(1)(A), Conspiracy to Distribute or Possess with Intent to Distribute Cocaine, Methamphetamine, Marijuana, or 3,4 Methylenedioxymethamphetamine, 02/11/2010, 1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
Count(s) remaining is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

I hereby certify that this record of conviction was received electronically from the court's record repository.

(b)(6);(b)(7)(C)

Name, Title

3-7-17

Date

(b)(6);(b)(7)(C)

Name and Title of Judge

7/31/15

Date

DEFENDANT:
CASE NUMBER

(b)(6),(b)(7)(C)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 60 months*

The court makes the following recommendations to the Bureau of Prisons:

The court recommends that defendant participate in the 500 hour residential drug abuse treatment program. The court recommends that defendant be designated to a facility near Houston, TX, if eligible.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: (b)(6);(b)(7)(C)
CASE NUMBER

Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: (b)(6);(b)(7)(C)
CASE NUMBER

Judgment—Page 4 of 6

ADDITIONAL SUPERVISED RELEASE TERMS

As a condition of supervised release, immediately upon release from confinement, the defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. Section 1101, et. seq. The court recommends that the defendant be deported. If ordered deported, the defendant shall remain outside of the United States. In the event the defendant is not deported, or for any reason re-enters the country after having been deported, the defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of release by immigration officials or re-entry into the country.

The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring the defendant's sources of income.

The defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

DEFENDANT
CASE NUMBER

(b)(6);(b)(7)(C)

Judgment — Page 5 of 6

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$	<u>0.00</u>	\$	<u>0.00</u>
--------	----	-------------	----	-------------

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for fine restitution.

the interest requirement for fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: (b)(6);(b)(7)(C)
CASE NUMBER: (b)(6);(b)(7)(C)

Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
- not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to: the U.S. District Court, Fine & Restitution, 1910 E SE Loop 323 No 287, Tyler, TX 75701

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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

Subject ID: (b)(6);(b)(7)(C)

File No: (b)(6);(b)(7)(C);(b)(7)(E)
Even

DOB: (b)(6);(b)(7)(C)

In the Matter of:

Respondent: (b)(6);(b)(7)(C) currently residing at:

(b)(6);(b)(7)(C)

(Number, street, city and ZIP code)

(Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native and citizen of El Salvador;
3. You were, on May 15, 1993, admitted to the United States as a lawful permanent resident at Hidalgo, Texas;

(b)(6);(b)(7)(C)

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:

See Continuation Page Made a Part Hereof

- 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(f)(2) 8CFR 235.3(b)(5)(iv)

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

146 CCA ROAD LUMPKIN GA 31815. EOIR Lumpkin, GA

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

on To be set. at To be set. to show why you should not be removed based on the
(Date) (Time)

charge(s) set forth above.

(b)(6);(b)(7)(C)

SDD

(b)(6);(b)(7)(C)

(Signature and Title of Issu

Date: March 7, 2017

Savannah, GA

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 3.16. 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 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 one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 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 Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(signature of respondent)

Date: 3-9-2017

(icer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 3-9-2017, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- [X] in person [] by certified mail, returned receipt requested [] by regular mail
[] Attached is a credible fear worksheet.
[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the English language cons (b)(7) of the Act.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C);(b)(7)(E)	Date 03/07/2017
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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 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(U) of the Act, an attempt or conspiracy to commit an offense described in 101(a)(43)(B), an offense relating to the illicit trafficking in a controlled substance, as described in section 102 of the Controlled Substances Act, including a drug trafficking crime, as defined in section 924(c) of Title 18, United States Code.

I862-ADDRESS

(b)(6);(b)(7)(C)

Signature (b)(6);(b)(7)(C)	Title SDDO
-------------------------------	---------------

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
11541 Montana Avenue, (b)(6):(b)(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Elias S. Gastelo, Chief Counsel
Office of Chief Counsel, El Paso (b)(6):(b)(7)(C)
for
Corey A. Price
Enforcement and Removal Operations, El Paso Field Office

SUBJECT: Claim to United States Citizenship
(b)(6):(b)(7)(C)

STATEMENT OF THE CASE

(b)(6):(b)(7)(C):(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

SAMPLE – USC CLAIMS MEMORANDUM TEMPLATE

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Acting Chief Counsel
Office of Chief Counsel, New York City

Thomas Decker, Field Office Director
Enforcement and Removal Operations, Field Office New
York

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C)

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Department of Homeland Security Appeal related to:

(b)(6);(b)(7)(C)

For Official Use Only



WARNING: Names and "A" Numbers of **everyone** appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at (b)(6);(b)(7)(C) _____ (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision in **merits proceedings** (example: removal, deportation, exclusion, asylum, etc.) dated 1/24/2017 .

I am filing an appeal from the Immigration Judge's decision in **bond proceedings** dated _____ . (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision **denying a motion to reopen or a motion to reconsider** dated _____ .

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

(b)(6);(b)(7)(C)

(Attach additional sheets if necessary)



WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? Yes No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? Yes No



WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule..



X _____

Signature of Person Appealing
(or attorney or representative)

_____ Date

Form EOIR-26
Revised Oct. 2013

10.

Mailing Address of Respondent(s)/Applicant(s)

(b)(6);(b)(7)(C)

(City, State, Zip Code)

(Telephone Number)

11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)

(b)(6);(b)(7)(C)

(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).


12.

PROOF OF SERVICE (You Must Complete This)

I (b)(6);(b)(7)(C) _____ mailed or delivered a copy of this Notice of Appeal
 (Name)

on _____ to (b)(6);(b)(7)(C) _____
 (Date) (Opposing Party)

at (b)(6);(b)(7)(C) _____
 (Number and Street, City, State, Zip Code)



 X _____
 Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Read all of the General Instructions | <input type="checkbox"/> Served a copy of this form and all attachments on the opposing party |
| <input type="checkbox"/> Provided all of the requested information | <input type="checkbox"/> Completed and signed the Proof of Service |
| <input type="checkbox"/> Completed this form in English | <input type="checkbox"/> Attached the required fee or Fee Waiver Request |
| <input type="checkbox"/> Provided a certified English translation for all non-English attachments | <input type="checkbox"/> If represented by attorney or representative, attach a completed and signed EOIR-27 |
| <input type="checkbox"/> Signed the form | |

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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Office of the Chief Counsel

U.S. Department of Homeland
Security

26 Federal Plaza (b)(6);(b)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

April 27, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza, Rm. (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

April 17, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

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Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

May 1, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Updated Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza (b)(6);(b)(7)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

April 27, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

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Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
11541 Montana Ave (b)(6);(b)(7)(C)
El Paso, TX 79936



U.S. Immigration
and Customs
Enforcement

March 28, 2017

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, El Paso, Texas (b)(6);(b)(7)(C)

Corey A. Price, Field Office Director
Enforcement and Removal Operations, El Paso Field Office

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

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of the Freedom of Information and Privacy Act

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(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

Office of the Chief Counsel

U.S. Department of Homeland
Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

May 2, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C), Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Updated Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

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CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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(b)(6);(b)(7)(C)

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(b)(6);(b)(7)(C)

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(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

Office of the Chief Counsel

U.S. Department of Homeland
Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

May 1, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Updated Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
31 Hopkins Plaza, (b)(6);(b)(7)(C)
Baltimore, MD 21201



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Melody A. Brukiewa, Chief Counsel (b)(6);(b)(7)(C)
Office of the Chief Counsel, Baltimore *MB*
(b)(6);(b)(7)(C)
Dorothy E. Herrera-Niles, Field Office Director
Enforcement and Removal Operations, Field Office
Baltimore

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

May 1, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Updated Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

CERTIFIED COPY OF MARRIAGE REGISTER

No.	When Married	Name and Surname	Condition	Calling	Age	Parish and Residence at the time of Marriage	Father's Name and Surname
(b)(6);(b)(7)(C)	Seventh June 1982	(b)(6);(b)(7)(C)	son Bachelor	Factory worker	Twenty seven	St. Andrew 2 Lyndhurst Road	(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)		(b)(6);(b)(7)(C)	Spinster	Housekeeper	Twenty seven	St. Andrew 2 Lyndhurst Road	(b)(6);(b)(7)(C)

Married at 2, Lyndhurst Road in the Parish of St. Andrew before (b)(6);(b)(7)(C) Civil Registrar of the Island of Jamaica,

by (b)(6);(b)(7)(C) This Marriage was Solemnized between (b)(6);(b)(7)(C) in the presence of us (b)(6);(b)(7)(C)

I, (b)(6);(b)(7)(C) Civil Registrar of the Island of Jamaica do hereby Certify that this is a true copy of the Entry No. 8572 in the Register Book of Marriages, solemnized by (or before) me in the said Island of Jamaica.

Witness my hand this Seventh day of June 1982

I certify that I have compared this copy with its original complete copy.
Signed: (b)(6);(b)(7)(C) June 15, 1982
Name: (b)(6);(b)(7)(C), Accredited Representative
Agency: American Civic Association
Address: 131 Front Street, Binghamton, NY
Date of agency recognition: August 1976
Date of representative accreditation: August 1978

(b)(6);(b)(7)(C)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

May 1, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)


Office of the Chief Counsel
U.S. Department of Homeland
Security
180 Ted Turner Drive, SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: DPLA for Field Legal Operations
Assistant Director for Field Operations ERO

FROM: Alfie Owens, Chief Counsel (b)(6);(b)(7)(C)
Office of Chief Counsel, Atlanta *for*

Sean Gallagher, Field Office Director 
Enforcement and Removal Operations, Atlanta

SUBJECT: Claim to United States Citizenship

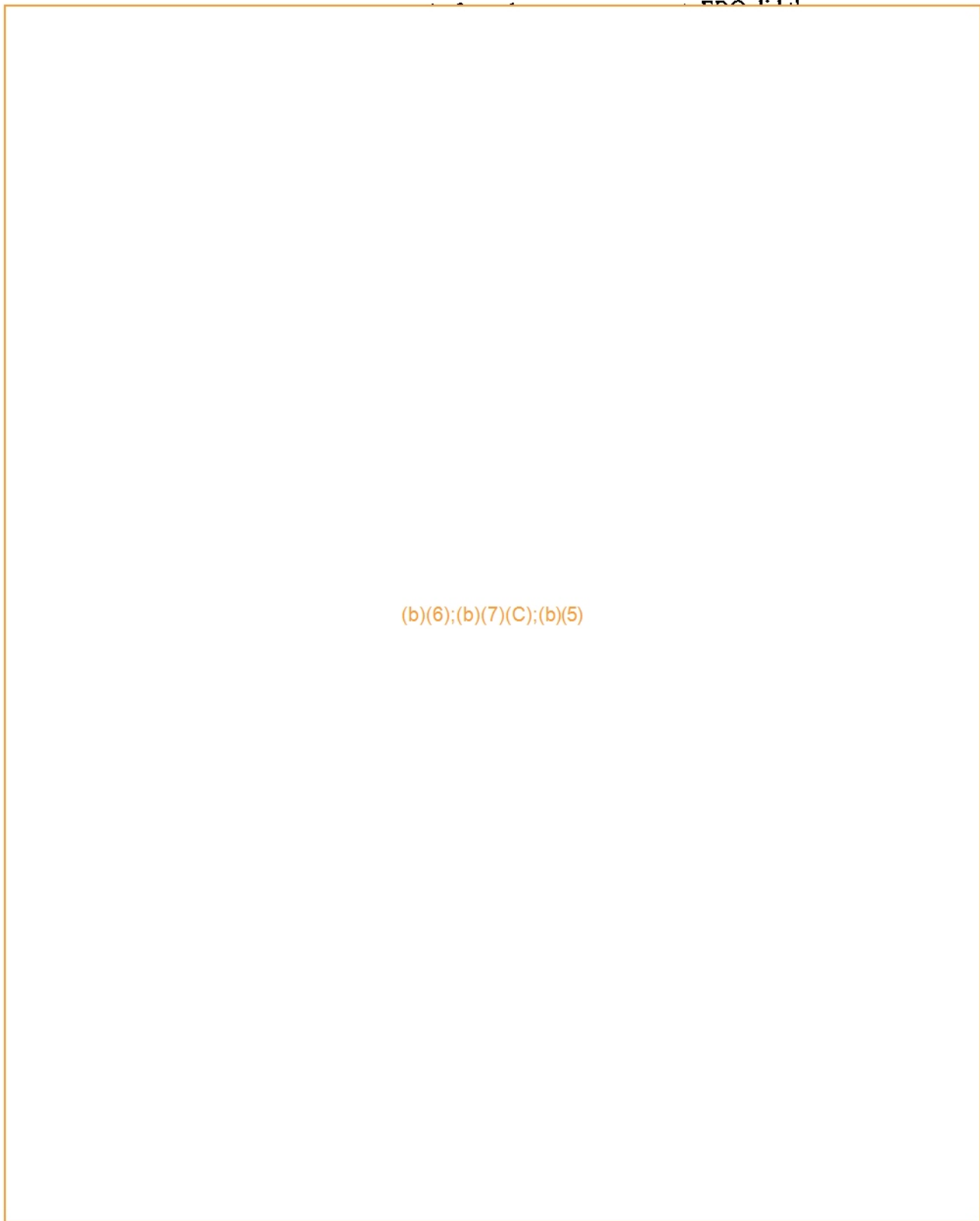
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)



(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland
Security

26 Federal Plaza (b)(6);(b)(7)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

May 3, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Updated Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)


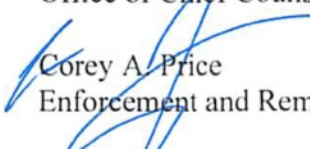
Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
11541 Montana Avenue (b)(6);(7)
El Paso, Texas 79936

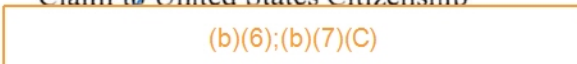


**U.S. Immigration
and Customs
Enforcement**

January 27, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Elias Gastelo, Chief Counsel
Office of Chief Counsel, El Paso, TX 

Corey A. Price
Enforcement and Removal Operations, El Paso Field Office

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE


(b)(6);(b)(7)(C);(b)(5)

FACTS


(b)(5)

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
11545 Montana Avenue, (b)(6);(b)(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Elias Gastelo, Chief Counsel
Office of Chief Counsel, El Paso, Texas (b)(6);(b)(7)(C)

Corey A. Price, Field Office (b)(6);(b)(7)(C)
Enforcement and Removal Operations, Field Office El Paso, Texas

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

Analysis

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

(b)(7)(C);(b)(5)

(b)(6);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

MEMORANDUM FOR: Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Carla J. Hengerer, Chief Counsel *Carla J. Hengerer*
Office of Chief Counsel, Buffalo (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) (Acting) Field Office Director
Enforcement and Removal Operations, Field Office
Buffalo

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

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(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

April 11, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration and Customs Enforcement

April 6, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C) Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

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LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland
Security
125 E. John Carpenter Fwy.,
(b)(6);(b)(7)(C)
Irving, Texas 75062



U.S. Immigration
and Customs
Enforcement

****SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT****

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Law Clerk Trainee
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C) Senior Attorney (b)(6);(b)(7)(C)
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C) (a) Assistant Field Office Director (b)(6);(b)(7)(C)
Enforcement and Removal Operations, Field Office Dallas

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

~~****SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT****~~

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)



U.S. Immigration
and Customs
Enforcement

~~**SENSITIVE/PRIVILEGED** PRE-DECISIONAL ATTORNEY WORK PRODUCT**~~

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Law Clerk Trainee
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office Dallas

(b)(6);(b)(7)(C)

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

~~**SENSITIVE/PRIVILEGED** PRE-DECISIONAL ATTORNEY WORK PRODUCT**~~

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security

26 Federal Plaza, (b)(6);(b)(7)(C)
New York, NY 10278



U.S. Immigration
and Customs
Enforcement

April 6, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of the Chief Counsel, New York City

THROUGH: (b)(6);(b)(7)(C), Senior Attorney
Office of the Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

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LEGAL ANALYSIS

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(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

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Withheld pursuant to exemption

(b)(5);(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 5457

Withheld pursuant to exemption

(b)(5);(b)(6);(b)(7)(C);(b)(7)(E)

of the Freedom of Information and Privacy Act

CIMCARD

DEPARTMENT OF HOMELAND SECURITY - USCIS

02/17/17

COMMAND:

CENTRAL INDEX SYSTEM - ARR/BC CARD DISPLAY

(b)(7)(E)

11:07:00

A#: 0

(b)(6);(b)(7)(C)

DOB:

(b)(6);(b)(7)(C)

LEGAL PERMANENT RESIDENT

CARD NAME:

(b)(6);(b)(7)(C);(b)(7)(E)

BIRTHDATE:

(b)(6);(b)(7)(C)

INS A#

CARD#

(b)(6);(b)(7)(C)

CATEGORY:

PERMANENT RESIDENT SINCE: 02/28/1979

SEX: M

CARD EXPIRES: 09/24/2022

COB: VIETNAM

(b)(6);(b)(7)(C);(b)(7)(E)

MOTHER'S NAME:

(b)(6);(b)(7)(C)

FATHER'S NAME:

(b)(6);(b)(7)(C)

CARD PORT OF ENTRY: SNA

(b)(7)(E)

EARM Subsystem Display	
Departure Country	
Depart/Cleared Status	
Port of Dep	
Date of Departure	
Docket Control Office	STC

Card Data	
Last Name	
First Name	(b)(6);(b)(7)(C)
Date of Birth	
Alien Number	
Card Type	551 LPR
Card Name	
Birthdate	
INS A#	(b)(6);(b)(7)(C)
Card #	
Category	
Permanent Residence Since	02-28-1979
Sex	M
Card Expires	09-24-2022
COB	VIETN
card text 1	
card text 2	
card text 3	(b)(6);(b)(7)(C)
Mother's First Name	
Father's First Name	
Place Of Birth	PHANTHET
Res At Application	PHANTHET
Consul/USCIS OFC	KANSAS CITY
Original Destination	KANSAS CITY
Card Port of Entry	SNA

Card History			
ISS# OR RECEIPT#	TYPE OF CARD	REASON FOR ISSUE	STATUS OF CARD
1	1) 551 LPR	1) 551/588 OR OTHER	2) LOST/STOLEN
2	1) 551 LPR	2) LOST/STOLEN	2) LOST/STOLEN
(b)(6);(b)(7)(C)	1) 551 LPR	2) LOST/STOLEN	3) RECOVERED
	1) 551 LPR	4) REPL FOR CHANGE	1) ACTIVE/CURRENT ISSU

Names			
Name Type	Last Name	First Name	Date of Birth
Name on Card		(b)(6);(b)(7)(C)	

Transaction History							
Activity	Date of Action	Status	Date Keyed	Location	Reason	Misc Date	Misc
COA-CHANGE OF STATUS				KAN	R86		

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CIS details for (b)(6);(b)(7)(C)

Central Index System Details	
Last Name	(b)(6);(b)(7)(C)
First Name	(b)(6);(b)(7)(C)
Middle Name	(b)(6);(b)(7)(C)
Date of Birth	(b)(6);(b)(7)(C)
Alien Number	(b)(6);(b)(7)(C)
Country of Birth	VIETN
Gender	M
Date of Entry	02-28-1979
Country of Citizenship	
File Control Office	NRC
Port of Entry	KAN
Class of Admission	R86
File Transfer Complete	03-04-2010
Previous File Control Office	SNA
Substitute File Control Office	
Date File Opened	06-30-1980
BIN	03-04-2010
Appl Flag	
Card Flag	X
Permanent Residence Since	02-28-1979
Card Expires Date	09-24-2022
Viol Flag	
EADS Flag	
NAIL Flag	
LAPS Flag	
EARM Flag	X
NACS Flag	
Revn Flag	
VAWA Flag	
Mother's First Name	(b)(6);(b)(7)(C)
Father's First Name	(b)(6);(b)(7)(C)
Date of Departure	
Description of Final Charge	
Date Charged	
FBI Number	

EARM Subsystem Display	
Last Name	(b)(6);(b)(7)(C);(b)(7)(E)
First Name	(b)(6);(b)(7)(C);(b)(7)(E)
Middle Name	(b)(6);(b)(7)(C);(b)(7)(E)
Date of Birth	(b)(6);(b)(7)(C);(b)(7)(E)
Alien Number	(b)(6);(b)(7)(C);(b)(7)(E)
Case Category	(b)(6);(b)(7)(C);(b)(7)(E)
Aggravated Felon	CR
Final Charge	
Date Charged	

From: (b)(6);(b)(7)(C)

Fax: (b)(6);(b)(7)(C)

To:

Fax: (210) 231-4639

Page 1 of 4 02/16/2017 12:59 PM

FAX

FROM

(b)(6);(b)(7)(C)

Phone
Fax Number

(b)(6);(b)(7)(C)

TO

Phone
Fax Number +12102314639

DATE 02/16/2017

NOTE

Page 5462

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(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

Page 5463

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(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

Office of the Chief Counsel

U.S. Department of Homeland Security
1220 SW Third Avenue, (b)(6);(b)(7)(C)
Portland, OR 97204

April 20, 2017



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Raphael A. Sánchez, Chief Counsel
Office of Chief Counsel, Seattle

(b)(6);(b)(7)(C) (A)Field Office Director
Enforcement and Removal Operations, Field Office Seattle

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

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of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

April 13, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Nicole G. Guzman, Chief Counsel,
Office of the Chief Counsel, Phoenix

Enrique M. Lucero, Field Office Director
Enforcement and Removal Operations, Field Office,
Phoenix

REVIEWED BY: (b)(6);(b)(7)(C)
Senior Attorney, Florence, Arizona

AUTHOR: (b)(6);(b)(7)(C)
Assistant Chief Counsel, Florence, Arizona

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

I.

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

II.

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5);(b)(6);(b)(7)(C)

III.

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

IV.

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of Chief Counsel

U.S. Department of Homeland Security
880 Front Street (b)(6);(b)(7)(C)
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, Field Office
San Diego

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

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CONCLUSION AND RECOMMENDATION

(b)(5)

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Withheld pursuant to exemption

(b)(6);(b)(7)(C)

of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Nicole G. Guzman, Chief Counsel
Office of Chief Counsel, Phoenix

Enrique Lucero, Field Office Director
Enforcement and Removal Operations, Field Office
Phoenix

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland
Security
125 E. John Carpenter Fwy.,
(b)(6);(b)(7)(C)
Irving, Texas 75062



U.S. Immigration
and Customs
Enforcement

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of Chief Counsel, Dallas, TX (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, Dallas, TX (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Acting Assistant Field Office Director
Enforcement and Removal Operations, Field Office Dallas (b)(6);(b)(7)(C)

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Nicole G. Guzman, Chief Counsel
Office of Chief Counsel, Phoenix

Enrique Lucero, Field Office Director
Enforcement and Removal Operations, Field Office
Phoenix

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

C. United States Citizenship by Acquisition

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: Jane Minichiello, Chief Counsel
Office of Chief Counsel, Newark

John Tsoukaris, Field Office Director
Enforcement and Removal Operations, Field Office
Newark

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

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LEGAL ANALYSIS

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
11541 Montana Avenue (b)(6);(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

March 13, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, El Paso, Texas

Corey A. Price, Field Office (b)(6);(b)(7)(C)
Enforcement and Removal Operations, El Paso Field Office

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
11541 Montana Avenue, (b)(6);(b)(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
for Office of Chief Counsel, El Paso
Cor (b)(6);(b)(7)(C) Operations, El Paso Field Office
Enf

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

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(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

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CONCLUSION AND RECOMMENDATION

(b)(5)

Atlanta Office of Chief Counsel

U.S. Department of Homeland Security
180 Ted Turner Drive, SW, Suite (b)(6)
Atlanta, Georgia 30303



U.S. Immigration and
Customs Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel by (b)(6);(b)(7)(C)
Office of Chief Counsel, Atlanta

Sean Gallagher, Field Office Director
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

DATE: March 13, 2017

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)



U.S. Immigration and Customs Enforcement

NOV 19 2009

MEMORANDUM FOR: Field Office Directors
Special Agents in C. Chief Counsel

FROM: John Morton Assistant Secretary

A handwritten signature in black ink, appearing to read "John Morton".

SUBJECT: Superseding Guidance on Reporting and Investigating Claims to
United States Citizenship

This memorandum supersedes the guidance issued on November 6, 2008, entitled "Superseding Guidance on Reporting and Investigating Claims to United States Citizenship."¹ This guidance is intended to ensure claims to U.S. citizenship receive immediate and careful investigation and analysis.

While performing their duties, U.S. Immigration and Customs Enforcement (ICE) officers, agents, and attorneys, may encounter aliens who are not certain of their status or claim to be United States citizens (USC). As the Immigration and Nationality Act (INA) provides numerous avenues for a person to derive or acquire U.S. citizenship, ICE officers, agents, and attorneys, should handle these matters with the utmost care and highest priority. While some cases may be easily resolved, because of the complexity of citizenship and nationality law, many may require additional investigation and substantial legal analysis. As a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a USC. Consequently, investigations into an individual's claim to U.S. citizenship should be prioritized and Office of Investigations (OI) and Detention and Removal Operations (DRO) personnel must consult with the Office of the Principal Legal Advisor's (OPLA) local Office of the Chief Counsel (OCC) as discussed below.

Claims at the Time of Encounter

When officers and agents encounter an individual who they suspect is without lawful status but claims to be a USC, the situation will fall into one of three categories: 1) evidence indicates the person is a USC; 2) some evidence indicates that the individual may be a USC but is inconclusive; and 3) no probative evidence indicates the individual is a USC. If evidence indicates the individual is a USC, ICE should neither arrest nor place the individual in removal proceedings. Where there is *some* probative evidence that the individual is a USC, officers and agents should consult with their local OCC as soon as practicable. After evaluating the claim, if the evidence of U.S. citizenship outweighs evidence to the contrary, the individual should not be taken into custody. The person may, however, still be placed in removal proceedings if there is reason to believe the

Subject: Superseding Guidance on Reporting and Investigating Claims to United States Citizenship

individual is in the United States in violation of law. Finally, where no probative evidence of U.S. citizenship exists and there is reason to believe the individual is in the United States in violation of law, the individual may be arrested and processed for removal. In all cases, any uncertainty about whether the evidence is probative of U.S. citizenship should weigh against detention.

Claims by Individuals Subject to an NTA

Agents and officers must fully investigate the merits of any claim to citizenship made by an individual who is subject to a Notice to Appear (NTA), whether the claim was made before or after the NTA was served on the individual. Such investigations should be prioritized and 01 and DRO personnel should consult with their local OCC as soon as practicable when investigating such claims. In addition, 01 and DRO, along with their local OCC, must jointly prepare a memorandum examining the claim using the attached template. A notation should be made in the Enforce Alien Removal Module (EARM) and a copy of the memorandum should be placed in the alien's A-file. The memorandum should also be saved in the General Counsel Electronic Management System (GEMS) and notated using the designated GEMS barcode.

Claims by Detained Individuals

If an individual already in custody claims to be a USC, an officer must immediately examine the merits of the claim and notify and consult with his or her local OCC. If the individual is unrepresented, an officer must immediately provide the individual with the local Executive Office for Immigration Review (EOIR) list of pro bono legal service providers, even if one was previously provided.

DRO and OPLA must also jointly prepare and submit a memorandum examining the claim and recommending a course of action to the HQDRO Assistant Director for Operations at the "USC Claims DRO" e-mailbox and to the HQOPLA Director of Field Operations at the "OPLA Field Legal OPS" e-mailbox. Absent extraordinary circumstances, this memorandum should be submitted no more than 24 hours from the time the individual made the claim. HQDRO and HQOPLA will respond to the field with a decision on the recommendation within 24 hours. A notation should be made in EARM and a copy of the memorandum and resulting decision should be placed in the alien's A-file. The memorandum and resulting decision should also be saved in GEMS and notated using the designated GEMS barcode.

If the individual's claim is credible on its face, or if the investigation results in probative evidence that the detained individual is a USC, the individual should be released from detention. Any significant change in circumstances should be reported to the "USC Claims DRO" e-mailbox and the "OPLA Field Legal Ops" e-mailbox.

Examination of the Merits

Interviews with detainees making such claims must be conducted by an officer or agent in the presence of and/or in conjunction with a supervisor. Interviews will be recorded as sworn statements and must include all questions needed to complete all fields on a Record of Deportable

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Citizenship

Alien, Form 1-213. In addition, the sworn statement must include additional probative questions designed to elicit information sufficient to allow a thorough investigation of the person's claim of citizenship. Additional steps to be taken may include vital records searches, family interviews, and other appropriate investigative measures. Officers and agents should also work with their local United States Attorney's Office to ensure that any statement includes information sufficient to use in prosecuting appropriate cases under 18 U.S.C. § 911, should it ultimately come to light that the individual intentionally made a false claim to U.S. citizenship.

State and Local Officers with Authority under INA § 287(g)

Field Office Directors (FODs) and Special Agents in Charge (SACs) shall ensure that all state and local officers with delegated immigration authority pursuant to INA § 287(g) within their area of responsibility understand and adhere to this policy. FODs and SACs are expected to thoroughly investigate all USC claims made by individuals encountered by 287(g) designated officers.

AFFIDAVIT OF RESIDENCE AND PATERNITY/MATERNITY

I solemnly swear or affirm that the following statements are true and complete to the best of my knowledge and belief. I acknowledge that the purpose of this Affidavit is the establishment of my relationship to persons claiming U.S. citizenship, entitlement to visas, or federal benefits.

Name : (b)(6);(b)(7)(C) Date of birth : (b)(6);(b)(7)(C)

Social Security No.: (b)(6);(b)(7)(C) Local Telephone No.: _____

I became a U.S. citizen by: Birth in the U.S. Born American outside the U.S. Naturalization

Passport or Naturalization Certificate Number: (b)(6);(b)(7)(C)

Date issue: JULY 04, 1979 Place: DETROIT, MICHIGAN

What is your occupation? SALES

Have you ever been outside of the U.S. as an employee of the U.S. government or an international organization, or as the dependent of an employee of the U.S. government or an international organization? Yes No

If "yes," list the agency or organization, and the dates abroad as an employee or dependent of an employee:

Have you worked as a seaman? Yes No If yes, please bring all your discharge slips & fill the blank below:

I have been working as a seaman since _____

I have been physically present in the United States as follows:

(Please bring all your old & new passports or other evidence such as: Cancelled passports, tax returns, letters from former employers with specific dates on the job, old pay stubs, cancelled check, school transcripts, report cards, medical/immunization record, discharge slips, receipt or any other type of documentation that shows the date and required your signature. Social Security earning statements may be helpful).

FROM (MONTH/DAY/YEAR)	TO (MONTH/DAY/YEAR)	TYPE OF EVIDENCE	FOR OFFICE USE
01/25/1973	03/15/1976		
08/23/1976	09/10/1979		
01/15/1980	02/10/1981		
05/01/1981	09/07/1983		
06/22/1986	05/20/1987		
02/22/1988	07/15/1991		
08/03/1995	02/27/1997		

List present and all previous spouses:

SPOUSE'S NAME	SPOUSE'S DATE OF BIRTH	DATE OF MARRIAGE	DATE OF DEATH OR DIVORCE
(b)(6);(b)(7)(C)	1952	07/01/1968	DIED 02/8/86
(b)(6);(b)(7)(C)		06/25/1987	PRESENT
3.			
4.			

Has any one of your spouses been married before? Yes No if yes, please file the table below:

SPOUSE'S NAME	DATE & REASON FOR THE TERMINATION OF PREVIOUS MARRIAGE	NAME OF PREVIOUS SPOUSE
1.		
2.		
3.		

List ALL your children (including natural, step-, and adopted children) whether living or dead.

List children's names below their mother's name (if more space is needed, use separate sheet):

CHILD'S NAME	M	F	DATE OF BIRTH	PLACE OF BIRTH	STEP CHILD'S NAME	M	F	DATE OF BIRTH	PLACE OF BIRTH
(b)(6);(b)(7)(C)	X		(b)(6);(b)(7)(C)	YEMEN					
	X			=					
	X			=					
	X			=					
	X			=					
	X			=					
	X			=					
2nd wife:									
(b)(6);(b)(7)(C)		X	(b)(6);(b)(7)(C)	=					
		X		=					
		X		=					

WARNING: False statements made knowingly and willfully in passport applications or affidavits or other supporting documents are punishable by fine and/or imprisonment under the provisions of U.S.C. Sections 1001 and 1542.

Signature of Affiant:

(b)(6);(b)(7)(C)

Subscribed and sworn before me on

16 OCT 2002

at Sana'a, Republic of Yemen.

(b)(6);(b)(7)(C)

American Consular officer



(b)(6);(b)(7)(C)

VICE CONSUL
U.S. EMBASSY SANA'A

AFFIDAVIT OF RESIDENCE AND PATERNITY/MATERNITY

I solemnly swear or affirm that the following statements are true and complete to the best of my knowledge and belief. I acknowledge that the purpose of this Affidavit is the establishment of my relationship to persons claiming U.S. citizenship, entitlement to visas, or federal benefits.

Name : (b)(6);(b)(7)(C) Date of birth : (b)(6);(b)(7)(C)
 Social Security No: (b)(6);(b)(7)(C) Local Telephone No.: _____

I became a U.S. citizen by: Birth in the U.S. Born American outside the U.S. Naturalization

Passport or Naturalization Certificate Number: (b)(6);(b)(7)(C)

Date issue: 7-4-79 Place: MI.

What is your occupation? Self Employed

Have you ever been outside of the U.S. as an employee of the U.S. government or an international organization, or as the dependent of an employee of the U.S. government or an international organization? Yes No

If "yes," list the agency or organization, and the dates abroad as an employee or dependent of an employee:

Have you worked as a seaman? Yes No If yes, please bring all your discharge slips & fill the blank below:
 I have been working as a seaman since.....

I have been physically present in the United States as follows :
(Please bring all your old & new passports or other evidence to prove these dates.)

Place	From (month/day/year)	To (month/day/year)
In USA.	1-25-73	3-15-76
	8-23-76	9-10-79
	1-15-80	2-10-81
	5-1-81	9-7-83
	6-22-86	5-20-87
	2-22-88	7-15-91
	8-3-95	2-27-97

List present and all previous spouses:

SPOUSE'S NAME	SPOUSE'S DATE OF BIRTH	DATE OF MARRIAGE	DATE OF DEATH OR DIVORCE
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	6-25-87	Died on 1986
			Present
3.			
4.			

List ALL your children (including natural, step-, and adopted children) whether living or dead.
List children's names below their mother's name (if more space is needed, use separate sheet):

1st WIFE NAME	CHILD'S NAME	M	F	DATE OF BIRTH	PLACE OF BIRTH	STEP CHILD'S	M	F	DATE OF BIRTH	PLACE OF BIRTH	
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	X		(b)(6);(b)(7)(C)	Yemen	(b)(6);(b)(7)(C)	X		Died on 1-12-2000		
		X			"	"	X		Died on 3-7-2000		
		X			"	"	X		Died on 1-12-2000		
		X			"	"	X		Died on 3-4-96		
		X			"	"	X		Died on 5-9-98		
		X			"	"	X		Died on 12-7-97		
		X			"	"					
		X			"	"					
2nd wife	(b)(6);(b)(7)(C)		X	(b)(6);(b)(7)(C)	"						
<i>Lawhwa</i>		X	"		"						
		X	"		"						

WARNING: False statements made knowingly and willfully in passport applications or affidavits or other supporting documents are punishable by fine and/or imprisonment under the provisions of U.S.C. Sections 1001 and 1542.

Signature of Affiant

(b)(6);(b)(7)(C)

Subscribed and sworn before me on

30 JUL 2001

at Sana'a, Republic of Yemen.

(b)(6);(b)(7)(C)

American Embassy, Sana'a
American Consular Officer

IMMIGR.

RATION

(b)(7)(E)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(Last Name) (Middle Name)

INS FILE #, IF KNOWN

ACTION BY IMMIGRATION INSPECTOR
(b)(6);(b)(7)(C)

THE IMMIGRANT NAMED ABOVE ARRIVED IN THE UNITED STATES VIA (Name of vessel or flight no. of arrival)
9/23/03

INELIGIBILITY FOR VISA WAIVED UNDER SECTION 212(g)
GENDER: MALE

(b)(6);(b)(7)(C)

CITY AND COUNTRY OF BIRTH
IBB, YEMEN
CITY AND COUNTRY OF LAST RESIDENCE
IBB, YEMEN

DAY-MO-YR OF BIRTH
(b)(6);(b)(7)(C)
NATIONALITY
YEMEN

MARITAL STATUS: SINGLE
MOTHER'S FIRST NAME: (b)(6);(b)(7)(C)
FATHER'S FIRST NAME: (b)(6);(b)(7)(C)

FINAL ADDRESS IN THE UNITED STATES

STREET ADDRESS, INCLUDE - IN CARE OF & APT# IF APPLICABLE
(b)(6);(b)(7)(C)

CITY, STATE, AND ZIP CODE
COLDWATER, MI 49036

SEC. 212(a)(5)(A)
NOT REQUIRED

OCCUPATION
STC STUDENTS/CHILDREN UNDER 16

This visa is issued under Section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application. Possession of a visa does not entitle the bearer to enter the United States if at the time he seeks to enter he is found to be inadmissible. Upon arrival in the United States, it must be surrendered to a United States Immigration Officer.

AMERICAN EMBASSY
SANA'A YEMEN
VICE CONSUL
U.S. EMBASSY SANA'A
Consular Officer of the United States of America

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

IMMIGRANT CLASSIFICATION

CLASSIFICATION SYMBOL
IR2

FOREIGN STATE/OTHER AREA LIMITATION
YEMEN

SAA200114103001

ISSUED ON (Day) (Month) (Year)
20AUG2003

THE VALIDITY OF THIS VISA EXPIRES MIDNIGHT AT THE END OF (Day) (Month) (Year)
19FEB2004

PASSPORT

(b)(6);(b)(7)(C)

OR OTHER TRAVEL DOCUMENTS (Describe)

RESERVED
ISSUED TO: (b)(6);(b)(7)(C)

ISSUED BY: (b)(6);(b)(7)(C)

ISSUED ON: 13MAY2001 EXPIRES ON: 13MAY2007

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Tariff No. 21
Fee Paid \$
or Local Currency Equivalent

ACTION OF I.J.

ACTION ON APPEAL
PROCESSED FOR: 1551.
TEMPORARY ADVICE OF
LAWFUL ADMISSION FOR
PERMANENT RESIDENCE
VALID UNTIL SEP 2 2003
EMPLOYMENT AUTHORIZED.

U.S.P.H.S.

AL-MOSTAKBAL FOR TRANSLATION
Arabic - English - French -
German - Russian

المستقبل للترجمة
Al-Mostakbal For Translation

المستقبل للترجمة
عربي - انجليزي - فرنسي - ألماني -
روسى

REPUBLIC OF YEMEN
MINISTRY OF INTERIOR
CIVIL STATUS AUTHORITY
AND CIVIL REGISTRY
CIVIL REGISTRY SECRETARIAT
REGION: IBB

COPY OF BIRTH RECORD

FORM NO. (1/6 A.M.)

No: (b)(6);(b)(7)(C)

GOV: IBB

REPUBLIC OF YEMEN - MINISTRY OF HEALTH VACCINATION CARD					
TYPE OF VACCINATING	FIRST DOSAGE	SECOND DOSAGE	THIRD DOSAGE	NO.1 DOSAGE	SIGNATURE
B.C.G. DIPHTHERIA WHOPPING COUGH & TETANUS POLIOMYELITIS SMALLPOX MEASLES					

-VACCINATION IS PERFORMED BY APPLYING B. C. G. IN THE RIGHT TRIANGULAR SHOULDER MUSCLE.
-VACCINATION AGAINST THE SMALLPOX IS PERFORMED IN THE LEFT TRIANGULAR SHOULDER MUSCLE.

NEWBORN DATA

NEWBORN'S NAME	FATHER'S NAME	MOTHER'S NAME	SEX
(b)(6);(b)(7)(C)			MALE

DATE OF BIRTH

YEAR	HOUR	DAY	MONTH
		(b)(6);(b)(7)(C)	

PLACE OF BIRTH

VILLAGE / TOWN MAIDAM	DISTRICT AL-SHAER	PROVINCE / COUNTRY IBB
--------------------------	----------------------	---------------------------

FATHER

PARENTS DATA

(b)(6);(b)(7)(C)

NATIONALITY: YEMEN
OCCUPATION: LABORER
PLACE OF RESIDENCE: IBB

RELIGION: MUSLIM
NATIONALITY: YEMEN
OCCUPATION: DECEASED
PLACE OF RESIDENCE:

FAMILY REGISTRATION IN THE REGISTRY

SECRETARIAT NAME:	NUMBER:	DATE:
-------------------	---------	-------

THE NEWBORN'S DATA WERE WRITTEN DOWN FROM THE BIRTH FACTS REGISTRY NUMBER () UNDER NO / 8517 (AND DATED ON: 10 / 24 / 2000 AND ISSUED ON 7 / 1 / 2006 IN THE CIVIL REGISTRY OFFICIAL RECORD BOOK IBB DISTRICT IBB GUYERSHARAH

NAME OF REGISTRAR:
SIGNED

NAME OF DIRECTOR OF CIVIL AFFAIRS :
SIGNED & SEALED /

SECRETARY GENERAL - MINISTRY OF INTERIOR - NUMBER (4286) ON 09/02/2007

Work hours: Saturdays through Thursdays

Box 1000 - 11160 - Sana'a - Yemen

Ministry of Interior - Yemen - Republic

Phone: 442423



Authenticated Translation Bureau
under license No. (783)

YEMEN REPUBLIC
MINISTRY OF INTERIOR
CIVIL AFFAIRS AND REGISTRATION
AUTHORITY

AL-MOSTAKBAL FOR
TRANSLATION

المستقبل للترجمة
عربي - إنجليزي - فرنسي - ألماني - روسي
العنوان إيب شارع العدين أمام مركز النمرت / ٤٠٢٤٢٢

DEATH CERTIFICATE

No. : (b)(6);(b)(7)(C)

DISTRICT : IBB

GOVERNORATE : IBB

DEAD'S INFORMATION

DEAD'S FULL NAME	SEX	RELIGION	NATIONALITY	DATE OF BIRTH
(b)(6);(b)(7)(C)	FEMALE	MUSLIM	YEMENI	1952

DEATH'S INFORMATION

Date of Death in letters			PLACE OF DEATH		
DAY	MONTH	YEAR	DISTRICT	PROVINCE	COUNTRY
2	AUGUST	1986	IBB	IBB	IBB

PLACE OF RESIDENCE

MARRIAGE STATUS	TYPE OF RESIDENCE	DISTRICT	PROVINCE	COUNTRY
MARRIED	HOUSE-WIFE	IBB	IBB	IBB

IDENTITY CARD'S INFORMATION

KIND	NUMBER	DATE OF ISSUANCE

MOTHER'S INFORMATION

(b)(6);(b)(7)(C)

RECORD AT THE CIVIL REGISTRATION

--	--	--

THIS EVENT OF DEATH WAS REGISTERED IN THE DEATH EVENT RECORD NUMBER (2) UNDER NO. (314), DATE OF ISSUANCE ON OCTOBER 24 , 2000 IN THE CIVIL ADMINISTRATION : IBB DISTRICT : IBB PROVINCE .

NAME OF REGISTRAR :

(b)(6);(b)(7)(C)

NAME OF DIRECTOR OF CIVIL AFFAIRS :

CAPTAIN (b)(6);(b)(7)(C)

SIGNED /

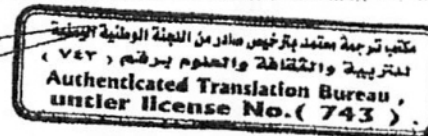
APPROVED BY FOREIGN MINISTRY , UNDER NUMBER (4292) , ON 10 / 22 / 2007 .

SIGNATURE /

SEAL /

SIGNED & SEALED /

Translated by : Al-Mostakbal for Translation - Ibb , On : OCTOBER 23 , 2007



AL-MOSTAKBAL FOR TRANSLATION

Arabic - English - French - German - Russian

المستقبل للترجمة

عربي - انجليزي - فرنسي - ألماني - روسي

YEMEN REPUBLIC
MINISTRY OF INTERIOR
CIVIL STATUS AUTHORITY
AND CIVIL REGISTRY SECRETARIAT

EMBLEM

MARRIAGE NOTARIZATION DOCUMENT

DISTRICT : IBB

GOVERNORATE : IBB

COUPLE'S DATA

	Full Name			Mother's Name	Religion	Nationality	Occupation	Birth Data			
	Individual's Name	Father's Name	G.Father's & Surname					Date of Birth	VIL	Place of Birth REG.	GOV.
Husband	(b)(6);(b)(7)(C)				MUSLIM	YEMENI	LABORER	1952	MAIDAM	AL-SHAER	IBB
Wife	(b)(6);(b)(7)(C)				MUSLIM	YEMENI	HOUSE-WIFE	1952	MAIDAM	AL-SHAER	IBB

ID CARD DATA

Card Type	Number	Date of Issue	Authority of Issue			Authority of Issue			Number	Date
			Dep.	Region	Gov.	Dep.	Region	Gov.		

DOCUMENT DETAILS

Date of Entry in Letters			Place of Contract			Type Of Marriage	Notarization Resources		
Day	Month	Year	Village	Dist	Gov.		Court's Name	Docu No.	Date of Document
1	JULY	1968	MAIDAM	AL-SHAER	IBB				

PROCEDURES

OFFICIALLY RECORDED IN THE MARRIAGE EVENTS REGISTER NO (.....) UNDER NO. (121) DATED ON 5 / 8 / 2001 AT CIVIL STATUS AUTHORITY AND CIVIL REGISTRY , IBB DISTRICT, IBB GOVERNORATE .

ISSUED ON : 5 / 8 / 2001

NAME OF REGISTRAR :

(b)(6);(b)(7)(C)

NAME OF CIVIL REGISTRY'S SECRETARIAT :

CAPTAIN / (b)(6);(b)(7)(C)

SIGNED /

APPROVED BY FOREIGN MINISTRY , UNDER NUMBER (4297) , ON 10 / 22 / 2007 .

SIGNATURE /

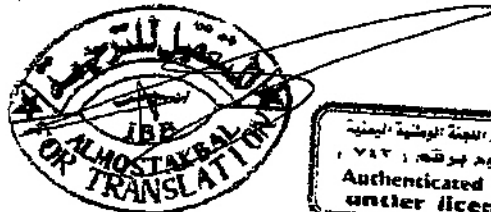
SEAL /

SIGNED & SEALED /

Translated by : Al-Mostakbal for Translation - Ibb , On OCTOBER 23, 2007

Work hours: Saturday through Thursday;
 8:00 a.m. - 12:00 p.m & 3:00 - 9:00 p.m
 Al-Odein St, P. O. Box (89)
 Ibb City, Yemen Republic.
 Tele: 402422

أوقات العمل: من يوم السبت إلى يوم الخميس
 من الساعة ٨ صبحاً - ١٢ ظهراً ومن الساعة ٣ صبحاً - ٩ مساءً
 شارع الوديعين - حارة مكتب البلدية ص.ب: ٨٩
 مدينة إب - الجمهورية اليمنية
 هاتف: (٤٠٢٤٢٢)



مكتب تم دعمه من قبل وزارة الخارجية اليمنية
 للتربية والثقافة والعلوم هو رقم: ٧٤٣
 Authenticated Translation Bureau ,
 under license No. (743)

Family Name (CAPS) (b)(6);(b)(7)(C)		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship PHILIPPINES	Passport Number and Country of Issue See Narrative		(b)(6);(b)(7)(C);(b)(7)(C)	Height 67	Weight 170	Occupation CONSTRUCTION	
U.S. Address (b)(6);(b)(7)(C) ANCHORAGE, ALASKA, 99502				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 02/24/1987, HHW, P53 - CHILD OF ALIEN CLASS P51/P56			Passenger Boarded at	(b)(7)(E) Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated <input type="checkbox"/>			
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension CST 520.3			
Date of Birth (b)(6);(b)(7)(C)	Age: 35	Date of Action 03/14/2017	Location Code ANC/ANC	At/Near See I-831	Date/Hour 03/15/2017 08:46		
City, Province (State) and Country of Birth SANTA IGNACIA, PHILIPPINES		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By (b)(6);(b)(7)(C)			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry		Status When Found	
Date Visa Issued		Social Security Number (b)(6);(b)(7)(C)		Length of Time Illegally in U.S.			
Immigration Record POSITIVE - See Narrative			Criminal Record See Narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known (b)(6);(b)(7)(C) NATIONALITY: PHILIPPINES			Mother's Present and Maiden Names, Nationality, and Address, if Known (b)(6);(b)(7)(C) NATIONALITY: UNITED STATES				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks	Charge Code Words(s) See Narrative			
Name and Address of (Last) Current U.S. Employer ALTAS General Contracting		Type of Employment See Narrative	Salary See Narrative	Employed from/to See Narrative			
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.) FIN: 1133654585 Left Index fingerprint Right Index fingerprint							
(b)(6);(b)(7)(C)							
SCARS MARKS AND TATTOOS							
----- TATTOO ARM, LEFT UPPER - TATTOO ARM, LEFT UPPER -LETTER "R" TATTOO THIGH, LEFT - TATTOO THIGH, LEFT -CROSS/CRUCIFIX SCAR FOREHEAD - SCAR, RIGHT FOREHEAD							
Subject Health Status -----							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges 03/15/17 (b)(6);(b)(7)(C)							
Distribution: TO FILE TO FILE TO STATS				Received: (Subject and Documents) (Report of Interview) Office: (b)(6);(b)(7)(C) on: March 14, 2017 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: (b)(6);(b)(7)(C)			

Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C);(b)(7)(E)	Date 03/15/2017
Current Administrative Charges ----- 03/14/2017 - 237a2A11 - CONVICTION OF TWO CRIMES INVOLVING MORAL TURPITUDE		
Previous Criminal History ----- On 01/19/2017, the subject was arrested for the crime of "Shoplifting" which resulted in a conviction on 03/01/2017. The subject was sentenced to 5 day(s). On 01/08/2017, the subject was arrested for the crime of "Shoplifting" which resulted in a conviction on 03/01/2017. The subject was sentenced to 240 day(s). On 05/22/2016, the subject was arrested for the crime of "Dangerous Drugs" which resulted in a dismissed charge. On 05/22/2016, the subject was arrested for the crime of "Larceny" which resulted in a dismissed charge. On 01/31/2016, the subject was arrested for the crime of "Making False Report" which resulted in a conviction on 02/01/2016. The subject was sentenced to 90 day(s). On 01/31/2016, the subject was arrested for the crime of "Shoplifting" which resulted in a conviction on 02/01/2016. The subject was sentenced to 120 day(s). On 11/25/2015, the subject was arrested for the crime of "Shoplifting" which resulted in a conviction on 02/01/2016. The subject was sentenced to 90 day(s). On 06/08/2015, the subject was arrested for the crime of "Shoplifting" which resulted in a conviction on 07/16/2015. The subject was sentenced to 60 day(s). On 03/04/2013, the subject was arrested for the crime of "Dangerous Drugs" which resulted in a dismissed charge. On 10/18/2009, the subject was arrested for the crime of "Driving Under Influence Liquor" which resulted in a conviction on 10/18/2009. The subject was sentenced to 0 year(s), 0 month(s), 30 day(s). On 08/09/2009, the subject was arrested for the crime of "Weapon Offense" which resulted in a conviction on 08/09/2009. The subject was sentenced to 0 year(s), 0 month(s), 30 day(s). On 08/09/2009, the subject was arrested for the crime of "Dangerous Drugs" which resulted in a conviction on 08/09/2009. The subject was sentenced to 0 year(s), 0 month(s), 0 day(s). On 08/04/2004, the subject was arrested for the crime of "Traffic Offense" which resulted in a conviction on 09/07/2004. The subject was sentenced to 0 year(s), 0 month(s), 30 day(s). On 03/20/2002, the subject was arrested for the crime of "Larceny" which resulted in an overturned charge.		
TYPE OF EMPLOYMENT		
Signature (b)(6);(b)(7)(C)	Title DO	

Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C);(b)(7)(E)	Date 03/15/2017
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Operators, Fabricators, and Laborers

At/Near

Anchorage, Alaska

Record of Deportable/Excludable Alien:

DO (b)(6);(b)(7)(C) Do you have any reason to believe you are a citizen of the United States?

(b)(6);(b)(7)(C) Yes. My mother filled out the forms when we came over. She filed papers for us.

DO (b)(6);(b)(7)(C) To be citizens? Or to be permanent resident immigrants?

(b)(6);(b)(7)(C) Yeah, immigrants.

DO (b)(6);(b)(7)(C) Have you ever completed forms or taken any tests with immigration?

(b)(6);(b)(7)(C) No, but we went with her when she went.

SDDO INITIALS (b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Do you have any reason to believe that one or both of your parents have any claim to United States citizenship?

(b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Are you currently a student?

(b)(6);(b)(7)(C) No.

SDDO INITIALS (b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Did you graduate from high school in the United States?

(b)(6);(b)(7)(C) No.

SDDO INITIALS (b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Do you have a GED?

(b)(6);(b)(7)(C) I'm working on it.

DO (b)(6);(b)(7)(C) You said you are not a student, but you say you are working on a GED?

DO (b)(6);(b)(7)(C) Yes, at the jail.

SDDO INITIALS (b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Have you ever served in any branch of the United States Military?

(b)(6);(b)(7)(C) Uh, no.

SDDO INITIALS (b)(6);(b)(7)(C)

DO (b)(6);(b)(7)(C) Are you, or have you ever been involved in gang activity?

(b)(6);(b)(7)(C) : No (b)(6);(b)(7)(C)

Signature (b)(6);(b)(7)(C)	Title DO
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Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C);(b)(7)(E)	Date 03/15/2017
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SDDO INITIALS (b)(6);(b)(7)

(b)(5);(b)(6);(b)(7)(C)

ALIENAGE AND REMOVABILITY

(b)(5);(b)(6);(b)(7)(C)

METHOD OF LOCATION AND APPREHENSION

(b)(6);(b)(7)(C) was taken into custody in Anchorage, Alaska by officers of Enforcement and Removal Operations (ERO) of Immigration and Customs Enforcement (ICE). (b)(6);(b)(7)(C) was incarcerated at Anchorage Correctional Complex-East while being prosecuted and serving a sentence related to the CIMTs noted in the NTA. Upon completion of his sentence for these most recent CIMTs, (b)(6);(b)(7)(C) was remanded into ICE custody on an immigration detainer. As an alien charged under 237a2Aii, (b)(6);(b)(7)(C) is subject to mandatory detention and will not be released on bond.

(b)(6);(b)(7)(C) was transported to, processed, and served at the Anchorage ERO Sub Office. (b)(6);(b)(7)(C) was provided a copy of the I-200 Warrant of Arrest, the I-862 Notice to Appear with attached Free Legal Services listing, the I-826 Notification of Rights and Request for Disposition, I-286 Custody Determination, a Consular Notification form, the EOIR-33 Change of Address form, and notification of pending transfer to the Northwest Detention Center in Tacoma, Washington. Upon completion of service, while discussing custody conditions, (b)(6);(b)(7)(C) declined a bond hearing, stating that he wanted to see a judge as soon as possible. (b)(6);(b)(7)(C) claimed that he had waived the ten day period to find an attorney because he already had one. When asked who his attorney is, or if he wanted his attorney present,

Signature (b)(6);(b)(7)(C)	Title DO
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Alien's Name (b)(6);(b)(7)(C)	File Number (b)(6);(b)(7)(C);(b)(7)(E)	Date 03/15/2017
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(b)(6);(b)(7)(C) stated that he did not know who his attorney is. (b)(6);(b)(7)(C) was assisted in placing a telephone call to his sister (b)(6);(b)(7)(C) sister indicated that the Subject's attorney is (b)(6);(b)(7)(C). DO (b)(6);(b)(7)(C) asked, and (b)(6);(b)(7)(C) requested that his sister contact the attorney and request that he send a G-28 on behalf of (b)(6);(b)(7)(C) to ANC/ERO. The fax number for ANC/ERO was provided. In accordance with mandatory notification requirements, the Consulate General of the Philippines was advised of (b)(6);(b)(7)(C) detention.

HEALTH AND HUMANITARIAN ASPECTS

(b)(6);(b)(7)(C) claims that he has a child (b)(6);(b)(7)(C) that is 1 year and 6 months old. He claims that his child is presently in the custody of the State of Alaska, Office of Child Services (OCS), and being watched over by his sister. When taken into custody, (b)(6);(b)(7)(C) claimed that he has a custody hearing regarding his child on April 6th, or 8th, of 2017 (claims he can't remember). (b)(6);(b)(7)(C) claims his daughter was born (b)(6);(b)(7)(C) claims that OCS is attempting to terminate his parental rights. (b)(6);(b)(7)(C) claims that OCS took his child when the baby tested positive for opiates and methamphetamines. (b)(6);(b)(7)(C) claims that his sister is currently the foster parent for the child. (b)(6);(b)(7)(C) claims that when he is not incarcerated, he is permitted visitation with his daughter.

(b)(6);(b)(7)(C) claims that he has high blood pressure, and takes medication for same. (b)(6);(b)(7)(C) claims that he has no fear of returning to the Philippines.

FUNDS

(b)(6);(b)(7)(C) had no funds on his person when taken into ICE custody. Subject claims that his expired Philippine passport (copy in A-file) burned in a housefire in Naknek.

RECOMMENDATIONS

(b)(6);(b)(7)(C);(b)(5)

Other Identifying Numbers

ALIEN (b)(6);(b)(7)(C)
Inmate Number - State Prison (b)(6);(b)(7)(C) (ALASKA UNITED STATES)

PASSPORT NUMBER AND COUNTRY OF ISSUE

(b)(6);(b)(7)(C) PHILIPPINES Comment: Republic of the Philippines Passport No. (b)(6);(b)(7)(C). Issued 10 MAR 2006 by PHILIPPINE CONSULATE GENERAL HONOLULU HAWAII. Expired 10 MAR 2011. Copied in A-file. Subject claims destroyed.

Sign (b)(6);(b)(7)(C)	Title DO
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Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
11541 Montana Avenue (b)(6);(b)(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

March 23, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, El Paso, TX

Corey (b)(6);(b)(7)(C) al Operations, El Paso Field Office
Enforc

SUBJECT: Claim to United States Citizenship- Update
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

File No. (b)(6);(b)(7)(C) Date 03/22/2017

Name (b)(6);(b)(7)(C) Executed at: El Paso, Texas

Before the following officer of U.S. Immigration and Customs Enforcement: (b)(6);(b)(7)(C)

In the Spanish language. Name of interpreter used, if any: _____

I, _____, acknowledge that the above-named officer has identified himself or herself to me as an officer of the United States Immigration and Customs Enforcement, authorized by law to administer oaths and take testimony in connection with the enforcement of the immigration and nationality laws of the United States. He or she has informed me that he or she desires to take my sworn statement regarding my **Claim to United States Citizenship**. He or she has told me that my statement must be freely and voluntarily given and has advised me of these rights:

Yo, _____, reconozco que el oficial antes mencionado se ha identificado ante mí como un Oficial del Inmigración y Aduanas de los Estados Unidos, autorizado por ley para administrar juramentos y tomar testimonios en conexión con el cumplimiento de las leyes de Inmigración y Nacionalidad de los Estados Unidos. El o ella me ha informado que quiere tomar una declaración bajo juramento referente a mi declaración de ser Ciudadano de los Estados Unidos. El o ella me ha informado que mi declaración debe ser dado libremente y voluntariamente y me ha aconsejado de estos derechos:

I am willing to make a statement without anyone else being present. I swear or affirm that all of the statements I am about to make are true and complete.

- Q. When do you believe your father migrated to the United States and naturalized?
A. He left my mother when she was pregnant with me ^{if} and I went to the U.S. when I was 11 years old.
- Q. Within what time frame do you believe he naturalized?
A. I think he became a U.S. Citizen in 2009 or 2010
- Q. Do you have any way to contact your father?
A. No, I last spoke to him 19 years ago.
- Q. Do you have any documentation that will support your claim?
A. No I haven't been able to obtain any documentation.

I have read (or have had read to me) the foregoing statement, consisting of 2 pages. I affirm that the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above-named officer of the Immigration and Customs Enforcement. I have initialed each page of this statement (and the corrections noted on page(s) _____).

He leído o me han leído las declaraciones que he dado en estas _____ paginas. Yo afirmo que las respuestas aqui atribuidas a mi son verdaderas y correctas a mi mayor conocimiento y creencia y que esta declaracion es completa, verdadera, y correcta dada al Oficial de Servicio de Inmigracion y Aduanas de los Estados Unidos. He puesto mis iniciales en cada pagina de esta declaracion (y en las correcciones anotadas en las paginas _____).

Signature of alien X (b)(6);(b)(7)(C) _____

Subscribed and sworn to me at: El Paso, TX on 3/22/17 0845
Location Date/Time

(b)(6);(b)(7)(C) D.O
Signature of Immigration Officer Title

Witness Title

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
11541 Montana Avenue (b)(6);(b)(7)(C)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C)
Chief Counsel
Office of Chief Counsel, El Paso, TX

for (b)(6);(b)(7)(C)
Enforcement and Removal Operations, El Paso Field Office

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
31 Hopkins Plaza, (b)(6);(b)(7)
Baltimore, MD 21201



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C), Chief Counsel (b)(6);(b)(7)(C)
Office of the Chief Counsel, Baltimore

Dorothy E. Herrera-Niles, Field Office Director
Enforcement and Removal Operations, Field Office
Baltimore

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

2017 WL 1133151

Only the Westlaw citation is currently available.
United States District Court,
N.D. California.

Sameh HUSSEIN, Plaintiff,

v.

Robin BARRETT, et al., Defendants.

Case No.11-cv-05317-JST

|
Signed 03/27/2017

Attorneys and Law Firms

Kip Evan Steinberg, Law Office of Kip Evan Steinberg, Stephen Shaiken, Law Offices of Stephen Shaiken, San Rafael, CA, Robert B. Jobe, The Law Office of Robert B. Jobe, Robert George Ryan, Law Offices of Robert G. Ryan, San Francisco, CA, for Plaintiff.

Edward S. White, Christopher Westley Dempsey, Regan Hildebrand, U.S. Department of Justice Office of Immigration Litigation, District Court Section, Washington, DC, for Defendants.

ORDER

Re: ECF Nos. 67, 89, 90

JON S. TIGAR, United States District Judge

*1 Sameh Hussein seeks *de novo* review of the denial of his application for naturalization filed November 2, 2011, pursuant to 8 U.S.C. § 1421(c). This case is now before the Court on remand from the Court of Appeals, which set aside this Court's judgment and remanded for further proceedings. ECF No. 67. Having considered the Court of Appeals' opinion and the parties' post-remand briefing, the Court will deny the petition because Petitioner has failed to satisfy his burden of establishing good moral character.

I. BACKGROUND

Following a trial on the merits, this Court denied Petitioner Sameh Hussein's petition seeking *de novo* review of the United States Citizenship and Immigration Services' ("USCIS") denial of his naturalization

application. ECF No. 63. The basis for this Court's denial was its conclusion that Mr. Hussein failed to satisfy the good moral character requirement. *Id.* The Court found that Mr. Hussein lied under oath about his marital status during a custody proceeding in the Sacramento Superior Court because he thought the misrepresentation would benefit him in that dispute. *Id.* The Court also found that Mr. Hussein repeatedly lied to law enforcement officials about his marital status for the same reason. *Id.* Based on these misrepresentations, the Court concluded that Mr. Hussein had committed an unlawful act (perjury) that adversely reflected on his moral character. *Id.* The Court also noted that Mr. Hussein had not submitted any evidence of extenuating circumstances that would justify the perjury. *Id.*

The Court of Appeals subsequently held that this Court erred in two respects: first, by failing to make specific findings as to whether Mr. Hussein's false statement to the Sacramento Superior court was material to the custody proceedings, and second, by failing to consider all relevant factors regarding Mr. Hussein's moral character. ECF No. 67. With respect to the first error, the Court of Appeals noted that Mr. Hussein's false statement to the Sacramento Superior Court could not be perjurious if it was not material to the custody proceeding. *Id.* With respect to the second error, the Court of Appeals held that commission of an unlawful act under 8 C.F.R. § 316.10(b)(3)(iii) is not a *per se* bar to naturalization, and therefore this Court was required to consider all evidence relevant to Mr. Hussein's moral character, including any counterbalancing factors. *Id.* The Court of Appeals vacated the order denying Mr. Hussein's naturalization application and remanded to this Court for further proceedings. *Id.*

After remand to this Court, the parties agreed that no factual issues are in dispute and that no additional discovery is needed. ECF No. 84. Each party submitted a post-trial brief and a reply in which they addressed the remaining legal issues. ECF Nos. 89, 92.

II. LEGAL STANDARD

In order to become a naturalized citizen, an applicant must demonstrate that they satisfy the statutory criteria of the Immigration and Naturalization Act, including the requirement that the applicant "has been and still is a person of good moral character" during the statutorily defined period of residency. 8 U.S.C. § 1427(a); United States v. Dang, 488 F.3d 1135, 1138–39 (9th Cir. 2007). The statutory period for good moral character begins five years before the naturalization application is filed and

continues until the applicant becomes a U.S. citizen. 8 U.S.C.A. § 1427(a)(3). An applicant “bear[s] the burden of establishing by a preponderance of the evidence that he or she meets all of the requirements for naturalization.” United States v. Hovsepian, 359 F.3d 1144, 1168 (9th Cir. 2004) (quoting 8 C.F.R. § 316.2(b)).

*2 Section 1101(f) governs the determination of good moral character. See 8 U.S.C. § 1101(f). The statute lists specific characteristics that preclude a finding of good moral character and act as a *per se* bar to naturalization. 8 U.S.C. § 1101(f); Torres-Guzman v. INS, 804 F.2d 531, 533 (9th Cir. 1986). The statute also contains the following “catch-all” provision: “The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f); Dang, 488 F.3d at 1139. “If the person has not committed acts bringing them within the enumerated categories, and instead, the question is whether the person meets the catch-all provision, the adjudicator must consider all of the petitioners’ evidence on factors relevant to the determination of good moral character.” ECF No. 67 (citing Torres-Guzman, 804 F.2d at 534) (explaining that the fact finder must “weigh and balance the favorable and unfavorable facts or factors, reasonably bearing on character, that are presented in evidence”). Those factors include education, family background, employment history, financial status, and lack of criminal record. Id. at 533.

An agency regulation, Section 316.10, also offers “guidance to officials making moral character determinations.” Dang, 488 F.3d at 1139; 8 C.F.R. § 316.10. That regulation provides that moral character determinations are made “on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence.” Id. § 316.10(a)(2). That regulation further provides that, “[u]nless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant ... [c]ommitted unlawful acts that adversely reflect upon the applicant’s moral character ...” 8 C.F.R. § 316.10(b)(3).

III. ANALYSIS

On remand, the government argues that Mr. Hussein committed three unlawful acts during the statutory period:¹ (1) perjury and/or attempted perjury under California law; (2) making a false statement to the police in violation of the Elk Grove Municipal Code; and (3) perjury under federal law. ECF No. 91 at 22.² The government also contends that each of these unlawful acts

adversely reflects adversely on Mr. Hussein’s moral character, that there are no extenuating circumstances that lessen his guilt, and that positive factors related to Mr. Hussein’s moral character do not outweigh these unlawful acts.

Mr. Hussein responds that he did not commit any of these unlawful acts and/or that the laws prohibiting the alleged conduct are unconstitutionally vague and overbroad. ECF No. 90 at 8η23. Even if he did commit an unlawful act, he argues that “it is clearly explained by the extenuating circumstances and does not adversely reflect on his moral character.” ECF No. 92 at 5. Mr. Hussein also contends that, “[a]fter considering the extenuating circumstances and weighing them along with the positive factors in this case, it is clear that [he] has established that he is a person of good moral character.” Id.

*3 The Court now addresses whether Mr. Hussein has committed any unlawful acts that adversely reflect on his moral character, whether any extenuating circumstances mitigate Mr. Hussein’s guilt for those unlawful acts, and whether favorable factors related to Mr. Hussein’s moral character outweigh those unlawful acts.

A. Unlawful Acts

1. Perjury and/or Attempted Perjury under California Law

First, the government argues that Mr. Hussein committed perjury and/or attempted perjury under California law when he lied about his marital status in a sworn declaration submitted to the Sacramento Superior Court during a custody dispute. ECF No. 89 at 8η12.

“Under California law, the elements of perjury are: ‘a willful statement, under oath, of any material matter which the witness knows to be false.’ ” Chein v. Shumsky, 373 F.3d 978, 983–84 (9th Cir. 2004) (quoting Cabe v. Sup. Ct., 63 Cal. App. 4th 732 (1998)); Cal. Penal Code § 118(a). A statement is material if it “could probably have influenced the outcome of the proceedings.” Chein, 373 F.3d at 984 (internal quotation marks omitted). “[W]hen applying the materiality test, California law focuses not on whether, as a matter of historical fact, the false statement probably did influence the outcome of the proceedings, but instead on whether the false statement, at the time it was made, had the tendency to probably influence the outcome of the proceedings.” Id.

Attempted perjury is also a crime under California law. People v. Post, 94 Cal. App. 4th 467, 480–82 (2001). “An attempt to commit a crime is comprised of ‘two elements: a specific intent to commit the crime, and a direct but ineffectual act done toward its commission.’ ” People v. Medina, 41 Cal. 4th 685, 694 (2007) (quoting Cal. Penal Code § 21a). A defendant acts with the requisite specific intent if he has “the intent to engage in the conduct and/or bring about the consequences proscribed by the attempted crime.” People v. Toledo, 26 Cal. 4th 221, 230 (2001). “Other than forming the requisite criminal intent, a defendant need not commit an element of the underlying offense.” Id. A defendant is guilty of attempt if he “has the requisite criminal intent but ‘elements of the substantive crime [are] lacking’ due to ‘circumstances unknown’ to him.” People v. Rizo, 22 Cal. 4th 681, 685 (2000) (quoting People v. Rojas, 55 Cal.2d 252, 257–258 (1961)).

At trial, Mr. Hussein admitted that he submitted a declaration to the Sacramento Superior Court in which he swore under penalty of perjury that he was married to Stacey Mabrey. Trial Tr. at 91η93. That statement was false because, as this Court previously found, Mr. Hussein and Mabrey were never married. ECF No. 63 at 6. This Court also found “that it is more likely than not that Petitioner knowingly misrepresented to the Sacramento Superior Court that he was married to Mabrey because he perceived the misrepresentation would benefit him in his custody dispute.” ECF No. 63 at 6.

The issue presently before this Court is whether Mr. Hussein’s false statement under oath was material to the custody proceeding. The government argues that the statement was material because it allowed the state court to presume that Mr. Hussein was the father of his children under California Family Code § 7611(a). Under that statutory provision, a person is presumed to be the parent of a child if he is or was married to the child’s mother and the child was born during the marriage. Cal. Fam. Code § 7611(a). Mr. Hussein argues that the statement was not material because his parentage was not disputed and his marital status was irrelevant to the child custody proceeding, which turned on the best interests of the child. ECF No. 92 at 7η8.

*4 The Court concludes that Mr. Hussein did not commit perjury because the false statement about his marital status was not material to the custody proceeding. Although that statement allowed Mr. Hussein to benefit from a presumption that he was the father, it was not likely to influence the outcome of the proceedings because his parentage was not disputed and he could have established parentage through other means. For example,

as the government itself notes, Mr. Hussein likely could have established his parentage under § 7611(d) because he received the children into his home and openly held out the children as his own. ECF No. 89 at 9, n. 2; Cal. Fam. Code § 7611(d). Alternatively, Mr. Hussein could have successfully established his parentage through a voluntary declaration of paternity. See Cal. Fam. Code § 7573. Although Mr. Hussein’s parentage was a necessary predicate determination, the outcome of the child custody proceeding ultimately turned on the best interests of the children, and that determination was unaffected by Mr. Hussein’s false statement about his marital status. See Cal. Fam. Code §§ 3040, 3011. Therefore, Mr. Hussein did not commit perjury.

Mr. Hussein did, however, commit attempted perjury. Even though his false statement was not actually material to the custody proceeding, this Court has already found that Mr. Hussein knowingly made the false statement “because he perceived the misrepresentation would benefit him in his custody dispute.” ECF No. 63 at 6. That is, Mr. Hussein acted with the specific intent to commit perjury and performed the very acts necessary to do so. It does not matter that Mr. Hussein’s attempt was ineffectual in that it was unlikely to actually influence the custody proceedings: “[A] defendant is guilty of an attempt where he has the specific intent to commit the substantive offense and, *under the circumstances as he reasonably sees them*, does the acts necessary to consummate the substantive offense.” People v. Wright, 105 Cal. App. 3d 329, 332 (Ct. App. 1980) (emphasis added). Nor does it matter that the element of materiality is missing. Id.; see also Toledo, 26 Cal. 4th at 230.

The Court concludes that Mr. Hussein committed attempted perjury under California law.

2. Violation of the Elk Grove Municipal Code

Next, the government argues that Mr. Hussein violated the Elk Grove Municipal Code when he told a detective from the Elk Grove Police Department that Mabrey was his wife. ECF No. 89 at 12.

Section 9.04.101 of the Elk Grove Municipal Code provides that “[i]t is unlawful for any person to knowingly falsify or conceal any fact, or make any false or fraudulent statement or misrepresentation in any matter or proceeding within the jurisdiction of any department or agency of the City.” Any person who knowingly violates this section is guilty of a misdemeanor. See id.

At trial, Mr. Hussein admitted that he referred to Mabrey as his wife when talking to Detective Ledbetter from the Elk Grove Police Department. Trial Tr., ECF No. 60 at 103. Again, this statement was false because Mr. Hussein and Mabrey were never married. ECF No. 63 at 6. This Court found that Mr. Hussein “misrepresented to law enforcement that he was married because he desired to avoid embarrassment, and perhaps also because he thought it would help his cause.” ECF No. 63 at 5.

Mr. Hussein nonetheless argues that he did not violate the Elk Grove Municipal Code because his statement was not false, but rather “a commonly acceptable reference given their relationship.” ECF No. 92 at 9. This argument fails. Even assuming that referring to Mabrey as his wife conformed with community standards, this argument confuses the standard for the good moral character determination with the elements of the underlying unlawful act. Although community standards might bear on whether an unlawful act adversely reflects on the applicant’s character, they do not help this Court determine whether Mr. Hussein violated this provision of the Municipal Code in the first place. Section 9.04.101 says nothing about community standards; it simply prohibits making false statements to City officials. Mr. Hussein testified, and this Court subsequently found, that he was never married to Mabrey. Trial Tr. at 41, 181; ECF No. 63 at 6. As a result, Mr. Hussein’s statement to the Elk Grove Police Department was false.

*5 Mr. Hussein also argues that, even if this statement was false, it did not take place in the context of a “matter or proceeding” within Elk Grove’s jurisdiction. ECF No. 90 at 16. That argument also fails. Mr. Hussein admitted at trial that he contacted the Elk Grove Police Department as part of his complaint against Mabrey to seek the return of the children from Qatar. Trial Tr., ECF No. 60 at 101η102. As a result, the false statement was made in the context of a “matter or proceeding” within the jurisdiction of the Elk Grove Police Department, regardless of which government entity ultimately brought charges against Mabrey. See [United States v. Rodgers](#), 466 U.S. 475, 479 (1984) (holding that “[a] criminal investigation surely falls within the meaning of ‘any matter’ ” as that phrase is used in 18 U.S.C. § 1001, a federal statute that prohibits knowingly making a false statement “in any matter within the jurisdiction of the [United States]”).

Finally, Mr. Hussein argues that he cannot be held in violation of Section 9.04.101 because it is unconstitutionally overbroad and void for vagueness. ECF No. 90 at 17η20. Specifically, he argues that the provision “criminalizes speech that is protected by the First Amendment” and “does not provide adequate notice of

the criminalized behavior” as required by the Due Process Clause. ECF No. 90 at 17. Mr. Hussein does not argue that Section 9.04.101 is unconstitutional as applied to his conduct; rather, he argues that it is “unconstitutional on its face.” *Id.*

Section 9.04.101 is not unconstitutionally overbroad. “[A] state statute should not be deemed facially invalid unless it is not readily subject to a narrowing construction by the state courts and its deterrent effect on legitimate expression is both real and substantial.” [Erznoznik v. City of Jacksonville](#), 422 U.S. 205, 216 (1975). In other words, Mr. Hussein must show that there is “a realistic danger that the statute itself will significantly compromise recognized First Amendment protections of parties not before the Court.” [Members of City Council of City of Los Angeles v. Taxpayers for Vincent](#), 466 U.S. 789, 799η801 (1984). He cannot do so because the First Amendment does not protect knowingly making a false statement to authorities. See [Garrison v. State of La.](#), 379 U.S. 64, 74η75 (1964) (“[T]he knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.”); see also, e.g., [Lefebvre v. Lefebvre](#), 199 Cal. App. 4th 696, 703η706 (2011) (“Filing a false criminal complaint is an illegal activity, not a constitutionally protected exercise of the right of petition or free speech.”).

Nor is Section 9.04.101 void for vagueness. “To be struck down for vagueness, a statute or regulation must fail ‘to give a person of ordinary intelligence fair notice that his contemplated conduct’ is forbidden.” [Ass’n des Eleveurs de Canards et d’Oies du Quebec v. Harris](#), 729 F.3d 937, 946 (9th Cir. 2013) (quoting [Donovan v. Royal Logging Co.](#), 645 F.2d 822, 831 (9th Cir. 1981)). Because the Elk Grove ordinance does not involve First Amendment freedoms, as explained above, Hussein’s challenge “must be examined in the light of the facts of the case at hand.” *Id.* (quoting [United States v. Mazurie](#), 419 U.S. 544, 550 (1975)). Section 9.04.101 provides fair notice to a person of ordinary intelligence that Mr. Hussein’s conduct—i.e., knowingly making a false statement to an Elk Grove police officer while lodging a criminal complaint—is prohibited. It is notable that nearly identical language is found in a federal statute, 18 U.S.C. § 1001, and that statute has repeatedly survived constitutional challenges on vagueness grounds. See 18 U.S.C. § 1001(a) (making it illegal to, “in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully ... make[] any materially false, fictitious, or fraudulent statement or representation”); [United States v. Matanky](#), 482 F.2d 1319, 1322 (9th Cir. 1973) (“[W]e find no vagueness problems with section 1001, either as

construed or as applied to this case.”); [United States v. Gibson](#), 409 F.3d 325, 334 (6th Cir. 2005) (holding that the language in 18 U.S.C. § 1001 is “not so indefinite as to be void for vagueness”).

*6 The Court concludes that Mr. Hussein violated section 9.04.101 of the Elk Grove Municipal Code.

3. Perjury under Federal Law

Finally, the government argues that Mr. Hussein committed perjury under federal law when he falsely stated in his 2005 naturalization application that he had been living with his United States citizen spouse, Debra Hawley, for the three years prior to his application. ECF No. 89 at 13η15.

A person commits perjury under federal law if, “in any declaration, certificate, verification, or statement under penalty of perjury,” he “willfully subscribes as true any material matter which he does not believe to be true.” 18 U.S.C. § 1621(2).

In 2005, Mr. Hussein signed and submitted his naturalization application, certifying “under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.” Joint Ex. 2, Part 11; Trial Tr., ECF No. 60 at 77η79. In his application, Mr. Hussein asserted that he was eligible for naturalization based on his marriage to a United States citizen. Joint Ex. 2, Part 2. To be eligible for naturalization on that basis, the applicant must have “been living in marital union with the citizen spouse” during the three years immediately preceding the date of filing his application. 8 U.S.C. § 1430(a). Mr. Hussein checked Box B, which states, “I have been married to and living with the same U.S. citizen for the last 3 years.” Joint Ex. 2, Part 2. Later in his application, Mr. Hussein identified that U.S. citizen spouse as Debra Hawley. *Id.*, Part 8. However, Mr. Hussein testified at trial that he had stopped living with Hawley in 2003. Trial Tr., ECF No. 60 at 28η30. Another witness, Mr. Sherif Aziz, similarly testified that Mr. Hussein was separated from Hawley and living with Stacey Mabrey as of December 2003. *Id.* at 133η34. Therefore, based on his own undisputed testimony, Mr. Hussein’s statement under penalty of perjury that he had been living with his U.S. citizen spouse for the three years prior to his 2005 naturalization application was knowingly false.

Mr. Hussein responds that this false statement was not material to his naturalization application because he

would have qualified for naturalization on a ground independent of his marriage to and cohabitation with Hawley—namely, his own legal permanent residence in the United States for the preceding five-year period. ECF No. 90 at 21. In other words, Mr. Hussein could have checked Box A, which states, “I have been a Lawful Permanent Resident of the United States for at least 5 years,” and qualified for naturalization on that basis. Joint Ex. 2, Part 2.

The Court agrees that Mr. Hussein’s false statement about cohabiting with Hawley was not material to his naturalization application, and therefore not perjurious. When Mr. Hussein applied for naturalization in 2005, he had been a lawful permanent resident for more than five years and, as a result, he was eligible for citizenship regardless of whether he was married to or cohabiting with Hawley. *See* 8 U.S.C. § 1427. Moreover, Mr. Hussein did not even receive an interview based on his 2005 application until 2010, and at that point the basis for his eligibility was changed to reflect his divorce from Hawley. Joint Ex. 2, Part 2; Trial Tr., ECF No. 60 at 161η64.

*7 The Court concludes that Mr. Hussein did not commit perjury in violation of 18 U.S.C. § 1621.

* * *

The Court concludes that Mr. Hussein committed attempted perjury under California law and violated Section 9.04.101 of the Elk Grove Municipal Code. This Court previously found that Mr. Hussein intentionally made these false statements to government entities because he thought that it would benefit him in the child custody dispute. ECF No. 63 at 5η6. When evaluated from the perspective of the average citizen in the community of residence, these unlawful acts adversely reflect on Mr. Hussein’s moral character.

B. Extenuating Circumstances

Mr. Hussein argues that the following extenuating circumstances justify his unlawful acts: (1) the reasons why Mr. Hussein began referring to Ms. Mabrey as his wife in the first instance; (2) the fact that she went to Qatar with their three children for a few months and withheld their custody from Qatar for years; and (3) the fact that a California judge found that it was in the best interests of their three children that Mr. Hussein retain primary physical custody of them upon her return from Qatar.³ ECF No. 90 at 24η25.

“The narrow ‘extenuating circumstances’ exception, applicable to having failed to support dependents or engaged in an extramarital affair, as well as to the commission of a crime ... focuses on circumstances during the statutory period that may ‘palliate or lessen’ an offender’s guilt for an offense.” United States v. Teng Jiao Zhou, 815 F.3d 639, 644 (9th Cir. 2016) (quoting United States v. Suarez, 664 F.3d 655, 662 (7th Cir. 2011)). Extenuating circumstances are not “a post-naturalization retrospective on the person, his achievements, or the unfortunate effect that denaturalization will surely have.” Id. at 644. Rather, extenuating circumstances “must pertain to the reasons showing lack of good character, including acts negating good character.” United States v. Jean-Baptiste, 395 F.3d 1190, 1195 (11th Cir. 2005).

The Court reaffirms its earlier conclusion that Mr. Hussein “has not submitted any evidence of extenuating circumstances for his misrepresentations.” ECF No. 63 at 9. Although the fact that Mr. Hussein was eventually awarded physical custody of his children suggests that denying his naturalization application will have an unfortunate effect on his family, that post-hoc consideration in no way palliates or lessens his guilt for lying to both the Sacramento Superior Court and an Elk Grove police detective. Nor does Mr. Hussein’s professed habit of referring to Mabrey as his wife in *social* settings to avoid embarrassment in his religious community somehow excuse his deliberate dishonesty with *public* officials and institutions. The fact that Mabrey had taken the children to Qatar does not explain the unlawful acts, either, because nothing in the record suggests that the police would have responded differently based on the marital status of the person lodging the complaint.

*8 The Court concludes that Mr. Hussein has failed to demonstrate extenuating circumstances.

C. Other Relevant Considerations

Because Mr. Hussein’s conduct does not fall within one of the *per se* bars, the Court must consider any counterbalancing factors that bear on his moral character,

Footnotes

- 1 Because Mr. Hussein filed his naturalization application on September 15, 2005, the statutory period began on September 15, 2000 and runs to the present day. 8 U.S.C.A. § 1427(a)(3). Mr. Hussein complains that USCIS unreasonably extended this statutory period through its own delay in processing his application, but he does not contest this calculation of the statutory period. ECF No. 90 at 8, n. 1.
- 2 The government raises several new theories regarding unlawful acts allegedly committed by Mr. Hussein that were not presented before this Court at trial or on appeal to the Ninth Circuit. However, Hussein does not raise a waiver argument, and the Court concludes that such an argument would fail. The Supreme Court has repeatedly noted its “judicial insistence on strict compliance with the statutory conditions precedent to naturalization,” and this Court’s “task is to assure compliance with the particular

including school record, family background, employment history, financial status, and lack of criminal record. See Torres-Guzman v. I.N.S., 533–34 (9th Cir. 1986).

Mr. Hussein has submitted evidence of counterbalancing factors. He has been living in the United States for more than twenty years; he has a college degree in math and physics; and he has been steadily employed. Trial Tr., ECF No. 60 at 15η25. He has primary physical custody over his three children, one of whom has Down’s Syndrome and a heart defect. Id. at 47η50. In his spare time, Mr. Hussein volunteers with the Boy Scouts and the Islamic Society of Santa Rosa. Id. at 25η27. He has never been arrested, and he has no criminal convictions. Id. at 128.

The Court weighs these factors against its prior finding that Mr. Hussein intentionally made false statements to government entities because he thought that it would benefit him in the child custody dispute; that he committed attempted perjury; and that he misrepresented the facts to this Court in the hearing on the present petition, ECF No. 63 at 8.

Given his persistent refusal to act truthfully in dealing with law enforcement agencies and the courts, the Court concludes that Mr. Hussein has not met his burden to establish good moral character.

CONCLUSION

The Court denies the petition for *de novo* review of USCIS’s denial of the application for naturalization.

IT IS SO ORDERED.

All Citations

Slip Copy, 2017 WL 1133151

prerequisites to [naturalization].” [Fedorenko v. United States](#), 449 U.S. 490, 506 (1981) (citing [U.S. v. Ginsberg](#), 243 U.S. 472, 474^η475 (1917)). Accordingly, the Court considers all possibly unlawful acts, whether previously raised by the government or not.

- 3 Mr. Hussein also argues that he “checked the wrong box on his citizenship application because he was not represented by counsel when he filed it.” ECF No. 90 at 24. Because the Court concludes that this conduct did not constitute an unlawful act, it need not address potentially mitigating circumstances related to that conduct.

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SSA Death Record

Source Information

Information Current Through: 02/10/2017
Database Last Updated: 02/13/2017
Update Frequency: WEEKLY
Current Date: 02/17/2017
Source: SOCIAL SECURITY ADMIN

Information Regarding Deceased

Date of Birth: 12/XX/1924
Date of Death: 08/04/1998
Age at Death: 73
Verification of Death: (P) Proof of Death Certificate Observed

Identifying Information

Name: (b)(6);(b)(7)(C)
SSN:
State Where SSN Issued:

End of Document

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Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Page 5698

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM:

(b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
Office of Chief Counsel, Buffalo

(b)(6);(b)(7)(C) (Acting) Field Office Director
Enforcement and Removal Operations, Field Office
Buffalo

SUBJECT:

Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(6);(b)(7)(C)

Possible People Information

Person Overview

Date of Birth Summary

Addresses

Phone Numbers

Possible Asset Information

Real-Time Motor Vehicles

Possible Adverse Information

Risk Flags Analysis

Full-Text Documents

All Full-Text Documents

Possible Relatives & Household Members

Relatives Analysis

Other Address Associations

Possible Neighbors

Neighbors of Current & Previous Addresses

No Documents Found

No Documents Were Found In These Sources

Permissible Uses

Permissible Uses

Possible People Information

Person Overview

(b)(6);(b)(7)(C)	
Phone Number(s):	
520-889 (b)(6);(b)(7)(C)	
DOB:	
12/XX/1924 (Age: 92)	

(b)(6);(b)(7)(C)

Date of Birth Summary

Date of Birth	Source
12/XX/1924 (Age: 92)	Address Historical

Addresses

Address	Source
(b)(6);(b)(7)(C) <i>Reported N/A</i> By Address Historical	Address Historical

Phone Numbers

Phone	Source
520-880-(b)(6);(b)(7)(C)	Transunion Phone Records

Possible Asset Information

Real-Time Motor Vehicles

ModelYear	Make	Model/Series	Title/Registration Date	Confidence Score	View Full Text
(b)(6);(b)(7)(C)				N/A	Full-Text

Possible Adverse Information

Risk Flags Analysis

List of Possible Risk Flags

Risk Flags Name	Yes/No
Bankruptcy	No
Criminal Record	No
Arrest Record	No
OFAC Listing	No
Healthcare Sanction	No
Recorded as Deceased	No
Age Younger than SSN Issue Date	No
SSN Format is Invalid	No
Multiple SSNs	No
SSN Matches Multiple Individuals	No
Telephone Number Inconsistent with Address	No
Address 1st Reported <90 Days	No
Prison Address on Record	No

(b)(6);(b)(7)(C)

Residential Address Used as a Business Address	No
P.O. Box Listed as Address	No
Associate or Relative with a Prison Address on Record	No
Associate or Relative With a Residential Address Used as a Business Address	No
Associate or Relative with P.O. Box Listed as Address	Yes

Risk Flag Details

Associate or Relative with P.O. Box Listed as Address	
Relative:	(b)(6);(b)(7)(C)

Full-Text Documents

All Full-Text Documents

Historical Address Records(1)

[To Summary](#)

Address Historical

Individual Information

Name:	(b)(6);(b)(7)(C)
Date of Birth:	12/XX/1924

Historical Address Information

Address:	(b)(6);(b)(7)(C)
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Experian Credit Header Real Time(1)

[To Summary](#)

CREDIT HEADER REAL TIME

Source Information

Current Date:	02/17/2017
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Individual Information

--	--

(b)(6);(b)(7)(C)

Source: Experian Credit Header

Best Address Information

Best Address:

Other Address Information

End of Document

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Transunion Phone Records(1)

[To Summary](#)

Transunion Phone Record

Data Source

Source:	AGGREGATED DATA
Listing Type:	RESIDENTIAL
Creation Date:	01/01/2008

Phone

Phone:	520-889 (b)(6);(b)(7)(C)
Line Type:	WIRELESS
Listing Category:	STANDARD

Subscriber

Name:	(b)(6);(b)(7)(C)
Listing Name:	
Address:	(b)(6);(b)(7)(C)
Address Type:	STREET

Carrier

Name:	QWEST CORPORATION
Affiliate:	CENTURYLINK
OCN:	9636

Subpoena Contact

Name:	QWEST SECURITY RESPONSE CENTER
Address:	1801 CALIFORNIA STREET, 11TH FLOOR DENVER, CO 80202
Phone:	303-896-2522

(b)(6);(b)(7)(C)

Fax: 303-896-4474

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Real-Time Motor Vehicles(1)

[To Summary](#)

Real-Time Motor Vehicle Record

Source Information

Information Current Through:	09/10
Current Date:	2/17/2017
Source:	REAL-TIME MOTOR VEHICLE GATEWAY

Vehicle Information

VIN:	(b)(6);(b)(7)(C)
Model Year:	2007
Make:	DODGE
Model/Series:	CXT
Body Style:	SEDAN 4 DR.

Registration Information

License Plate Number:	(b)(6);(b)(7)(C)
License Plate Type:	REGULAR
Issuing State:	AZ
Registration Date:	08/07/2010
Expiration Date:	08/15/2011
Owner/Registrant Information Name:	(b)(6);(b)(7)(C)
Lease Indicator:	DRESS UNASSIGNED
Address:	

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Possible Relatives & Household Members

Relatives Analysis

OCEJO MARIA LOURDES

Relative of:		Degree of Separation:	1
SSN:	527-95-XXXX - issued in AZ in 1982	DOB:	

(b)(6);(b)(7)(C)

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 05/01/2000 - 05/01/2000	(b)(6);(b)(7)(C)	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C) - issued in CA in 1987	DOB:	

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 01/01/1995 - 12/31/1995	(b)(6);(b)(7)(C), TUCSON, AZ 85706-1230 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C) issued in TX in 1990	DOB:	1988 (Age: 29)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	1988

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 04/28/2008 - 09/30/2015	(b)(6);(b)(7)(C) TUCSON, AZ 85706-4137 PIMA County	520-979-8754
Reported 09/16/2010 - 09/30/2015	(b)(6);(b)(7)(C) TUCSON, AZ 85706-7940 PIMA County	520-271-7056
Reported 02/01/2009 - 11/25/2014	(b)(6);(b)(7)(C) TUCSON, AZ 85756-9515 PIMA County	N/A
Reported 12/01/2009 - 12/03/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85757-9471 PIMA County	N/A
Reported 11/01/2013 - 11/01/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706-3601 PIMA County	N/A
Reported 01/10/2011 - 10/11/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	520-979-8754
Reported 01/29/2012 - 07/06/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	N/A

(b)(6);(b)(7)(C)

Date Range	Address	Phone
Reported 06/09/2013 - 06/09/2013	(b)(6);(b)(7)(C), TUCSON, AZ 85706-7940	N/A
Reported 10/27/2009 - 06/05/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1230 PIMA County	N/A
Reported 01/10/2011 - 07/12/2011	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	520-271 (b)(6);(b)(7)(C)
Reported 06/23/2010 - 07/08/2010	(b)(6);(b)(7)(C) TUCSON, AZ 85756-7404 PIMA County	N/A
Reported 05/19/2010 - 05/19/2010	(b)(6);(b)(7)(C), TUCSON, AZ 85756 PIMA County	N/A
Reported 09/10/2007 - 09/10/2007	(b)(6);(b)(7)(C) TUCSON, AZ 85706-3520 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C)- issued in WA in 1978-1979	DOB:	(b)(6);(b)(7) (Age: 53)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 04/23/2009 - 05/09/2015	(b)(6);(b)(7)(C) TUCSON, AZ 85746-8594 PIMA County	520-551-2278
Reported 10/12/2013 - 10/12/2013	(b)(6);(b)(7)(C) BALCH SPRINGS, TX 75180-4810 DALLAS County	N/A
Reported 03/05/2009 - 02/07/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85746-8637 PIMA County	N/A
Reported 06/01/1996 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1230 PIMA County	N/A
Reported 01/01/1996 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85735-9233 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C)- issued in AZ in 1973	DOB:	(b)(6);(b)(7) (Age: 46)

(b)(6);(b)(7)(C)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)		

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 12/29/2002 - 09/15/2016	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1258 PIMA County	520-807 (b)(6);(
Reported 01/01/1996 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85714-2919 PIMA County	N/A
Reported 01/24/2003 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-5728 PIMA County	N/A
Reported 09/09/2001 - 11/13/2002	(b)(6);(b)(7)(C) TUCSON, AZ 85706-4469 PIMA County	N/A
Reported 05/17/2002 - 05/17/2002	(b)(6);(b)(7)(C) TUCSON, AZ 85706-5722 PIMA County	N/A
Reported 08/12/2000 - 08/12/2000	(b)(6);(b)(7)(C) TUCSON, AZ 85706-5724 PIMA County	N/A
Reported 02/10/2000 - 02/10/2000	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1230 PIMA County	N/A
Reported 07/11/1996 - 07/11/1996	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C)- issued in CA in 1983-1984	DOB:	(b)(6);(b)(7)(C) (Age: 50)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)		

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 01/01/2003 - 01/07/2016	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1258 PIMA County	520-461 (b)(6);(

(b)(6);(b)(7)(C)

Date Range	Address	Phone
Reported 06/05/2015 - 08/12/2015	(b)(6);(b)(7)(C), OAK GROVE, KY 42262-8212 CHRISTIAN County	N/A
Reported 03/10/2015 - 03/10/2015	(b)(6);(b)(7)(C) CHARLOTTE, NC 28208 MECKLENBURG County	N/A
Reported 07/06/2001 - 06/16/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-4469 PIMA County	N/A
Reported 02/09/2003 - 02/09/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85713 PIMA County	N/A
Reported 08/24/1994 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-4142 PIMA County	N/A
Reported 07/27/2002 - 07/27/2002	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	N/A
Reported 02/10/1996 - 02/07/2002	(b)(6);(b)(7)(C) TUCSON, AZ 85714-2919 PIMA County	N/A
Reported 09/09/2001 - 09/09/2001	(b)(6) TUCSON, AZ 85702-0708 PIMA County	N/A
Reported 10/20/1993 - 10/29/1993	(b)(6);(b)(7)(C), TUCSON, AZ 85706-1230 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C) - issued in TX in 1985-1986	DOB:	(b)(6);(b)(7)(C) (Age: 57)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 12/08/2007 - 05/14/2016	(b)(6);(b)(7)(C) TUCSON, AZ 85706 PIMA County	N/A
Reported 02/17/2016 - 02/17/2016	(b)(6);(b)(7)(C) TUCSON, AZ 85756-8921 PIMA County	N/A
Reported 01/01/1988 - 01/19/2016	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1230 PIMA County	294-(b)(6);(b)(7)(C)
Reported 07/21/2014 - 07/21/2014	(b)(6);(b)(7)(C) TUCSON, AZ 85756-8834 PIMA County	N/A
Reported 06/23/2014 - 06/23/2014	(b)(6);(b)(7)(C) TUCSON, AZ 85706-4137 PIMA County	N/A
Reported 11/01/2013 - 11/01/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706-3601 PIMA County	N/A

(b)(6);(b)(7)(C)

Date Range	Address	Phone
Reported 10/23/2013 - 10/23/2013	(b)(6);(b)(7)(C) TUCSON, AZ 85706-7940 PIMA County	N/A
Reported 07/01/2011 - 07/21/2011	(b)(6);(b)(7)(C) TUCSON, AZ 85746-6621 PIMA County	N/A
Reported 09/04/2008 - 09/04/2008	(b)(6);(b)(7)(C) TUCSON, AZ 85756-3048 PIMA County	N/A
Reported 10/01/1996 - 05/24/2006	(b)(6);(b)(7)(C) TUCSON, AZ 85706-5500 PIMA County	520-889-5579
Reported 01/01/1996 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1229 PIMA County	294-3558
Reported 11/03/2001 - 11/03/2001	(b)(6);(b)(7)(C) TUCSON, AZ 85735-9233 PIMA County	N/A
Reported 08/29/1997 - 08/29/1997	(b)(6);(b)(7)(C), TUCSON, AZ 85746-3859 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C) - issued in AZ in 1991	DOB:	(b)(6);(b)(7)(C) (Age: 48)

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 11/01/1998 - 01/24/2003	(b)(6);(b)(7)(C), TUCSON, AZ 85706-1230 PIMA County	N/A

(b)(6);(b)(7)(C)

Relative of:	SOLEDAD OCEJO	Degree of Separation:	1
SSN:	(b)(6);(b)(7)(C) - issued in AZ in 1982	DOB:	(b)(6);(b)(7)(C) (Age: 64)

Possible AKA	SSN	DOB
(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)

* Match with one of the subject's addresses

Date Range	Address	Phone
Reported 01/01/1992 - 01/24/2003	(b)(6);(b)(7)(C) TUCSON, AZ 85706-1230 PIMA County	889-(b)(6);(b)(7)(C)

Possible Neighbors

No Documents Found

No Documents Were Found In These Sources

Marriage Records	Divorce Records
Drivers Licenses	Utility Records
Conceal & Carry Weapons Permits	Hunting & Fishing Licenses
Voter Registrations	Political Donors
Death Records	New Movers Records
Historical People Records	People Find Records
People Canada Records	Email Address Records
Experian Credit Header Records	Real Property Tax Assessor Records
Real Property Transactions	Real Property Pre-Foreclosure Records
Vehicle Registrations	Watercraft Records
Aircraft Records	Unclaimed Assets
Criminal & Infraction Records	Arrest Records
OFAC	Healthcare Sanctions
Lawsuit Records	Liens & Judgments
Bankruptcy Records	Dockets
UCC Records	Professional Licenses
Healthcare Licenses	National Provider Identifier
Executive Profile	Executive Affiliations
Executive Bios	Work Affiliations
Corporate Records and Business Registrations	DMI
FEIN	Stock
Business Profile	BusFindUS
BusFindCanada	FBN/DBA
Worldbase	Household Records

Permissible Uses

Permissible Uses

DPPA - For official use by a Court, Law Enforcement Agency or other Government agency.

GLB - For use by a Law Enforcement Agency, self-regulatory organizations, or for an investigation on a matter related to public safety.

VOTERS - Use in connection with a non-commercial purpose.

(b)(6);(b)(7)(C)

Possible People Information

Person Overview

Death Records

Date of Birth Summary

SSN Summary

Possible Adverse Information

Risk Flags Analysis

Full-Text Documents

All Full-Text Documents

Possible Relatives & Household Members

Relatives Analysis

Other Address Associations

Possible Neighbors

Neighbors of Current & Previous Addresses

Permissible Uses

Permissible Uses

No Documents Found

No Documents Were Found In These Sources

Possible People Information

Person Overview

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Death Records

Death	Source
08/04/1998	Social Security Administration

Date of Birth Summary

Date of Birth	Source
12/XX/1924 (Age: 73)	Social Security Administration

SSN Summary

SSN	Source
(b)(6);(b)(7)(C)	Social Security Administration

Possible Adverse Information

Risk Flags Analysis

List of Possible Risk Flags

Risk Flags Name	Yes/No
Bankruptcy	No
Criminal Record	No
Arrest Record	No
OFAC Listing	No
Healthcare Sanction	No
Recorded as Deceased	Yes
Age Younger than SSN Issue Date	No
SSN Format is Invalid	No
Multiple SSNs	No
SSN Matches Multiple Individuals	No
Telephone Number Inconsistent with Address	No
Address 1st Reported <90 Days	No
Prison Address on Record	No
Residential Address Used as a Business Address	No
P.O. Box Listed as Address	No
Associate or Relative with a Prison Address on Record	No
Associate or Relative With a Residential Address Used as a Business Address	No
Associate or Relative with P.O. Box Listed as Address	No

Risk Flag Details

Recorded as Deceased
Full-Text

(b)(6);(b)(7)(C)

Full-Text Documents

All Full-Text Documents

Death Records(1)

[To Summary](#)

SSA Death Record

Source Information

Information Current Through:	02/10/2017
Database Last Updated:	02/13/2017
Update Frequency:	WEEKLY
Current Date:	02/17/2017
Source:	SOCIAL SECURITY ADMIN

Information Regarding Deceased

Date of Birth:	12/XX/1924
Date of Death:	08/04/1998
Age at Death:	73
Verification of Death:	(P) Proof of Death Certificate Observed

Identifying Information

Name:	(b)(6);(b)(7)(C)
SSN:	
State Where SSN Issued:	

End of Document

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Experian Credit Header Real Time(1)

[To Summary](#)

CREDIT HEADER REAL TIME

Source Information

Current Date:	02/17/2017
Source:	Experian Credit Header

Individual Information

--	--

Best Address Information

Best Address:	
----------------------	--

Other Address Information

End of Document

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Possible Relatives & Household Members

Possible Neighbors

Permissible Uses

Permissible Uses

DPPA - For official use by a Court, Law Enforcement Agency or other Government agency.

GLB - For use by a Law Enforcement Agency, self-regulatory organizations, or for an investigation on a matter related to public safety.

VOTERS - Use in connection with a non-commercial purpose.

No Documents Found

No Documents Were Found In These Sources

Marriage Records	Divorce Records
Drivers Licenses	Utility Records
Conceal & Carry Weapons Permits	Hunting & Fishing Licenses
Voter Registrations	Political Donors
New Movers Records	Historical People Records
Historical Address Records	People Find Records
People Canada Records	Email Address Records
Experian Credit Header Records	Transunion Phone Records
Real Property Tax Assessor Records	Real Property Transactions
Real Property Pre-Foreclosure Records	Vehicle Registrations
Watercraft Records	Aircraft Records
Unclaimed Assets	Real-Time Motor Vehicles
Criminal & Infraction Records	Arrest Records
OFAC	Healthcare Sanctions
Lawsuit Records	Liens & Judgments
Bankruptcy Records	Dockets
UCC Records	Professional Licenses
Healthcare Licenses	National Provider Identifier
Executive Profile	Executive Affiliations
Executive Bios	Work Affiliations
Corporate Records and Business Registrations	DMI
FEIN	Stock

(b)(6);(b)(7)(C)

Business Profile	BusFindUS
BusFindCanada	FBN/DBA
Worldbase	Household Records



U.S. Immigration and Customs Enforcement

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, Dallas, TX

(b)(6);(b)(7)(C) Assistant Field Office
Enforcement and Removal Operations, Field

(b)(6);(b)(7)(C)

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

~~**SENSITIVE/PRIVILEGED**PRE-DECISIONAL**ATTORNEY WORK PRODUCT**~~

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

UPDATE

(b)(5)

(b)(5)

(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland
Security
125 E. John Carpenter Fwy.,
(b)(6);(b)(7)(C)
Irving, Texas 75062



U.S. Immigration
and Customs
Enforcement

~~**SENSITIVE/PRIVILEGED** PRE-DECISIONAL **ATTORNEY WORK PRODUCT**~~

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C), Law Clerk
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C), Senior Attorney
Office of Chief Counsel, Dallas

(b)(6);(b)(7)(C) Assistant I
Enforcement and Removal Oper

(b)(6);(b)(7)(C)

SUBJECT: Claim to United States Citizenship /
(b)(6);(b)(7)(C)

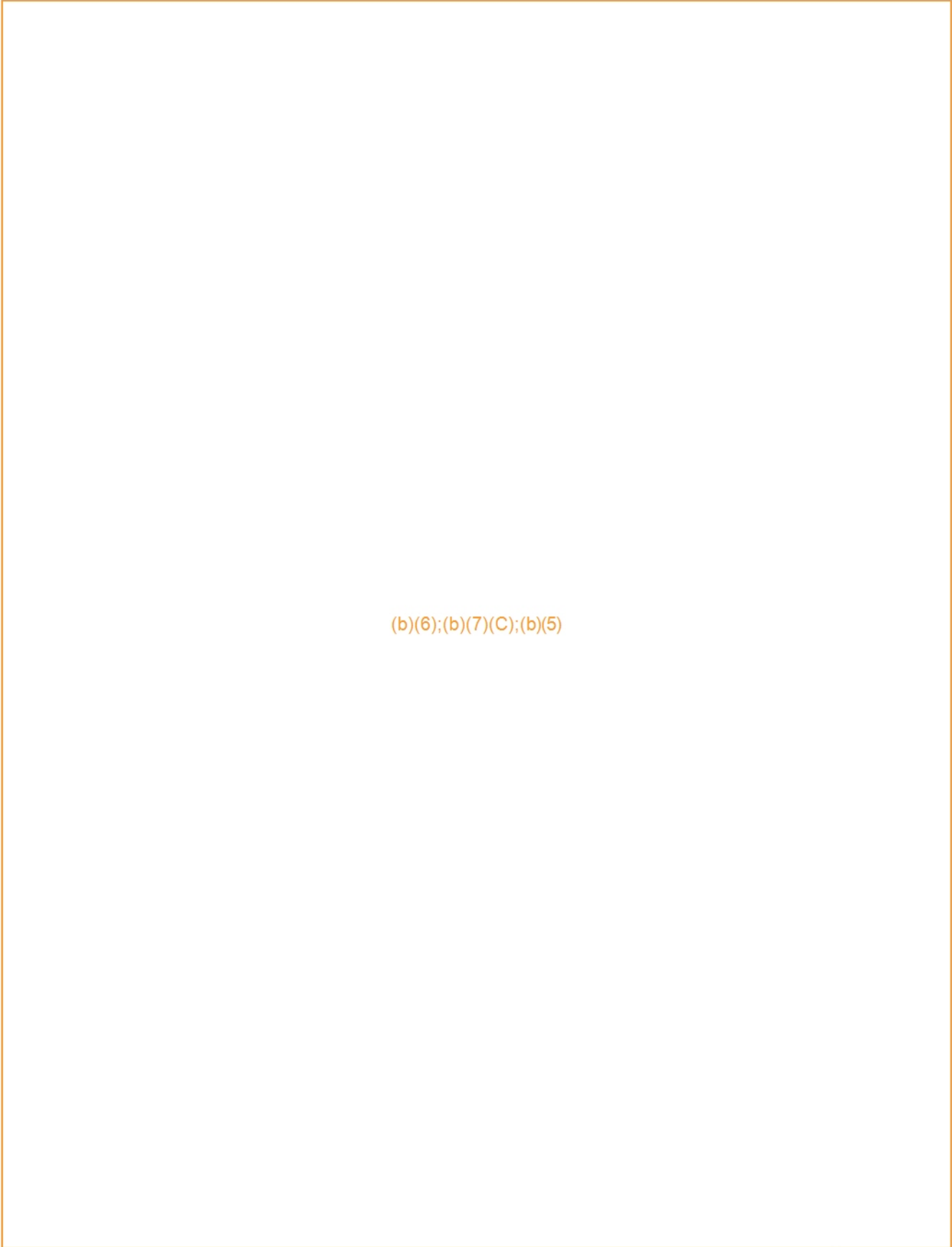
STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

~~**SENSITIVE/PRIVILEGED** PRE-DECISIONAL **ATTORNEY WORK PRODUCT**~~

FACTS

(b)(6);(b)(7)(C);(b)(5)



(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5);(b)(6);(b)(7)(C)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Office of the Chief Counsel
U.S. Department of Homeland Security
180 Ted Turner Drive, SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

March 10, 2017

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
for Office of Chief Counsel, Atlanta

Sean Gallagher, Field Office Director (b)(6);(b)(7)(C) for
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)

START HERE - Please Type or Print

Part 1. Information about you.

Family Name (b)(6);(b)(7)(C) Given Name (b)(6);(b)(7)(C) M In (b)(6);(b)(7)(C)

U.S. Mailing Address - Care of

Street Num and Name (b)(6);(b)(7)(C) Apt. #
City *Mission Viejo* County *ORANGE*
State *CALIFORNIA* ZIP Code *92691*
Date of Birth (month/day/year) (b)(6);(b)(7)(C) Country of Birth *Peru*
Social Security (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

Part 2. Basis for Eligibility (check one).

- a. I have been a permanent resident for at least five (5) years.
- b. I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. I am a permanent resident child of United States citizen parent(s).
- d. I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B
- e. Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) *8-27-90* Port admitted with an immigrant visa or INS Office where granted adjustment of status. *MIAMI, Florida 951 (A)*
Citizenship *PERUVIAN*
Name on alien registration card (if different than in Part 1) *N/A SAME (A)*
Other names used since you became a permanent resident (including maiden name) *NONE*
Sex Male Female Height *5-10* Marital Status: Single Divorced Married Widowed
Can you speak, read and write English? No Yes.


Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? No Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
/	/	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<i>MIAMI</i>	
/	/	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
/	/	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
/	/	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
/	/	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

FOR INS USE ONLY

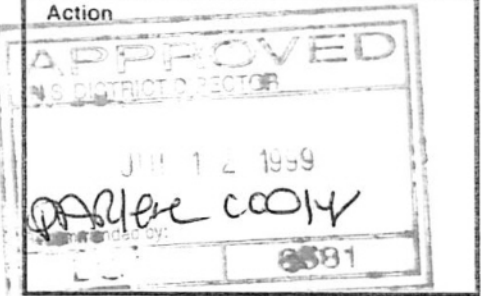
Returned	Receipt
	01/22/1997
Resubmitted	 MPC-97-075-53945 IJPCBNC02
Reloc Sent	
Reloc Rec'd	<input checked="" type="checkbox"/> Applicant Interviewed <i>7-12-99</i>

At interview

request naturalization ceremony at court

Remarks

(b)(6);(b)(7)(C)



To Be Completed by Attorney or Representative, if any

Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

REC'D USC 27 JAN 27 1997

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To
(b)(6);(b)(7)(C) Mission Viejo CA 92691	7-10-94	Present
Mission Viejo CA 92691	8-27-90	7-10-94

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
Unemployed	Welfare S.S.	8-30-94	Present	Present
Unemployed	Medical-Disability	4-11-98	10-12-94	
Freedom Village	(b)(6);(b)(7)(C) Lake Forest CA 92630	2-1-92	4-6-94	MAINTENANCE
Elite	(b)(6);(b)(7)(C) Irvine CA 92714	11-2-90	2-28-91	House cleaner Home man

Part 5. Information about your marital history.

A. Total number of times you have been married 3 (b)(6);(b)(7)(C) are now married, complete the following information. If you are now married, complete the following information for your current spouse and or wife.

Family name	Given	Middle initial
Divorced Gilman	(b)(6);(b)(7)(C)	(b)(6);(b)(7)(C)

Date of birth (month/day/year)	Country of birth	Relationship
		(b)(6);(b)(7)(C) PERUVIAN
Social Security#	A# (if applicable)	Immigration status (if not a U.S. citizen)
		(b)(6);(b)(7)(C)

Naturalization (if applicable) (month/day/year) Place (City, State) (b)(6);(b)(7)(C)
 If you have ever previously been married or if your current spouse has been previously married, please provide the name of your spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse. (b)(6);(b)(7)(C) paper: Name of prior spouse.

Part 6. Information about your children.

B. Total Number of Children 5. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
(b)(6);(b)(7)(C)		Peru	PERUVIAN	(b)(6);(b)(7)(C)	With me
(b)(6);(b)(7)(C)		Peru	PERUVIAN	(b)(6);(b)(7)(C)	With me
(b)(6);(b)(7)(C)		Peru	PERUVIAN	(b)(6);(b)(7)(C)	VA BEACH VIRGINIA
(b)(6);(b)(7)(C)		Peru	PERUVIAN	(b)(6);(b)(7)(C)	MIAMI FLORIDA
(b)(6);(b)(7)(C)		Peru	PERUVIAN	(b)(6);(b)(7)(C)	OCALA FLORIDA

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

- 1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? Yes No
 - 2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
 - a. The Nazi Government of Germany? Yes No
 - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? Yes No
 - 3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? Yes No
 - 4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? Yes No
 - 5. Have you ever failed to comply with Selective Service laws? Yes No
- If you have registered under the Selective Service laws, complete the following information:
 Selective Service Number: _____ Date Registered: _____
 If you registered before 1978, also provide the following:
 Local Board Number: _____ Classification: _____
- 6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? Yes No
 - 7. Have you ever deserted from the military, air or naval forces of the United States? Yes No
 - 8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? Yes No
 - 9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? Yes No
 - 10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? Yes No
 - 11. Have you ever claimed in writing, or in any way, to be a United States citizen? Yes No
 - 12. Have you ever:
 - a. been a habitual drunkard? Yes No
 - b. advocated or practiced polygamy? Yes No
 - c. been a prostitute or procured anyone for prostitution? Yes No
 - d. knowingly and for gain helped any alien to enter the U.S. illegally? Yes No
 - e. been an illicit trafficker in narcotic drugs or marijuana? Yes No
 - f. received income from illegal gambling? Yes No
 - g. given false testimony for the purpose of obtaining any immigration benefit? Yes No
 - 13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? Yes No
 - 14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? Yes No
 - 15. Have you over:
 - a. knowingly committed any crime for which you have not been arrested? Yes No
 - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations? Yes No

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

- 1. Do you believe in the Constitution and form of government of the U.S.? Yes No
- 2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) Yes No
- 3. If the law requires it, are you willing to bear arms on behalf of the U.S.? Yes No
- 4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? Yes No
- 5. If the law requires it, are you willing to perform work of national importance under civilian direction? Yes No

Part 9. Memberships and organizations.

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

none

(2)

Part 10. Complete only if you checked block "C" in Part 2.

How many of your parents are U.S. citizens? One Both (Give the following about one U.S. citizen parent:)

Family Name: *N/A* Given Name: *John* Middle Name: *W*
Address: *1011*

Basis for citizenship: Birth Naturalization Cert. No.
Relationship to you (check one): natural parent adoptive parent parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: (month, day, year)

Does this parent have legal custody of you? Yes No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section)

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature: *(b)(6);(b)(7)(C)* Date: *1-21-97*

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature: _____ Print Your Name: _____ Date: _____
Firm Name and Address: _____

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through *2*, that the corrections, numbered 1 through *22*, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Subscribed and sworn to before me by the applicant.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
(Examiner's Signature)

7-12-99
Date

I love the U.S.A!

Part 5 - I to about your marital history

①

(b)(6);(b)(7)(C)

m. 1960 divorced 1966
status unknown

②

(b)(6);(b)(7)(C)

m. 1979 divorced 1986
Peruvian Citizen.

PROCESSED FOR I-551
IMMIGRANT VISA AND ALIEN REGISTRATION

(b)(6);(b)(7)(C)

AKA:

(b)(6);(b)(7)(C)

THE IMMIGRANT HAS BEEN PREVIOUSLY IN THE UNITED STATES

OF:

(b)(6);(b)(7)(C)

Name)

(Middle Name)

INS FILE #, IF KNOWN

ACTION BY IMMIGRATION INSPECTOR

U.S. IMMIGRATION
060 M.1 C1524

AUG 27 1990

ADMITTED UNTIL

(CLASS)

P5-1

THE IMMIGRANT NAMED ABOVE ARRIVED IN THE UNITED STATES

(b)(6);(b)(7)(C)

INELIGIBILITY FOR VISA WAIVED UNDER SECTION

212(e) 212(h)
 212(g) 212(i)

CITY AND COUNTRY OF BIRTH

ICA, PERU

MO-DAY-YR OF BIRTH

(b)(6);(b)(7)(C)

CITY AND COUNTRY OF LAST RESIDENCE

LIMA, PERU

NATIONALITY

PERUVIAN

MARITAL STATUS

M X W D SEP

MOTHER'S FIRST NAME

(b)(6);(b)(7)(C)

FATHER'S FIRST NAME

(b)(6);(b)(7)(C)

FINAL ADDRESS IN THE UNITED STATES

STREET ADDRESS, INCLUDE—IN CARE OF & APT# IF APPLICABLE

(b)(6);(b)(7)(C)

CITY, STATE, AND ZIP CODE, IF AVAILABLE

LOS ANGELES, CA

00000

SEC. 212(a)(14)

LABOR CERTIFICATION NOT APPLICABLE NOT REQUIRED ATTACHED

OCCUPATION

SLS SALES OCCUPATION

SEX M

F

This visa is issued under Section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application. Possession of a visa does not entitle the bearer to enter the United States if at the time he seeks to enter he is found to be inadmissible. Upon arrival in the United States, it must be surrendered to a United States Immigration Officer.

AMERICAN EMBASSY

AT LIMA, PERU

Consular Officer of the United States of America

(b)(6);(b)(7)(C)

Tariff No. 21
Fee Paid \$75
Local Cy, Equiv.

IMMIGRANT CLASSIFICATION

CLASSIFICATION SYMBOL

P5-1

FOREIGN STATE/OTHER AREA LIMITATION

PERU

IMMIGRANT VISA NO.

(b)(6);(b)(7)(C)

ISSUED ON (Day) (Month) (Year)

07AUG90

THE VALIDITY OF THIS VISA EXPIRES MIDNIGHT AT THE END OF (Day) (Month) (Year)

04DEC90

PASSPORT

NO.

(b)(6);(b)(7)(C)

OR OTHER TRAVEL DOCUMENTS (Describe)

ISSUED TO

BY

ON

EXPIRES

IV-42,794,366

ACTION OF I.J.

ACTION ON APPEAL

U.S.P.H.S.

Info given to IRS on date of I-551 issuance: Name, Addr, DOB, A#, Class of Adm, Occup & answers to form 9003.

APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

SOLICITUD DE VISA DE INMIGRANTE Y REGISTRO DE EXTRANJERO

... in DUPLICATE by typewriter, or if by hand in legible block letters. All questions must be answered, if applicable. Questions which are not applicable ... room on the form, answer on separate sheets, in duplicate, using the same numbers as appear on the form. Attach the sheets to the forms. DO NOT SIGN this ... consular officer. The fee for filing this application for an immigrant visa is \$ 25.00. The fee should be paid in United States dollars or local currency equivalent or by ... the consular officer.

... concealment of a material fact may result in your permanent exclusion from the United States. Even though you should be admitted to the United States, a fraudulent ... execution and/or deportation.

Este formulario debe ser completado por duplicado a máquina o de hacerlo a mano, en letras de imprenta legibles. Deben contestarse todas las preguntas si corresponden. Cuando una ... pertinente debe indicarse. Si no hay suficiente espacio en el formulario, conteste en hojas separadas, por duplicado, utilizando los mismos números tal como figuran en el formulario. ... hojas a los formularios. No firme este formulario hasta que se lo indique el funcionario consular. La tarifa para presentar esta solicitud de visa de inmigrante es de US\$ 25.00. La tarifa debe ... en dólares de los Estados Unidos o en su equivalente en moneda local, o por transferencia bancaria, cuando se presente al funcionario consular.

ADVERTENCIA: TODA DECLARACION FALSA O ENCUBRIMIENTO DE UN HECHO MATERIAL PUEDE RESULTAR EN SU EXCLUSION PERMANENTE DE LOS ESTADOS UNIDOS, AUN ... IANDO USTED HAYA SIDO ADMITIDO A LOS ESTADOS UNIDOS, UNA DECLARACION FRAUDULENTO PUEDE SER CAUSA DE SU PROCESAMIENTO Y/O DEPORTACION.

Apellidos (Family name) Nombre (First Name) Segundo Nombre (Middle Name)

(b)(6);(b)(7)(C)

Otros nombres por los cuales se le conozca (si es mujer casada, indique el apellido de soltera). (Other names used or by which known. If married woman, give maiden name)

Nombre completo en alfabeto nativo (si no se utilizan caracteres romanos). (Full name in native alphabet. If Roman letters not used).

GIHA HUARTE VICTOR ALTEA

Fecha de Nacimiento (Date of birth) Dia (Day) Mes (Month) Año (Year) 23-03-38	5. Edad (Age) 54	6. Lugar de Nacimiento (Place of birth) Ciudad o pueblo (City or town) PIÑOS Provincia/Departamento/Estado (Province/State) ID. País (Country) PERU
Nacionalidad (Nationality)	8. Sexo (Sex) <input checked="" type="checkbox"/> Masculino (Male) <input type="checkbox"/> Femenino (Female)	9. Estado Civil (Marital Status) <input checked="" type="checkbox"/> Soltero (Single) (Que nunca se ha casado) (Never married) <input type="checkbox"/> Casado (Married) <input type="checkbox"/> Viudo (Widowed) <input type="checkbox"/> Divorciado (Divorced) <input type="checkbox"/> Separado (Separated) <input type="checkbox"/> Incluyendo mi matrimonio actual, me he casado ... veces. (Including my present marriage, I have been married ... times.)
10. Ocupación (Occupation) SLS	Domicilio actual (Present address) (b)(6);(b)(7)(C)	

Nombre, domicilio, fecha y lugar de nacimiento de/da la esposa/a (Name, address, date and place of birth of wife/husband.)
(Dar apellido de soltera de la esposa) (Give maiden name of wife)

NO ME CASÉ

Fecha y lugar de matrimonio. (Date and place of marriage)

Nombres, domicilios, fechas y lugares de nacimiento de todos los hijos (Names, addresses, dates and places of birth of all children.)

GIHA HUARTE VICTOR ALTEA
GIHA HUARTE VICTOR ALTEA

14. La/s persona/s nombrada/s en 12 y 13 que me acompañará/n o se reunirá/n conmigo en los Estados Unidos. (Person you intend to join. Give name, address and relationship, if any.) (b)(6);(b)(7)(C)	15. Domicilio definitivo que tendrá en los Estados Unidos. (b)(6);(b)(7)(C)
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16. Persona con quien tiene intención de reunirse. Indique nombre, dirección y parentesco, si alguno. (Person you intend to join. Give name, address and relationship, if any.) (b)(6);(b)(7)(C)	17. Nombre y domicilio de la persona u organización que es su hogar (garante). Si difiere del punto 16, indique el domicilio. (Name and address of the person or organization that is your home (guarantee). If different from point 16, give address.) (b)(6);(b)(7)(C)
--	--

Descripción personal (Personal description) a) Color de cabello (Color of hair) ... Cana b) Color de ojos (Color of eyes) ... Pardos c) Altura (Height): Pies (Feet) ... 5.7 d) Tez (Complexion) ... Blanca	19. Señas particulares (Marks of identification) ESTAMPADO	20. Propósito del viaje a los Estados Unidos. (Purpose in going to the United States) REUNIRSE
---	---	--

Duración de su estadia propuesta - Si permanentemente, indíquelo. (Length of intended stay - If permanently, so state) PERMANENTE	22. Puerto de entrada propuesta. (Intended port of entry) NEW YORK	23. ¿Tiene Ud. pasaje para su destino final? (Do you have a ticket to final destination?) SI
---	--	--

Recursos financieros personales. (Personal financial resources) a) Efectivo (Cash) ... X b) Depósitos bancarios (Bank deposits)	c) Bienes Raíces - Valor (Real estate - Value) d) Otros - Describe (Others - Describe)
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ESTÉ FORMULARIO PUEDE OBTENERSE GRATIS EN LAS OFICINAS CONSULARES DE LOS ESTADOS UNIDOS DE AMERICA.

THIS FORM MAY BE OBTAINED GRATIS AT CONSULAR OFFICES OF THE UNITED STATES OF AMERICA.

No se puede utilizar la versión anterior.

Previous edition not usable.

25. Nombre completo, domicilio, fecha y lugar de nacimiento del padre. Si ha fallecido, indíquelo dando año de fallecimiento.
(Father's complete name, address, date and place of birth - If deceased, so state giving year of death)

(b)(6);(b)(7)(C) ARABIA

26. Nombre completo, domicilio fecha y lugar de nacimiento de la madre. Si ha fallecido, indíquelo dando año de fallecimiento.
(Mother's complete name, address, date and place of birth - If deceased, so state giving year of death)

(b)(6);(b)(7)(C) PERU

27. Nombre completo, domicilio, y parentesco del familiar más cercano en su país de origen - Indique únicamente si ambos padres han fallecido.
(Name, address, and relationship of next of kin in home country - Only if neither parent is living)

(b)(6);(b)(7)(C)

28. Enumere todos los lugares de residencia durante seis meses o más desde que cumplió los 16 años. (List all places of residence for 6 months or more since your 16th birthday)

Ciudad o pueblo (City or town) Provincia/Departamento/Estado (Province/State) País (Country) Fechas: Desde / Hasta (Dates: From / To) Situación u ocupación (Calling or occupation)

Lima, Lima, Peru age 14 - present selle cloth

29. Enumere todas las organizaciones de las que Ud. sea ahora o haya sido miembro afiliado desde que cumplió los 16 años de edad - Incluye organizaciones profesionales, vocacionales, sociales y políticas.
(List all organizations you are now or have been a member of or affiliated with since your 16th birthday - Include professional, vocational, social and political organizations)

Nombre y dirección (Name and address) Fechas: Desde / Hasta (Dates: From / To) Categoría de miembro o cargo ejercido si alguno (Type of membership and office held if any)

30. Enumere todos los idiomas, incluyendo el propio, que puede hablar, leer y escribir. (List all languages, including your own, that you can speak, read and write)

Idioma (Language) Habla (Speak) Lee (Read) Escribe (Write)
(b)(6);(b)(7)(C) SI SI SI

31. Indique, incluyendo fechas, residencia o visitas anteriores a los Estados Unidos - Aclare tipo de visa o situación. Declare si nunca estuvo.
(Include dates of previous residence in or visits to the United States. Give type of visa or status - If never, so state)

NO PERTINENTE

32. ¿Ha recibido Ud. tratamiento en algún hospital, institución, o en otro lugar, por un desorden mental, alcoholismo o por ser adicto a barbitúricos? - Si la respuesta es SI, explique.
(Have you ever been treated in a hospital, institution, or elsewhere for a mental disorder, drug addiction, or alcoholism? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

33. ¿Ha sido Ud. arrestado, convicto o recluido en prisión, o ha estado Ud. internado en un asilo para indigentes u otra institución de caridad? - Si la respuesta es SI, explique.
(Have you ever been arrested, convicted, or confined in a prison, or have you ever been placed in a poorhouse or other charitable institution? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

34. ¿Ha sido Ud. alguna vez beneficiario de un indulto, amnistía, decreto de rehabilitación, otro acto de clemencia, o acción similar? - Si la respuesta es SI, explique.
(Have you ever been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency, or similar action? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

35. ¿Ha solicitado Ud. alguna vez una visa para ingresar a los Estados Unidos? - Si la respuesta es SI, declare dónde y cuándo, si solicitó visa de inmigrante o de no-inmigrante, y si la visa fue otorgada o denegada. (Have you ever applied for a visa to enter the United States? - If answer is YES, state where and when, whether you applied for a nonimmigrant or an immigrant visa, and whether the visa was issued or refused).

SI (Yes) NO (No) [X] NO (No)

36. ¿Se le ha negado a Ud. la admisión a los Estados Unidos durante los últimos 12 meses? - Si la respuesta es SI, explique.
(Have you been refused admission to the United States during the last 12 months? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

37. ¿Ud. alguna vez con una junta de reclutamiento bajo las leyes del servicio selectivo de los Estados Unidos? - Si la respuesta es SI, explique.
(Have you ever appeared before a draft board under United States Selective Service laws? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

38. ¿Ud. alguna vez con una junta de reclutamiento y servicio en las fuerzas armadas de los Estados Unidos o ha salido o permanecido fuera de los Estados Unidos para evadir o evada servicio militar? - Si la respuesta es SI, explique.
(Have you ever avoided or evaded military service? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

39. ¿Ud. alguna vez con una junta de reclutamiento y servicio en las fuerzas armadas de los Estados Unidos o ha salido o permanecido fuera de los Estados Unidos para evadir o evada servicio militar? - Si la respuesta es SI, explique.
(Have you ever avoided or evaded military service? - If answer is YES, explain).

SI (Yes) NO (No) [X] NO (No)

Salvo cuando la ley disponga lo contrario, los solicitantes que no sean de Canadá, México o desde alguna isla adyacente a los Estados Unidos, dentro de los dos años de haber arribado a dichos países, requieren que cada uno de ellos presente la siguiente información: (a) nombre de la empresa de transporte que utilizó para entrar, o por medio de la cual tiene intención de entrar a los Estados Unidos desde Canadá, México, o desde alguna isla adyacente a los Estados Unidos, dentro de los dos años de haber arribado a dichos países; (b) nombre de la empresa de transporte que utilizó para entrar, o por medio de la cual tiene intención de entrar a los Estados Unidos desde Canadá, México, o desde alguna isla adyacente a los Estados Unidos, dentro de los dos años de haber arribado a dichos países.

Ud. ha negado a Ud. la admisión a los Estados Unidos durante los últimos 12 meses. (You have refused admission to the United States during the last 12 months.)
Ud. alguna vez con una junta de reclutamiento bajo las leyes de los Estados Unidos durante los últimos 12 meses. (Have you ever been with a draft board under United States Selective Service laws during the last 12 months?)

Si usted es un extranjero que desea entrar en los Estados Unidos para recibir una visa, requiera cada solicitante declarar si pertenece o no a alguna clase de persona inadmisibles a los Estados Unidos. A continuación se listan algunas de las clases de personas inadmisibles; su comprensión del contenido de los mismos y las respuestas que Ud. dé a las preguntas que le siguen podrán ayudar al funcionario a su elegibilidad para recibir una visa.
You should read carefully the following paragraphs; your understanding of their content and the answers you give the questions that follow will assist in your eligibility to receive a visa.

SALVO CUANDO LA LEY DISPONGA LO CONTRARIO, LOS EXTRANJEROS COMPRENDIDOS EN CUALQUIERA DE LAS SIGUIENTES CLASES SON INELEGIBLES PARA RECIBIR UNA VISA DE INMIGRANTE

EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE INELIGIBLE TO RECEIVE AN IMMIGRANT VISA

serán retardados mentales, dementes, o que hayan sufrido uno o más ataques de demencia; extranjeros que sufran de personalidad psicopática, desviación sexual, defecto mental, adicción a drogas narcóticas, alcoholismo crónico o cualquier enfermedad contagiosa peligrosa; extranjeros que tengan un defecto físico, enfermedad o incapacidad que afecta su capacidad de ganarse el sustento; extranjeros que sean indigentes, mendigos profesionales o vagos; extranjeros convictos por un delito que implique depravación moral o quienes admitan haber cometido los elementos esenciales de un delito de este tipo; extranjeros que sean polígamos, o quienes practiquen o prediquen la poligamia; extranjeros que sean prostitutas, o extranjeros que hayan negociado en prostitución, o beneficiado financieramente de la prostitución, procurado o importado personas con el propósito de prostitución, o que intentan ingresar a los Estados Unidos para negociar en prostitución u otro vicio comercializado, o cualquier acto sexual inusual; extranjeros que intentan ingresar para llevar a cabo trabajos calificados o semi-calificados y que no hayan sido certificados por el secretario de trabajo; y extranjeros que probablemente se conviertan en carga pública en los Estados Unidos.

1) Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity; aliens afflicted with psychopathic personality, sexual deviation, a mental defect, narcotic drug addiction, chronic alcoholism, or any dangerous contagious disease; aliens who have a physical defect, disease or disability affecting their ability to earn a living; aliens who are paupers, professional beggars, or vagrants; aliens convicted of a crime involving moral turpitude or who admit committing the essential elements of such a crime, or who have been sentenced to confinement for at least 5 years in the aggregate for conviction of two or more crimes; aliens who are polygamists, or who practice or advocate polygamy; aliens who are prostitutes, or who have engaged in prostitution, benefited financially from prostitution, procured or imported persons for the purpose of prostitution, or who seek entry to the United States to engage in prostitution or other commercialized vice, or any immoral sexual act, or who seek entry to perform skilled or unskilled labor and who have not been certified by the Secretary of Labor; and aliens likely to become a public charge in the United States).

¿Se aplica a Ud. alguna de las clases anteriores? (Do any of the foregoing classes apply to you?) Si contesta SI, explique. (If reply is YES, explain) SI (Yes) NO (No)

Extranjeros que pretendan reingresar dentro de un año desde que fueron excluidos de los Estados Unidos, o quienes, dentro de los últimos cinco años, hayan sido arrestados y deportados de los Estados Unidos, o expulsados a costa del gobierno en lugar de deportación, o expulsados como un extranjero indigente o como un extranjero enemigo; extranjeros que obtengan o tratan de obtener una visa u otra documentación por medio de fraude o por tergiversación intencional; extranjeros que no sean elegibles para adquirir la ciudadanía de los Estados Unidos, o quienes hayan salido de o permanecido fuera de los Estados Unidos para evadir el servicio militar de los Estados Unidos en tiempo de guerra o emergencia nacional; extranjeros que hayan sido convictos por violar o por conspirar para violar ciertas leyes o reglamentos relativos a drogas narcóticas o marihuana; o quienes se sepa que sean o se crea que sean o que fueron traficantes ilegales de drogas narcóticas o marihuana; extranjeros que tratan de ingresar desde territorio extranjero contiguo o islas adyacentes dentro de los dos años de su arribo de esa procedencia en un transporte no-sigatario; extranjeros que no puedan leer o comprender algún idioma o dialecto; extranjeros que, a sabiendas y por remuneración, hayan alentado o asistido a cualquier otro extranjero a ingresar, tratar de ingresar a los Estados Unidos infringiendo la Ley; extranjeros que siendo anteriormente visitantes de intercambio no hayan cumplido con el requisito de residencia de dos años en el exterior; y extranjeros que sean graduados de colegios médicos extranjeros destinados a los Estados Unidos a brindar servicios médicos son ineligibles para una visa a menos que hayan aprobado las partes I y II del examen NBMEE (National Board of Medical Examiner's Examination), o el examen equivalente como lo determine el Departamento de Servicios Humanos y de la Salud.

Aliens who seek re-entry within 1 year of their exclusion from the United States, or who, within the past 5 years, have been arrested and deported from the United States, or removed at government expense in lieu of deportation or removed as an alien in distress or as an alien enemy; aliens who procure or attempt to procure a visa or other documentation by fraud or willful misrepresentation; aliens who are not eligible to acquire United States citizenship, or who have departed or remained outside the United States to avoid United States military service in time of war or national emergency; aliens who have been convicted for violating or for conspiring to violate certain laws or regulations relating to narcotic drugs or marijuana, or who are known or believed to be, or to have been, an illicit trafficker in narcotic drugs or marijuana; aliens seeking entry from foreign contiguous territory or adjacent islands within 2 years of their arrival therein on a non-signatory carrier; aliens who are unable to read and understand some language or dialect; aliens who, knowingly and for gain, have encouraged or assisted any other alien to enter, or attempt to enter, the United States in violation of law; aliens who, knowingly and for gain, have encouraged or assisted any other alien to enter, or attempt to enter, the United States in violation of law; aliens who are former exchange visitors who have not fulfilled the 2 year foreign residence requirement; and aliens who are graduates of foreign medical schools destined to the United States to perform medical services are ineligible for a visa unless they have passed parts I and II of the NBME Exam (National Board of Medical Examiner's Examination) or an equivalent exam as determined by the Department of Health and Human Services.

¿Se aplica a Ud. alguna de las clases anteriores? (Do any of the foregoing classes apply to you?) Si contesta SI, explique. (If reply is YES, explain) SI (Yes) NO (No)

Extranjeros que sean, o en cualquier momento hayan sido, anarquistas, o miembros de o afiliados a cualquier partido comunista u otro partido totalitario, inclusive cualquier subdivisión u organismo afiliado del mismo; extranjeros que prediquen o enseñen o hayan predicado o enseñado, ya sea por declaración personal o por medio de material escrito o impreso, o por afiliación a alguna organización; oposición al gobierno organizado, (2) derrocamiento del gobierno por la fuerza o la violencia, (3) el asalto o asesinato de funcionarios del gobierno por su carácter oficial, (4) la destrucción ilegal de propiedades, (5) sabotaje, (6) las doctrinas del comunismo mundial o el establecimiento de una dictadura totalitaria en los Estados Unidos; extranjeros que intentan ingresar a los Estados Unidos para llevar a cabo actividades perjudiciales o ilegales de naturaleza subversiva.

Aliens who are, or at any time have been, anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who advocate or teach, or who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (2) opposition to organized government, the overthrow of government by force and violence, (3) the assaulting or killing of government officials because of their official character, (4) the unlawful destruction of property, (5) sabotage, or the doctrines of world communism or the establishment of a totalitarian dictatorship in the United States; aliens who seek to enter the United States to engage in prejudicial activities or unlawful activities of a subversive nature.

¿Se aplica a Ud. alguna de las clases anteriores? (Do any of the foregoing classes apply to you?) Si contesta SI, explique. (If reply is YES, explain) SI (Yes) NO (No)

Extranjeros que durante el período comenzando el 23 de marzo de 1933 y concluyendo el 8 de mayo de 1945, bajo el control, directo o indirecto, del gobierno nazi de Alemania o del gobierno de cualquier área ocupada por, o aliada con, el gobierno nazi de Alemania, ordenó, incitó, asistió, o que de cualquier otra manera participó en la persecución de cualquier persona por su raza, religión, origen nacional u opinión pública.

Aliens who during the period beginning of March 23, 1933, and ending on May 8, 1945, under the control, direct or indirect, of the Nazi Government of Germany or of the government of any area occupied by, or allied with, the Nazi Government of Germany, ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

¿Se aplica a Ud. alguna de las clases anteriores? (Do any of the foregoing classes apply to you?) Si contesta SI, explique. (If reply is YES, explain) SI (Yes) NO (No)

¿Le ayudó alguien a completar esta solicitud? Si la respuesta es SI, indique nombre y dirección de la persona que lo asistió, indicando si es pariente, amigo, agente de viajes, abogado, u otro. (Were you assisted in completing this application? If answer is YES, give name and address of person assisting you indicating whether relative, friend, travel agent, attorney, or other.) SI (Yes) NO (No)

Nombre (Name)

Dirección (Address)

Relación (Relationship)

42. Se adjuntan los siguientes documentos para avalar esta solicitud: (The following documents are submitted in support of this application:)

- | | | |
|--|---|---|
| <input type="checkbox"/> Pasaporte
(Passport) | <input type="checkbox"/> Antecedentes militares
(Military record) | <input type="checkbox"/> Otro - Describa
(Other - Describe) |
| <input type="checkbox"/> Certificado de nacimiento
(Birth certificate) | <input type="checkbox"/> Evidencia de medios económicos propios
(Evidence of own assets) | <input type="checkbox"/> Certificado nacimiento de cónyuge
(Birth certificate of spouse) |
| <input type="checkbox"/> Certificado/s policial/es
(Police certificate/s) | <input type="checkbox"/> Declaración de sostenimiento
(Affidavit of Support) | <input type="checkbox"/> Certificado/s de nacimiento/s de los hijos no casados menores de 21 años de edad que no inmigrarán en este momento. Enumere aquellos para los cuales los certificados de nacimiento no son obtenibles o cuyos certificados de nacimiento se están presentando en este momento en conexión a una solicitud de visa.
(Birth certificates of unmarried children under age 21 who will not be immigrating at this time. List those for whom birth certificates are not available or whose birth certificates are being submitted at this time in connection with a visa application.) |
| <input type="checkbox"/> Certificado de matrimonio
(Marriage certificate) | <input type="checkbox"/> Oferta de empleo
(Offer of employment) | |
| <input type="checkbox"/> Certificado de defunción
(Death certificate) | <input type="checkbox"/> Certificado/s médico/s
(Medical records) | |
| <input type="checkbox"/> Certificado de divorcio
(Divorce decree) | <input type="checkbox"/> Fotografías
(Photographs) | |

NO ESCRIBA DEBAJO DE LA SIGUIENTE LINEA
(DO NOT WRITE BELOW THE FOLLOWING LINE)

EL FUNCIONARIO CONSULAR LE AYUDARA A CONTESTAR LAS PARTES 43 Y 44
(THE CONSULAR OFFICER WILL ASSIST YOU IN ANSWERING PARTS 43 AND 44.)

43. Declaro estar exento de inegibilidad para recibir una visa y exclusión bajo el rubro en la parte 40 por las siguientes razones:
(I claim to be exempt from ineligibility to receive a visa and exclusion under item in part 40 for the following reasons:)

- | | | | | |
|--------------|---|---|--|----------------------------------|
| 212 (a) (14) | <input type="checkbox"/> No pertinente (Not applicable) | Beneficiario de un Permiso Especial bajo:
(Beneficiary of a waiver under:) | <input type="checkbox"/> 212 (a) (28) (i) (i) | <input type="checkbox"/> 212 (e) |
| | <input type="checkbox"/> Adjunto (Attached) | | <input type="checkbox"/> 212 (a) (28) (i) (ii) | <input type="checkbox"/> 212 (g) |
| | | | <input type="checkbox"/> 212 (b) (1) | <input type="checkbox"/> 212 (h) |
| | | | <input type="checkbox"/> 212 (b) (2) | <input type="checkbox"/> 212 (i) |

44. Declaro ser un: (I claim to be a:)
 Inmigrante de preferencia sujeto a limitación numérica de
(..... preference immigrant subject to the numerical limitation of
(Foreign state or dependent area)

- Inmigrante especial no sujeto a limitación. (Special immigrant not subject to limitation).
- Pariente inmediato de un ciudadano de los Estados Unidos. (Immediate relative of a United States citizen).
- Mi declaración se basa en los siguientes hechos: (My claim is based on the following facts:)
- Soy/mi es el beneficiario de una petición de
(I am/my is the beneficiary of a petition.)
- Soy un residente extranjero que regresa. (I am a returning resident alien.)
- Derivo la limitación numérica de bajo la Sección 202 (b) () a través de mí
(I derive chargeability under Section 202 (b) () through my)
- Otro/Especifique (Other - Specify)

Entiendo que se me exige entregar mi visa al funcionario de inmigración de los Estados Unidos en el lugar donde yo solicité ingresar a los Estados Unidos, y que el poseer una visa no me da derecho a ingresar a los Estados Unidos si en ese momento se me encuentra inadmisibles bajo las leyes de inmigración.

Entiendo que cualquier declaración intencionalmente falsa o tergiversación de un hecho material efectuada por mí en esta solicitud puede ser causa de mi exclusión permanente de los Estados Unidos y, si soy admitido a los Estados Unidos, puede ser causa de mi procesamiento penal y/o deportación.

Yo, el suscrito solicitante de una visa de inmigrante para los Estados Unidos, juro (o afirmo) solemnemente que todas las declaraciones que figuran en esta solicitud han sido efectuadas por mí, incluyendo las respuestas a las partes 32 hasta la 41 inclusive, y que son verdaderas y completas a mi mejor saber y entender. También juro (o afirmo) que, si soy admitido a los Estados Unidos, no llevaré a cabo actividades que podrían ser perjudiciales al interés público, o poner en peligro el bienestar, protección, o seguridad de los Estados Unidos; en actividades que serían prohibidas por las leyes de los Estados Unidos en relación a espionaje, sabotaje, desorden público, o en cualquier otra actividad subversiva a la seguridad nacional; en cualquier actividad cuyo propósito sea el de oposición a, o el control, o derrucamiento de, el gobierno de los Estados Unidos, por medio de la fuerza, violencia, u otros medios anticonstitucionales.

Entiendo todas las declaraciones anteriores, habiendo solicitado y obtenido una explicación de cada punto que no me haya sido claro.

(I understand that I am required to surrender my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws.

I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may subject me to permanent exclusion from the United States and, if I am admitted to the United States, may subject me to criminal prosecution and/or deportation.

I, the undersigned applicant for a United States immigrant visa, do solemnly swear (or affirm) that all statements which appear in this application have been made by me, including the answers to parts 32 through 41 inclusive, and are true and complete to the best of my knowledge and belief. I do further swear (or affirm) that, if admitted to the United States, I will not engage in activities which are prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; in any activity a purpose of which is the opposition to, or the control, or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means.

I understand all the foregoing statements, having asked for and obtained an explanation on every point which was not clear to me.)

Items 12 and 13 have been verified by
(Consular officer except as noted:)



(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(Consular Officer)

Office of the Chief Counsel
U.S. Department of Homeland Security
180 Ted Turner Drive, SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

March 9, 2017

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: *fa* (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
Office of Chief Counsel, Atlanta

Sean Gallagher, Field Office Director *SG*
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5);(b)(6);(b)(7)(C)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)

Department of Homeland Security

FOR OFFICIAL USE ONLY

THE ATTACHED MATERIALS CONTAIN DEPARTMENT OF HOMELAND SECURITY INFORMATION THAT IS "FOR OFFICIAL USE ONLY," OR OTHER TYPES OF SENSITIVE BUT UNCLASSIFIED INFORMATION REQUIRING PROTECTION AGAINST UNAUTHORIZED DISCLOSURE. THE ATTACHED MATERIALS WILL BE HANDLED AND SAFEGUARDED IN ACCORDANCE WITH DHS MANAGEMENT DIRECTIVES GOVERNING PROTECTION AND DISSEMINATION OF SUCH INFORMATION.

AT A MINIMUM, THE ATTACHED MATERIALS WILL BE DISSEMINATED ONLY ON A "NEED-TO-KNOW" BASIS AND WHEN UNATTENDED, WILL BE STORED IN A LOCKED CONTAINER OR AREA OFFERING SUFFICIENT PROTECTION AGAINST THEFT, COMPROMISE, INADVERTENT ACCESS AND UNAUTHORIZED DISCLOSURE.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

MEMORANDUM OF CREATION OF RECORD OF LAWFUL PERMANENT RESIDENCE
KANSAS CITY, MISSOURI

Place
KANSAS CITY, MISSOURI
(b)(6);(b)(7)(C)

Status as a lawful permanent resident of the United States is accorded:

Name (b)(6);(b)(7)(C)
Street
Address
City, State, Zip

SEX: M
DATE OF BIRTH: 2-16-75
PLACE OF BIRTH: PHAN THIET VIETNAM
NATIONALITY: VIETNAMESE
PRIORITY DATE

COUNTRY TO WHICH CHARGEABLE (If any)
PREFERENCE (If any): Refugee

REMARKS

NONPREFERENCE: Section 212(a)(14) certification not required because:
 Individual section 212(a)(14) certification issued Blanket section 212(a)(14) certification issued

under the following provision of law:

Sec 203(h) of the I & N Act Sec 249 of the I & N Act Sec 214(d) I & N Act
 Sec 244() () of the I & N Act Sec 1 of the Act of 11/2/66 Private Law no. _____ of the _____ Congress _____ session
 Sec 245 of the I & N Act Sec 13 of the Act of 9/11/57 P.L. 95-412

As of 02 28 79 at KANSAS CITY, MISSOURI (Other law Specify)
(Month) (Day) (Year)
Class of admission (Insert symbol) R.86

PORT OF ENTRY FOR PERMANENT RESIDENCE

(b)(6);(b)(7)(C)

DATE OF ACTION: U.S. APPROVED INS.
DD: OCT 9 - 1981
DISTRICT: (b)(6);(b)(7)(C)

FOR USE BY VISA CONTROL OFFICE

Date _____
Foreign State _____
Preference Category _____
Number _____
Month of Issuance _____
Signed _____
(Visa Office, Dept. of State)

CLOSING ACTION REQUIRED

I-151 ✓
G-188 ✓
G-361 ✓
G-153
I-156

Form I-357 delivered Form I-89 to Immigration Card Facility _____ (Date)

CC: Visa Control Office, Visa Office, Department of State, Washington, D.C. 20520 for allocation of immigrant visa number.

INSTRUCTIONS

GENERAL: To request allocation of a visa number for a preference or nonpreference case under Section 245, mail the original and one copy to the Visa Control Office. When grant of permanent residence becomes final, the copy returned by the Visa Control Office which allocates the visa number shall be appropriately endorsed, and placed in the file. In cases where permanent residence is granted without referral to the Visa Control Office only an original I-181 need be prepared and placed in the file. In other cases where outstanding instructions require the Form I-181 to be forwarded to the Visa Control Office, it shall be prepared in duplicate and the original placed in the file.

ORIGINAL VOUCHER REQUIRED

PREFERENCE: Under Section 245, the priority date will be the filing date of one of the first six preference petitions.

NONPREFERENCE: Under Section 245, the priority date shall be fixed by the following factors, whichever is the earliest: (1) the priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I-485 is properly filed, if the applicant establishes that he is a member of a profession or a person with exceptional ability in the sciences or the arts not included in the Department of Labor's Schedule A (29 CFR 60) provided a certification is issued on that basis; or that he is within Schedule A; or that the provisions of Section 212 (a) (14) of the Act do not apply to him; (3) the date on which an approved valid third or sixth preference visa petition in his behalf was filed; or (4) the date an application for certification based on a job offer was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued. A nonpreference priority date, once established, is retained by the alien even though at the time a visa number becomes available and he is allotted a nonpreference visa number he meets the provisions of Section 212 (a) (14) of the Act by some means other than that by which he originally established entitlement to the nonpreference priority date.

LABOR CERTIFICATION: Check and complete the block regarding certifications on the form as appropriate in a nonpreference case.


REMARKS: If the visa number requested is based on Section 202 (b) (1), (2), (3) or (4) or Section 203 (a) (9) of the Act explain as appropriate in "Remarks" block.

DELAY NOTICE: When the Service must obtain a visa number from the Department of State before granting permanent residence, the letter portion of this form notifying of the delay is mailed to the applicant with a copy to the attorney of record. In represented cases the attorney is notified of the approval of an application by furnishing him with a copy of the notice which is part of this form.

MORAN, IVAN

Photo Attached to
the Form I-181

(b)(6);(b)(7)(C)



DATE RECEIVED

File Number

Applicant for benefits of

Section 101 of the Act of October 28, 1977

Section 103 of the Act of October 28, 1977

Section 104 of the Act of October 28, 1977

DO NOT WRITE ABOVE THIS LINE. SEE INSTRUCTIONS BEFORE FILLING IN APPLICATION. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTION ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION. PRINT IN BLOCK LETTERS

COMPLETE ONLY ONE OF THE FOLLOWING (1A, 1B, OR 1C):

1.A. I hereby apply to become a lawful permanent resident alien on the following basis:

I am a native or citizen of Vietnam, Laos, or Cambodia and have been physically present in the United States for at least two years and:

- (1) was paroled into the United States as a refugee from those countries subsequent to March 31, 1975, but prior to January 1, 1979:
or
- (2) was inspected and admitted or paroled into the United States on or before March 31, 1975, and was physically present in the United States on March 31, 1975.

1.B. I hereby apply to have my admission for permanent residence recorded as of March 31, 1975, or the date of my arrival in the United States, whichever date is later. I was lawfully admitted for permanent residence prior to October 28, 1977.

I am a native or citizen of Vietnam, Laos, or Cambodia and I have been physically present in the United States for at least two years.

1.C. I hereby apply to become a lawful permanent resident alien on the following basis:

I am not a native or citizen of Vietnam, Laos, or Cambodia but I have been physically present in the United States for at least two years and I am the spouse minor unmarried child of a native or citizen of Vietnam, Laos, or Cambodia.

2. My name is (Family Name) (First/Given Name) (Middle Name) <u>(b)(6);(b)(7)(C)</u>			SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
2A. Name which you were admitted to the United States (if different from above) <u>(b)(6);(b)(7)(C)</u>			4. Have you ever applied for permanent residence status in the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If "Yes", give date and place of filing and final disposition.)
3. I reside in the United States at: (No. & Street) (Apt. No.) (City & State) (Zip Code) <u>(b)(6);(b)(7)(C)</u>			
5. Alien registration No. <u>(b)(6);(b)(7)(C)</u>	6. I am now a citizen of (Country) <u>VIET NAM</u>	7. Date of Birth <u>2-16-75</u>	
8. Place of Birth (City or Town) (County, Province, or State) (Country) <u>THANH HOA VIET NAM</u>			
9. Name as appears on nonimmigrant document Form I-94		My I-94 permit number is: <u>(b)(6);(b)(7)(C)</u>	
10. My last arrival in the United States occurred on: DATE: (Month, Day, Year) <u>2-28-79</u>		At the Port of (City, State) <u>USAS CITY MOCHI</u>	
11. I arrived by (Name of vessel or other means of travel) <u>AIR PLANE</u>			as a (Visitor, student, U.S. citizen, stowaway, immigrant, parolee, etc) <u>PAROLEE</u>
12. I <input checked="" type="checkbox"/> was <input type="checkbox"/> was not inspected	13. My nonimmigrant visa, number <u>T94</u> , was issued by the U.S. Consul at (City, Country)		
14. I have been married <u>0</u> times, including my present marriage, if now married. (If you are now married give the following)			
A. Number of times my husband or wife has been married.		B. Name of husband or wife (Wife's maiden name)	
C. My husband or wife resides <input type="checkbox"/> with me <input type="checkbox"/> apart from me at Address (Apt. No.) (No. & Street) (Town or City) (Province or State) (Country) <u>(b)(6);(b)(7)(C)</u>			
15. I <input checked="" type="checkbox"/> have <input type="checkbox"/> have not been absent from the United States during the past two years.			

16. In the spaces below, list all of your entries into and departures from the United States. (Show your LAST entry FIRST)

Date of Entry	Port of Entry	Entered as: (Visitor, student, parolee, stowaway, etc)	Date of Departure	Port of Departure

17.A. I have _____ sons or daughters as follows: (Complete all columns as to each son or daughter; if living with you state "with me" in last column; otherwise give city and state or country of son's or daughter's residence.)

Name	Sex	Place of Birth	Date of Birth	Now living at

B. The following members of my family are also applying for permanent resident status.

18. I list below all organizations, societies, clubs, and associations, past or present, in which I have held membership in the United States or a foreign country, and the periods and places of such membership. (If you have never been a member of any organization, state "None".)

19. I have have not been treated for a mental disorder, drug addiction or alcoholism. (If you have been, explain.)
20. I have have not been arrested, convicted or confined in a prison. (If you have been, explain.)
21. I have have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action. (If you have been, explain.)
22. I have have not ordered, assisted, or otherwise participated in the persecution of any person because of race, religion or political opinion. (If you have, explain.)

23. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES. EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RESIDENTS UNDER THE ACT OF OCTOBER 28, 1977:

Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations); aliens who have been engaged in or who intend to engage in any commercialized sexual activity; aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof; aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States; aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature; aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana; aliens who have been involved in assisting any other aliens to enter the United States in violation of law; aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service; aliens who ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, or political opinion.

Do any of the foregoing classes apply to you? Yes No (If answer is Yes, explain)

24. Completed Form G-325A (Biographic Information) is attached as part of this application.
 Completed Form G-325A (Biographic Information) is not attached as applicant is under 14 years of age.

25. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW:

Signature of Applicant:
 (b)(6);(b)(7)(C)

26. (Signature of person preparing form, if other than applicant.) I declare that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.

Address of person preparing form, if other than applicant

Date: _____ Occupation: _____

(Application not to be signed below until applicant appears before an officer of the Immigration and Naturalization Service for examination)

I, _____, do swear (affirm) that I know the contents of this application subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this application was signed by me with my full, true name:

 (Complete and true signature of applicant)

Subscribed and sworn to before me by the above-named applicant at _____ on _____ (Month) (Day) (Year)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Form Approved
OMB No. 43-R0595

DEMOGRAPHIC DATA TO ACCOMPANY APPLICATION FOR CREATION OF A RECORD OF LAWFUL ADMISSION FOR AN INDOCHINA REFUGEE								
(PLEASE TYPE OR PRINT)								
1. (Family Name, in CAPS) _____ (First) _____ (Middle) _____			2. Alien Registration Number _____					
1a. Name which you were admitted to the United States (if different from above) _____			Telephone Number _____					
3. Date of Birth (Month) (Day) (Year) _____		4. City and Country of Birth _____		4a. Nationality _____	5. <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	6. <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
7. List all of your dependents in the United States:								
Name and Relationship		Sex	Place of Birth		Date of Birth		Type of School / Grade Completed	
(b)(6);(b)(7)(C)			VIETNAM		4-12-52			
			VIETNAM		9-15-54			
			VIETNAM		4-5-80		Woodland School.	
			KC. MO.					
8. Family Name		First Name	Date, City and Country of Birth (If known)		City and Country of Residence			
FATHER		(b)(6);(b)(7)(C)						
MOTHER (Maiden name)								
9. Applicant's residence last five years. List present address first, (EXCLUDE RELOCATION CAMP)							From	To
Street and Number		City	Province or State	Country	Month	Year	Month	Year
(b)(6);(b)(7)(C)		KARAC CITY	MISSOURI	JACKSON	2	79	Present	
		KUALALUMPUR	MALAYSIA		10	78	2	79
		PHAN THIEP	VIETNAM		2	75	10	78
10. I am currently residing in:								
<input checked="" type="checkbox"/> Apartment <input type="checkbox"/> Mobile Home <input type="checkbox"/> Condominium <input type="checkbox"/> House <input type="checkbox"/> Other (Specify) _____								
11. Are you living rent free? <input type="checkbox"/> Yes <input type="checkbox"/> No								
12. Applicant's employment last three (3) years. List present employment first.				13. Fluency in English				
Full name and Address of Employer			Job Title	Wage / Hour	(Check)	Poor	Fair	Good
					Reading			
					Writing			
					Speaking			
14. Last job title, ABROAD _____								
15. Name and Location of Schools Attended		Type of School		From/To	Highest Grade Completed	Title of Degree		
16. To be answered only by the head of household to the best of his / her ability:								
Have you received any public / private assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes answer the following:								
Public Assistance (Source)		Type		From/To		Dollar Amount		
Private Assistance (Source)								

DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA MEDICAL EXAMINATION OF VISA APPLICANTS	PLACE CHERAS TRANSIT CAMP KUALA LUMPUR. DATE OF EXAMINATION 23 FEB 1979
---	--

At the request of the American Consul at	CITY Kuala Lumpur	COUNTRY Malaysia.
--	--------------------------	--------------------------

I certify that on the above date I examined	NAME (b)(6);(b)(7)(C)	AGE 3	SEX M
	WH (b)(6);(b)(7)(C)	ISSUED BY	ON

I examined specifically for evidence of any of the following conditions:

CLASS A:
 DANGEROUS CONTAGIOUS DISEASES:

Chancroid	Lymphogranuloma venereum
Gonorrhea	Syphilis, infectious stage
Granuloma inguinale	Tuberculosis, active
Leprosy, infectious	

MENTAL CONDITIONS:

Mental retardation (mental deficiency)	Previous occurrence of one or more attacks of insanity	Mental defect
Insanity	Psychopathic personality	Narcotic drug addiction
	Sexual deviation	Chronic alcoholism
		(See proviso, sec. 34.7, USPHS Regs.)

CLASS B:
 Physical Defect, Disease, or Disability Serious in Degree or Permanent in Nature Amounting to a Substantial Departure from Normal Physical Well-Being.

CLASS C:
 Minor Conditions.

(CHECK NUMBER (1) BELOW OR COMPLETE NUMBER (2))

My examination, including the X-ray and other reports below, revealed:

(1) No defect, disease, or disability.

(2) Defect, disease, or disability, or previous occurrence of one or more attacks of insanity, as follows (give class - A, B, or C - diagnosis, and pertinent details*):

FS

Chest X-ray report NOT DONE

Blood serological report NOT DONE

Other special report(s) (when needed) _____

SIGNATURE OF ME (b)(6);(b)(7)(C)	DATE OF FINAL REPORT 24 FEB 1979
----------------------------------	--

Photo Attached
to the FS-398

(b)(6);(b)(7)(C)

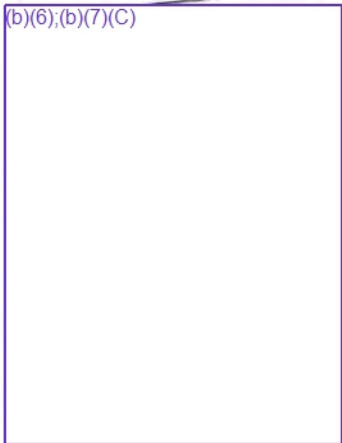
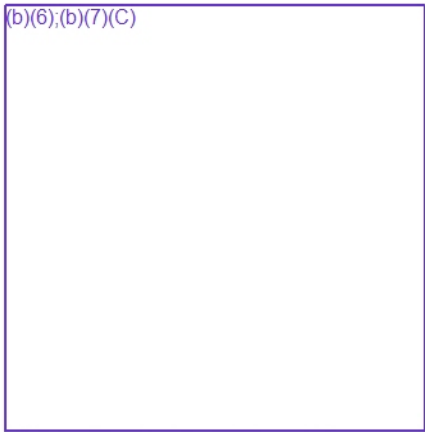


Photo Attached
to the FS-398

(b)(6);(b)(7)(C)



DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA MEDICAL EXAMINATION OF VISA APPLICANTS	PLACE CHERAS TRANSIT CAMP KUALA LUMPUR. DATE OF EXAMINATION 23 FEB 1979
---	--

At the request of the American Consul at	CITY Kuala Lumpur	COUNTRY Malaysia.
--	-----------------------------	-----------------------------

I certify that on the above date I examined	NAME (b)(6);(b)(7)(C)	AGE 3	SEX M
	WHO BEARS PASSPORT NO. (b)(6);(b)(7)(C)	ISSUED BY	ON

I examined specifically for evidence of any of the following conditions:

CLASS A:
 DANGEROUS CONTAGIOUS DISEASES:

Chancroid	Lymphogranuloma venereum
Gonorrhea	Syphilis, infectious stage
Granuloma inguinale	Tuberculosis, active
Leprosy, infectious	

MENTAL CONDITIONS:

Mental retardation (mental deficiency)	Previous occurrence of one or more attacks of insanity	Mental defect
Insanity	Psychopathic personality	Narcotic drug addiction
	Sexual deviation	Chronic alcoholism
		(See proviso, sec. 34.7, USPHS Regs.)

CLASS B:
 Physical Defect, Disease, or Disability Serious in Degree or Permanent in Nature Amounting to a Substantial Departure from Normal Physical Well-Being.

CLASS C:
 Minor Conditions.

(CHECK NUMBER (1) BELOW OR COMPLETE NUMBER (2))

My examination, including the X-ray and other reports below, revealed:

(1) No defect, disease, or disability.

(2) Defect, disease, or disability, or previous occurrence of one or more attacks of insanity, as follows (give class - A, B, or C - diagnosis, and pertinent details*):

FS

Chest X-ray report NOT DONE

Blood serological report NOT DONE

Other special report(s) (when needed) _____

SIGNATURE OF MEDIC _____ from Dr. _____

DATE OF FINAL REPORT **24 FEB 1979**





EMBASSY OF THE
UNITED STATES OF AMERICA

KUALA LUMPUR, MALAYSIA.

26th February 1979

TO: ALL CARRIERS AND IMMIGRATION OFFICIALS

The person(s) listed below, whose photograph(s) is/are affixed hereto, is/are travelling to the United States under the auspices of the Intergovernmental Committee for European Migration (ICEM).

The provisions of the United States Immigration and Nationality Act, as amended, requiring all persons to present a valid passport at time of admission to the United States have been waived pursuant to authority contained in 22 CFR 42.6(f). These refugees are verified as belonging to authorized parole categories specified in State Department telegram 197014, Indochinese Parole Program, 1977

<u>Alien No.</u>	<u>Name</u>	<u>Sex</u>	<u>DOB</u>
(b)(6);(b)(7)(C)		M	1952
		F	1954
		M	1975
		M	1978
		M	1960

This authorization is valid for thirty days.

(b)(6);(b)(7)(C)

Family Name (Capital Letters) (b)(6);(b)(7)(C)		First Name	Middle Initial N250
Country of Citizenship Vietnam	Passport or Alien Registration Number (b)(6);(b)(7)(C)	Permit Number	
United States Address (Number, Street, City and State) (b)(6);(b)(7)(C) /USCC			
Airline and Flight No. or Vessel of Arrival ICEM		Passenger Boarded at Kuala Lumpur	
Number, Street, City, Province (State) and Country of Permanent Residence Vietnam M-3792			
Month, Day and Year of Birth 02-18-1975		PAROLED PURSUANT TO SEC. 212(d)(5) OF THE I & N ACT TO: Indefinite	
City, Province (State) and Country of Birth Phan Thiet, Vietnam		PURPOSE: Viet Refugee	
Visa Issued at VISAS FALCON CLEARED		LRP Cat III	
		Employment Authorized	
		(Port)	(Date) (Officer)
Month, Day and Year Visa Issued Feb 08 1970		2017-ICLI-00012-5782 (b)(6);(b)(7)(C)	

SURRENDER THIS COPY WHEN LEAVING THE UNITED STATES - SEE REVERSE

NAME (LAST IN CAPS) (FIRST) (MIDDLE) , SNDX CODE , NO.
(b)(6);(b)(7)(C)

Alias

P.O.E.	DATE OF ENTRY	TYPE ADM.	MO.-DAY-YR. OF BIRTH	COUNTRY OF BIRTH
PHN	2-28-79	R86	2-16-75	Vietnam

Type of Action:	Name of Sponsor:
T-181	

Action on VP: (Decision) (Mo.) (Day) (Year) (Section) (Forwarded to Consul at:)

Street Address (City, State, and Zip Code)
(b)(6);(b)(7)(C)

FCO	Date	FCO	Date	FCO	Date
PHN	10-9-81	CORRECTED INDEX CARD			
FCO	Date	FCO	Date	FCO	Date

2017-ICLI-00012 5783

(b)(6);(b)(7)(C)

Alias

P.O.E. CHI	DATE OF ENTRY 2/28/79	TYPE ADM. PAR	MO.-DAY-YR. OF BIRTH 1975	COUNTRY OF BIRTH VIETNAM
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Type of Action:
VIET REFUGEE

Name of Sponsor:

Action on VP: (Decision) (Mo.) (Day) (Year) (Section) (Forwarded to Consul at:)

Street Address (City, State, and Zip Code)

FCO KAN	Date 6/30/80	FCO	Date	FCO	Date
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Accession No.

Box No.

2017-ICLI-00012 5784

Office of the Chief Counsel

U.S. Department of Homeland Security
180 Ted Turner Drive, SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

March 2, 2017

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C) for
Office of Chief Counsel, Atlanta (b)(6);(b)(7)(C)
Sean Gallagher, Field Office Director
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland Security
180 Spring Street, SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
Office of Chief Counsel, Atlanta (b)(6);(b)(7)(C)

Sean Gallagher, Field Office Director
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

DATE: January 5, 2017

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland Security
180 Ted Turner Drive, S.W.
(b)(6);(b)(7)(C)
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

January 4, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Atlanta (b)(6);(b)(7)(C)

Sean Gallagher, Field Office Director
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
10400 Rancho Road
Adelanto, CA 92301



U.S. Immigration and Customs Enforcement

December 18, 2013

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: David Marin, Acting Field Office Director
Enforcement and Removal Operations, Los Angeles

Sandra D. Anderson, Chief Counsel
Office of Chief Counsel, Los Angeles

Sandra J. Santos
Senior Attorney, Adelanto, CA

REVIEWED BY: Barbra Hale, Senior Attorney
Senior Attorney, Adelanto, CA

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(5);(b)(6);(b)(7)(C)

FACTS

(b)(5);(b)(6);(b)(7)(C)

(b)(5);(b)(6);(b)(7)(C)

(b)(5);(b)(6);(b)(7)(C)



(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(5);(b)(6);(b)(7)(C)

Office of the Chief Counsel

U.S. Department of Homeland Security
100 Montgomery St., Ste. (b)(6)
San Francisco, CA 94104



U.S. Immigration and Customs Enforcement

February 3, 2017

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: David W. Jennings, Field Office Director
Enforcement and Removal Operations, San Francisco

(b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, San Francisco

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)
A 042 794 367

STATEMENT OF THE CASE¹

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)



U.S. Immigration
and Customs
Enforcement

May 10, 2012

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Chicago

Ricardo Wong, Field Office Director
Enforcement and Removal Operations, Field Office Chicago

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel, Denver

U.S. Department of Homeland
Security
12445 East Caley Avenue
Centennial, CO 80111-6432



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Denver

John P. Longshore, Field Office Director
Enforcement and Removal Operations,
Denver Field Office

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
180 Ted Turner Dr., SW
Atlanta, Georgia 30303



U.S. Immigration
and Customs
Enforcement

February 9, 2017

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Domestic Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel
Office of Chief Counsel, St. Paul, Minnesota

Scott R. Baniecek, Field Office Director
Enforcement and Removal Operations
St. Paul Field Office

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, DRO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

Patrick Contreras, Field Office Director
Enforcement and Removal Operations, Field Office Houston,
Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, DRO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

Patrick D. Contreras, Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of Chief Counsel

U.S. Department of Homeland Security
880 Front Street Ste. (b)(6);(b)(7)(C)
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, Field Office
San Diego

SUBJECT: Indicia of United States Citizenship, Case of
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations,
OPLA
Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, San Diego Field
Office

SUBJECT: United States Citizenship Indicia

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

DATE: January 27, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel,
Office of Chief Counsel, Arlington

M. Yvonne Evans, Field Office Director
Enforcement and Removal Operations, Field Office, Washington

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland Security

18201 S.W. 12th Street
Miami, Florida 33194



**U.S. Immigration and
Customs Enforcement**

February 17, 2017

MEMORANDUM FOR: DPLA for FIELD LEGAL OPERATIONS, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Miami

Marc J. Moore, Field Office Director
Enforcement and Removal Operations, Field Office Miami

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

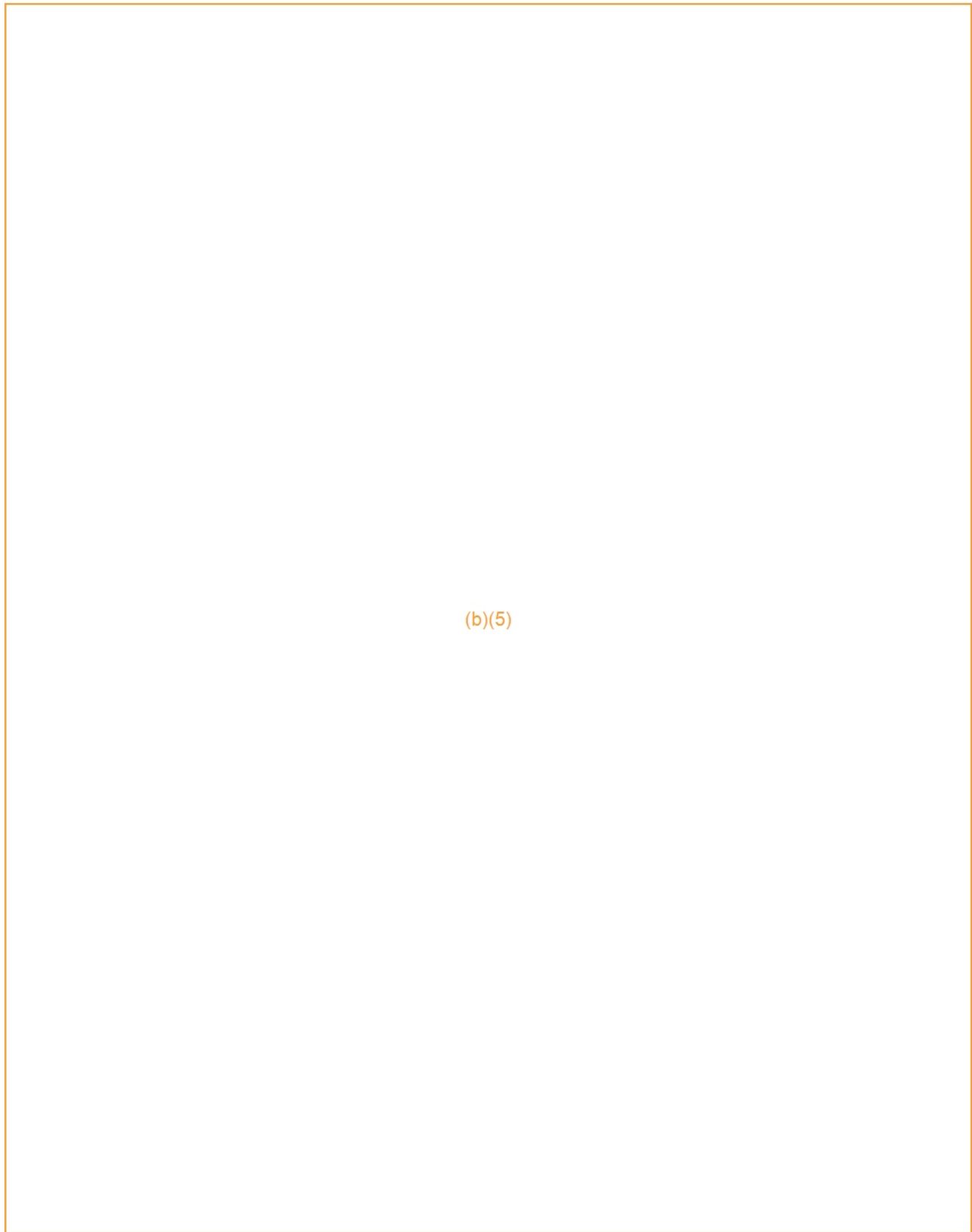
(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel
U.S. Department of Homeland Security

18201 S.W. 12th Street
Miami, Florida 33194



U.S. Immigration and
Customs Enforcement

February 3, 2017

MEMORANDUM FOR: DPLA for FIELD LEGAL OPERATIONS, OPLA
ASSISTANT DIRECTOR FOR FIELD OPERATIONS, ERO

FROM:

(b)(6);(b)(7)(C)

Chief Counsel
Office of Chief Counsel, Miami

Marc J. Moore,
Field Office Director
Enforcement and Removal Operations, Field Office Miami

SUBJECT:

Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of Chief Counsel

U.S. Department of Homeland Security
880 Front Street (b)(6);(b)(7)(Y)
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
(b)(6);(b)(7)(C) Deputy Chief Counsel
Office of Chief Counsel, San Diego

Gregory J. Archambeault, Field Office Director
Enforcement and Removal Operations, Field Office
San Diego

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Atlanta Office of Chief Counsel

U.S. Department of Homeland Security
180 Ted Turner Drive, SW, (b)(6);(b)(7)(C)
Atlanta, Georgia 30303



U.S. Immigration and
Customs Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel (b)(6);(b)(7)(C)
Office of Chief Counsel, Atlant

Sean Gallagher, Field Office Director (b)(6);(b)(7)(C) for
Enforcement and Removal Operations, Field Office Atlanta

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

DATE: January 25, 2017

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

Patrick D. Contreras, Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5);(b)(6);(b)(7)(C)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIM MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

Patrick D. Contreras, Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

DATE: March 20, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel,
Office of Chief Counsel, Arlington

M. Yvonne Evans, Field Office Director
Enforcement and Removal Operations, Field Office, Washington

SUBJECT: Potential Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Page 5923

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5924

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5925

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5926

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5927

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 5928

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

DATE: February 2, 2017

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel,
Office of Chief Counsel, Arlington

M. Yvonne Evans, Field Office Director
Enforcement and Removal Operations, Field Office, Washington

SUBJECT: Claim to United States Citizenship
M. P. LOPEZ
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
201 Varick Street, Rm (b)(6);(b)(7)(C)
New York, NY 10014



U.S. Immigration and Customs Enforcement

March 23, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Assistant Chief Counsel

THROUGH: (b)(6);(b)(7)(C) Senior Attorney, New York, OPLA
(b)(6);(b)(7)(C) Acting Assistant Field Office Director, New York, ERO

CLAIMANT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C)

(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS¹

(b)(5);(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: [Name], Chief Counsel
Office of Chief Counsel, New York

[Name], Field Office Director
Enforcement and Removal Operations, Field Office New
York City

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Acting Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Senior Attorney
Office of Chief Counsel, New York City

(b)(6);(b)(7)(C) Acting Assistant Field Office Director
Enforcement and Removal Operations, New York City

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS¹

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel

U.S. Department of Homeland Security
100 Montgomery St., Ste. (b)(7)(C)
San Francisco, CA 94104



U.S. Immigration and Customs Enforcement

February 3, 2017

MEMORANDUM FOR: Director of Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: **David W. Jennings**, Field Office Director
Enforcement and Removal Operations, **San Francisco**

(b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, **San Francisco**

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE¹

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

DATE: February 2, 2017

MEMORANDUM FOR: Deputy Principal Legal Advisor for Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel,
Office of Chief Counsel, Arlington

M. Yvonne Evans, Field Office Director
Enforcement and Removal Operations, Field Office, Washington

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, DRO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston, Texas

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

January 13, 2017

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Phoenix

Enrique M. Lucero, Field Office Director
Enforcement and Removal Operations, Field Office,
Phoenix

Reviewed by: (b)(6);(b)(7)(C)
Senior Attorney, Florence, Arizona

Author: (b)(6);(b)(7)(C)
Assistant Chief Counsel, Florence, Arizona

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C), Chief Counsel
Office of Chief Counsel, Houston, Texas

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office
Houston, Texas

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

USC CLAIMS MEMORANDUM

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Houston

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office
Houston

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

LEGAL ANALYSIS

(b)(5)

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(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel, Denver

U.S. Department of Homeland
Security
12445 East Caley Avenue
Centennial, CO 80111-6432



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Legal Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Denver

John P. Longshore, Field Office Director
Enforcement and Removal Operations, Field Office Denver

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS²

(b)(5)

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(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(7)(C);(b)(5)

Office of the Chief Counsel, Denver

U.S. Department of Homeland
Security
12445 East Caley Avenue
Centennial, CO 80111-6432



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Director of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Denver

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office Denver

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel, Denver

U.S. Department of Homeland
Security
12445 East Caley Avenue
Centennial, CO 80111-6432



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Deputy Principal Legal Advisor of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Denver

(b)(6);(b)(7)(C), Acting Field Office Director
Enforcement and Removal Operations, Field Office Denver

SUBJECT: Claim to United States Citizenship
(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

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(b)(5)

(b)(5)

CONCLUSION AND RECOMMENDATION

(b)(5)

Office of the Chief Counsel, Denver

U.S. Department of Homeland Security
12445 East Caley Avenue
Centennial, CO 80111-6432



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Deputy Principal Legal Advisor of Field Operations, OPLA
Assistant Director for Field Operations, ERO

FROM: (b)(6);(b)(7)(C) Chief Counsel
Office of Chief Counsel, Denver

(b)(6);(b)(7)(C) Acting Field Office Director
Enforcement and Removal Operations, Field Office Denver

SUBJECT: Claim to United States Citizenship

(b)(6);(b)(7)(C)

STATEMENT OF THE CASE

(b)(6);(b)(7)(C);(b)(5)

FACTS

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(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C);(b)(5)

(b)(5)

LEGAL ANALYSIS

(b)(6);(b)(7)(C);(b)(5)

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CONCLUSION AND RECOMMENDATION

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