



December 20, 2023

Shoba Sivaprasad Wadhia  
Office for Civil Rights and Civil Liberties  
US Department of Homeland Security  
[CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)

Joseph V. Cuffari  
Office of the Inspector General  
US Department of Homeland Security  
[DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

To Whom It May Concern,

In recent months, the New Mexico Immigrant Law Center (NMILC) has documented severely prolonged wait times in the so-called expedited removal process conducted at both Torrance County Detention Facility and Cibola County Correctional Center.

In August 2023, NMILC and partner organizations submitted a complaint, escalating the concern that individuals were being rushed through the Credible Fear Interview (CFI) process at Torrance, often without access to legal orientation. Beginning in September 2023, NMILC began to observe that although many men continued to be scheduled quickly for interviews, they began waiting prolonged periods of time for USCIS to issue decisions. At the same time, NMILC continued to document ongoing and serious due process violations, especially amongst rare language speakers who continue to be jammed through the CFI process in the Spanish language.

Increasingly through the Fall of 2023, NMILC also began to observe extreme inconsistencies in the CFI processing times for noncitizens at Torrance and Cibola. Some individuals continued to receive interviews right away and waited for decisions for upwards of 30-60 days; others noncitizens, especially at Cibola, began waiting upwards of 30-60 days for an interview at all. And even once an individual receives a positive credible fear interview, weeks or months can pass before they are served with an NTA and released to their sponsor, unnecessarily prolonging their detention. Others who receive negative decisions are similarly subjected to prolonged detention of upwards of 90 days while they await deportation. All the while, noncitizens languish in detention and continue to be subjected to horrific and subhuman conditions, as repeatedly documented by nonprofit organizations in New Mexico.

### **Ongoing Due Process and Language Access Violations**

Despite repeated calls for improved enforcement of legally required procedural protections, noncitizens detained in the El Paso Area of Responsibility (AOR) continue to be subjected to fundamentally unfair processes by both ICE and USCIS.

### *Failure to Provide CFIs in Noncitizens' Native Languages*

██████████ P██████████ (A#██████████), who is currently detained at Cibola, was administered a CFI at Torrance in Spanish despite being a non-Spanish speaker. Mr. P██████████ speaks Ixil and can only communicate in simple terms in Spanish. This was noted by both NMILC staff and later by Immigration Judge Brock Taylor. Indeed, as made clear by statements throughout the CFI transcript, it is clear that he does not speak nor understand Spanish. First, when asked why he did not seek out a lawful pathway to entry into the United States, Mr. P██████████ responded: "Because I don't know how to read [or] write[.] I can barely speak Spanish god is giving me the wisdom to answer."<sup>1</sup> Later in the interview, Mr. P██████████ explains that he does not speak Spanish when he is asked why he did not seek the protection of the police in Guatemala.<sup>2</sup> In the same exchange, the asylum officer conducting the interview implicitly acknowledged that Mr. P██████████ is not a native Spanish speaker, asking in response to Mr. P██████████'s explanation whether there were police in his area who spoke his "native language."<sup>3</sup> Later in the CFI, describing the harm Mr. P██████████ has suffered due to his indigenous identity, Mr. P██████████ describes being 'treated badly' because of his skin color, but admits that he "didn't know what they were saying."<sup>4</sup> Still, the officer pushed on with the interview in Spanish, resulting in Mr. P██████████ receiving a negative credible fear determination.

The immigration judge who reviewed the negative credible fear determination found that Mr. P██████████ is not a proficient Spanish speaker and vacated the negative determination. The Judge made the explicit finding that USCIS had violated Mr. P██████████'s due process rights, and reconducted the CFI in Ixil, finding that Mr. P██████████ had a credible fear of persecution.<sup>5</sup> But this outcome was not guaranteed. NMILC staff were alerted to Mr. P██████████'s situation by chance, and were barely able to enter an appearance and file a legal brief with the immigration judge the Sunday night before Mr. P██████████'s Monday morning hearing. In fact, Mr. P██████████ originally elected not to seek IJ review because he did not understand what the process meant and only decided to pursue the review once it was properly explained to him.

And moreover, despite vacatur of the negative CFI determination on December 11, 2023, USCIS still has yet to issue Mr. P██████████ an NTA. ICE El Paso stated on December 20 that they intend to release Mr. P██████████ only after USCIS issues the NTA paperwork, despite ICE retaining the discretionary authority to release him. Accordingly, USCIS's delay in issuing a two-page NTA to Mr. P██████████ is unnecessarily prolonging his detention, on top of the fact that he should have been issued a rare-language NTA months ago to begin with.

Mr. P██████████'s case is far from unique. In November 2023, NMILC assisted three Miskito speakers who, much like Mr. P██████████, were detained and initially subjected to the credible fear process in the Spanish language. One of the men received an interview that was cut off because the individual did not understand the interviewer and, following NMILC's intervention, all three men were eventually issued rare language NTAs.<sup>6</sup> Despite eventually receiving relief, all three men were detained for over 60 days during which time none of the men were able to communicate

---

<sup>1</sup> Exh. A-1, at 17.

<sup>2</sup> *Id.* at 18.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 20.

<sup>5</sup> Exh. A-2.

<sup>6</sup> Exh. B.

with government officials in the language they understood, including to receive information critical to their cases. Critically, they were unable to communicate their medical needs to CoreCivic officials, creating extreme safety and wellbeing concerns for the men. Without intervention, the three men may easily have received a different outcome, including improper removal.

In yet another instance of improper attention to language, ██████ T ██████ (A# ██████) received a CFI in Spanish despite his native language being Q'eqchi'. NMILC notified USCIS of Mr. T ██████'s rare language. He is currently awaiting the results of his CFI that took place in Spanish, despite the interviewing taking place on or around November 3, 2023 – over six weeks ago – and despite the interview being conducted in a language he does not speak.<sup>7</sup>

In the cases mentioned above, the asylum seekers received inadequate or improper language access. This fits a brazen pattern of due process violations against individuals who speak rare languages. NMILC is sympathetic to the growing workload of the Department's asylum officers. However, this is not an excuse for failing to follow the law. Indeed, this widespread practice violates 42 U.S.C. § 2000d (Title VI of the Civil Rights Act of 1964), which prohibits discrimination on the basis of race, color, and national origin (including language access) in federal programs and activities. *See also*, USCIS Language Access Plan (December 2019). Instead of being able to participate in their interviews in a language they know and understand, rare language speakers consistently report being rushed through the credible fear process and not being given an opportunity to be heard.

#### ***Significant Violation of Section 504 of the Rehabilitation Act by Forcing a Hearing-Impaired Man Through a Telephonic CFI***

On November 13, 2023, NMILC met ██████ I ██████ (A# ██████), a young Venezuelan man who is hearing impaired. Mr. I ██████ was scheduled for a CFI three separate times before NMILC intervened and notified DHS that Mr. I ██████ was deaf. Still, even with NMILC on record as Mr. I ██████'s attorney, NMILC was not called when Mr. I ██████ was subjected to yet another CFI, despite the Department's knowledge that he is deaf. The transcript of the interview explicitly notes that "Applicant stated that he needs hearing aids and Spanish-sign language. Interpreter stated that she could hear him, but could not fully understand what he says."<sup>8</sup> Although the interpreter informed the asylum officer that she could not 'fully understand' what Mr. I ██████ was saying, due to his speech impediment as a result of being deaf, the interview proceeded and Mr. I ██████ received a negative determination.

In one final example of plainly improper procedure, Mr. I ██████ then went before an immigration judge for review of the determination, and the immigration judge affirmed the asylum officer's negative determination without testimony.<sup>9</sup> Following intervention and escalation of complaints by NMILC to multiple agencies and congressional offices, Mr. I ██████ has since received a discretionary NTA and been released; but if not for that intervention, Mr. I ██████ would likely have been deported following this series of disability violations.

From the cases described above, it is clear that due process protections are consistently denied to asylum seekers in credible fear screenings at both Cibola and Torrance. Despite best efforts, legal

---

<sup>7</sup> Exh. C, at 30.

<sup>8</sup> Exh. D, at 59.

<sup>9</sup> Exh. E.

service providers in New Mexico are not able to catch every single violation – indeed, there are approximately six pro bono practitioners in the state providing detention services. Given that there is no codified right to appointed counsel for noncitizens in detention, it is critical that the legal processes that unrepresented noncitizens are subjected to are fundamentally fair. Without oversight and accountability, additional violations continue to inflict irreversible harm on individuals seeking protection in the US.

### **Delays in Receiving CFIs and CFI Determinations**

This Fall, NMILC began hearing reports from men detained at CCCC and TCDF that they were not receiving the results of their interviews in a timely manner. Instead, individuals were waiting weeks, even months, before receiving any information about the status of their case.

Out of 82 individuals who entered between April 2023 and November 2023, 21 individuals waited over 20 days before they received the CFI, and seven individuals waited over 30 days. One person waited an alarming 48 days, and another waited a shocking 52 days for his interview.

NMILC also continues to observe extreme delays in the issuance of CFI determinations. Out of 54 individuals, all of whom have waited over 20 days for receipt of a determination, 27 still had not received a determination after 40 days or more. Eleven of those men were still awaiting a decision from their CFI after two months or longer. NMILC continues to escalate and document these delays in requests to the Houston Asylum Office, and seldom receives adequate responses to our requests.<sup>10</sup>

Without a decision, these men are subjected to unnecessary and prolonged detention, in poor prison conditions that have been repeatedly escalated to the DHS oversight agencies. While languishing in what appears to be indefinite detention, these individuals face extreme and sudden weight loss and rapidly deteriorating physical and mental health. It appears there is no consistent process employed to ensure that cases are adjudicated in a fair and efficient manner, and recently arrived asylum seekers are needlessly harmed as a result.

With the anticipated settlement agreement in *Padilla v. ICE*, Case 2:18-cv-00928-MJP, which will require issuance of NTAs in instances of delayed CFI processing, NMILC will continue to closely monitor the El Paso AOR's compliance with the agreed terms.

### **Delays in Release and Deportations**

Following receipt of a CFI decision, many individuals remain in detention for weeks or months due to delayed administrative processing by USCIS and ICE. Individuals with positive CFIs are told by ICE officers that it will take upwards of 30 days to finalize the paperwork for their release from custody. Individuals with vacated negative CFIs by an Immigration Judge, like Mr. P [REDACTED] described above, face several weeklong delays in USCIS issuing NTAs that facilitate their release by ICE. ICE refuses to release people, despite having the authority to do so, before USCIS issues an NTA. Finally, individuals with negative CFI determinations and subject to removal wait upwards of 90 days to finally be deported, especially noncitizens from Venezuela.

These delays similarly present serious risks to mental and physical health, as well as to any legal proceedings appurtenant to a detained individual. Explained below are brief case examples along

---

<sup>10</sup> Exh. C.

with accounts of individuals who are currently detained, illustrating the harmful delays at both TCDF and CCCC.

██████████ P ██████████, whose situation was described above, remains in detention at CCCC even though an immigration judge vacated his negative credible fear determination on December 11, 2023. Mr. P ██████████ is particularly vulnerable, since he is unable to communicate with government officials, the other individuals detained with him, or with the CoreCivic officers responsible for him.

Similarly, ██████████ M ██████████ (A# ██████████) received a negative credible fear determination which was vacated by an immigration judge on November 21, 2023, but yet he still remains detained as of this writing.

One asylum seeker, currently detained at TCDF, who asked to remain anonymous explains that he has been detained for 85 days without receiving any response. He writes, “They violate our rights. We are verbally and psychologically mistreated. My family is destroyed because I am the economic provider. My girls are very small and they are suffering for food and emotionally. I ask you all help so that they give us freedom they are ending with my life and the life of many of us. Help human rights, have mercy.”<sup>11</sup>

██████████ R ██████████ (A ██████████) explains the psychological toll of his prolonged detention: “The food is terrible and very little. We have no privacy. At bedtime they are psychologically mistreating us. Just now in December it is a very sad time for me. They just deprived me of the right to be with my wife, especially now that we are waiting for a baby.”<sup>12</sup> Despite an immigration judge having vacated his negative credible fear determination, he has spent three weeks waiting for his documentation so that he can reunited with his wife.<sup>13</sup>

The cases described herein indicate a pattern. Once a determination is made, rather than complete the adjudication by releasing or deporting detained asylum seekers, they are instead subjected to an indefinite period during which time they receive no information regarding the following steps in their respective processes. This practice, much like those described above, has serious consequences for these individuals’ legal proceedings, for their mental and physical health, and strongly implicates the credible fear process as the culprit of excessive and unnecessary delays.

### **Ongoing Interference with Access to Counsel**

Asylum seekers at both TCDF and CCCC continue to face critical interference with their access to counsel. Importantly, asylum seekers who have not yet received a CFI are rarely afforded access to the legal presentations provided by NMILC. This has a significant impact on many detained asylum seekers, the vast majority of whom do not speak English. Because individuals are not given access to legal presentations before they receive their CFIs, they are forced to proceed without any information about the credible fear process, what to expect from the interview, what happens after the interview, or what their rights are for the duration of the process.

The data NMILC has gathered demonstrates that asylum seekers are not provided adequate access to legal resources. Out of 40 respondents detained at both CCCC and TCDF, 35 individuals said

---

<sup>11</sup> Exh. F.

<sup>12</sup> Exh. G.

<sup>13</sup> Exh. H.

they had not been able to speak with any attorney before their interview, while 30 out of 42 respondents at Torrance said they had not been able to access Innovation Law Lab's Tuesday legal hotline before their interview. This is corroborated by staff at NMILC who conduct legal presentations designed to prepare individuals for their CFIs at CCCC and TCDF, and regularly meet with groups of 50-100 detained asylum seekers most of whom have already received an interview but were not allowed to attend the presentations before their interviews.

It is unacceptable that asylum seekers would be forced through their credible fear process without receiving critical legal orientation. This is an unnecessary obstacle that prevents asylum seekers from effectively arguing their case. Especially given the recent delays in scheduling these CFIs, the failure to ensure access to legal orientation is inexcusable.

### **Conclusion**

NMILC requests an investigation into the persistent deprivations of due process rights, ongoing and excessive delays in processing times, and continued issues regarding access to counsel. It is imperative that inadequate legal protections, improper processes, and plain denial of legal rights be corrected at the soonest possible juncture.

Respectfully Submitted,



**O. Bella Bjornstad**


Law Clerk

New Mexico Immigrant Law Center

PO Box 7040

Albuquerque, NM 87194

E: [objornstad@nmilc.org](mailto:objornstad@nmilc.org)



Sophia Genovese

Managing Attorney

New Mexico Immigrant Law Center

PO Box 7040

Albuquerque, NM 87194

P: 505-895-2609

E: [sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)

# **Exhibit A-1**

**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
**Record of Determination/Credible Fear Worksheet**

<b>ZHN</b>	[REDACTED]	[REDACTED]
Asylum Office Code	A-File Number	Noncitizen's Last/ Family Name
[REDACTED]	<b>GUATEMALA</b>	
Asylum Officer	Noncitizen's Nationality	

*All statements in italics must be read to the applicant*

SECTION I: INTERVIEW PREPARATION

1.1 Date of Arrival:

**Nov 4, 2023**

1.2 Place of Encounter:

**Inland**

1.3 Detention status at inter-  
view:

**Detained**

1.4 Date of Detention:

**Nov 4, 2023**

1.5 Place of Detention:

**TORRANCE/ESTANCIA, NM, 209 COUNTY ROAD, ESTANCIA NM, 87016**

1.6 Intended destination upon release from detention or non-detained address in the U.S.:

[REDACTED]

1.7 Date of Interview:

**2023-11-15**

1.8 Interview Site (applicant's location):

**TOORANM - TORRANCE/ESTANCIA, NM**

1.9 Interview mode:

**Telephonic**

1.10 Applicant received and signed Form M-444 and relevant pro bono list:

**Yes**

Date signed:

**Nov 5, 2023**

1.11 If orientation more than one week from date of detention, explain delay:

-

1.12 Does applicant have consultant(s)/representative?

**No**

1.13 Persons present at the interview (select which apply and indicate if in person or by telephone or video conference):

**No one other than applicant, officer, and interpreter (if applicable)**

1.14 Language used by applicant in interview:



**SPANISH**

1.15 Interpreter used in interview?

**Yes**

Was the interpreter a contractor or provided by the applicant?

**Contractor**

1.16 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

**Yes**

*The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.*

---

**SECTION II: BIOGRAPHIC INFORMATION**

2.1 Last Name / Family Name:

████████████████████

2.2 First Name:

██████████

2.3 Middle Name:

-

2.4 Date of Birth:

██████████

2.5 Gender:

**Male**

2.6 Other names and dates of birth used:

-

2.7 Country of Birth:

**Guatemala**

2.8 Country(ies) of citizenship:

• GUATEMALA

2.9 Address prior to coming to the U.S. (list address, city/town, province, state, department and country):

**Town of** ██████████

2.10 Applicant's race or ethnicity:

**Indigenous**

2.11 Applicant's religion:

**Christian**

2.12 All languages spoken by applicant:

• SPANISH

2.13 Marital Status:

**Single, Never Married**

2.14 Did spouse arrive with applicant?

**N/A**

2.15 Is spouse included in applicant's claim?

**N/A**

2.16 If currently married (including common law, informal marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

**N/A**

2.17 Children:

**Yes**

2.18 List any children:

**1) Full Name:** [REDACTED]

**2) Full Name:** [REDACTED]

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists?

**No**

2.20 Has applicant notified the facility of medical condition?

**N/A**

2.21 Does applicant claim that the medical condition relates to torture?

**N/A**

2.22 Does applicant have an email address?

**No**

2.23 If yes, please list all email addresses for the applicant:

**N/A**

2.24 If yes, can the applicant receive confidential information related to their asylum case at the above email address(es)?

**N/A**

2.25 Does applicant have a U.S. phone number?

**No**

2.26 If yes, please list phone number and type (mobile/landline)

**N/A**

2.27 What is the highest level of education the applicant has completed?

**Primary**

---

### SECTION III: CREDIBLE FEAR INTERVIEW

**The attached notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for the purposes of this threshold screening.**

The asylum officer shall elicit all relevant and useful information bearing on whether the applicant has a credible fear of persecution or torture. Typed Question and Answer (Q&A) interview notes and a summary of material facts as stated by the applicant, any additional facts relied upon by the officer, and analysis of the claim must be attached to this form for all credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear of persecution or torture.

3.1 At the conclusion of the interview, the asylum officer must read the following to the applicant:

*If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection*

known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

3.2 At the conclusion of the interview, the asylum officer must read a summary of the claim to the applicant.

---

## SECTION IV: CREDIBLE FEAR FINDINGS

### **A. CREDIBLE FEAR DETERMINATION (AND REASONABLE POSSIBILITY DETERMINATION, WHERE APPLICABLE)**

#### **CREDIBILITY**

- 4.1 Applicant found credible  
 4.2 Applicant found not credible

#### **NEXUS**

- 4.3 Race  
 4.4 Religion  
 4.5 Nationality  
 4.6 Membership in a Particular Social Group  
 4.7 Political Opinion  
 4.8 Coercive Family Planning (CFP)  
 4.9 No Nexus

#### **CREDIBLE FEAR FINDING**

- 4.10 Credible fear of persecution established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution established.  
 4.11 Credible fear of torture established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of torture established.  
 4.12 Credible fear of persecution NOT established and credible fear of torture NOT established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution NOT established and reasonable possibility of torture NOT established.

### **B. POSSIBLE BARS**

4.13 There are reasonable grounds to believe that the applicant may be subject to a bar(s) to asylum or withholding of removal (select all that apply):

4.15 Security Risk

4.16 Aggravated Felon

4.14 Particularly Serious Crime

4.17 Persecutor

4.18 Terrorist

4.19 Firmly Resettled

4.20 Serious Non-Political Crime Outside the United States

4.21 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal

### C. IDENTITY

4.22 Applicant's identity was determined with a reasonable degree of certainty (select all that apply):

4.23 Applicant's own credible statements (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty)





4.24 Passport which appears to be authentic

4.25 Other evidence presented by applicant or in applicant's file

4.26 Applicant's identity was not determined with a reasonable degree of certainty (Explain in additional information field below)

---

### SECTION V: ASYLUM OFFICER / SUPERVISOR NAME AND SIGNATURES

	<i>Signed by:</i> 	
	<i>on Wednesday, November 15, 2023, 2023-11-15</i>	
	<i>4:44 pm</i>	
5.1 Asylum Officer	5.2 Asylum Officer's Signature	5.3 Asylum Officer's Decision Date
		<i>2023-11-17</i>
5.4 Supervisory Asylum Officer	5.5 Supervisory Signature	5.6 Date Supervisor Approved Decision

---

#### ADDITIONAL INFORMATION/CONTINUATION

Noncitizen is subject to the condition on asylum eligibility at 8 CFR 208.33(a) and has not shown a significant possibility that they are excepted from the condition or can rebut the presumption against eligibility. Therefore, the noncitizen has not established a significant possibility of establishing eligibility for asylum and has received a negative credible fear of persecution determination. Noncitizen was then screened for eligibility for statutory withholding of removal or CAT protection under a "reasonable possibility of persecution" and "reasonable possibility of torture" standard.

## CLP RP Interview Orientation Notification (Rev 05/18/2023)

### Noncitizen Subject to the Condition on Asylum Eligibility Pursuant to 8 CFR 208.33(a)

From: **ZHN**

Date: **2023-11-15**

RE: [REDACTED]

At the interview:

- The Asylum Officer informed the individual that the officer had determined, based upon the individual's testimony and the other evidence in the record, that the individual is subject to the condition on asylum eligibility under 8 CFR § 208.33(a), and therefore has not established a credible fear of persecution with respect to their application for asylum.
- As a result of the above determination, the Asylum Officer read the following paragraph to the individual:

The purpose of the remainder of the interview is to determine if you can establish a reasonable possibility of persecution on account of a protected ground or torture in the country to which you will be ordered removed. If it is determined that you have established a reasonable possibility of being persecuted on account of a protected ground or tortured in that country, you will receive a Notice to Appear for a hearing in immigration court for further consideration of your protection claims. If it is determined that you have not established a reasonable possibility of being persecuted on account of a protected ground or tortured, you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are subject to the condition on asylum eligibility under 8 CFR § 208.33(a).



## Introduction

---

### Interview Start Time

Interview Start Time  
**11:19 AM**

### Interpreter and Oath

Language  
**SPANISH**

What is your home office?  
**ZNY**

Interpreter Service  
[REDACTED]

Call Start Time  
**10:57 AM**

Interpreter/Monitor ID  
[REDACTED]

Call End Time  
**unknown time value**

I'm using this service for:  
**Interpreter**

### Interpreter Oath

Do you affirm:

- that you will truthfully, literally and fully interpret the questions asked by the officer and the answers given by the applicant;
- that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted;
- that you understand that all matters discussed in this interview are confidential and that you will not share what you hear today with any person; and
- that you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?

Interpreter/Monitor Under Oath



Interpreter/Monitor has Form I-870 and M-444 Summary

Do you affirm that you will truthfully, literally and fully interpret the questions asked by me and the answers given by the applicant; that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and that you will immediately notify me if you become aware of your inability to interpret in a neutral manner. Do you affirm that you understand that the matters discussed during this interview are confidential?

## Interview Format

Detention Status

**Detained**

Detention Location

**TORRANCE/ESTANCIA, NM**

Method of Interview

**Telephonic**

What is your full and complete name?

[REDACTED]

What is your date of birth?

[REDACTED]

Is anyone else in the room with you?

**No**

## Interpreter Guidance

**To Interpreter:** Interpreter, please introduce yourself to the applicant and let the applicant know that you have been sworn in and you will keep everything discussed today confidential.

**To Applicant:** Before we get started, I have instructions for you and your interpreter to ensure the accuracy of this interview.

- Your interpreter must interpret everything that is said today literally and completely, and that everything remains in the first person.
- You are not to have any side conversations with your interpreter. If you do not understand a question, your interpreter must tell me and I will clarify it for you. Also, if the interpreter doesn't understand something you said, the interpreter must let me know.
- Working with an interpreter can be difficult. Please make sure to keep your sentences short. If you have a longer answer, please break it up into shorter pieces.



- Please tell me immediately if you feel uncomfortable with this interpreter and I will request a new interpreter.

## Language

What is your native language?

**SPANISH**

Do you speak any other languages?

**Yes**

What other languages do you speak?

- IXIL

What language would you like to proceed with for this interview today?

**SPANISH**

Q. Do you understand the interpreter?

**A. Yes**

Q. Interpreter, do you understand the applicant?

**A. Yes**

Q. Do you feel comfortable using an interpreter of the gender available on the phone today?

**A. Yes**

Q. Do you feel comfortable speaking with a female officer today?

**A. Yes**

I am an asylum officer and I will be conducting your interview today through an interpreter, who has been placed under oath to completely interpret everything you say and to keep everything you say confidential. We are having this interview today because you have expressed a fear of returning to GUATEMALA at some point after you were detained, and today we will discuss what those fears may be

## Counsel

Do you have an attorney or consultant?

**No**





Did you receive a list of legal service providers who may be able to represent you for free or a low cost?

**No**

**Officer:** I can provide you with a list of free or a low cost legal service providers after we talk.

You have the right to have an attorney or consultant present for the interview, but the presence of an attorney or consultant is not required for this interview. Do you wish to continue without an attorney or consultant present today?

**Yes**

## Applicant Oath

Next, I would like to place you under oath. This is a legal obligation to tell the truth. Please stand and raise your hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

**Yes**

**Officer:** Thank you. You may lower your hand and take a seat.

## M-444

Form M-444 included in the referral packet

**Yes**

Date M-444 received and signed (or refused to sign)

**Nov 5, 2023**

**Officer:** According to our records, you received Form M-444 on 2023-11-05. The M-444 form explains the credible fear determination process.

Q. Do you remember receiving this form?

**A. Yes**

Q. Do you have any questions about the credible fear process?

**A. No**

## Voluntary Withdrawal Advisal



Country(ies) of Citizenship  
• GUATEMALA

## I-870

### Purpose of the Interview

**To Applicant:** I will now provide you an explanation of the purpose of the interview and a few instructions.

**To Interpreter (if applicable):** Interpreter, please read Section 1.16 of form I-870 (rev. 05/12/2023) to the applicant.

Section 1.16: The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

I-870 Section I Purpose of Interview Read to Applicant

Q: Records indicate you last entered the United States on 11/4/2023, at or near Santa Teresa, NM and were apprehended on 11/4/2023. Is that correct?

A: **Yes**

Q: Was this the first time you entered the U.S.?

A: **No this is the second time the first time I was caught 10 months ago**

Q: What happen after you were detained the first time?

A: **They sent me back to my country**

### Fear of Returning to Country



You previously indicated that you were afraid to return to your country. Are you still afraid to return to your country?

**Yes**

Do you want to continue with your credible fear interview today?

**Yes**

---

## Medical Issues/Ability to Testify

### Medical Issues / Ability to Testify

Do you currently have any medical or health problems that I should be aware of, physical or mental?

**No**

Are you taking any medications?

**No**

Is there anything that might affect your ability to testify today?

**No**

---

## Biographic Information

### Biographic Information

Other than the name you gave me, have you ever been known by any other names or aliases?

**No**

Have you ever used any other dates of birth?

**No**

What is your gender?

**Male**

What country were you born in?

**Guatemala**

What country are you a citizen of?

**Guatemala**

Are you a citizen of any other country?

**No**

What is your race or ethnicity, for example, do you identify as Hispanic, Indigenous, Latin, Mixed, White, Black, etc.?

**Indigenous**



Do you have a religion; if so, what is it?

**Christian**

What was the address of the last place you lived before coming to the U.S?

**Town of [REDACTED]**

(If detained) What is your intended destination upon release from detention, (or if non-detained) What is your current address in the United States?

[REDACTED]

Do you have an email address?

**No**

Do you have a U.S. phone number?

**No**

What is the highest level of education that you have completed?

**Primary**

## Spouse and Children

### Spouse and Children

Are you or have you ever been married or lived with a partner?

**Single**

Do you have any children?

**Yes**

Did you arrive to the U.S. with your child(ren)?

**No**

List all children - include DOB, Name, Citizenship, Present Location (if w/PA, list A-numbers), Did child arrive with PA (Yes/No), Is child included in PA's claim (Yes/No)

[REDACTED]

[REDACTED]

### Linked Case(s)

Did any family members, including your partner if you have one, travel with you to the United States?



**No**

## AOL (for non-Mexicans who entered at SWB)

---

### AOL Screening

Did you ever cross the border from Mexico into the U.S. before now?

**Yes**

When did you previously cross the border from Mexico into the U.S.?

**Feb/2023**

Did the noncitizen previously cross the border between July 16, 2019 and June 30, 2020?

**No**

## Circumvention of Lawful Pathways

---

### Circumvention of Lawful Pathways (CLP) Rule

Is the applicant a Mexican national?

**No**

Did the applicant enter the southwest land border or adjacent coastal borders on or after May 12, 2023 at 12:00AM ET?

**Yes**

CLP Screening Intro Script

It appears that you are subject to the lawful pathways condition on asylum eligibility because you entered the U.S. on or after May 12, 2023 at 12:00 AM ET without documents sufficient for lawful admission, and traveled through at least one country, namely Mexico, that is a signatory to the Refugee Convention. In order to assess whether the condition should apply to you, I will ask you some questions to determine if you qualify for an exception or if you can rebut the presumption that you are ineligible for asylum.

### EXCEPTION A: PAROLE AUTHORIZATION

Q: Did you have authorization to travel to the U.S. to seek parole?

A: **No**



EXCEPTION B: CBP ONE APP

Q: When you entered at [insert name of POE], did you use the CBP One App to enter?

A: **No**

EXCEPTION C: OTHER PROTECTION SOUGHT

Q: Did you apply for asylum or any other protection in any of the countries through which you traveled on your way from your home country to the U.S.?

A: **No**

### CLP Exceptions

Did the applicant establish an exception to the Circumvention of Lawful Pathways rule?

**No**

REBUTTAL A: MEDICAL EMERGENCY

Q: Did you have any medical issues at the time you crossed from Mexico to the US?

A: **No**

REBUTTAL B: EXTREME THREAT TO LIFE OR SAFETY

Q: When you were in Mexico, were you threatened or harmed by anyone?

A: **No**

REBUTTAL C: HUMAN TRAFFICKING VICTIM

Q: Now I am going to ask you a few questions to see if you have ever been a victim of human trafficking – please know that I am only asking you these questions to determine if you meet this definition, not for any other reason. Have you ever engaged in any commercial sex act through force, fraud, or coercion, or at a time when you were under the age of 18?

A: **No**

Q: Have you ever at any time in your life been forced to do labor, engage in a commercial sex act, or made to do work that you did not do willingly?

A: **No**



---

## REBUTTAL D: EXCEPTIONALLY COMPELLING CIRCUMSTANCES

Q: When you were in Mexico and about to cross into the US, why didn't you try to seek out a lawful pathway to enter the US, such as parole?

A: **Because I dont know how to read write I can barely speak spanish god is giving me the wisdom to answer**

Q: Is there something that prevented you from seeking out a lawful pathway?

A: **Just those reasons**

### CLP Rebuttal

Did the applicant rebut the presumption of ineligibility?

**No**

CLP RP Interview Orientation Notification

The purpose of the remainder of the interview is to determine if you can establish a reasonable possibility of persecution on account of a protected ground or torture in the country to which you will be ordered removed. If it is determined that you have established a reasonable possibility of being persecuted on account of a protected ground or tortured in that country, you will receive a Notice to Appear for a hearing in immigration court for further consideration of your protection claims. If it is determined that you have not established a reasonable possibility of being persecuted on account of a protected ground or tortured, you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are subject to the condition on asylum eligibility under 8 CFR § 208.33(a).

---

## ABC (for Guatemalan and Salvadoran applicants born before 1991)

Q: Were you in the U.S. before 1991?

A: **No**

Q: [If yes] Did you ever apply for any legal status in the United States before, such as TPS or for asylum?

A: **N/A**

---

## Past Harm/ Nexus/ WFF

We are about to begin discussing what happened to you in GUATEMALA and why you fear return. Please remember to speak in short phrases with plenty of pauses. If what you say is too long for the interpreter to interpret, he will pause you before continuing. Please listen to my questions carefully and answer directly.



Q: You said that you are afraid of returning to GUATEMALA who are you afraid of there?

A: **Everyone people don't like me I try to find work and they shut the door to my face because I am indigenous**

Q: Have you ever been physically harmed in GUATEMALA?

A: **No**

Q: Have you ever been threatened in GUATEMALA?

A: **No**

Q: Aside from what we've discussed, were you ever harmed or threatened by anyone else in GUATEMALA for any reason?

A: **No**

Q: What do you fear to return to GUATEMALA?

A: **Because people make fun of me because of the way I am they mock me because I live in a bridge that is why I dont want to go back there I would be made fun of and mocked**

Q: What are some examples you mean by being mocked?

A: **Because I am poor people yell at me because I dont have a house they make fun of me and because I dont have work sometimes I'll have work for 2 days or week and they just make fun of me**

Q: Aside from not working continuously, being poor and not having a house is there any other reason why you are mocked by people in the community?

A: **No just that**

## State Action

---

Q: Ever reported not being able to find work or being mocked?

A: **No**

Q: Why not?

A: **No I didn't say anything I don't talk to them**

Q: Do you have a specific reason why you don't talk to the police?

A: **Because I cant speak Spanish when I came here I learned a bit**

Q: Do the police in your area speak your native language?

A: **Yes but in a different language I just dont talk to them**

## Internal Relocation (for cases where CLP is applied)

---





Q: Do you think you could live safely in another part of GUATEMALA?

A: **Yes but I don't want to be there anymore**

## CAT

---

I am going to ask you a series of questions regarding public officials. Public officials are people who work with or for the government. For example: Public officials may include people such as police officers, soldiers, judges, and other government employees.

Q: Have you ever had any problems with the police or any public official in GUATEMALA?

A: **No I dont have any problems**

Q: Has anyone who works for the police or the government of GUATEMALA ever threatened or harmed you?

A: **No**

Q: Do you fear harm from a public official, or anyone affiliated with the government in GUATEMALA?

A: **No**

Q: Would the police in your area try to protect you [feared entity] if they knew that you were going to be harmed?

A: **No they do not protect you they only laugh at me because of the way I am**

Q: Have you ever experienced this with the police?

A: **Applicant pauses - yes I work with a business owner he is not there anymore he is here now I worked for 3 days and he didn't pay me my money that's why I went to the police and they laughed at me and then I went to the judge and he made him pay and I was given my money**

Q: When did this happen?

A: **It was in 2022 I dont remember when maybe the middle**

Q: Why did the police laugh at you?

A: **Maybe because of the way I am it was one cop that laughed at me and the other does good and does the right thing I dont know if he is still there because it happen last year**

Q: Did they say anything to you?

A: **No no words I just went to the judge**

## Additional Nexus Questions

---

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your race?

A: **Yes because of indigenous**



Q: Have you been harmed or threatened because of being indigenous?

A: **No I was made fun of**

Q: Fear of being harmed because of being indigenous?

A: **I would be treated badly because of my skin color because I lived on the bridge they wouldn't push me or hit me they would just yell at me I didnt know what t hey were saying**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your religion?

A: **When I went to church I was mocked because I am indigenous**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your nationality?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your political opinion?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of some characteristic that you have that makes you different from other people?

A: **I would be called ugly**

Q: Have you ever been harmed or threatened, or do you fear being harmed by a family member, such as a partner, spouse, parents, grandparent, aunt, or uncle?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed by anyone else for any other reason we did not talk about yet?

A: **No**

## Mandatory Bars

---

Now I'm going to ask you another set of questions that I must ask of everyone, so please don't be offended by the nature of these questions.

Q: Have you ever harmed or helped someone harm anyone for any reason?

A: **No**

Q: Have you ever committed a crime in any country?

A: **No**



Q: Have you ever been arrested or detained for any reason in any country?

A: **No**

Q: Have you ever been charged with or convicted of a crime in any country?

A: **No**

Q: Have you ever served in the military or received any military-type training?

A: **No**

Q: Have you ever assisted or been a member of a criminal group, such as a gang, cartel, or other organized criminal group?

A: **No**

Q: Have you ever committed or helped to commit an act involving the use of firearms or other weapons?

A: **No**

Q: Are you now or have you ever been a member of an armed group or a group that uses violence to achieve its goals?

A: **No**

Q: Have you ever provided any type of support, like food, housing, money, or transportation, to an armed group or any group or person that uses violence to achieve their goals?

A: **No**

Q: Have you ever tried to convince others to join or give money or other things of value to an armed group or to any group or person that uses violence to achieve its goals?

A: **No**

Q: Do you intend to do anything illegal in the U.S.?

A: **No**

## Conclusion

---

### Summary of Testimony

**Officer:** Please give me a moment to review my notes and summarize what we have discussed.

Summary

You were made fun and mocked by members of the community and the police in GUATEMALA. You believe you were targeted because you are poor, don't have a home and not working continuously.



You did try to make a police report. You are afraid to return to GUATEMALA because you believe you will be mocked and made fun

You do not believe the police or government could protect you because when you went to the police they laughed at you. You do believe you could live elsewhere in GUATEMALA because but you don't want to be there anymore.

Officer summarized claim

Is this summary correct?

**Yes**

Are there any changes or additions you would like to make?

**No**

Is there anything else that is important to your claim that we have not yet discussed?

**No**

### Conclusion Statement (I-870 Section III)

**To Applicant:** I will now provide you an explanation of what will happen after this interview

**To Interpreter (if applicable):** Interpreter, please read section 3.1 of Form I-870 (rev. 05/12/2023) to the applicant.

Section 3.1: If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

I-870 Section III Conclusion Statement Read to Applicant

Do you understand what was read to you?

**Yes**

Do you have any questions?

**No**



Q: Did you understand all the questions I asked today?

A: **Yes**

Q: Did you understand the interpreter?

A: **Yes**

Thank you for speaking with me today, we are now at the end of the interview. Please let the officer there know we have concluded.

## **Interview End Time**

Interview End Time

**12:36 PM**



---

## CLP Reasonable Possibility Determination Checklist

### Reasonable Possibility Determination Checklist and Written Analysis for Noncitizens Subject to the Circumvention of Lawful Pathways Rule Pursuant to 8 CFR § 208.33(a)

Country(ies) of Removal

- Guatemala

---

#### DECISION

Reasonable Possibility Determination

**Negative**

---

#### HARM

Has the applicant testified that they have experienced past harm in the country of removal?

**Yes**

Harm:

**made fun of and mocked**

Entities:

**Members of the community and the police**

Has the applicant testified that they fear future harm if returned to the country of removal?

**Yes**

Harm:

**made fun of and mocked**

Entities:

**Members of the community**

---

#### CREDIBILITY

Was the applicant's testimony credible?

**Yes**

Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible.



## ANALYSIS

### Persecution Written Analysis

#### PAST (seriousness of harm)

The applicant stated he would be made fun and mocked because he is poor, doesn't have a home, unable to maintain a job and because he is indigenous. The applicant stated he has never been physically harmed nor threatened. This harm insufficiently serious to amount to persecution.

#### FUTURE (seriousness of harm)

The applicant fears he would be mocked and made fun if he were to return to Guatemala because he is poor, doesn't have a home, unable to maintain a job and because he is indigenous. This harm feared insufficiently serious to amount to persecution.

Additionally, the applicant did not provided reasonable testimony of the possibility that he would be unable to avoid future persecution in another part of the country and that the relocation within the country would be unreasonable. The applicant stated he would be able to relocate to another part of the country but does not want to be there anymore.

### Torture Written Analysis

There is no reasonable possibility that the applicant can establish the person feared is a public official acting in an official capacity or an individual who would act at the instigation, consent, or acquiescence of public officials or others acting in an official capacity or that the feared harm would constitute severe physical or mental pain or suffering. The applicant has not been harmed or threatened by a public official, nor does he fear harm from a public official, or anyone affiliated with the government in Guatemala. The applicant stated he does not believe the police would protect him because they have laughed at him because of the way he is. The applicant also stated there was an incident where his employer did not pay him for three days. The applicant went to make a police report about this incident but the police did not take his report and laughed him. The applicant escalated the issue to a judge where his employer was then required to pay the applicant. The applicant's testimony indicates that although the local police was not willing to help him, the government of Guatemala heard his claim and acted on his behalf.

# **Exhibit A-2**



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT

In the Matter of:

Case No.: A [REDACTED]

[REDACTED] P [REDACTED]

Applicant.

In Credible Fear Review Proceedings  
Initiated by the Department of Homeland Security

**ORDER OF THE IMMIGRATION JUDGE**

The Court has conducted a *de novo* review of the Department of Homeland Security's credible fear determination. The Court has fully considered all testimony and evidence submitted regarding the Applicant's background and the Applicant's fear of returning to the Applicant's country of origin or last habitual residence.

After *de novo* consideration, the Court finds that the Applicant *has* demonstrated a significant possibility that the Applicant could establish eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or protection under the Convention Against Torture.

Feared harm is on account of race and membership in a particular social group consisting of indigenous persons in Guatemala. Past harm, including a broken hand, rises to the level of past persecution. Circumventing Lawful Pathways presumption was rebutted by the Applicant. Respondent is an Ixil speaker. The original credible fear interview violated the Applicant's due process rights because it was conducted in Spanish rather than Ixil.

IT IS HEREBY ORDERED THAT the Department of Homeland Security's removal order is **VACATED**. The case is returned to the Department of Homeland Security for further proceedings or for the commencement of removal proceedings.

This is a final order. There is no appeal from this decision.

Date: December 11, 2023

[REDACTED]  
\_\_\_\_\_  
BROCK E. TAYLOR  
United States Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) ELECTRONIC SERVICE (E) PERSONAL SERVICE (P)  
TO: [ ] APPLICANT [ M ] APPLICANT c/o Custodial Officer [ ] APPLICANT'S ATT/REP [ M ] DHS  
DATE: 12/11/23 BY: COURT STAFF SA

# **Exhibit B**

save forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof Thank you!

---

**From:** Houston Asylum <[houston.asylum@uscis.dhs.gov](mailto:houston.asylum@uscis.dhs.gov)>  
**Sent:** Saturday, November 11, 2023 12:28 PM  
**To:** Sophia Genovese <[sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)>  
**Subject:** RE: PD request; NTA rare language request

**[EXTERNAL SENDER]**

Your request has been forwarded to the supervisor for a update.

SS//

---

**From:** Sophia Genovese <[sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)>  
**Sent:** Friday, November 10, 2023 6:19 PM  
**To:** Houston Asylum <[houston.asylum@uscis.dhs.gov](mailto:houston.asylum@uscis.dhs.gov)>  
**Cc:** Oona Bjornstad <[objornstad@nmilc.org](mailto:objornstad@nmilc.org)>  
**Subject:** PD request; NTA rare language request

**CAUTION:** This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender Contact the USCIS Security Operations Center with questions or click the "Report Phishing" button to report it as a phishing attempt.

Good afternoon,

We respectfully request the issuance of rare language NTAs for the following men from Nicaragua who speak Miskito

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

My G 28s for each are attached

The men have reportedly been detained for approximately 60 days, during which time they have not communicated with any US government officials in a language they know and understand. They report that Miskito interpreters have not been made available for their CFIs, and have expressed isolation, confusion, and despair by not being informed about the immigration processes they are being subjected to by ICE They very clearly do not speak nor understand Spanish

Please note that upon interviewing the above listed men, Counsel learned that each has suffered significant torture on account of the race/ethnicity, and Counsel observed physical signs of prior torture, including burned hands, arms, and head

The issuance of a rare language NTA is required under USCIS Memorandum, "Processing Credible Fear Cases When a Rare Language Interpreter is Unavailable," HQRAIO 120/9.15a, Jun. 14, 2013, available here [https://www.uscis.gov/sites/default/files/document/memos/Processing\\_CF\\_RareLanguageInterpreter-Unavailable.pdf](https://www.uscis.gov/sites/default/files/document/memos/Processing_CF_RareLanguageInterpreter-Unavailable.pdf). Per the memo, if the officer "is unable to communicate with the applicant in another language or the officer cannot schedule a rare language interpreter within 48 hours, the Asylum Office should immediately or as soon as is practicable, issue the form, I-862 Notice to Appear (NTA) " Accordingly, it is respectfully requested that NTAs for the above listed men be issued as soon as practicable.

Sincerely,

--

**Sophia Genovese** (*she/her*)  
Managing Attorney, EJW Disaster Resilience Fellow  
New Mexico Immigrant Law Center  
625 Silver Ave. SW, Suite 410  
Albuquerque, NM 87102  
C: (505) 895-2609  
E [sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)

image002.jpg

[Facebook](#) | [Twitter](#) | [Instagram](#) | [nmilc.org](http://nmilc.org)

*This message is intended only for the use of the addressee(s) named in this message. It may contain information that is confidential, exempt from disclosure under applicable law and protected by the attorney client privilege. If you are not the intended recipient of this message or if this message has been addressed to you in error, you are hereby notified that any review, dissemination, or copying of this communication is strictly prohibited. If you have received this electronic transmission in error please (i) immediately notify the sender by reply email (ii) do not review, copy, save forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you!*

# Exhibit C

**From:** Sophia Genovese [sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)  
**Sent:** Friday, November 10, 2023 8:05 PM  
**To:** Houston Asylum [houston\\_asylum@uscis.dhs.gov](mailto:houston_asylum@uscis.dhs.gov)  
**Cc:** Oona Bjornstad <[objornstad@nmilc.org](mailto:objornstad@nmilc.org)>  
**Subject:** Request for Review of Prolonged CFI determinations

**CAUTION** This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Phishing" button to report it as a phishing attempt.

Good afternoon,

The following individuals are requesting review of their cases by the Houston Asylum Office. As detailed below, the following individuals have been waiting extended periods of time to either: have their CFI; be issued decisions after a CFI has been conducted; or some other processing delay prolonging their detention. My G-28 for each person is attached.

1. [REDACTED] A [REDACTED], has awaited a CFI decision for 17 days. He has been detained for approximately 30. He is at particular risk as an LGBTQ asylum seeker, and has reported instances of discrimination at the facility.
2. [REDACTED] The Immigration Judge vacated the erroneous CFI determination on October 28. Mr. [REDACTED] has been awaiting the issuance and filing of a Notice to Appear, placing him in 240 proceedings. As a result of the delay in processing his placement in removal proceedings, Mr. [REDACTED] has been unable to seek release from custody, despite the Court reportedly urging DHS to release him pursuant to their parole authority. Worryingly, Mr. [REDACTED] reports that his Deportation Officer that it takes ICE 2-4 weeks to process their cases once found to have a positive CFI or receive a vacated negative decision by the IJ. This extreme delay prolongs Mr. [REDACTED] detention.
3. [REDACTED] has waited approximately 40 days for to have a CFI, despite other men receiving CFIs at far faster rates. He recently described the situation he is in as "psychological torture."
4. [REDACTED] has reportedly received 2 CFIs and has been awaiting results from the second interview for one month.
5. [REDACTED] has been awaiting his CFI results for approximately 30 days. He was separated from his wife and 7 year-old son at the border.
6. [REDACTED] arrived on September 27 and received a CFI on October 4. He is awaiting his results over 1 month later. He believes that his CFI paperwork may have been misplaced by the government, and that he may be subject to a second interview.

The following individuals are not represented by counsel, but reported extreme delays in receiving their CFI determinations:

7. [REDACTED] awaiting results for 11 days.
8. [REDACTED] awaiting results for 7 days. Additionally, Mr. Tiul Bin reportedly speaks Queqchi, and did not receive a CFI in a language he is fluent in.
9. [REDACTED] awaiting results for 20 days.
10. [REDACTED] awaiting results for 15 days.
11. [REDACTED] awaiting results for 25 days.
12. [REDACTED] awaiting results for 17 days.
13. [REDACTED] awaiting results for 28 days.
14. [REDACTED] awaiting results for 30 days.
15. [REDACTED] awaiting results for 28 days.
16. [REDACTED] awaiting results for 8 days.
17. [REDACTED] awaiting results for 45 days.

We respectfully request that the above cases be reviewed and action be taken to prevent prolonged detention as a result of administrative delay.

Sincerely,

--

**Sophia Genovese** (*she/her*)

Managing Attorney, EJW Disaster Resilience Fellow

New Mexico Immigrant Law Center

625 Silver Ave. SW, Suite 410

Albuquerque, NM 87102

C: (505) 895-2609

E [sgenovese@nmilc.org](mailto:sgenovese@nmilc.org)



[Facebook](#) | [Twitter](#) | [Instagram](#) | [nmilc.org](http://nmilc.org)

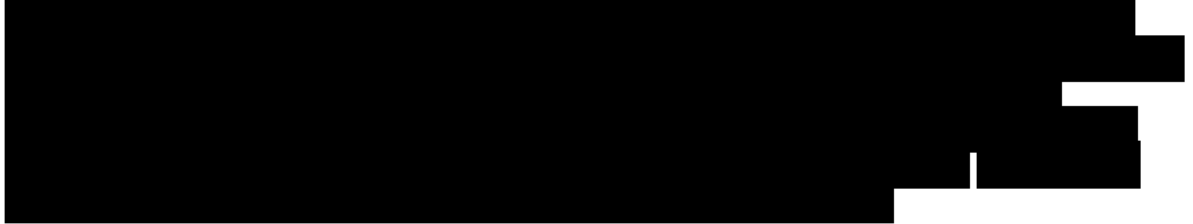
*This message is intended only for the use of the addressee(s) named in this message. It may contain information that is confidential, exempt from disclosure under applicable law, and protected by the attorney-client privilege. If you are not the intended recipient of this message, or if this message has been addressed to you in error, you are hereby notified that any review, dissemination, or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please (i) immediately notify the sender by reply email, (ii) do not review, copy, save forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you!*

## Sophia Genovese

---

**From:** Oona Bjornstad  
**Sent:** Saturday, December 2, 2023 8:07 AM  
**To:** Houston Asylum  
**Cc:** Sophia Genovese  
**Subject:** Request for CFI Results

**Attachments:**



Good Afternoon,

I am a law student at the University of New Mexico and a law clerk at the New Mexico Immigrant Law Center where I work under the supervision of Sophia Genovese. Many individuals currently detained at Torrance County Detention Facility have waited for the results of their credible fear interviews for well over three weeks. In several cases, highlighted below, individuals have waited over 70 days and still do not have the results of their interviews. Also highlighted below are two young men who are just 18 years old and so eligible for SIJS.

At this time, NMILC requests that their cases be expedited, and the results of their interviews be released to these individuals as soon as possible. Such delays are unacceptable, unnecessarily prolong detention, and obstruct these individuals' ability to seek legal assistance, release, or return to their country of origin. Below is a list of each individual's name, A#, and the length of time they have waited for their interview determination.

Ms. Genovese's G-28s are also attached.

[REDACTED] **30 Days** **DOB:** [REDACTED] **/2005**  
[REDACTED] **40 Days** **DOB:** [REDACTED] **/2005**  
[REDACTED] **30 Days**  
[REDACTED] **30 Days**  
[REDACTED] **52 Days**  
[REDACTED] **41 Days**  
[REDACTED] **50 Days**  
[REDACTED] **72 Days**  
[REDACTED] **43 Days**  
[REDACTED] **58 Days**  
[REDACTED] **28 Days**  
[REDACTED] **28 Days**  
[REDACTED] **30 Days**  
[REDACTED] **15 Days**  
[REDACTED] **30 Days**



- 10 Days**
- 38 Days**
- 35 Days**
- 37 Days**
- 41 Days**
- 27 Days**
- 27 Days**
- 27 Days**
- 57 Days**
- 20 Days**
- 28 Days**

Thank you for your attention to this matter.

Sincerely,

**O. Bella Bjornstad** *(she/her)*  
Law Clerk  
New Mexico Immigrant Law Center  
625 Silver Ave. SW, Suite 410  
Albuquerque, NM 87102  
E: [objornstad@nmilc.org](mailto:objornstad@nmilc.org)



[Facebook](#) | [Twitter](#) | [Instagram](#) | [nmilc.org](http://nmilc.org)

*This message is intended only for the use of the addressee(s) named in this message. It may contain information that is confidential, exempt from disclosure under applicable law, and protected by the attorney-client privilege. If you are not the intended recipient of this message, or if this message has been addressed to you in error, you are hereby notified that any review, dissemination, or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please (i) immediately notify the sender by reply email, (ii) do not review, copy, save forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you!*

## Sophia Genovese

---

**From:** Oona Bjornstad  
**Sent:** Monday, December 18, 2023 3:06 PM  
**To:** Houston Asylum  
**Cc:** Sophia Genovese  
**Subject:** Regarding Delays in Credible Fear Determinations

**Attachments:**



Good Afternoon,

I am a law clerk at the New Mexico Immigrant Law Center where I work under the supervision of Sophia Genovese.

I am writing on behalf of a cohort of recently arrived asylum seekers currently detained at Torrance County Detention Facility in Estancia, New Mexico. Included below is a list of individuals who have experienced substantial delays in the credible fear process, along with the number of days each individual has been waiting to receive their credible fear determination.

These delays present significant obstacles for individuals seeking protection in the US, in particular because they are detained for the duration of the credible fear process. Considering the serious and detrimental effects of these extended wait times, NMILC asks at this time that USCIS release the credible fear determinations of the individual's listed below, or alternatively issue Notices to Appear given prolonged delays. Attached to this email are G-28s for each individual.

- ████████████████████ 30 Days
- ████████████████████ 62 Days
- ████████████████████ 38 Days
- ████████████████████ 15 Days
- ████████████████████ 15 Days
- ████████████████████ 38 Days
- ████████████████████ 15 Days
- ████████████████████ 30 Days
- ████████████████████ 21 Days
- ████████████████████ 45 Days
- ████████████████████ 45 Days

- ████████████████████ 60 Days
- ████████████████████ 35 Days
- ████████████████████ 35 Days
- ████████████████████ 45 Days
- ████████████████████ 64 Days
- ████████████████████ 40 Days
- ████████████████████ 56 Days
- ████████████████████ 48 Days
- ████████████████████ 34 Days
- ████████████████████ 2.5 months
- ████████████████████ 2.5 Months
- ████████████████████ 80 Days
- ████████████████████ 46 Days
- ████████████████████ 3 Months
- ████████████████████ 2 Months
- ████████████████████ 3 Months
- ████████████████████ 47 Days

Thank you for your attention to this matter.

Sincerely,

**O. Bella Bjornstad** (*she/her*)  
Law Clerk  
New Mexico Immigrant Law Center  
625 Silver Ave. SW, Suite 410  
Albuquerque, NM 87102  
E: [objornstad@nmilc.org](mailto:objornstad@nmilc.org)



[Facebook](#) | [Twitter](#) | [Instagram](#) | [nmilc.org](http://nmilc.org)

*This message is intended only for the use of the addressee(s) named in this message. It may contain information that is confidential, exempt from disclosure under applicable law, and protected by the attorney-client privilege. If you are not the intended recipient of this message, or if this message has been addressed to you in error, you are hereby notified that any review, dissemination, or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please (i) immediately notify the sender by reply email, (ii) do not review, copy, save forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you!*

# Exhibit D

**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
**Record of Determination/Credible Fear Worksheet**

<b>ZHN</b>	[REDACTED]	[REDACTED]
Asylum Office Code	A-File Number	Noncitizen's Last/ Family Name
[REDACTED]	<b>VENEZUELA</b>	
Asylum Officer	Noncitizen's Nationality	

***All statements in italics must be read to the applicant***

**SECTION I: INTERVIEW PREPARATION**

1.1 Date of Arrival:

**Oct 12, 2023**

1.2 Place of Encounter:

**Inland**

1.3 Detention status at inter-  
view:

**Detained**

1.4 Date of Detention:

**Oct 12, 2023**

1.5 Place of Detention:

**CIBOLA COUNTY CORRECTIONAL CENTER, 2000 CIBOLA LOOP, MILAN NM, 87021**

1.6 Intended destination upon release from detention or non-detained address in the U.S.:

**New York, New York**

1.7 Date of Interview:

**2023-11-17**

1.8 Interview Site (applicant's location):

**CIBOCNM - CIBOLA COUNTY CORRECTIONAL CENTER**

1.9 Interview mode:

**Telephonic**

1.10 Applicant received and signed Form M-444 and relevant pro bono list:

**Yes**

Date signed:

**Oct 14, 2023**

1.11 If orientation more than one week from date of detention, explain delay:

**N/A**

1.12 Does applicant have consultant(s)/representative?

**No**

1.13 Persons present at the interview (select which apply and indicate if in person or by telephone or video conference):

**No one other than applicant, officer, and interpreter (if applicable)**

1.14 Language used by applicant in interview:

**SPANISH**

1.15 Interpreter used in interview?

**Yes**

Was the interpreter a contractor or provided by the applicant?

**Contractor**

1.16 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

**Yes**

*The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.*

---

**SECTION II: BIOGRAPHIC INFORMATION**

2.1 Last Name / Family Name:

2.2 First Name:

2.3 Middle Name:

[REDACTED]

2.4 Date of Birth:

2.5 Gender:

[REDACTED] **2003**

**Male**

2.6 Other names and dates of birth used:

N/A

2.7 Country of Birth:

2.8 Country(ies) of citizenship:

**Venezuela**

• VENEZUELA

2.9 Address prior to coming to the U.S. (list address, city/town, province, state, department and country):

[REDACTED] **Venezuela**

2.10 Applicant's race or ethnicity:

2.11 Applicant's religion:

2.12 All languages spoken by applicant:

**White**

**NONE**

• SPANISH

2.13 Marital Status:

2.14 Did spouse arrive with applicant?

2.15 Is spouse included in applicant's claim?

**Single, Never Married**

**N/A**

**N/A**

2.16 If currently married (including common law, informal marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

**N/A**

2.17 Children:

**Yes**

2.18 List any children:

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists?

**No**

2.20 Has applicant notified the facility of medical condition?

**N/A**

2.21 Does applicant claim that the medical condition relates to torture?

**N/A**

2.22 Does applicant have an email address?

**No**

2.23 If yes, please list all email addresses for the applicant:

**N/A**

2.24 If yes, can the applicant receive confidential information related to their asylum case at the above email address(es)?

**N/A**

2.25 Does applicant have a U.S. phone number?

**No**

2.26 If yes, please list phone number and type (mobile/landline)

**N/A**

2.27 What is the highest level of education the applicant has completed?

**Secondary**

---

### SECTION III: CREDIBLE FEAR INTERVIEW

**The attached notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for the purposes of this threshold screening.**

The asylum officer shall elicit all relevant and useful information bearing on whether the applicant has a credible fear of persecution or torture. Typed Question and Answer (Q&A) interview notes and a summary of material facts as stated by the applicant, any additional facts relied upon by the officer, and analysis of the claim must be attached to this form for all credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear of persecution or torture.

3.1 At the conclusion of the interview, the asylum officer must read the following to the applicant:

*If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do*

*not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?*

3.2 At the conclusion of the interview, the asylum officer must read a summary of the claim to the applicant.

---

## SECTION IV: CREDIBLE FEAR FINDINGS

### **A. CREDIBLE FEAR DETERMINATION (AND REASONABLE POSSIBILITY DETERMINATION, WHERE APPLICABLE)**

#### **CREDIBILITY**

- 4.1 Applicant found credible  
 4.2 Applicant found not credible

#### **NEXUS**

- 4.3 Race  
 4.4 Religion  
 4.5 Nationality  
 4.6 Membership in a Particular Social Group  
 4.7 Political Opinion  
 4.8 Coercive Family Planning (CFP)  
 4.9 No Nexus

#### **CREDIBLE FEAR FINDING**

- 4.10 Credible fear of persecution established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution established.  
 4.11 Credible fear of torture established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of torture established.  
 4.12 Credible fear of persecution NOT established and credible fear of torture NOT established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution NOT established and reasonable possibility of torture NOT established.

### **B. POSSIBLE BARS**

4.13 There are reasonable grounds to believe that the applicant may be subject to a bar(s) to asylum or withholding of removal (select all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 4.14 Particularly Serious Crime | <input type="checkbox"/> 4.15 Security Risk | <input type="checkbox"/> 4.16 Aggravated Felon |
| <input type="checkbox"/> 4.17 Persecutor                 | <input type="checkbox"/> 4.18 Terrorist     | <input type="checkbox"/> 4.19 Firmly Resettled |



4.20 Serious Non-Political Crime Outside the United States

4.21 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal

### C. IDENTITY

4.22 Applicant's identity was determined with a reasonable degree of certainty (select all that apply):

4.23 Applicant's own credible statements (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty)

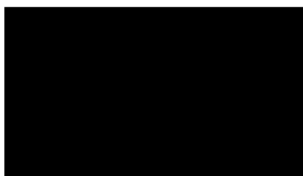
4.24 Passport which appears to be authentic

4.25 Other evidence presented by applicant or in applicant's file

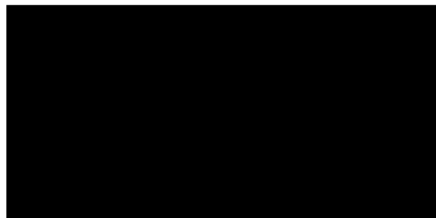
4.26 Applicant's identity was not determined with a reasonable degree of certainty (Explain in additional information field below)

---

### SECTION V: ASYLUM OFFICER / SUPERVISOR NAME AND SIGNATURES



5.4 Supervisory Asylum Officer



5.5 Supervisory Signature

ay.

**2023-11-17**

5.3 Asylum Officer's Decision Date

**2023-11-18**

5.6 Date Supervisor Approved Decision

---

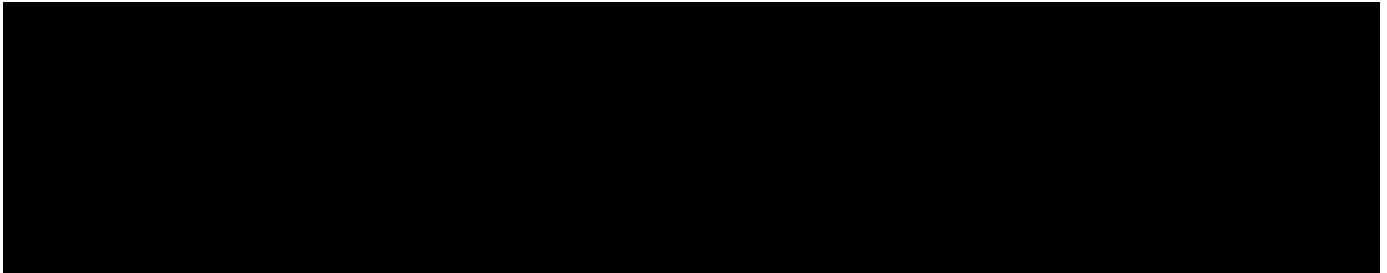
### ADDITIONAL INFORMATION/CONTINUATION

Noncitizen is subject to the condition on asylum eligibility at 8 CFR 208.33(a) and has not shown a significant possibility that they are excepted from the condition or can rebut the presumption against eligibility. Therefore, the noncitizen has not established a significant possibility of establishing eligibility for asylum and has received a negative credible fear of persecution determination. Noncitizen was then screened for eligibility for statutory withholding of removal or CAT protection under a "reasonable possibility of persecution" and "reasonable possibility of torture" standard.

Individual did not establish that it is more likely than not that they meet the class definition in *Al Otro Lado v. Wolf*.



## Case Review



Jurisdiction confirmed

- All referrals documents are included and complete (including forms I-860, I-867, and M-444)

## Introduction

---

### Interview Start Time

Interview Start Time

**1:35 PM**

### Interpreter and Oath

Language

**SPANISH**

What is your home office?

**ZHN**

Interpreter Service



Call Start Time

**1:35 PM**

Interpreter/Monitor ID

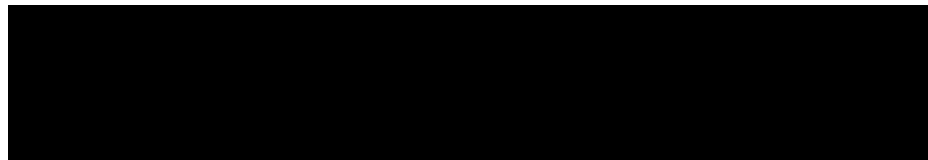


Call End Time

**3:52 PM**

I'm using this service for:

**Interpreter**



## Interpreter Oath

Do you affirm:

- that you will truthfully, literally and fully interpret the questions asked by the officer and the answers given by the applicant;
- that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted;
- that you understand that all matters discussed in this interview are confidential and that you will not share what you hear today with any person; and
- that you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?

Interpreter/Monitor Under Oath

Interpreter/Monitor has Form I-870 and M-444 Summary

## Interview Format

Detention Status

**Detained**

Detention Location

**CIBOLA COUNTY CORRECTIONAL CENTER**

Method of Interview

**Telephonic**

What is your full and complete name?

[REDACTED]

What is your date of birth?

[REDACTED] 2003

Is anyone else in the room with you?

**No**

## Interpreter Guidance

**To Interpreter:** Interpreter, please introduce yourself to the applicant and let the applicant know that you have been sworn in and you will keep everything discussed today confidential.

**To Applicant:** Before we get started, I have instructions for you and your interpreter to ensure the accuracy of this interview.

.



Your interpreter must interpret everything that is said today literally and completely, and that everything remains in the first person.

- You are not to have any side conversations with your interpreter. If you do not understand a question, your interpreter must tell me and I will clarify it for you. Also, if the interpreter doesn't understand something you said, the interpreter must let me know.
- Working with an interpreter can be difficult. Please make sure to keep your sentences short. If you have a longer answer, please break it up into shorter pieces.
- Please tell me immediately if you feel uncomfortable with this interpreter and I will request a new interpreter.

## Language

What is your native language?

**SPANISH**

Do you speak any other languages?

**No**

Q. Do you understand the interpreter?

**A. Yes**

Q. Interpreter, do you understand the applicant?

**A. Yes**

Q. Do you feel comfortable using an interpreter of the female gender available on the phone today?

**A. Yes**

Q. Do you feel comfortable speaking with a female officer today?

**A. Yes**

## Counsel

Do you have an attorney or consultant?

**No**

Did you receive a list of legal service providers who may be able to represent you for free or a low cost?



**Yes**

You have the right to have an attorney or consultant present for the interview, but the presence of an attorney or consultant is not required for this interview. Do you wish to continue without an attorney or consultant present today?

**Yes**

## Applicant Oath

Next, I would like to place you under oath. This is a legal obligation to tell the truth. Please stand and raise your hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

**Yes**

**Officer:** Thank you. You may lower your hand and take a seat.

## M-444

Form M-444 included in the referral packet

**Yes**

Date M-444 received and signed (or refused to sign)

**Oct 14, 2023**

**Officer:** According to our records, you received Form M-444 on 2023-10-14. The M-444 form explains the credible fear determination process.

Q. Do you remember receiving this form?

**A. Yes**

Q. Do you have any questions about the credible fear process?

**A. No**

## Preliminary

---

## Voluntary Withdrawal Advisal



Country(ies) of Citizenship

- VENEZUELA

Did the noncitizen return to the U.S. after previously being provided the voluntary withdrawal advisal, withdrawing their application for admission, and departing the U.S.?

**No**

Is the noncitizen in Border Patrol custody?

**No**

## Purpose of the Interview

**To Applicant:** I will now provide you an explanation of the purpose of the interview and a few instructions.

**To Interpreter (if applicable):** Interpreter, please read Section 1.16 of form I-870 (rev. 05/12/2023) to the applicant.

Section 1.16: The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

I-870 Section I Purpose of Interview Read to Applicant

Q: Records indicate you last entered the United States on 10/12/2023 and were apprehended on the same day. Is that correct?

A: **Yes**

Q: Was this the first time you entered the U.S.?

A: **Yes**

## Medical Issues / Ability to Testify

Do you currently have any medical or health problems that I should be aware of, physical or mental?



**No**

Are you taking any medications?

**No**

Is there anything that might affect your ability to testify today?

**No**

## Fear of Returning to Country

You previously indicated that you were afraid to return to your country. Are you still afraid to return to your country?

**Yes**

Do you want to continue with your credible fear interview today?

**Yes**

## Biographic

### Biographic Information

Other than the name you gave me, have you ever been known by any other names or aliases?

**No**

Have you ever used any other dates of birth?

**No**

What is your gender?

**Male**

What country were you born in?

**Venezuela**

What country are you a citizen of?

**Venezuela**

Are you a citizen of any other country?

**No**

What is your race or ethnicity, for example, do you identify as Hispanic, Indigenous, Latin, Mixed, White, Black, etc.?

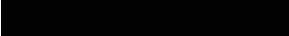
**White**

Do you have a religion; if so, what is it?

**None**



What was the address of the last place you lived before coming to the U.S?

 **Venezuela**

(If detained) What is your intended destination upon release from detention, (or if non-detained) What is your current address in the United States?

**New York, New York**

Do you have an email address?

**No**

Do you have a U.S. phone number?

**No**

What is the highest level of education that you have completed?

**Secondary**

## Spouse and Children

Are you or have you ever been married or lived with a partner?

**Single**

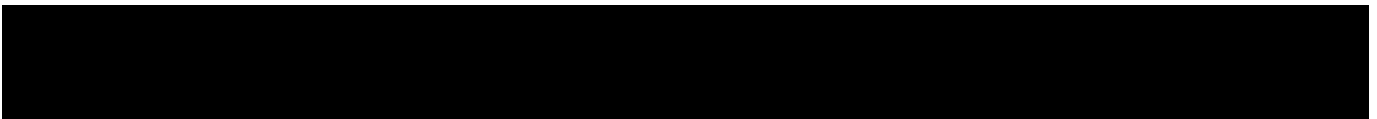
Do you have any children?

**Yes**

Did you arrive to the U.S. with your child(ren)?

**No**

List all children - include DOB, Name, Citizenship, Present Location (if w/PA, list A-numbers), Did child arrive with PA (Yes/No), Is child included in PA's claim (Yes/No)



## Linked Case(s)

Did any family members, including your partner if you have one, travel with you to the United States?

**No**

## AOL (for non-Mexicans who entered at SWB)

---

### AOL Screening

Did you ever cross the border from Mexico into the U.S. before now?





No

## Circumvention of Lawful Pathways

---

### Circumvention of Lawful Pathways (CLP) Rule

Is the applicant a Mexican national?

No

Did the applicant enter the southwest land border or adjacent coastal borders on or after May 12, 2023 at 12:00AM ET?

Yes

CLP Screening Intro Script

It appears that you are subject to the lawful pathways condition on asylum eligibility because you entered the U.S. on or after May 12, 2023 at 12:00 AM ET without documents sufficient for lawful admission, and traveled through at least one country, namely Mexico, that is a signatory to the Refugee Convention. In order to assess whether the condition should apply to you, I will ask you some questions to determine if you qualify for an exception or if you can rebut the presumption that you are ineligible for asylum.

#### EXCEPTION A: PAROLE AUTHORIZATION

Q: Did you have authorization to travel to the U.S. to seek parole?

A: No

#### EXCEPTION B: CBP ONE APP: EWI

#### EXCEPTION C: OTHER PROTECTION SOUGHT

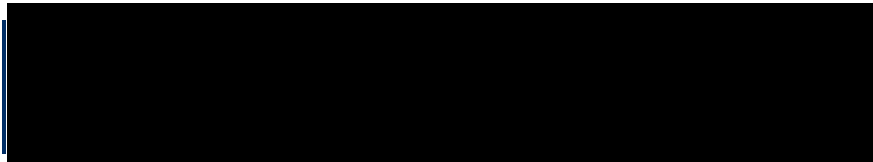
Q: Did you apply for asylum or any other protection in any of the countries through which you traveled on your way from your home country to the U.S.?

A: No

### CLP Exceptions

Did the applicant establish an exception to the Circumvention of Lawful Pathways rule?

No



REBUTTAL A: MEDICAL EMERGENCY

Q: Did you have any medical issues at the time you crossed from Mexico to the US?

A: **No**

REBUTTAL B: EXTREME THREAT TO LIFE OR SAFETY

Q: When you were in Mexico, were you threatened or harmed by anyone?

A: **No**

REBUTTAL C: HUMAN TRAFFICKING VICTIM

Q: Now I am going to ask you a few questions to see if you have ever been a victim of human trafficking – please know that I am only asking you these questions to determine if you meet this definition, not for any other reason. Have you ever engaged in any commercial sex act through force, fraud, or coercion, or at a time when you were under the age of 18?

A: **No**

Q: Have you ever at any time in your life been forced to do labor, engage in a commercial sex act, or made to do work that you did not do willingly?

A: **No**

REBUTTAL D: EXCEPTIONALLY COMPELLING CIRCUMSTANCES

Q: When you were in Mexico and about to cross into the US, why didn't you try to seek out a lawful pathway to enter the US, such as parole?

A: **I did not have the paperwork to do it.**

Q: Is there something that prevented you from seeking out a lawful pathway?

A: **I did not have the paperwork to do it.**

Q: Did you or anyone you were taking care of have any major issues that impacted your ability to seek out a lawful pathway?

A: **No**

**CLP Rebuttal**

Did the applicant rebut the presumption of ineligibility?



**No**

CLP RP Interview Orientation Notification

The purpose of the remainder of the interview is to determine if you can establish a reasonable possibility of persecution on account of a protected ground or torture in the country to which you will be ordered removed. If it is determined that you have established a reasonable possibility of being persecuted on account of a protected ground or tortured in that country, you will receive a Notice to Appear for a hearing in immigration court for further consideration of your protection claims. If it is determined that you have not established a reasonable possibility of being persecuted on account of a protected ground or tortured, you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are subject to the condition on asylum eligibility under 8 CFR § 208.33(a).

## ABC (for Guatemalan and Salvadoran applicants born before 1991)

---

Q: Were you in the U.S. before 1991?

A: **No**

### Past Harm

---

Q: You said you are afraid to return to Venezuela, who are you afraid of there?

A: **People who killed my brother.**

Q: Do you know who the people are?

A: **No**

Q: Have you ever been physically harmed in Venezuela?

A: **Yes**

Q: Who harmed you?

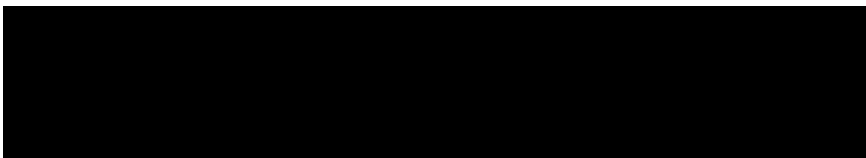
A: **The same people who harmed my brother.**

Q: When was this?

A: **August 29, 2023**

Q: Can you tell me what happened on this day?

A: **I was with my brother on a motorcycle and then 4 men on two motorcycles came and started beating me and my brother.**



Q: What did these people say to you?

A: **I do not know, because I am deaf. I did not hear what they were saying. They were beating us and then they shot my brother.**

Q: How did they harm you on this day?

A: **They threw me on the floor and were punching and kicking me many times.**

Q: Did you sustain any injuries?

A: **I was harmed on my head and had to get stitches. I was also bruised all over.**

Q: Had you seen these people before?

A: **No**

Q: Do you know why they wanted to harm you and your brother?

A: **I do not know. They stole our cell phones and our money.**

Q: How long did it take you to recover after you were harmed?

A: **One week**

Q: Did you report this incident to the police?

A: **Yes, my mother called the police.**

Q: What did the police say?

A: **They asked me about the incident and said they would investigate.**

Q: Did you see the people who harmed your brother after the day they killed your brother and harmed you?

A: **No**

Q: Aside from what we've discussed, were you ever harmed or threatened by anyone else in Venezuela for any reason?

A: **No**

## Well-Founded Fear

---

Q: What do you fear will happen to you if you are returned to Venezuela?

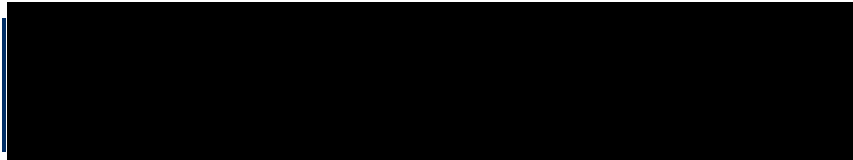
A: **I fear that I will be killed.**

Q: Who would do that to you?

A: **The people that killed my brother.**

Q: What makes you think they would want to harm you?

A: **Because I was with him when they harmed us.**



Q: What reason would they have for wanting to harm you now?

A: **Because they harmed me.**

Q: How would they know if you returned to Venezuela?

A: **They are free and on the streets and they would see me.**

Q: How do you know they are still on the streets?

A: **My friend told me that they were looking for me.**

Q: Do you believe the police or government in Venezuela can protect you from the people whom you fear?

A: **No the police do not do anything.**

Q: Aside from what we already discussed, do you fear being harmed by anyone else in Venezuela for any reason?

A: **No**

## Internal Relocation (for cases where CLP is applied)

---

Q: Do you think you could live safely in another part of Venezuela?

A: **No**

Q: Why not?

A: **I only have my mother and I cannot live alone.**

Q: Why can't you live alone?

A: **It is very difficult to live alone. You have to have friends. You have to have somebody.**

## CAT

---

Q: Have you ever had any problems with the police or any public official in Venezuela?

A: **No**

Q: Has anyone who works for the police or the government of Venezuela ever threatened or harmed you?

A: **No**

Q: Do you fear harm from a public official, or anyone affiliated with the government in Venezuela?

A: **Yes, I fear they will keep on interrogating me about what happened to my brother.**

Q: What makes you think the police will do that?

A: **Because the police said it was my fault that my brother was killed.**



Q: Why did they say that?

A: **The police are bad, I think they were trying to cause problems for me.**

Q: Is there any connection between the people that harmed you and your brother and the police or government in Venezuela?

A: **Yes, I think so.**

Q: Why do you think that?

A: **Because the police are bad as well.**

Q: Would the police in your area try to protect you from the people that you fear, if they knew that you were going to be harmed?

A: **No**

## Additional Nexus Questions

---

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your race?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your religion?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your nationality?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your political opinion?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of some characteristic that you have that makes you different from other people?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed by a family member, such as a partner, spouse, parents, grandparent, aunt, or uncle?

A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed by anyone else for any other reason we did not talk about yet?

A: **No**

## Mandatory Bars

---



Q: Other than coming to the United States, have you traveled or lived outside of your country?

A: **Colombia**

Q: Lawful status may include but is not limited to asylum status, refugee status, permission to work, temporary and permanent residency and citizenship. Have you ever been offered or received lawful status from a country other than your own?

A: **No**

Q: Have you ever harmed anyone for any reason?

A: **No**

Q: Have you ever helped someone to harm anyone for any reason?

A: **No**

Q: Have you ever committed a crime in any country?

A: **No**

Q: Have you ever been arrested or detained for any reason in any country?

A: **No**

Q: Have you ever been charged with or convicted of a crime in any country?

A: **No**

Q: Have you ever served in the military or received any military-type training?

A: **No**

Q: Have you ever assisted or been a member of a criminal group, such as a gang, cartel, or other organized criminal group?

A: **No**

Q: Have you ever committed or helped to commit an act involving the use of firearms or other weapons?

A: **No**

Q: Are you or have you ever been a member of an armed group or a group that uses violence to achieve its goals?

A: **No**

Q: Have you ever provided any type of support, like food, housing, money, or transportation, to an armed group or any group or person that uses violence to achieve their goals?

A: **No**



Q: Have you ever tried to convince others to join or give money or other things of value to an armed group or to any group or person that uses violence to achieve its goals?

A: **No**

Q: Do you intend to do anything illegal in the U.S.?

A: **No**

## Conclusion

---

### Summary of Testimony

**Officer:** Please give me a moment to review my notes and summarize what we have discussed.

Summary

You were harmed by people who killed your brother. You are afraid that they will kill you if you return to your country. You do not believe you could live safely elsewhere in Venezuela. You do not believe the police or the government can protect you.

Officer summarized claim

Is this summary correct?

**Yes**

Are there any changes or additions you would like to make?

**Yes**

Is there anything else that is important to your claim that we have not yet discussed?

**No**

### Conclusion Statement (I-870 Section III)

**To Applicant:** I will now provide you an explanation of what will happen after this interview

**To Interpreter (if applicable):** Interpreter, please read section 3.1 of Form I-870 (rev. 05/12/2023) to the applicant.

Section 3.1: If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from





detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

I-870 Section III Conclusion Statement Read to Applicant

Do you understand what was read to you?

**Yes**

Do you have any questions?

**No**

Q: Did you understand all the questions I asked today?

A: **Yes**

Q: Did you understand the interpreter?

A: **Yes**

### **Dismiss USCIS Interpreter/Monitor**

Interpreter, did you understand the applicant?

**Yes**

**Officer:** Interpreter/Monitor, thank you for your service today. You may disconnect.

Interpreter/Monitor End Time

**3:52 PM**

### **Interview End Time**

Interview End Time

**3:52 PM**

## CLP RP Interview Orientation Notification (Rev 05/18/2023)

### Noncitizen Subject to the Condition on Asylum Eligibility Pursuant to 8 CFR 208.33(a)

From: **ZHN**

Date: **2023-11-17**

RE: 

At the interview:

- The Asylum Officer informed the individual that the officer had determined, based upon the individual's testimony and the other evidence in the record, that the individual is subject to the condition on asylum eligibility under 8 CFR § 208.33(a), and therefore has not established a credible fear of persecution with respect to their application for asylum.
- As a result of the above determination, the Asylum Officer read the following paragraph to the individual:

The purpose of the remainder of the interview is to determine if you can establish a reasonable possibility of persecution on account of a protected ground or torture in the country to which you will be ordered removed. If it is determined that you have established a reasonable possibility of being persecuted on account of a protected ground or tortured in that country, you will receive a Notice to Appear for a hearing in immigration court for further consideration of your protection claims. If it is determined that you have not established a reasonable possibility of being persecuted on account of a protected ground or tortured, you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are subject to the condition on asylum eligibility under 8 CFR § 208.33(a).



## Circumvention of Lawful Pathways (CLP) Presumption Worksheet (Credible Fear)

---

### NONCITIZEN SUBJECT TO CIRCUMVENTION OF LAWFUL PATHWAYS (CLP) RULE

Arrival Date: Did the noncitizen enter the United States from Mexico at the southwest land border or adjacent coastal borders on or after May 12, 2023 at 12:00 AM ET?

**Yes**

Date of Arrival:

**2023-10-12**

Manner of Arrival:

**By Foot**

Travel: Did the noncitizen travel through any country apart from their country of citizenship, nationality, or last habitual residence (if stateless) en route to the United States?

**Yes**

Treaty Obligations: Are any of the applicable countries through which the noncitizen traveled signatories to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees?

**Yes**

List at least one applicable country:

- Mexico

---

### EXCEPTIONS TO THE PRESUMPTION OF ASYLUM INELIGIBILITY

Parole Exception: Has the noncitizen made a sufficient showing that they or a family member traveling with them as described in 8 CFR 208.30(c) could establish that they received appropriate authorization to travel to the United States to seek parole, pursuant to a DHS-approved parole process?

**No**

DHS Scheduling System Exception: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that they presented at a port of entry, pursuant to a pre-scheduled time and place, or presented at a port of entry, without a pre-scheduled time and place, but has demonstrated that it was not possible to access or use the DHS scheduling system due to language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle to access?

**No**



Applied for Protection: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that they sought asylum or other protection in a country through which the noncitizen traveled and received a final decision denying that application?

**No**

---

#### REBUTTAL OF THE PRESUMPTION OF ASYLUM INELIGIBILITY

Medical Emergency: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that at the time of entry they faced an acute medical emergency?

**No**

Threat to Life or Safety: Has the noncitizen made a sufficient showing that at the time of entry they, or a family member traveling with them as described in 8 CFR 208.30(c), faced an imminent and extreme threat to life or safety, such as an imminent threat of rape, kidnapping, torture, or murder?

**No**

Severe Trafficking Victim: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that at the time of entry they met the definition of "victim of a severe form of trafficking in persons," as defined in 8 CFR § 214.11?

**No**

Other Exceptionally Compelling Circumstances: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that other exceptionally compelling circumstances were present?

**No**

---

#### DETERMINATION

Does the presumption of ineligibility apply?

**Yes**



## CLP Reasonable Possibility Determination Checklist

### Reasonable Possibility Determination Checklist and Written Analysis for Noncitizens Subject to the Circumvention of Lawful Pathways Rule Pursuant to 8 CFR § 208.33(a)

Country(ies) of Removal

- Venezuela

---

#### DECISION

Reasonable Possibility Determination

**Negative**

---

#### HARM

Has the applicant testified that they have experienced past harm in the country of removal?

**Yes**

Harm:

**Beaten, Robbed**

Entities:

**Unknown People**

Has the applicant testified that they fear future harm if returned to the country of removal?

**Yes**

Harm:

**Death**

Entities:

**Unknown People**

---

#### CREDIBILITY

Was the applicant's testimony credible?

**Yes**

Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible.



---

## ANALYSIS

### Persecution Written Analysis

#### Past Persecution

The applicant testified that he and his brother were robbed, beaten and then his brother was killed by unknown people. Applicant was unaware of who the people were and claimed to have not heard what they said. While applicant mentioned this was because he was deaf, asylum reached out to facility where applicant is currently located during a previous interview to bring this to their attention and they responded on 11/16/2023 informing that the applicant does not have medical or hearing issues and could conduct his interview normally without hearing aids. The applicant failed to establish that he was harmed on account of a protected ground. Therefore, there is no reasonable possibility that the applicant could establish past persecution in a full hearing.

#### Future Persecution

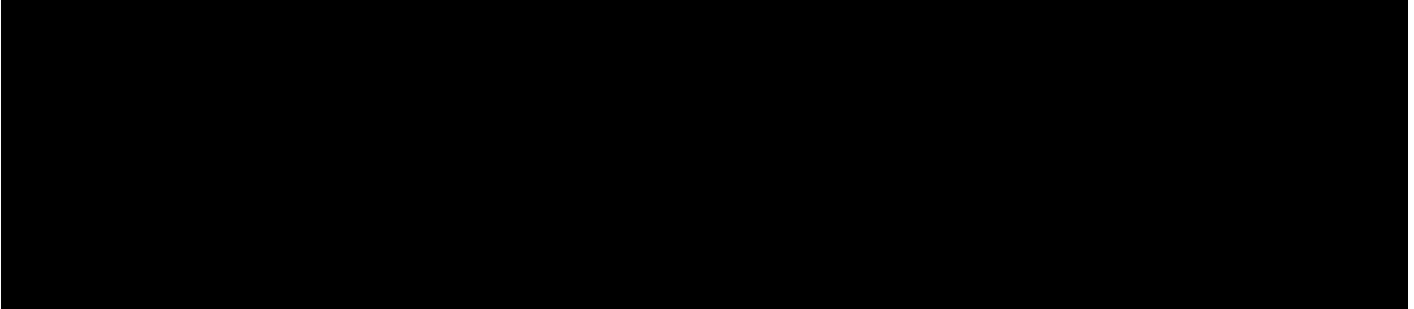
The applicant testified that he fears that if he returns to his country, he will be killed by the unknown people that had previously harmed him. He stated this is because they previously harmed him. While applicant speculated that this could also be because they killed his brother, he failed to provide any facts or evidence for which his feared persecutor would target him for this motive. As previously discussed, the applicant failed to establish that he was harmed on account of a protected ground. Therefore, there is no reasonable possibility that he could establish future persecution in a full hearing.

#### Torture Written Analysis

The applicant failed to establish that there is a reasonable possibility that a public official or other person acting in an official capacity, or someone acting at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity would be willfully blind to the unknown people harming the applicant, or that they would breach a legal duty to intervene. The applicant testified that after he and his brother were harmed, his mother called the police and when they came, he gave an account of what had happened and the police told him and his mother that they would investigate. The applicant did not provide any persuasive testimony or concrete details to demonstrate that the police would consent or acquiesce to harm that would constitute torture that would be inflicted on the applicant by the unknown people or that they would breach a legal duty to intervene. Furthermore, the applicant testified that he had not had any problems with the police or public officials and he had never been harmed or threatened by either the police or public officials in his country. Therefore, there is no reasonable possibility that the applicant could establish CAT in a full hearing.



## Case Review



Jurisdiction confirmed

- All referrals documents are included and complete (including forms I-860, I-867, and M-444)

## Introduction

---

### Interview Start Time

Interview Start Time

**09:07 AM**

### Interpreter and Oath

Language

**SPANISH**

What is your home office?

**ZHQ**

Interpreter Service



Call Start Time

**09:07 AM**

Interpreter/Monitor ID



Call End Time

**unknown time value**

Comments

Applicant stated that he needs hearing aids and Spanish-sign language. Interpreter stated that she could hear him, but could not fully understand what he says.



## Interview Format

Detention Status

**Detained**

Detention Location

**CIBOLA COUNTY CORRECTIONAL CENTER**

## Interpreter Guidance

**To Interpreter:** Interpreter, please introduce yourself to the applicant and let the applicant know that you have been sworn in and you will keep everything discussed today confidential.

**To Applicant:** Before we get started, I have instructions for you and your interpreter to ensure the accuracy of this interview.

- Your interpreter must interpret everything that is said today literally and completely, and that everything remains in the first person.
- You are not to have any side conversations with your interpreter. If you do not understand a question, your interpreter must tell me and I will clarify it for you. Also, if the interpreter doesn't understand something you said, the interpreter must let me know.
- Working with an interpreter can be difficult. Please make sure to keep your sentences short. If you have a longer answer, please break it up into shorter pieces.
- Please tell me immediately if you feel uncomfortable with this interpreter and I will request a new interpreter.

## Language

What is your native language?

**SPANISH**

## Counsel





---

## Applicant Oath

**Officer:** Thank you. You may lower your hand and take a seat.

**M-444**

## Preliminary

---

### Voluntary Withdrawal Advisal

Country(ies) of Citizenship  
• VENEZUELA

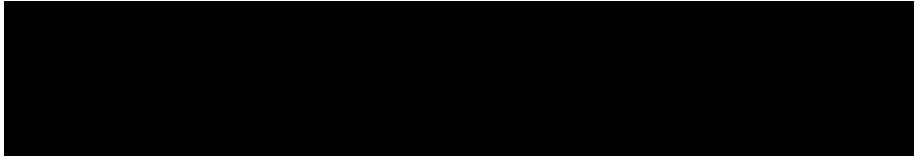
### Purpose of the Interview

**To Applicant:** I will now provide you an explanation of the purpose of the interview and a few instructions.

**To Interpreter (if applicable):** Interpreter, please read Section 1.16 of form I-870 (rev. 05/12/2023) to the applicant.

Section 1.16: The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

### Medical Issues / Ability to Testify



---

## Fear of Returning to Country

## Biographic

---

### Biographic Information

### Spouse and Children

### Linked Case(s)

### AOL (for non-Mexicans who entered at SWB)

---

### AOL Screening

### Circumvention of Lawful Pathways

---

### Circumvention of Lawful Pathways (CLP) Rule

Is the applicant a Mexican national?

No

### ABC (for Guatemalan and Salvadoran applicants born before 1991)

---



---

## Past Harm

---

## General Nexus

---

## State Action

---

## Well-Founded Fear

---

## Internal Relocation (for cases where CLP is applied)

---

## CAT

---

## Additional Nexus Questions

---

## Mandatory Bars

---

## CBP Interview

---

## Conclusion

---

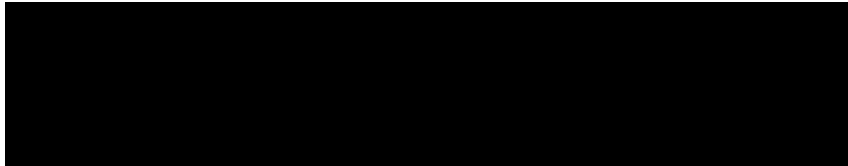
## Summary of Testimony

**Officer:** Please give me a moment to review my notes and summarize what we have discussed.

## Conclusion Statement (I-870 Section III)

**To Applicant:** I will now provide you an explanation of what will happen after this interview

**To Interpreter (if applicable):** Interpreter, please read section 3.1 of Form I-870 (rev. 05/12/2023) to the applicant.



Section 3.1: If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

## Attorney Closing Statement

## Dismiss USCIS Interpreter/Monitor

**Officer:** Interpreter/Monitor, thank you for your service today. You may disconnect.

Interpreter/Monitor End Time  
**unknown time value**

## Interview End Time

Interview End Time  
**unknown time value**

# Exhibit E

# Automated Case Information

Name: [REDACTED] | A-Number: [REDACTED] | Docket Date: 11/21/2023

## Next Hearing Information



*There are no future hearings for this case.*

## Decision and Motion Information

The immigration judge issued a **DECISION**.

**DECISION DATE**  
November 22, 2023

**COURT ADDRESS**  
2000 CIBOLA LOOP  
MILAN, NM 87021

## Case Appeal Information

## Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

# Exhibit F

15-12-23

Buen días escribo esta carta con el motivo que nos ayudan con el proceso migratorio están jugando con nosotros demoran mucho tengo 85 días y no me dan dadas respuestas nos violan nuestros derechos somos maltratado verbal y psicológicamente mi familia está destruida por que yo soy el sostén económico mis niñas están muy pequeñas y están sufriendo en alimento y emocionalmente.

Les pido Ayuda para que nos den la libertad estén acabando con mi vida y las de muchos de nosotros

Auxilio por favor derechos humano tengan piedad



Good day I write this letter with the motive that you help us with the migration process. [The officers] are playing with us. They take a very long time. I have been [here detained] for 85 days and they have not given me a response. They violate our rights. We are verbally and psychologically mistreated. My family is destroyed because I am the economic provider. My girls are very small and they are suffering for food and emotionally. I ask you all help so that they give us freedom they are finishing/ending with my life and the life of many of us. Help/rescue please human rights have mercy.

# Exhibit G

PERMISSIVE TO JOHN WINSOME.

Mi nombre es: Nelson Rosales  
Soy migrante venezolano muy  
separado de mi esposa ella esta  
embarrasado y aun asi fuimos  
separado no me quieren espulsar  
a mexico que fue el paiz donde  
ella fue espulsado citado me  
traieron a esta cancel federal  
torrence fuimos engañados ya  
que ellos ganan 400 dolares diarios  
por cada uno de nosotros nunca  
nos asesoraron de forma legal  
pero un miedo crible nos niegan  
la oportunidad de defendernos  
legalmente el traductor nunca  
dice toda la verdad y toda la  
historia y quisiera justicia,  
un Bracero se quita la vida  
aquí por tanto maltrato la  
comida es pesima y muy poca  
yo tenemos prisioneros alj hora  
de dormir nos estan matando  
sicológicamente hqrita en  
diciembre es un tiempo muy triste  
para ser y q me prisioneros del  
decho de estar con mi esposa mas  
honta que estamos esperando un  
Bebe

o y tube que salir de mi  
paiz porque asecinaron a 4  
miembro de mi familia y fuimos  
amenazados de muerte y luego  
con mi esposa buscando la oportu-  
nidad de sacar a mi mama de  
Venezuela y nos isieron esta injus-  
ticia de separarme de mi esposa  
en Venezuela la distadura nos  
estan dando 5 años de carcel y  
que por traccion ala patria imagine  
mis esperanza de conocer a mi hijo  
y de poder estar con mi esposa  
mas en estos momentos que me  
necesitan tanto que tristeza tan  
grande cuando no puedo estar  
con mi familia y sin saber  
si voy a conocer a mi hijo por  
favor necesitamos ayuda nos estan  
matando solo quiero estar con  
mi esposa y mi hijo cada dia  
mas voyamos de peso nos negaron  
todo tipo de oportunidad a  
mi esposa y mi hijo son lo mas  
importante que tengo ya las  
oportunidades son menos para nosotros  
y sin mi familia sin mi hijo y  
mi esposa ya la vida no me importa  
ya acabaron con mi vida estoy muerto por  
dentro. por favor ayuda

My name is: Nelson Rosales. I am a Venezuelan immigrant. I was separated from my wife. She is pregnant and even then we were separated. They do not want to expulse me to Mexico. That was the country to which she was expelled. When they brought me to this federal jail Torrance we were deceived. They make \$400 daily for every one of us. They never give us a legal orientation for credible fear. They deny us the opportunity of legal rights. The translator never says the whole truth and the whole story. I ask for justice. A Brazilian killed himself here because of so much mistreatment. The food is terrible and very little. We have no privacy. At bedtime they are psychologically mistreating us. Just now in December it is a very sad time for me. They just deprived me of the right to be with my wife, especially now that we are waiting for a baby. And I had to leave my country because they killed 4 members of my family. And we were threatened with death and later with my wife [sought] the opportunity to take my mom out of Venezuela. They did this injustice of separating me from my wife. In Venezuela the dictatorship is giving us 5 years in jail for betraying the country. I imagined my hopes of meeting my son and being able to be with my wife. Especially in these moments that they need me so much. What a huge sadness when I cannot be with my family and without knowing if I will meet my son. Please we need help. They are killing us. I only want to be with my wife and son. Every day we are losing weight. They denied every type of opportunity to my wife and my son. They are the most important that I have. Now there are even fewer opportunities for us. Without my family, without my son and my wife, life does not matter to me. They already ended my life. I am dead inside. Please help.

# Exhibit H

Mi nombre es Sojo Moreno Aaron,  
llevo 35 días detenido de haberme  
entregado, soy migrante Venezolano, tengo  
a mi esposa embarazada la cual  
se entregó conmigo y no separaron,  
duré tiempo sin saber nada de ella  
porque me trajeron aquí engañado,  
sin ningún tipo de información legal.  
Ya tiene mi miedo creíble el cual  
el juez me dio positivo y tengo más  
de 3 semanas esperando mi documenta-  
ción de asilo para poder salir y  
reencountarme con ella, es muy triste  
todo lo que pasamos cada migrante  
aquí en el centro o Carcel Federal  
llamada Torrance, recibimos malos  
tratos por parte de los oficiales,  
no tenemos derecho, la comida es  
insalubre y con esta carta me gustaria  
que se hiciera justicia para que  
los migrantes no pasen por lo  
que estamos pasando cada unas  
de las personas que estamos aquí  
adentro. Es muy difícil expresarnos  
con palabras.

FIRMA: Aaron Sojo

My name is Sojo Moreno Aaron. I have been detained [for] 35 days after turning myself in. I am a Venezuelan migrant. I have my pregnant wife who turned herself in with me and they separated us. I spent a time without knowing anything about her because they brought me here deceived, without any legal information. I already had my credible fear that which the judge gave me positive and I have [been waiting] more than three weeks for my asylum documentation in order to leave and reunify with her. It is very sad all that we go through every migrant here in the central or federal jail called Torrance. We receive bad treatment from the officers. We have no rights. The food is unhealthy, and with this letter I would like them to do justice so that migrants do not go through what we are going through every one of the people that are here inside. It is very difficult to express it with words. Signed, Aaron Sojo.