

## Mock Termination Hearing

**Note that on December 16, 2016, the BIA issued its decision in Matter of W-A-F-C-, 26 I&N Dec. 880 (BIA 2016), in which it held that where service of the NTA was defective because it did not meet the requirements of the regulations on serving minors under the age of 14, the proper remedy is a continuance so DHS may re-serve the minor.** Even though this mock termination curriculum is based on the same factual scenario as in *Matter of W-A-F-C-*, this curriculum will be helpful in highlighting potential arguments to be made to preserve for appeal, relevant case law and other termination related issues. We recommend continuing to consider seeking termination particularly in the following circumstances:

1. Cases where there was an in absentia order previously.
2. Cases where DHS has not sought to re-serve the NTA by the first master calendar hearing and when you make the motion to terminate. If DHS seeks a continuance at that hearing, argue that DHS has not yet attempted to effect proper service and that the court lacks jurisdiction to grant a continuance.
3. Cases where the I-770, Notice of Rights and Disposition, was not served. [https://www.lexisnexis.com/legalnewsroom/immigration/b/insidenews/archive/2007/09/15/ij-on-failure-to-serve-i\\_2d00\\_770.aspx?Redirected=true](https://www.lexisnexis.com/legalnewsroom/immigration/b/insidenews/archive/2007/09/15/ij-on-failure-to-serve-i_2d00_770.aspx?Redirected=true)

## Introduction

These materials were developed to assist managers or supervising attorneys to train staff to challenge service of the Notice to Appear in immigration court and move for termination of proceedings. Included in these materials are:

- Discussion Guide (p.3)
- Mock Hearing Script (p.5)
- Client Case File
  - Factual scenario (p.8)
  - Links to relevant legal authority (p.10)
  - Declaration from Client's mother (p.11)
  - Notice to Appear (p. 14)
  - I-213 (p.16)
  - ORR – UAC Initial Placement Form (p.19)

## Instructions for Trainers

1. Trainees should be assigned roles: either Assistant Chief Counsel (ACC) or Respondent's Attorney (RA). The trainer (or someone he/she designates) should play the role of the Immigration Judge (IJ).
2. The trainer should provide trainees with the Client Case File and instruct them to review the factual scenario, the relevant legal authority and the supporting documents.
3. Based on their respective roles and the information in the Client Case File, trainees will then conduct a mock master calendar hearing using the arguments they've developed either in support of, or against, a motion to terminate based on improper service of the NTA. Trainees should be encouraged to anticipate arguments from opposing counsel.
4. The factual scenario provides a suggestion as to how the mock hearing might begin.
5. At the conclusion of the mock hearing, the Immigration Judge will decide whether to schedule a full termination hearing.
6. After the mock hearing has concluded, the trainer can use the discussion guide and mock hearing script to lead a group discussion on the issues presented.
7. The amount of time required to complete the exercise will vary but below are some suggested time frames:
  - 20-30 minutes to handout and review instructions, assign roles and answer questions.
  - 60-75 minutes to review Client Case File and develop legal arguments.
  - 30-45 minutes to conduct mock hearing.
  - 30-45 minutes for group discussion using the discussion guide.

## Discussion Guide

### Review Mariela's story and the following documents:

- I-213, Record of Deportable/Inadmissible Alien
- Notice to Appear
- ORR Initial Placement Referral Form
- Declaration of Alicia León, Mariela's mother

### Issues and Potential Arguments:

- Does the notation “served on conservator” without a legible signature by the “person in charge of the institution,” the director of the ORR shelter, constitute sufficient service?
  - If DHS serves the NTA while the child is in federal custody, service should be on the director of the facility where the child resides. *Matter of Amaya*, 21 I&N Dec. 583 (BIA 1996)
  - The “served on conservator” notation without a signature by the director of the facility where Mariela was detained is insufficient to demonstrate personal service
- Even if the stamp “served on conservator” is sufficient to demonstrate service on the shelter director, does failure to serve Mariela’s mother form a basis for termination of removal proceedings?
  - Failure to serve the mother when her presence in the U.S. was known. 8 CFR 103.8(c)(2)(ii) requires that in the case of children under 14, the NTA shall be served upon the person with whom the child resides; whenever possible, DHS shall also serve the “near relative, guardian, committee or friend.”
  - The BIA has held that when it appears that a child under 14 will be residing with her parent in the U.S., the regulation requires service on the parent whenever possible. *Matter of Mejía-Andino*, 23 I&N Dec. 533 (BIA 2002)
  - If in the 9<sup>th</sup> Circuit, if a child is under the age of 18, the NTA must be served on the ORR sponsor. see *Flores-Chavez v. Ashcroft*, 362 F.3d 1150 (9<sup>th</sup> Cir. 2004)
  - ACC will likely argue that the “whenever possible” language in the regulations and *Matter of Mejía-Andino* recognizes that service on the parent is not always possible and therefore should not form the basis for termination.
    - The BIA has held that DHS is tasked with “making every possible effort to locate family members or others close to the respondent.” *Matter of E-S-I-*, 26 I&N Dec. 136 (BIA 2013)

- This is a fact-specific inquiry about whether the parent's presence in the U.S. was known and whether the child indicated the intent to reside with that parent. Review the I-213 and the ORR docs:
  - What did Mariela tell CBP about her intent upon entering the U.S.?
  - Did she provide her mother's contact information to the ORR case worker while in custody?
  - Did Mariela have contact with her mother while in custody?
- Can the ACC perfect defective service by serving Mariela's attorney in court?
  - 8 CFR 1003.14(a) requires that the NTA must be properly served prior to filing the NTA with the court.
- Termination is appropriate where the government violates a regulation or policy that:
  - Is mandated by the Constitution or federal law so prejudice is presumed; or
  - Creates an entire procedural framework to ensure the fair processing of the case so prejudice is presumed; or
  - Is intended to benefit the noncitizen plus the violation results in actual prejudice
  - *Matter of García-Flores*, 17 I&N Dec. 325 (BIA 1980)
  - The regulations create an entire procedural framework for removal proceedings to ensure the fair processing of the case. Prejudice should be presumed.

## **Mock Hearing Script**

This script demonstrates a master calendar hearing in which service of the Notice to Appear is challenged and a motion to terminate is submitted to the Immigration Judge. The script is designed to be used as a guide to the trainer about how a mock hearing where these issues are raised could unfold. The trainer should provide the participants with the Client Case File. The trainees will then develop their arguments in support of or against termination and demonstrate how they might be raised in a master calendar hearing. The trainer will use the discussion guide to lead the discussion with participants after the mock hearing has been completed.

### **Roles**

**Immigration Judge (IJ)**

**Assistant Chief Counsel, (DHS)**

**Respondent's Attorney (RA)**

IJ: Today is \_\_\_\_\_, these are removal proceedings before Judge \_\_\_\_\_ at the Denver Immigration Court in the Matter of Mariela Hernandez, A#123-456-789. Will the parties please announce themselves?

DHS: \_\_\_\_\_ for the government.

RA: Good afternoon, \_\_\_\_\_ for the Respondent

IJ: Okay, let's see here. Have pleadings been taken in this matter?

RA: No, Your Honor.

IJ: Please proceed with the pleading.

Respondent: Yes, Your Honor. I, \_\_\_\_\_, on behalf of Respondent, do not concede proper service of the Notice to Appear. DHS failed to render proper service as required by the regulation at 8 CFR 103.8(c)(2)(ii), which describes proper service of the NTA to those who are under 14 years of age. The Respondent is 12 years old today and was 11 years old at the time that DHS attempted service of the NTA so therefore this regulation applies in this case.

IJ: This is highly odd and I am unfamiliar with this regulation.

DHS: Your honor, I think I can solve this problem by serving the Notice to Appear on Respondent's Counsel now.

Respondent: Your honor, if Assistant Chief Counsel serves the NTA on me now that will not solve the service problem. The regulations at 8 CFR 1003.14(a) require that service must be properly executed prior to filing the NTA with the court. That did not occur and therefore these proceedings should be terminated.

IJ: The NTA was served on the director of the ORR shelter so what is the problem exactly?

Respondent: Your Honor, we actually don't know who the NTA was served on because the NTA is signed "Served on Conservator." We don't know whether the director of the shelter was served or some other staff member. In any case, the regulations state that the NTA SHALL be served upon the near relative, guardian, committee or friend. In this case, we're talking about the respondent's mother, who is in the U.S. and should have been served. It's our position in this case that it is DHS's burden to prove proper service by clear, unequivocal and convincing evidence on the parent.

IJ: Interesting. What's the government's position?

DHS: Your Honor, the regulation that counsel sites to actually states that such service shall be completed "whenever possible." That language is in there for a reason, because it's not always possible to serve the parents. Your honor is well aware that we are seeing huge numbers of unaccompanied children apprehended at the border. Given this huge influx of children the government is dealing with, it simply was not possible to serve the parent in this case. It's the government's position, therefore, that this regulation does not apply here. It is our position that service was provided to the ORR shelter director. That is all that is required in this case.

Respondent: Your Honor, if I may respond to that, because there is actually BIA precedent on point on this issue. The 2002 BIA case of *Mejía Andino* interpreted this regulation and held that service on the parent is required whenever it appears that the minor will be residing with the parent here in the United States. In this case the respondent informed DHS that she would be residing with her mother since the moment the respondent was apprehended by CBP. Multiple phone calls to the mother, knowledge of the parent's address and correspondence to that address prove that it was possible for DHS to have served the parent. As such, Matter of *Mejía Andino* provides that failure to follow this regulation requires termination of the removal proceedings. Furthermore, while it is our position that service on the ORR shelter director would not be sufficient under any circumstances, in this case the NTA was signed "Served on Conservator" which does not demonstrate personal service on the person in charge of the institution as is required by regulation. If I may approach, Your Honor, Respondent would like to submit a written Motion to Terminate with declarations from both the respondent and her mother attached as supporting documentation.

DHS: Your honor, if I may -- termination is not at all appropriate in this case. While it's true that the government had respondent's mother's address and phone number, it can't reasonably be concluded that this creates an automatic requirement of service on the parent. Given the government's limited resources, it simply isn't possible to provide this duplicative service. Our position is that the director of the ORR

shelter was properly served as required by regulation. The government would request time to respond to counsel's written motion.

IJ: Okay, okay. Counsel, please approach with the Motion to Terminate and let me take the time to read and consider your arguments, as well read any response from the government. The government's response is due 14 days before the next hearing. Let's set this out for 3 months and I will render a written decision before then. Anything further from either party?

Respondent: No, your honor. Thank you.

DHS: Nothing from the government.

IJ: Then we are adjourned. Thank you.

## **Mock Termination Hearing**

### **Client Case File**

#### **Termination Factual Scenario**

Mariela Hernández-León is a 12 year old girl from Honduras. She was apprehended shortly after having waded across the Rio Grande River near Hidalgo, Texas. She was traveling with two older cousins, ages 15 and 16. All three of the children were planning to reunify with their mothers who live in Rockville, MD. Mariela and her cousins were transferred to an ORR run shelter and remained there while their mothers were contacted. While in ORR custody, Mariela was issued a Notice to Appear (NTA) which was served on an unknown staff member at the ORR shelter. Service of the NTA was acknowledged with a note saying “Served on Conservator.” Mariela informed both the CBP officer who interviewed her and the shelter staff that she was planning to join her mother in Maryland. Mariela provided her mother’s phone number to shelter staff who were able to establish contact to initiate the reunification process. Mariela was also allowed to speak to her mother on several occasions.

After several weeks, Mariela was released to her mother, Alicia León. Upon Mariela’s release to her mother, venue was changed from Harlingen, TX to Baltimore, MD. Mariela was given a packet of documents, which included, among other things, a copy of the NTA served on the shelter staff member. At Mariela’s first master calendar hearing in Baltimore, when Mariela’s attorney raises the issue of lack of proper service, the ACC attempts to perfect service by serving Mariela’s attorney in court.

Under the guidance of the trainer, using the factual scenario above, the client case file and the legal authority provided, develop a mock master calendar hearing in which Mariela’s attorney lays out arguments for termination of proceedings and the ACC argues against it.

**Your mock hearing might begin like this:**

**Immigration Judge (IJ)**

**Assistant Chief Counsel, (DHS)**

**Respondent's Attorney (RA)**

IJ: Today is \_\_\_\_\_, these are removal proceedings before Judge \_\_\_\_\_ at the Baltimore Immigration Court in the Matter of Mariela Hernández-León, A#123-456-789. Will the parties please announce themselves?

DHS: \_\_\_\_\_ for the government.

RA: Good afternoon, \_\_\_\_\_ for the Respondent

IJ: Okay, let's see here. Have pleadings been taken in this matter?

RA: No, Your Honor.

IJ: Please proceed with the pleading.

Respondent: Yes, Your Honor. I, \_\_\_\_\_, on behalf of Respondent, do not concede proper service of the Notice to Appear...

## **LEGAL AUTHORITY IN SUPPORT OF A MOTION TO TERMINATE**

8 CFR 103.8(c)(2)(ii)

8 CFR 1003.14(a)

Matter of Amaya, 21 I&N Dec. 583 (BIA 1996)

Matter of E-S-I-, 26 I&N Dec. 136 (BIA 2013)

Matter of Garcia-Flores, 17 I&N Dec. 325 (BIA 1980)

Matter of Mejia-Andino, 23 I&N Dec. 533 (BIA 2002)

If in 9<sup>th</sup> Circuit, see Flores-Chavez v. Ashcroft, 362 F.3d 1150 (9th Cir. 2004)

**Matter of W-A-F-C-, 26 I&N Dec. 880 (BIA 2016)**

**Respondent: Mariela Hernández-León**  
**A 123-456-789**

**SWORN STATEMENT FROM ALICIA LEON**

I, Alicia León, swear under penalty of perjury, under the laws of the United States, that the following is true and correct to the best of my knowledge and belief.

1. On May 2, 2016, I was called at approximately 1AM on my cell phone, which is a U.S.-based phone number, by a man speaking Spanish who introduced himself as an officer with Customs and Border Protection (CBP). He said his name, but I don't remember it. He asked me if I was the mother of Mariela Hernández-León. I said that I was her mother. He then said that he had my daughter in his custody since yesterday evening. He did not say where he had her though. Then he said that he needed me to talk to my daughter because she was inconsolable crying non-stop and they could not control her. He then put her on the phone and I tried to calm her down. The officer then came back on the phone to tell me that they would be calling me back soon to get my address and other information. The officer also said that they would be transferring my daughter to a shelter. I asked him for information on where exactly my daughter was located and he said that they do not provide that information.
2. Two days later, in the afternoon of May 4, 2016, I received a follow-up call from a different CBP officer. After he introduced himself, he asked me again if I was the mother of Mariela Hernández-León. Again, I said that I was her mother. He then asked me if I knew that she was on her way to the United States. He then said that my daughter was fine and being fed while in their custody. He then asked me for my home address so that they could send me information and I provided my home address. I was then able to talk to my daughter for a few minutes. The officer then came back on the phone and told me to remain calm, that my daughter was fine, and that she would be calling me frequently. I again asked for information on where exactly my daughter was located and he said that they do not provide that information.
3. After that phone call, I never received anything in the mail, not even from the shelter once she was transferred there. I have not moved from that address and have resided there for many years so there is no reason why any mail would not have arrived.
4. On May 5, 2016, another CBP officer and my daughter called me to say hello. Same thing on May 6, 2016 and on May 7, 2016 I received two phone calls.
5. On May 8, 2016, I did not receive a call from my daughter and began to worry a lot. Not having received a phone call the day before, the morning of May 9, 2016 I got on the internet and started researching phone numbers for me to call to find out more

information one where my daughter was located and why she had not called since May 7<sup>th</sup>. I finally reached someone in a Washington, DC government office willing to speak to

me and help me locate her. She said that helping me with this issue was not part of her job, but that she would help me nonetheless. This woman was my angel. She took my phone number and said she would call me back, which she did in approximately half an hour. She said that my daughter was in Michigan in a children's shelter. She gave me the name of the case worker assigned to my daughter in Michigan and said to wait for the case worker to call me that afternoon. The case worker did call me that same afternoon and told me to go into their webpage to complete the reunification packet because that was the fastest and easiest way to do it. She also confirmed all of the information she had received from CPB including my daughter's birth date and my address. She said she just had to confirm this information because there were cases of people posing as the parents who were trying to have the children released to them. She said to go ahead and send everything on Monday morning since it was already late Friday afternoon. I did as instructed and sent the completed packet and information via fax on Monday, May 12, 2016.

6. The morning of June 3, 2016, I picked up my daughter at BWI airport. Once my daughter arrived home with me, she told me everything she went through while in CBP custody. She said she did not eat much, could not shower (and was unable to shower until she arrived at the shelter, which was over a week), had to share a cell with lots of people and had to withstand a lot of cold in the cells where she was kept, especially at night since she had to sleep on the floor and was not given a blanket. She said some officers were "bad" and some were "good." She said the bad officers would not allow her to call me and that one officer refused to give her something else to eat when the bread that they gave her was causing her already sore throat to hurt more. I knew about this officer already though because she had told me about her throat hurting and not being able to swallow it without pain when we spoke on the phone. I remember that I asked the officer to please give her something else maybe a piece of chocolate for her stomach to feel full, but he said that they did not have anything else there to give her and then lectured me by saying that these were the consequences for us people sending our children here to the United States in this manner. She did not eat that day and said that her stomach hurt from hunger. One of the "good" officers whose name she still remembers offered her his food that he had brought for himself and bought her a juice from the vending machine.
7. It is very hard for my daughter to talk about her experience being in CBP custody. She still does not understand why she had to stay with CBP so long when other kids were kept there for fewer days than she was kept there. She said that she would ask the officers when she would get released and why other kids were being released and not her.
8. My daughter also told me that when she was stopped by CPB crossing the border the officer asked about her parents' whereabouts and she said that she told the officer that I

was here in the United States. She then provided my cell phone number when the officer requested it.

Executed this 5<sup>th</sup> day of November 2016 in Washington, DC.

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Alicia León

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

Subject ID: 349703741

File No: [REDACTED]

DOB: 07/22/2004

Event No: MCS1405000038

In the Matter of:

Respondent: MARIELA HERNANDEZ-LEON

currently residing at:

Bethany Christian Foster 1050 36th St. SE, Suite 400 Grand Rapids, MI. 49505 (616) 340-7092

(Number, street, city and ZIP code)

(Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;  
 2. You are a native of HONDURAS and a citizen of HONDURAS;  
 3. You arrived in the United States at or near Hidalgo, TEXAS, on or about May 1, 2016;  
 4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

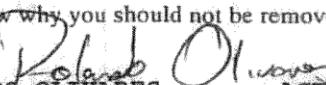
This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.  
 Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
 2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

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

on a date to be set at a time to be set to show why you should not be removed from the United States based on the  
 (Date) (Time)

charge(s) set forth above.

 ROLANDO OLIVARES ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: May 05, 2018

HARLINGEN, TEXAS

(City and State)

See reverse for important information

## Notice to Respondent

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

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

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

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

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

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

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

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.dhs.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

### Request for Prompt Hearing

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

Before: \_\_\_\_\_

(Signature of Respondent)

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

(Signature and Title of Immigration Officer)

### Certificate of Service

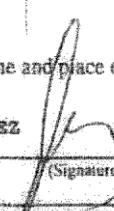
This Notice To Appear was served on the respondent by me on May 05, 2016, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

in person       by certified mail, returned receipt requested       by regular mail

Attached is a credible fear worksheet.

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

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

JUAN C. GAMEZ  BORDER PATROL AGENT

(Signature and Title of officer)

Served upon [Signature]  
(Signature of Respondent if Personally Served)

Family Name (Last)		First	Middle					
HERNANDEZ-LEON		MARIELA						
Country of Citizenship		Passport Number and Country of Issue		File Number				
HONDURAS		E005894, HONDURAS		CASE NO: MCS				
U.S. Address		Children's Shelter 2100 Main St. Suite 500 Detroit, MI 48226						
05/01/2014, 1600, 27.55 mile(s) W of BID, PWAM (BY RAFT)				Last Known Address				
Number, Street, City, Province (State) and Country of Permanent Residence								
See Narrative								
Date of Birth		Age: 11		Date of Arrival	Location Code			
07/22/2004		05/05/2016		RGV/MCS				
City, Province (State) and Country of Birth		AR <input checked="" type="checkbox"/>		Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
SANTA ANA, FRANCISCO MORAZAN, HONDURAS								
NIV Issuing Post and NIV Number		Social Security Account Name						
Date Visa Issued		Social Security Number						
Immigration Record		Criminal Record						
NEGATIVE		None Known						
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children				
Father's Name, Nationality, and Address, if Known				Mother's Present and Maiden Names, Nationality, and Address, if Known				
See Narrative				See Narrative				
Monies Due/Property in U.S. Not in Immediate Possession		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks		Charge Code (Initials)			
None Claimed				ISA				
Name and Address of (Last) Current U.S. Employer		Type of Employment		Salary		Employed/In-Intro		
						11		
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel in interior.)								
ARREST COORDINATES:								
Latitude: 26.226056 Longitude: -98.444331								
CONSEQUENCE DELIVERY SYSTEM:								
Classification: FIRA								
FOREIGN ADDRESS:								
SANTA ANA, FRANCISCO MORAZAN, HONDURAS SANTA ANA, FRANCISCO MORAZAN, HONDURAS								
FATHER NAME AND ADDRESS:								
Alien has been advised of communication privileges		154		JUAN C. GAMEZ BORDER PATROL AGENT (Signature and Title of Immigration Officer)				
Distribution:				Received: (Subject and Documents) (Report of Interview)				
To File MCA/MCS Stats				Officer: JUAN C. GAMEZ on May 05, 2016 at 2019 Disposition: Warrant of Arrest/Notice to Appear Examining Officer: ELOY TREVINO				

Alien's Name	File Number	Date
	A Event No:	05/05/2016
<p>EFRAIN</p> <p>... , HONDURAS</p> <p>MOTHER NAME AND ADDRESS:</p> <p>-----</p> <p>... , HONDURAS</p> <p>ASSISTING ASSETS:</p> <p>-----</p> <p>Sensors</p> <p>UNACCOMPANIED JUVENILE:</p> <p>-----</p> <p>NARRATIVE:</p> <p>-----</p> <p>UAC WA/NTA</p> <p>IMMIGRATION HISTORY: No prior Immigration history</p> <p>CRIMINAL HISTORY: No prior criminal history</p> <p>ENCOUNTER:</p> <p>A Border Patrol Agent encountered subject in the Rio Grande Valley, Texas Border Patrol Sector. A Border Patrol Agent determined this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. After determining that the subject was an alien whom illegally entered the United States, the subject was arrested and transported to the Harlingen Border Patrol Station for further processing using the E3/IDENT and TAFIS Systems.</p> <p>IMMIGRATION/CRIMINAL VIOLATION:</p> <p>At the Harlingen Border Patrol Station, the subject was advised of the administrative rights in removal proceedings. The subject acknowledged understanding these rights. The subject claimed to be a citizen and national of Honduras without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.</p> <p>CONSULAR NOTIFICATION:</p> <p>The subject was notified of the right to communicate with a consular officer from Honduras as per Article 36(a)(b) of the Vienna Convention of Consular Relations. The subject</p>		
Signature	Title	
JUAN C. GAMEZ	BORDER PATROL AGENT	

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Alien's Name	File Number A Event No	Date 05/05/2016
12. Juvenile's language skill; Subject can speak, read, and write in Spanish.		

Signature

JUAN C. GAMEZ

Title

BORDER PATROL AGENT

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Unaccompanied Alien Child (UAC) – Initial Placement Referral Form  
See Footer for Instructions – Last Updated 12/19/13

UAC Information							
Last Name	First Name	Middle Name	Alt	DOB	Gender		
HERNANDEZ-LEON	MARIELA			07/22/2004	Female		
Alias:							
Country of Birth	Immigration Status	Health Concerns?:			Criminal Charges?:		
Honduras	Inadmissible Alien	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Medical/Mental Health Information section.)			<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Secure/Staff Secure Addendum)		
UAC Apprehended With:							
<input type="checkbox"/> Parents/Legal Guardians		<input type="checkbox"/> Other Related Adults		<input type="checkbox"/> Related Minors	<input checked="" type="checkbox"/> Alone		
Please provide the following for all relatives apprehended with the UAC, if more space is needed, use the Referral Notes:							
Name		A #		Relationship to UAC			
Medical/Mental Health Information							
Does the UAC report or appear to have any medical or mental health conditions?							
<input type="checkbox"/> Pregnancy	Summary (List diagnosis, medications, observations, and number of months pregnant)						
<input type="checkbox"/> Injury							
<input type="checkbox"/> Illness							
<input type="checkbox"/> Other	<input type="checkbox"/> If UAC has urgent medical/mental health conditions, check here to indicate that the UAC has been seen and medically cleared fit for travel by a health professional.						
Scan and email or fax available Medical/Mental Health documentation to ORR/DUCS along with this form.							
Apprehension and Transfer Information							
Entry	City and/or Location Code	ST	Date				
Apprehension	Hidalgo	TX	5/1/2016				
Current Location	Hidalgo	TX	5/1/2016				
Current Location	Harlingen	TX	5/5/2016				
Processing Point of Contact		Email Address		Phone			
Parent/Relative Information							
Parent/Relative Name	Parent/Relative Phone Number	Parent/Relative Address					
ALICIA LEON	301-222-1111	Maryland					

Email this form to [orrducs\\_intakes@acf.hhs.gov](mailto:orrducs_intakes@acf.hhs.gov), with a copy to your ICE/DRC FOJC. Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form  
See Footer for Instructions – Last Updated 12/19/13

**Secure/Staff-Secure Addendum**

Please provide additional information to assist with placement decision.

**Justification for Secure Placement**

Provide a summary of court documentation, police reports, arrests, dispositions, etc.

Scan and email or fax available criminal documentation (e.g. court documentation, police reports, summary of arrests, dispositions, etc) to ORR/DUCS along with this form. If not available explain why.

<b>Gang Affiliation</b>				
Any Known Gang Affiliation? (Choose one)	<input type="checkbox"/> Yes	<input type="checkbox"/> Suspected	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Determined By	<input type="checkbox"/> Self-Admission of UAC	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Other Documentation	
Name of Gang				

**Gang Affiliation Summary**

Provide a summary of gang involvement - including violent activity, leadership role, etc.

Scan and email or fax available gang affiliation documentation to ORR/DUCS along with this form, if available.

<b>Detention Facility Information</b>				
If UAC received from a detention facility, provide the following information.				
<b>Choose Type of Detention Facility</b>				
<input type="checkbox"/> Adult Detention	<input type="checkbox"/> Juvenile Detention			
<b>Facility Contact Information</b>				
Facility Name				
Point of Contact				
Phone Number		Fax Number		
<b>UAC Detention Stay Information</b>				
Admission Date	Discharge Date			
Provide a summary of known Incident Reports during stay at Juvenile Detention Facility.				
Provide a summary of known TB tests and medical / mental health condition:				

Scan and email or fax other available documentation to ORR/DUCS along with this form, if available.

Email this form to [orrducs\\_intakes@acf.hhs.gov](mailto:orrducs_intakes@acf.hhs.gov), with a copy to your ICE/DRO FOJC.  
Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.