Southeast Asian American Solidarity Toolkit

A Guide to Resisting Deportations and Detentions from the #ReleaseMN8 Campaign

JAMES H. BINGER CENTER FOR NEW AMERICANS

national IMMIGRATION project of the National Lawyers Guild

#RELEASEMN8

SEARAC

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INTRODUCTION

The **Southeast Asian American Solidarity Toolkit: A Guide to Resisting Deportations and Detentions from the #ReleaseMN8 Campaign** is a resource for individuals, families, and advocates in the Southeast Asian American (SEAA) community who want to learn how to organize a dynamic campaign to fight detention and deportation. This resource also shares valuable insight and information for service providers, researchers, and policymakers on the challenges that families face around punitive and mandatory criminal deportation laws. It is not prescriptive, but rather it uses the successes of the #ReleaseMN8 campaign to help steer and inform similar efforts. Overall, the toolkit's intent is to strengthen communities as they continue to rally for immigrant justice.

USING THE TOOLKIT

The design and content of the toolkit allows users to understand both the organizing and legal strategies used to fight SEAA detentions and deportations. Users can access resources by strategy needs; each entry includes a brief summary of the resource. This toolkit is intended to serve as a general guide only. For more in-depth questions and resources, see contact information for campaign organizers and advocates at the end of the toolkit.

SOUTHEAST ASIAN DEPORTATION HISTORY

Since 1998, more than 16,000 SEAAs have received final orders of removal from the United States—a vast majority of them due to criminal convictions.[1] Many of these people entered the country as refugees fleeing war in the 1970s and 1980s and were resettled indiscriminately in neighborhoods with poor living conditions, failing schools, and high crime rates. Under these circumstances, large numbers of refugees, many of whom were young adults, became entangled in the criminal justice system, unaware of how their offenses, however minor, would make them vulnerable to deportation many years later.

A 1996 immigration law, which could be applied retroactively, expanded the list of offenses mandating deportation and eliminated judicial discretion, resulting in large numbers of SEAA refugees being targeted for deportation despite having served prison sentences and transforming their lives. The heightened detention and deportation efforts by U.S. Immigration and Customs Enforcement (ICE) worsened the situation by applying brutal pressure for countries to repatriate and re-traumatizing refugee families amid their decades-long struggle to recover from war and displacement.

Supporters of the #ReleaseMN8 campaign participate in a rally in front of U.S. Sen. Amy Klobuchar's office in Minnesota on September 14, 2016. Photograph by Thaiphy Phan-Quang

[1] *Transactional Records Access Clearinghouse, "U.S. Deportation Outcomes by Charge, Completed Cases in Immigration Courts," 2018 available at: http://trac.syr.edu/phptools/immigration/court_backlog/deport_outcome_charge.php.*

THE RISE OF THE #RELEASEMN8 CAMPAIGN: PARTICIPATORY METHODS

In August 2016, the families and supporters of eight Cambodian American men in Minnesota —collectively known as the MN8—decided to organize a campaign to fight the sudden detention and orders of deportation of their loved ones. The #ReleaseMN8 campaign wanted the men, all in their 30s and 40s, to return to the communities where they had faced and overcome countless difficulties in their lives. It also sought to inspire others to join the movement to restore human rights to all refugees and immigrants. The #ReleaseMN8 campaign went public in September 2016. The determination and commitment of the MN8, their families, and their supporters led to the eventual release of three of the eight men.[2]

While the #ReleaseMN8 campaign was set up shortly after an abrupt ICE detention, families expecting similar actions should be vigilant, especially as mass detention and deportation efforts escalate. These are some of the steps and lessons learned from the #ReleaseMN8 campaign as supporters organized nationwide to seek the freedom of their beloved community members.

TOOLS AND TIPS IN PREPARATION:

Education and self-empowerment

The most successful campaigns are driven by organizers who take the initiative to seek knowledge. Use the Internet or go to your local library to learn more about U.S. detention and deportation statistics, data, history, and policies. While overwhelming at first, this knowledge will soon empower and prepare you for disseminating information to supporters, lawmakers, and the media. Seek the expertise of other authorities, such as lawyers, community and political leaders, and advocacy groups, for guidance as well.

Legal options

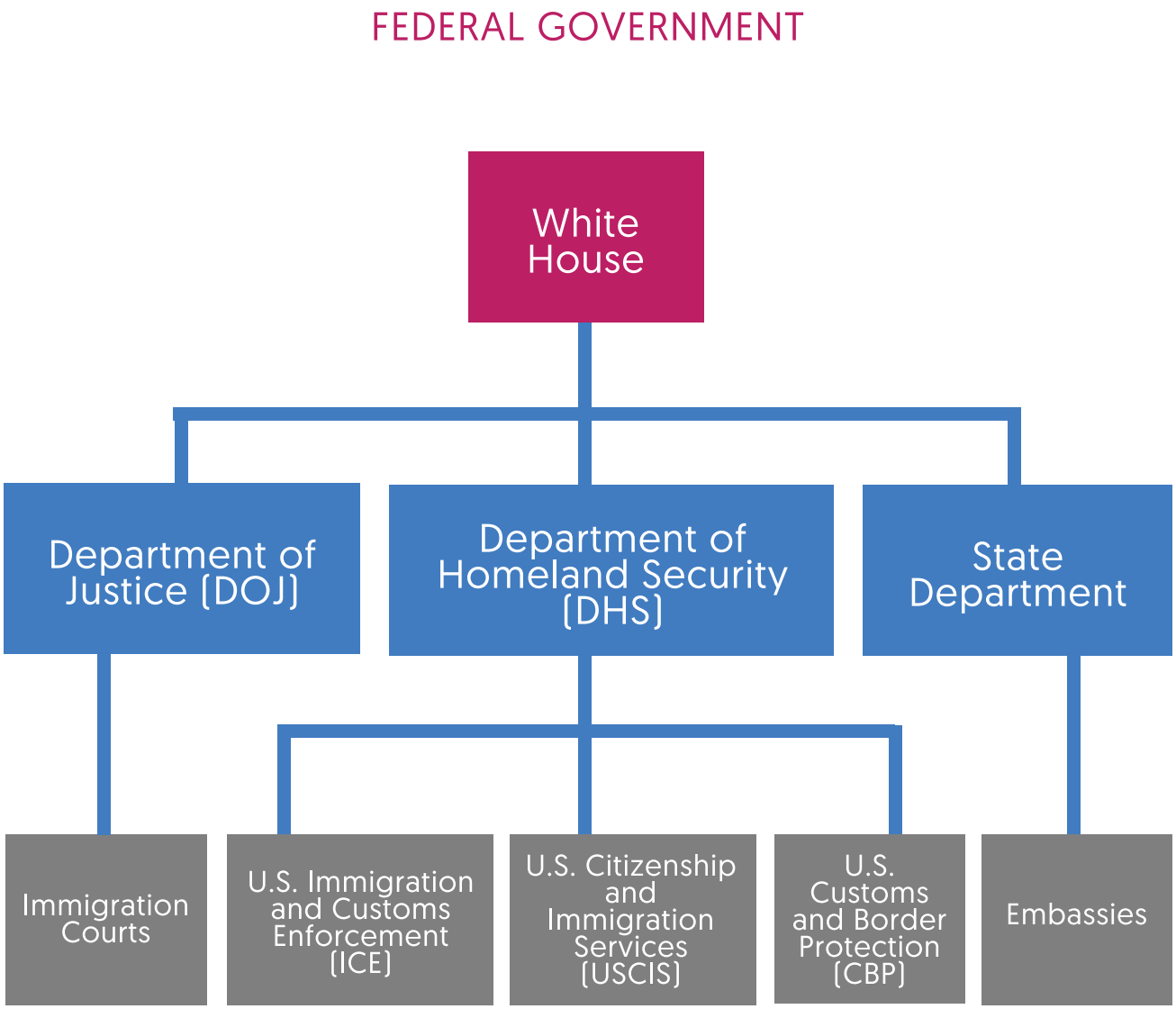
Successful organizing, activism, and advocacy must be rooted in a sound legal strategy. It is vital for families to request the guidance of a knowledgeable lawyer to walk them through their options. The term “crimmigration” has often been used to define the experience of the detention of Southeast Asian Americans, so it would be optimal for supporters to get consultations with separate lawyers who are proficient in immigration law and in criminal law. Lawyers can only work with what you give them, so be prepared to gather quickly as many documents as possible to help build your case. Within one week of the detention of the MN8 men, campaign organizers participated in a two-hour meeting with legal experts, who answered questions and explained legal options.

TIP: Make sure the lawyers you are working with are explaining the information clearly so that you understand the overall legal strategy. For legal assistance, check law schools in your area or contact the American Civil Liberties Union (ACLU), National Immigration Project of the National Lawyers Guild (NIPNLG), or Asian Americans Advancing Justice (AAAJ).

[2] *Five of the MN8 men were unable to reverse their orders of removal and were deported.*

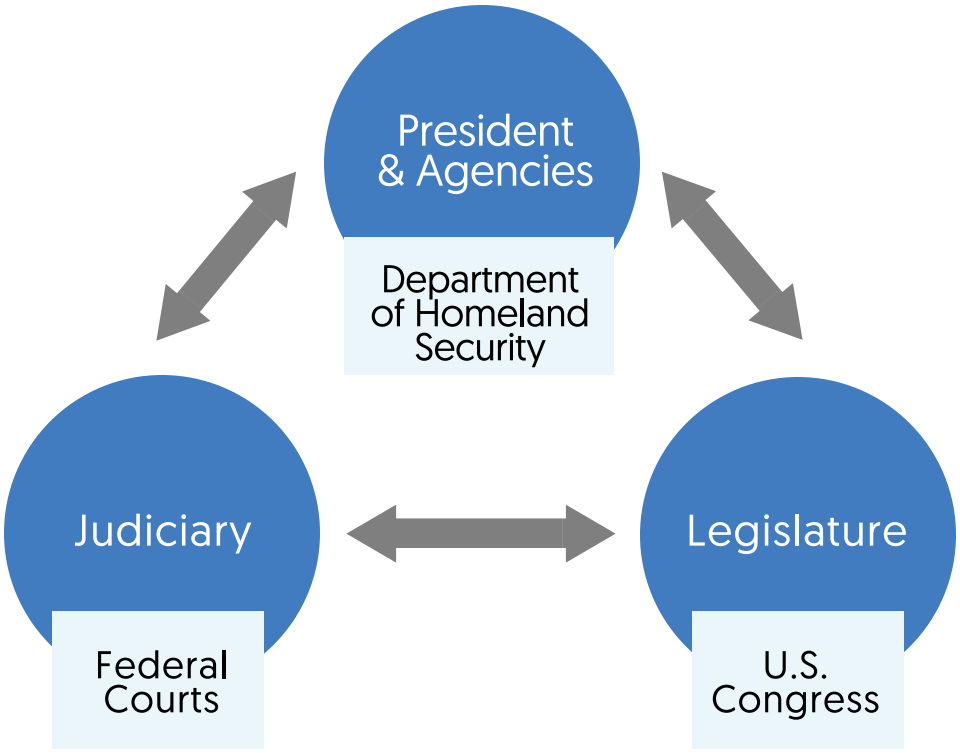
Mapping power and influence

In each campaign, it is essential to have clear targets. Who are you asking to do what, and who has the power to do what? Through a "power mapping" exercise, the #ReleaseMN8 organizers discovered which individuals and entities had specific powers and how they could use those powers to halt or delay deportations. For example, the county attorney can be a critical target and could prevent an individual's deportation by reducing the individual's sentence. Community support from various stakeholders also helps build influence. See Appendix A for an example of a sign-on letter to influential decision-makers.

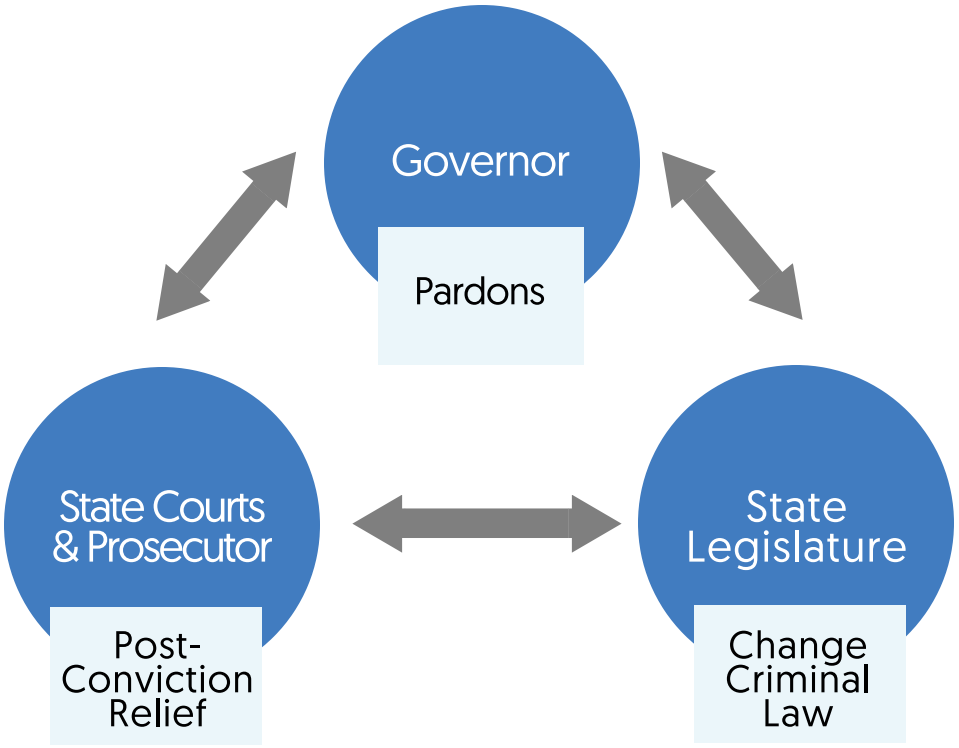


TIP: Mijente and NIPNLG are national organizations that can assist with understanding the political landscape and strategy training. Also look for local entities organizing around immigration issues.

FEDERAL GOVERNMENT



STATE GOVERNMENT



SETTING YOUR ACTIVISM IN MOTION

Families of the MN8 acted swiftly upon hearing news of their loved ones' imminent deportation to Cambodia. In less than a month, organizers gathered information, reached out to other affected families, and began a process of consistent communication and strategic planning. What followed was the creation of a mass movement that inspired people across the country. Families of the MN8 had never organized an anti-deportation campaign before, but they learned quickly as they were driven by their commitment to keep their loved ones together. These are their tips for setting activism in motion:

Organizing a campaign

Convene a meeting of all relevant allies, including relatives, friends, and supporters. It is especially important to include the person facing deportation in this process by finding a way for the person to provide input or be kept informed.

The primary goal of this initial convening is to build relationships and create a support network. Individual lives are at stake and people are in crisis, so establishing trust and creating a system of communication are key to a successful campaign foundation. Many people lack email correspondence skills or are unfamiliar with collecting official documents, for example, so explore all expertise and avenues for effective teamwork. Research potential contacts among high-level authorities and professionals as well, because these connections will be highly useful as your campaign gains momentum.

#ReleaseMN8 campaign organizers rally in front of the U.S. Immigration and Customs Enforcement building in St. Paul, MN, seeking to deliver signed petitions calling for the release of the MN8 men on November 3, 2016. Photograph by Thaiphy Phan-Quang

The #ReleaseMN8 campaign organizers hold their first rally in front of U.S. Sen. Amy Klobuchar's office on September 14, 2016, in Minneapolis. Photograph by Thaiphy Phan-Quang

Because such campaigns are voluntary, set up a voting system to pick a leader and a deputy leader; form subcommittees to carry out particular tasks; and have backups in case of absences or exits. Campaign organizers need guidance and reinforcement, so look for usable skills in any of the leadership roles. Despite the different kinds of rewards they stand to gain, all organizers have to share the same mindset to avoid tension and encourage collaboration. Face-to-face meetings are crucial to resolving problems compared with relying on digital communication. Also essential are interpretation volunteers so that all of the detained person's family members are kept in the loop.

Once regular meetings are scheduled, focus on establishing goals and objectives; roles and responsibilities; and information, resources, and tools needed. This will help you create a detailed concept plan, which typically includes a task list, timelines and deadlines to stay on track, projected costs, and funding sources. Be proactive in creating a structure for follow-up meetings as well.

TIP: Learning about the systems involved in the deportation process is important. Many of the #ReleaseMN8 campaign's first meetings involved experts offering training and technical assistance for developing the campaign. Because so much new information was shared, campaign organizers were diligent in taking notes. It is also important to maintain accurate, up-to-date documentation of the histories and personal accounts of the individuals facing deportation.

Designate a spokesperson(s)

The ability to organize a public-facing campaign targeting the media and people in power is necessary to giving your movement visibility and credibility. These targets typically prefer to speak to the directly affected individual or families instead of lawyers or supporters, therefore it is crucial to designate a spokesperson or spokespersons. All campaign organizers should be involved in discussions on their message and talking points so that the spokesperson or spokespersons can clearly articulate the campaign's goals and demands.

Messaging and the press

Speaking with the press is a critical way to educate the broader public. Do your homework first by conducting research on the media platform and the reporter. Ask for past articles the reporter has written on the topic of immigration and criminal justice to filter out press contacts who may hurt your case. Most importantly, speak from the heart, be honest, and have a clear message with detailed "asks." Criminal records are public information and thus can be accessed by the press; do not shy away from questions around criminal convictions. Address the issue, but also focus on the detained person's transformative journey of rehabilitation. The goal is to humanize the people being detained or deported. Zero in on all their positive contributions to the society. See Appendix B for a media coverage list.

#ReleaseMN8 campaign organizers are featured in a New Yorker article, titled The Minnesota Eight Don't Want to Be Deported to a Country They've Never Lived In, *on April 5, 2017. Photograph by Thaiphy Phan-Quang via Release MN8 / Facebook*

TIP: When crafting your message, it is necessary to have a clear understanding of the opposing arguments as well. This will help you to develop a strategy on how to pivot back to your main arguments and control the narrative. The Center for Story-Based Strategy has good resources to help craft campaign and press messaging.

Do not take "No" for an answer

A common response in the initial stages of this process is, "No, no, no—it cannot be done." Persistence goes a long way in shaping success. Some organizers may be turned away on the first few attempts, and parts of a legal case may be denied. Do not be discouraged, but consider creative approaches to help resolve the problem and continue to move forward.

COMMUNITY PARTNERSHIPS AND COLLABORATIONS

The #ReleaseMN8 campaign organizers recognized the importance of community support, and thus cultivated partnerships and collaborated with many allies by remaining in constant communication during the span of a year. This process of coalition-building was critical to developing people power.

Building solidarity

The #ReleaseMN8 organizers supported other communities of color through meetings with local and national organizations and participating in rallies, forums, conferences, and workshops; in the process, these events increased the visibility of their own campaign. As they continued to reach out for help, the campaign practiced reciprocity and mutualism, which made it successful in cementing relationships and turning the crisis of impending deportation into an opportunity to expand and strengthen communities.

TIP: Gathering public support from your coalition base is also invaluable. The Southeast Asian Freedom Network (SEAFN), Southeast Asia Resource Action Center (SEARAC), labor union AFSCME Local 3800, and National Association for the Advancement of Colored People (NAACP) Minneapolis branch, as well as many other allies, publicly denounced the detention and deportation of the MN8. See Appendix C.

Montha Chum, sister of Chamroeun "Shorty" Phan, one of the MN8 men, speaks at a SEARAC rally near the White House in Washington, DC, on June 28, 2017. Photograph by Stephen Bobb

Accompanied by a giant puppet, named ICE Monster, #ReleaseMN8 campaign organizers rally in front of the U.S. Immigration and Customs Enforcement building in St. Paul, MN, seeking to deliver signed petitions calling for the release of the MN8 men on November 3, 2016. Addressing the public is Brandi Powell, weekend anchor/reporter for KSTP-TV (ABC affiliate) in Minneapolis/St. Paul. Photograph by Thaiphy Phan-Quang

Actions

All #ReleaseMN8 activities were non-violent direct actions (NVDA), which included rallies, call-in campaigns, and sign-on letters to put pressure on key decision-makers to listen and meet with them. To prepare for each action, #ReleaseMN8 organizers determined roles, messaging, goals, and strategy for public outreach. Directly affected family members were at the center each step of the way. See Appendix D for samples of a call-in campaign and rally flyers.

TIP: Before each action, the #ReleaseMN8 campaign informed the public (through emails and event pages) and created press releases. See Appendix E for a sample press advisory. Also, it is helpful to find organizations that can train you on NVDA tactics, such as a local Black Lives Matter chapter or Ruckus Society.

POLITICAL ACTION

Lawmakers typically have the most power to influence a decision on deportation. The #ReleaseMN8 organizers met with numerous federal, state, and local lawmakers to advocate for their loved ones. Find a political champion to give voice to your concerns and help build your support base. See Appendix F for a sample public statement issued by lawmakers in support of the #ReleaseMN8 campaign.

TIP: Some of the organizations that trained the #ReleaseMN8 campaign in lobbying were the Coalition of Asian American Leaders (CAAL) in Minnesota and SEARAC and NIPNLG in Washington, D.C.

Here are some helpful steps acquired through the #ReleaseMN8 organizers' experiences:

1. After identifying your targets, go to the elected leaders' websites to send an email to them or their staff to request a meeting. If you are a constituent, make sure to highlight this fact. Follow up if you do not receive a prompt response, or find out whether anyone in your network can help facilitate the request.

2. Once an office agrees to a meeting, respond promptly to confirm the details and let the office know how many people will be participating. If a legal or policy expert is unable to accompany you to the meeting, consult with the expert beforehand to help prepare messaging, questions, and asks. The expert can also practice this "script" with you. Discuss with your group the likelihood of a deal and create an agreement on negotiating. In addition, have case details and relevant information ready as many offices ask for this. See Appendix G for a sample.

3. Designate roles to all meeting participants to help facilitate a smooth discussion with the lawmakers or their staff. Push questions where needed, and remember to take notes. The most effective meetings are organized, concise, and engaging. Lawmakers have busy schedules and often do not have time for long conversations. Provide the necessary information and get straight to the point.

4. Be honest. If elected leaders ask a question for which you do not have an answer, say that you will get back to them with the correct information soon (and stick to your word). Because lawmakers should be responsive to their constituents/voters, do not be shy about making demands.

5. If lawmakers say "no," politely thank them, but also remind them, before concluding the meeting, that they are accountable to their voters. If you are able to negotiate a deal, make sure the whole group understands clearly what this will entail before you accept, reject, or pose an alternative. If elected leaders say "yes," make them responsible for following through on their commitment by sending an email thanking them for their time and listing their promises. Remember to exchange business cards either before or after the meeting so all of you have accessible contact information.

TIP: Be proactive by offering to execute tasks within your control. Because of constant changes in the political and legal fields, be ready to follow up with several more meetings with the targeted leaders. A "no" or a push-back does not always mean there can be no room for negotiation, so campaigns have to be prepared to stay persistent and creative.

From left, Khin Oo, a community organizer; Ched Nin, one of the MN8 men who were released; Jennifer Srey, wife of Nin; and Montha Chum, sister of Chamroeun "Shorty" Phan, one of the MN8 men, show support for the #ReleaseMN8 campaign at Capitol Hill, Washington, D.C., during SEARAC Leadership and Advocacy Training on June 28, 2017. Photograph by Stephen Bobb

OTHER TARGETS

Aside from elected officials, you can also try meeting with the ambassador from the country that the U.S. government recognizes as your country of origin. The embassy of that country is responsible for issuing travel documents, a necessary step for ICE to carry out deportations.

COMMUNITY OUTREACH AND FUNDRAISING

Social media

Much of the #ReleaseMN8 campaign's success was made possible through its use of social media to share information, ask for resources, promote campaign stories, and publicize actions. The name was officially launched via Facebook in October 2016, along with an educational video about the campaign. The organizers also reached out to people through other outlets, such as Tumblr, Twitter, and Instagram.

Art

Art is an effective organizing tool to humanize a person usually made nameless with labels of "detainee" or "deportee." The #ReleaseMN8 campaign worked with activist-artists to spread its message through photography, videos, holiday cards, memes, flyers, and other visual props. The imagery captured made the personal histories of the MN8 men more compelling and increased the campaign's reach, both online and offline. See Appendix H for a list of video links.

Artwork by visual artist Tori Hong for the #Release MN8 campaign

Fundraising

There are no public defenders in U.S. immigration proceedings. While immigration court allows individuals in detention to apply for their own relief, the law and forms of relief are often too complicated for many to figure out. Having funds ready to hire a lawyer, pay application fees, and offset losses in income is vital. The #ReleaseMN8 campaign used its own finances to sustain its work, but it also employed a variety of fundraising strategies to supplement costs. Specifically, the campaign:

- Held film screenings and panel discussions featuring family members at which the audience was either requested to pay an admission fee or make free-will donations. Look for free to low-cost venues, such as libraries, university centers, or faith-based sites, to host events.
- Used online crowdfunding platforms, such as GoFundMe and YouCaring.
- Hosted fundraisers, either at a family's home or asked allies to host fundraisers or provide grants on behalf of the campaign.

Representatives from the Southeast Asia Resource Action Center, National Immigration Project of the National Lawyers Guild, Mijente, and Southeast Asian Freedom Network and its membership organization ManForward gather to work with #ReleaseMN8 organizers at the Eastside Freedom Library in St. Paul, MN, on February 23, 2017.

LEGAL SUPPORT AND COMMUNITY SOLIDARITY STRATEGY

Depending on the legal strategy of the case, there may be one or two hearings for which to lay the groundwork. Typically, deportation cases involve both the immigration and the criminal justice systems, so hearings in each court may occur. A lot of preparation goes into ensuring a judge hears your story. Showing public and community support for the individual at risk of deportation is a critical component of effective deportation defense. There are a number of solidarity strategies, depending on what is helpful in your case. For example, during a court hearing, a person at risk of deportation may need to show evidence of good moral character, rehabilitation, and/or family hardship as a result of deportation. The backing of community—such as family, friends, civic and faith leaders, and elected officials—often in the form of letters of support, testifying witnesses in court, and court attendance, would be critical. Furthermore, strong community engagement may be persuasive to a sympathetic prosecutor considering whether to oppose or support a case for post-conviction relief. Consult the detained individual, family, and legal team to find the right strategy and messaging for your particular case.

TRAUMA AND THERAPY/SELF-CARE

Deportation is a horrific experience, and organizing a campaign to fight it can be severely traumatizing for everyone in the targeted family. The penalizing state system forces elders to reopen old wartime wounds; mothers and fathers to unwittingly turn into single parents; children to become “orphaned”; and the person who is detained to lose absolute control over a life that had been turned around after making amends to the society.

Make sure the children are not neglected. Tailor your explanation about the absence of the loved one to the child’s age and level of understanding. Be mindful of lying or half-truths to avoid causing more trauma to the child down the road. If a person is deported, organizers should be prepared to extend compassion and support to families left behind.

When beginning your campaign, hold space for everyone affected to share their experiences. This organic development will ensure a stronger foundation and better strategies to build a robust campaign. All the organizers will be stakeholders in the campaign and thus know that they did everything in their power to bring their loved one home.

Campaign organizers should take care of their own physical, mental, emotional, and spiritual health early on as well. Check local nonprofit centers or publicly funded health clinics for free or discounted therapy. If you have a job and health benefits, find out whether you would be covered for therapy. Talk to your employer about a leave of absence; if you share your story, you might find empathy as well as support for your cause. Contact your spiritual leader for guidance. Most importantly, create a support system that will help provide some respite for you when the going gets tough. Accept and request others’ help, such as cooking healthy meals for you, watching children, writing and sending gifts to the detained person, or making high-level contacts on your behalf, among others. Sometimes just sharing your story with a sympathetic listener can be therapeutic, so do not be afraid to lean on your community.

From left, Sameth Nhean, Chamroeun “Shorty” Phan and Ched Nin, three of the MN8 men, get together in the Frogtown neighborhood of St. Paul, MN, in November 2017, after their release from detention. Photograph by Thaiphy Phan-Quang

#RELEASEMN8 LEGAL STRATEGY: COMMUNITY-CENTERED LAWYERING

The #ReleaseMN8 organizers had minimal understanding of immigration law. They found out early on that there is limited time for families to take action when ICE detains a person. They worked quickly with lawyers to learn about the different ways to fight their cases within the legal system.

Importantly, the organizers discovered that the eight men detained by ICE shared one thing in common—all of them had gone through the deportation system in the past after immigration judges had issued a "removal order," also known as an order of deportation. See Appendix I for a sample removal order. In the past, ICE was unable to carry out the orders of deportation due to diplomatic twists, so it was forced to release the men from immigration detention. The MN8 were still required to "report in" to the ICE office every six months or every year to be supervised. During one of these report-ins, ICE detained the eight men.

Fighting the MN8 removal orders was difficult. Legal options usually focus on asking the court to conduct a new hearing of the old deportation case. The most common way is through a "motion to reopen." Filing these motions is complicated, so it is a good idea to find a lawyer experienced in deportation defense.[3] Obtaining a time-sensitive legal assessment also is critical because people with removal orders can be deported immediately.

In the case of the MN8, three of the men were able to get a new hearing by filing a successful motion to reopen and avoid deportation. Below is a general background on these types of motions.

What is a motion to reopen?

A motion to reopen asks an immigration court or the Board of Immigration Appeals (BIA, the appeals court for the immigration court) to consider reopening a closed immigration case so that individuals can receive a second chance to challenge their deportation. These individuals must either demonstrate to the court that a) he or she should not have received a deportation order in the past, or that b) things have changed since then, and NOW there is good reason for the individual not to be deported.

Please note: This option only applies to people who have already gone through the deportation process and have an order of deportation. If this is the first time that ICE seeks to deport a person, then the person may have other options to fight deportation. It is important to obtain legal consultation as soon as possible to understand your options and whether you can even file a motion to reopen.

I. What do you have to prove in a motion to reopen?

First, you need to provide "new evidence" or facts that were not available at the first deportation process. For example, this could be information about the country to which the U.S. government has ordered you to be deported or information about yourself or your family that now qualifies you for a form of immigration relief. It could also be that the law about a type of crime has changed so that it no longer makes a person deportable or ineligible for relief.

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[3] *Getting Pro-Bono Legal Help: http://www.searac.org/resource-hub/immigration/resources-toolkits-immigration/getting-pro-bono-legal-help/*

Second, you need to put forward an argument for why the judge should reopen your case after the 90-day deadline. Normally, a motion to reopen needs to be filed within 90 days of the final removal order. However, there are exceptions to this time limit. These exceptions can include:

- Being eligible for a new immigration status or Lawful Permanent Residency (LPR, i.e., "green card") after your removal order because a U.S. citizen relative (such as a spouse) files a petition on your behalf to help you regain LPR status. It is important to note that individuals who receive deportation orders lose their LPR or refugee statuses, although they usually remain eligible for employment authorization.
- The reasons that triggered your deportation case, such as a criminal conviction, are gone (see some examples in section II).
- Being eligible for asylum, withholding, or similar relief, such as having new information about conditions of the country that the U.S. government has ordered you to be deported to that put your life in danger or may subject you to persecution.
- An error made by your prior attorney or in the prior deportation process, such as the court failing to tell you about a hearing date. This will often require you to speak to another attorney to tell you if or how the prior attorney made an error. Certain errors might exempt your case from the 90-day filing deadline.
- Showing "manifest injustice," which means that you need to convince the judge or the BIA that your situation is extraordinary or sympathetic, such as taking care of a very sick relative.

Motions to reopen are difficult to win. To convince a court to reopen an old case, you have to present compelling information and be clear as to why your past deportation order was a mistake, unlawful, or will lead to terrible consequences for you or your loved ones. Even if you can show that there was an error in the prior deportation process, or that something has changed (such as having a new family member), be aware that it is not always enough.

II. What are some examples of successful motions to reopen?

The following legal reasons were used successfully in motions to reopen filed on behalf of the MN8 individuals:

- **State court "vacates" a criminal conviction.** You were originally ordered deported based on a crime, and you have been able to get the crime overturned or "vacated." Please note that this does NOT include expungement. If you are able to reopen or vacate a criminal conviction or even change the sentencing, this can be one way to get your immigration case reopened. A sample motion to reopen based on vacating a criminal conviction can be found in Appendix J.
- **The law has changed, and you are now eligible to fight deportation.** Immigration law has changed quite a lot, especially when it comes to deportation over the last 10 years. Even if you were not eligible before to fight your deportation, the law may have changed to let you do so now. Two common situations are: 1) your crime is no longer an "aggravated felony," and/or 2) you might be able to get a green card through a relative using what is called "212(h) adjustment."

For a deeper dive into these two forms of motions to reopen, see Appendix K.

If the motion to reopen is granted, the court will look at the person's deportation case again and decide whether the person will be allowed to stay in the United States. Granting the motion to reopen will not mean that ICE will release the person; however, it will mean the person should not be deported. A discussion on how to get a person released, such as filing a bond motion or a federal lawsuit, can be found in the legal FAQ on page 17.

TAKE ACTION: IMPORTANT STEPS TO GET STARTED

1 *Make sure you understand exactly what happened at the person's last deportation hearing.* For instance: What date was the deportation order issued? Where was the court? Was the decision appealed? Did the person apply for anything to try to stop the deportation? You might be able to figure out some of that information by calling the Executive Office for Immigration Review (EOIR) number at 1-800-898-7180. You need to have on hand the "A" number of the person who was ordered deported.

2 *Gather documents.* Documents can include criminal records; transcripts from past hearings; school and medical records of both the person with the deportation order and the person's family members; any old immigration records (for instance, refugee documents or old green cards); tax papers and property information.

3 *Try to speak with more than one immigration attorney.* The attorney should be experienced in deportation defense and should not tell you that this is an "easy" process. Hire an attorney whom you feel comfortable with and trust. You should also be willing to ask when the attorney can file the motion to reopen and exactly what is needed from you. Make sure attorneys understand what you expect from them and vice versa.

FREQUENTLY ASKED LEGAL QUESTIONS

**Note: Due to the complicated nature of immigration law, families should review these questions with an experienced deportation defense attorney.*

I. I've been told that my loved one is going to be deported soon. Is there anything I can do?

"Stays" are legal avenues to stop a deportation. The #ReleaseMN8 organizers worked swiftly with their lawyers to file different types of stay requests. Below are some types of stays.

a) The most important one is filing a stay motion with the immigration court or with the BIA.[4] A sample emergency stay motion is provided in Appendix L.

b) Sometimes, you may need to file a stay with a federal appeals court. This usually happens if you lose your case at the BIA. (Typically, you have 30 days to file that appeal with the federal appeals court.) There is a practice advisory for lawyers on this type of stay; in this case, it would be a good idea to consult with a deportation defense lawyer.

c) Additionally, you can file an Application for a Stay of Deportation from ICE (Form I-246).[5] This is also referred to as a "stay of removal," but it is decided by ICE and not by a judge. Please note that these are very rarely granted by ICE under the Trump administration. At the publication of this report, this form costs $155. It is recommended that the I-246 application be filed only as a complement to the emergency motion with the immigration court or BIA, if at all, rather than as a substitute.

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[4] *For more information on stay motions with immigration courts, see https://www.justice.gov/eoir/file/1043831/download*

[5] *For more information on the I-246 ICE stay application, see https://www.ice.gov/sites/default/files/documents/Document/2017/ice_form_i_246.pdf*

Practice point: Knowing the deportation date is necessary to help get an emergency stay with the immigration court or BIA. Estimates by ICE however are not always accurate, and dates can change without notice. You have to keep in close touch with ICE. Actual departure days will be decided based on factors such as consular processing of travel documents and flight scheduling.

2. My loved one has been detained for a long time. What can I or my lawyer do?

The MN8 men were detained between six months to more than a year until eventually being deported or released. If a person has been detained for an extended period of time, the person may be able to challenge the detention in federal court. This type of lawsuit is called habeas corpus. This option may or may not be available based on several factors, including where the person is located and how long the person has been detained. Speak to your lawyer to understand the legal options.[6]

CONCLUSION

Advocates and activists have been organizing campaigns to end the inhumane detention and deportation of SEAA refugees since the late 1990s. The #ReleaseMN8 campaign is an example of what effective advocacy looks like when affected families are put in the forefront of organizing to save their loved ones. In a span of a year, a successful campaign was mobilized by bringing together multiple allies, building cross-racial solidarity, learning about criminal and immigration laws, sharing their stories with the media, demanding change of lawmakers, and galvanizing others to speak out against injustice. In the process, this campaign inspired a movement that captured national attention. The #ReleaseMN8 organizers continue to remain engaged in the long-term battle for just immigration laws that keep families together.

Families of Sameth Nhean, Chamroeun "Shorty" Phan and Ched Nin are all smiles in the Frogtown neighborhood of St. Paul, MN, in November 2017, following the release of the three men. Photograph by Thaiphy Phan-Quang

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[6]*For more information, see AILA (American Immigration Lawyers Association) webinar series for immigration attorneys: http://www.aila.org/publications/videos/fearless-lawyering-videos/five-part-webinar-series-on-habeas-corpus. Writs of habeas corpus filed by MN8 members: Phan v. Sessions, et al, 17-cv-00432 (D. Minn. filed Feb. 2, 2017); and Nhean v. Brott, et al, 17-cv-00028 (D. Minn. filed Aug. 2, 2017).*

CONTRIBUTORS

National Immigration Project of the National Lawyers Guild (NIPNLG)

NIPNLG is a national organization that provides technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates seeking and working to advance the rights of noncitizens. For more than 47 years, NIPNLG has promoted justice and equality of treatment in all areas of immigration law, the criminal justice system, and policies related to immigration.
Contact NIPNLG at:
89 South Street
Boston, MA 02111
(617) 227-9727
http://www.nationalimmigrationproject.org

Southeast Asia Resource Action Center (SEARAC)

SEARAC is a national civil rights organization that empowers Cambodian, Lao, and Vietnamese American communities to create a socially just and equitable society. As representatives of the largest refugee community ever resettled in the United States, SEARAC stands together with other refugee communities, communities of color, and social justice movements in pursuit of social equity.
Contact SEARAC at:
1628 16th Street NW
Washington, D.C. 20009
(202) 601-2968
searac@searac.org

University of Minnesota James H. Binger Center for New Americans

The University of Minnesota School of Law's James H. Binger Center for New Americans expands urgently needed legal services for noncitizens, pursues litigation to improve the nation's immigration laws, and supports noncitizens in the region through education and community outreach. Designed in partnership with leading area law firms and non-profit immigration legal services, the center is the only program of its kind in the United States and is home to three dynamic clinics and an integrated education and outreach program that offer students hands-on educational experiences.
Contact the James H. Binger Center at:
Detainee Rights Clinic
University of Minnesota School of Law
Room 190, Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455
(612) 625-5515

#ReleaseMN8

The #ReleaseMN8 campaign is made up of family members and supporters of eight Cambodian Minnesotan men who were detained by ICE in August 2016. Most of the relatives in the campaign are women who have firsthand experience of keeping a family afloat after a father, husband, breadwinner, and caretaker was taken away by an unjust immigration system. The MN8 were resettled with their families in the United States as refugee children after fleeing war and genocide in the 1980s. After spending most of their lives in the United States, as grown men they were faced with deportation to a country they barely knew. Three of the MN8 individuals were able to go back home to their spouses, children, and parents, while five were deported.
Contact #ReleaseMN8 organizers at:
releasemn8@gmail.com
https://www.facebook.com/ReleaseMN8/

SPECIAL THANKS

The MN8 men and their families are deeply grateful to their innumerable allies for all the love and support shown throughout the #ReleaseMN8 campaign.

For being at the heart of the #ReleaseMN8 campaign locally:
Marina Aleixo
Vichet Chhuon
Devika Ghai
June Kuoch
MK Nguyen
Khin Oo
Oanh Vu
ThaoMee Xiong

For their activism nationally:
Katrina Dizon Mariategue, Southeast Asia Resource Action Center
Jacinta Gonzalez, Mijente
Julie Mao, National Immigration Project of the National Lawyers Guild
Southeast Asian Freedom Network

For assistance with this toolkit:
Linus Chan, University of Minnesota Law School
Katrina Dizon Mariategue, Southeast Asia Resource Action Center
Lata D'Mello
Devika Ghai, Khin Oo, and Jenny Srey, #Release MN8
Julie Mao, National Immigration Project of the National Lawyers Guild

For the visuals:
Stephen Bobb Photography
Eli Edleson-Stein
Kat Eng
Tori Hong
Edwin Irwin
Joua Lee
Dara Ly
Boone Nguyen
Thaiphy Phan-Quang
Ryan Stopera

And to the many others who showed up when we needed them the most—an expression of gratitude from the #Release MN8 campaign:
http://www.pollenmidwest.org/opportunities/a-love-letter-to-the-release-mn-8-community/

WHO ARE THE MN8?

Ched Nin

Ched was born and raised in refugee camps in Thailand and the Philippines before arriving in the United States as a 6-year-old. He grew up in Faribault, MN, where he met his wife, Jenny. Together, they take care of their children and his elderly parents. Ched has worked as a carpenter for the past 20 years and is active in his neighborhood and community. He was detained by ICE on August 26, 2016, and released on February 24, 2017.

Sameth Nhean

Sameth was born in a refugee camp in Thailand and moved to the United States at the age of 2. He and his wife, Sokha, live in St. Paul, MN, with their three children. Sameth enjoys fishing with his family, doing home improvement projects, and fine-tuning cars. He has worked as a fencing contractor for the past 10 years. He was detained on August 26, 2016, and released on August 7, 2017.

Chamroeun "Shorty" Phan

Chamroeun was born in a refugee camp in Thailand. He came to the United States as a 1-year-old with his parents and siblings. His job as a computer manufacturer helps him support his wife, Jill, and 6-year-old daughter Leala in Maplewood, MN. Chamroeun loves fishing with his family and being active in church. He was detained on August 29, 2016, and released on September 18, 2017.

WHO ARE THE MN8?

Soeun "Posy" Chheng

Soeun came to the United States as a toddler with his parents who were refugees. He was well-loved in his community, especially at the barbershop where he worked in Willmar, MN. Soeun and his wife, Allison, were married less than a month before Soeun was detained on August 29, 2016. Their first child was born just days before he was deported on May 2, 2017. Soeun is trying to rebuild his life in Cambodia; in May 2018, he celebrated the opening of his barbershop in Phnom Penh.

Chan Om

Chan came to the United States at age 10 as a refugee. He was respected at his job as a mechanic and volunteered at a Buddhist temple in Hampton, MN. Chan was engaged to be married and had become a father figure to several stepchildren and grandchildren. He was detained on August 26, 2016, and deported on March 28, 2017. Chan is currently trying to rebuild his life in Phnom Penh.

Phoeuy Chuon

Phoeuy was born in a refugee camp in Thailand. He was 3 years old when he came to the United States with his mother and siblings. He was living happily in St. Paul with his wife, Raeann, and two step-children for more than 10 years before his whole life changed. Phoeuy was detained on August 26, 2016, and deported on March 28, 2017. He is trying to rebuild his life in Siem Reap, Cambodia.

WHO ARE THE MN8?

Ron An

Ron was born in a refugee camp in the Philippines. He was 3 months old when his family resettled in the United States. Ron lived in Rochester, MN, with his five children and surrounded by his parents, siblings, nieces, nephews, and friends. He was in ICE custody for nine months before his deportation on March 28, 2017. Ron lives along the Cambodian coast in Kampot and plans to run a gym.

Chan Ouch

Chan came to the United States at the age of 12 with his parents and five younger siblings. He has adult children and was a father figure to his nieces and nephews. Chan loved spending time with his family in Savage, MN. He was detained on August 26, 2016, and deported on March 28, 2017. He lives in Phnom Penh and has opened a convenience store and tattoo shop.

September 20, 2016

Office of the Governor and Lt. Governor
116 Veterans Service Bldg.
20 W. 12th Street
St. Paul, MN 55155

Dear Governor Dayton,

We write to you on behalf of a diverse coalition of individuals and organizations seeking your intervention in the imminent deportation of 8 Minnesota residents of Cambodian descent. Their recent detention by Immigration and Customs Enforcement ("ICE") is part of a national offensive to deport Cambodian immigrants with criminal records. In light of the disproportionate number of Minnesotans swept up in the immigration raids, we call on you to use any and all means within your executive authority to prevent their deportation and ensure their eventual release to their families.

We underscore the peculiar injustice surrounding the federal government's plans to deport this group to Cambodia, given that each of them came to the United States many years ago as young refugee children. In fact, many of them have never set foot in Cambodia because they were born in refugee camps in Thailand after their parents escaped the harrowing circumstances of genocide perpetrated by the Khmer Rouge communist regime. During the "Killing Fields" period of Cambodian history, an estimated two million people (approximately half of the population) perished through disease, famine and murder. It would be rare to find a Cambodian who did not lose a family member during the genocide. Fulfilling its international human rights duties, the United States served as a major site for Cambodian refugee resettlement, and Minnesota would eventually became home to thousands of Cambodian families.

Minnesota has always been one of our country's most welcoming and forward-thinking states. Perhaps this is why Minnesota is home to the largest refugee population (as a percentage of total immigrants) in the union. Through our legislation and policies, we embrace and support some of the world's most vulnerable families and watch them thrive once they are provided with opportunities. Cambodian-Americans are exemplars of this generous spirit as these families fled war and genocide in Cambodia to eventually settle in Minnesota. The reality is that not all refugees have success assimilating and acculturating to American society; yet, it is also in line with our values as Minnesotans to continue supporting those who struggle or misstep, or perhaps even commit more serious wrongdoing.

Each of the detainees we are now seeking to help has lived the greater part of their lives in Minnesota. Although each attained "lawful permanent residency" (i.e. green cards), their prior criminal convictions under state law triggered removal proceedings that resulted in their eventual forfeiture of lawful immigration status. Removals only became legal through the formation of a treaty under which Cambodia has agreed to "repatriate" the population of Cambodian refugees who otherwise held permanent legal status in the US. It is within this context that ICE now seeks to deport this group of Minnesotans, in spite of the fact that each has long served their sentence and spent many years reintegrated into their local communities. The significant steps

they have each taken over the last several years toward personal growth and rehabilitation, starting families and planting roots in their communities make the threat of their removal profoundly distressing and painful for us all.

It is our view that the collateral consequence of deportation under these circumstances raises serious constitutional concerns about the proportionality of punishment for state-law convictions. As the highest elected official in our state, you have the authority to alter the fate of these men and prevent their deportation to an unfamiliar country that lacks the resources to support them. Specifically, we petition you to utilize your pardon power to expedite the review of pardon applications for these men, while taking special consideration of their imminent deportation to Cambodia as a strong factor favoring the pardon of their prior convictions. Furthermore, we petition you to contact Scott Baniecke, the ICE Field Office Director for Minnesota, to request that ICE allow these men time to pursue their rights to seek a pardon or other state criminal justice mechanisms that can remove the continuing validity of convictions under state law.

We appreciate in advance your willingness to take a stand in support of the Cambodian-American community in Minnesota.

Signatories

Organizational Entities

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FOR IMMEDIATE RELEASE

From NAACP Minneapolis

Media Contact: President Jason Sole president@naacpmpls.com 651-983-0982

NAACP Minneapolis condemns deportations of Cambodian refugees

The NAACP Minneapolis unequivocally condemns the detention and deportation of the Minnesota Eight (MN 8). In August, the U.S. Immigration, Customs and Enforcement (ICE) detained eight men who have lived nearly their whole lives in Minnesota. The MN 8 are Cambodian citizens that arrived here legally as child refugees: grew up here, have relatives here, raised families here, and are part of the community here. Nonetheless, last week four of the MN 8 were put on a chartered plane to Cambodia, leaving behind families and loved ones struggling to cope.

The justification for ICE detaining these men is that they were previously convicted of crimes. Even though some of these crimes were relatively trivial (for example, one man was convicted of breaking three windows), the MN 8 had their green cards revoked while being permitted to stay. For years they did their due diligence by checking in with ICE, but that routine abruptly and randomly ended last summer.

Of the four MN 8 not yet deported, one has now been released by court order. Three have been granted temporary stays of deportation but are still being detained. One currently faces deportation at any time.

The NAACP Minneapolis calls for: the immediate return of the four MN 8 who were cruelly deported, for a halt to deportation proceedings that are ongoing against one of the MN 8, and for permanent residency status to be restored to all of the MN 8. Decades ago, these men arrived as child refugees, "homeless and tempest-tossed", and our nation opened "the golden door" and committed to treating them fairly and to provide them with the opportunity of a new life. The impulsive actions of ICE violate that commitment. The MN 8 were raised in Minnesota and are part of the Minnesota community, this is their home, and we stand with them.

AFSCME Local 3800
University of Minnesota Clerical Workers

November 1, 2016

The Honorable Jeh Johnson
Secretary of Department of Homeland Security
U.S. Department of Homeland Security
Washington D.C. 20528

Dear Secretary Johnson:

We write to express our concerns regarding the deportation of Cambodian American and other Southeast Asian community members, and specifically the detention and pending deportations of the "Minnesota 8." They are eight Cambodian Americans from Minnesota who have been detained by Immigration and Customs Enforcement (ICE) since August: Chamroeun Phan, Chan Heng Ouch, Chan Om, Ched Nin, Phoeuy Chuon, Ron An, Soeun Chheng and Sameth Nhean.

These men and their families are part of our community. They are refugees from the Southeast Asian wars that tore apart Cambodia in the 1970s; wars in which the United States played no small role. We don't believe the U.S. should be in the business of deporting war refugees and separating families who have already lived through so much trauma. We call on you to release the Minnesota 8 immediately and to stop their deportations.

As a union, we are concerned because some of the Minnesota 8 and their families are union members, including some who are members of our union, AFSCME. Three immediate family members of the men being detained and facing deportation are members of AFSCME Council 5.

We are also concerned because we believe that the 1996 immigration law that is being used to justify their detention and deportation -- the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 -- is unfair to working people in general. The 1996 law removes almost all discretion for taking individual circumstances into account when deciding on immigration cases like these. This has unjustly caused harm to many thousands of working people and their families.

We echo the letter sent to you by Representatives Keith Ellison, Michael Honda and Judy Chu in calling for changing the unjust 1996 immigration law, and in calling for you to take the individual factors of the Minnesota 8 into account, and prioritize family reunification in these cases.

AFSCME Local 3800 | 312 Central Ave. SE, Suite 356 | Minneapolis, MN 55414 | (612) 379-3918 | afscme3800@gmail.com
Charrene Horaduk – President # 612-940-0660, Rosetta Chears – Chief Steward # 612-293-0009

Our immediate concern is the release of the Minnesota 8. We call on you to stop deportation proceedings against them and to release them now.

Thank you.

Sincerely,

The membership of AFSCME Local 3800
Cherrene Horazuk, President
Sharice McCain, Vice President
Brad Sigal, Secretary
Andy Carhart, Treasurer
Rosetta Chears, Chief Steward

cc:
Rep. Keith Ellison
Rep. Betty McCollom
Sen. Al Franken
Sen. Amy Klobuchar

Appendix D

RALLY TO STOP DEPORTATIONS OF REFUGEES

DATE: WEDNESDAY, SEPTEMBER 14TH, 2016

TIME: 4:00PM

LOCATION: 1900 WASHINGTON AVE SOUTH, MPLS

Stand up for family!

Raise your voices!

Press Contacts:
Montha Chum, Chamroeun's sister, [email], [phone]
Jenny Srey, Director, ReleaseMN8, [email], [phone]

NEWS ADVISORY

Community members occupy County Attorney Choi's office, demand end to Chamroeun Phan's prolonged detention

Despite winning his case in court, Chamroeun Phan has now been detained by ICE for one whole year.

WHAT: To mark the one year anniversary of Chamroeun Phan's detention, community members will be rallying in St. Paul, MN. They will occupy County Attorney Choi's office to demand that he take action to reduce Phan's sentence (which would grant him automatic relief from removal proceedings). Chamroeun Phan, a husband and father from Maplewood arrived in MN as an infant and a refugee after his parents fled the Khmer Rouge genocide in Cambodia. He was born in a Thai refugee camp and has never set foot in Cambodia, the country they now seek to deport him to.

In 2009, Phan broke three windows of a local bar, causing ICE to target him as a "criminal" and a priority for deportation. But earlier this year, Phan's immigration judge granted him a second chance. She reestablished Phan's permanent resident status and issued a waiver for his freedom. Despite this, ICE has not released him, putting an immense emotional, financial and psychological burden on his family & community.

ReleaseMN8 is a grassroots group made up of family members of the 8 Cambodian-American men who were detained by ICE last year. They have been advocating for Chamroeun's release since he was detained last August. They will be joined at this event by members of Showing Up for Racial Justice MN, MIRAC, RadAzns, NAACP and others.

WHERE: Meet at Rice Park, St Paul.
March to County Attorney Choi's office on Wabasha St.

WHEN: Tues, Aug 29 2017 – one year anniversary of Phan's detention
10am-11am CT

INTERVIEWS: Representatives of ReleaseMN8, MIRAC, & RadAzns will be available for live interviews before and after the action.

VISUALS: We will be joined by a marching band, and will have signs and posters.

KEITH ELLISON
5th District, Minnesota

2263 Rayburn House Office Building
Washington, DC 20515
(202) 225-4755

2705 Plymouth Avenue North
Minneapolis, MN 55411
(612) 522-1212

ellison.house.gov
Twitter: @keithellison

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

Chief Deputy Whip

Co-Chair Congressional Progressive Caucus

Financial Services Committee
Subcommittee on Oversight and Investigations
Subcommittee on Capital Markets and Government Sponsored Enterprises
Subcommittee on Housing and Insurance

October 19, 2016

The Honorable Jeh Johnson
Secretary of Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson,

We write to express our concerns regarding the recent and ongoing deportations of Cambodian and other Southeast Asian community members, which are taking a toll on our constituents and their families. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, while intended to provide greater security to our nation, has had deep and unintended impacts across the country. In the wake of the Vietnam War, over 150,000 Cambodian refugees made this nation their home, including an estimated 10,000 in Minnesota and 100,000 in California. These families have sought protection and asylum from within our nation's borders, many having arrived in the United States as young children. Yet today, too many of them instead face deportation as the result of criminal offenses they have already served time for.

While the law's intent may have been to safeguard our nation's security, we are concerned that its current application runs counter to this aim – through the waste of taxpayer resources on actions against individuals who pose no danger to our country, and the resulting instability wrought on families who are torn apart by these actions. For example, in the case of many Cambodian Americans facing deportation for crimes, a 2002 repatriation agreement with the Cambodian government effectively forces a second punishment on them in conjunction with the 1996 law. Many of these individuals are the children of refugees who were born in refugee camps outside of Cambodia to parents fleeing war and political instability under a brutal regime.

As refugees, Cambodian Americans face unique challenges, including high rates of poverty, post-traumatic stress disorder, and poor educational outcomes, which make them vulnerable to criminalization. As adults, although they have never set foot on Cambodian soil, they are being deported to a country they've never known – for offenses for which they've already served time. In some cases, individuals have been deported without warning for offenses that were committed years ago after they have rebuilt their lives and have not committed any other criminal offenses. Such actions clearly do not reflect the original intention of the law or the values of our nation.

We should not be in the business of separating families or deporting people we promised to protect for minor, nonviolent, or old offenses. We have long been advocates in Congress for changing the law to better reflect the priorities of our country today, and we will continue to work with our colleagues in Congress toward this end. We urge you to take into account the individual factors associated with each person facing deportation, such as family and community ties, refugee status, age of entry to the United States, and generational trauma; and to prioritize family unification.

Thank you for your attention to this matter.

Sincerely,

Keith Ellison
Member of Congress

Michael M. Honda
Member of Congress

Judy Chu
Member of Congress

Sameth Nhean

#Release MN8

Sameth Nhean came to the U.S. as a refugee at the age of 3. He was born in a Thai refuge camp after his family fled the Khmer Rouge. He currently resides in St. Paul, Minnesota, and has been a lawful permanent resident of this country for 32 years. He is a loving husband and father to a U.S. citizen wife and three beautiful children. Like many refugees from Cambodia, he has overcome significant generational poverty, trauma, and criminalization.

Since August 2016, Sameth has been in ICE detention. The Department of Homeland Security (DHS) is trying to deport him for a crime he committed in 2002, when he was charged with 2nd degree assault with a dangerous weapon after trying to prevent his then-girlfriend from driving home while intoxicated. Sameth was sentenced to 21 months in jail but only served 90 days with probation. DHS is trying to deport him to Cambodia, even though he has never set foot in the country.

In March of this year, Sameth narrowly escaped deportation when an immigration judge issued an emergency stay of removal. Shortly after, the judge approved his request to reopen his immigration case. **On July 12, Sameth's fate will be decided by an immigration judge, who will consider granting him deportation relief due to the extreme hardship his deportation would cause his U.S. citizen family.**

Sameth joins seven other families in Minnesota who have been a part of the national #ReleaseMN8 campaign to bring awareness to the harsh impact deportation has on families and communities.

For more information on Sameth's case, email Contact Name from organization (if applicable) at email and/ or phone number

Appendix H: Sample videos

Personal story videos:

1. Ched Nin: https://youtu.be/CcQEo5cYs0c
2. Sameth Nhean: https://vimeo.com/207879688
3. Soeun "Posy" Chheng: https://vimeo.com/193856284
4. Ron An: https://www.facebook.com/kim.k.sin/videos/10154163346781305/
5. Chan Ouch: https://www.facebook.com/ReleaseMN8/videos/2314270839741 41
6. Chan Om: https://vimeo.com/193878695
7. Phoeuy Chhoun: https://vimeo.com/191113444
8. Chamrouen Phan: https://vimeo.com/192712858

Action videos:

1. ReleaseMN8 call-in campaign video: https://vimeo.com/190809847
2. ReleaseMN8 Stay of Removal rally at ICE building in St. Paul: https://vimeo.com/185100758
3. ReleaseMN8 Not Home for the Holidays rally at ICE building in St.Paul: https://vimeo.com/199955954
4. Urgent update March 2017: https://vimeo.com/208560298

Informational Videos:

1. Release MN8 Launch https://vimeo.com/189347573
2. Al Jezeera - Forces Back to Cambodia Documentary https://www.aljazeera.com/programmes/101east/2017/09/forced-cambodia-17092705 5535534.html

[redacted]

IMMIGRATION COURT
[redacted]

In the Matter of

Case No.: A[redacted]

[redacted]
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on [redacted]
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

[X] The respondent was ordered removed from the United States to Dominican Republic or in the alternative to .

[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to .

[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to .

Respondent's application for:

[X] Asylum was [ ]granted [X]denied [ ]withdrawn.

[X] Withholding of removal was [ ]granted [X]denied [ ]withdrawn.

[ ] A Waiver under Section _____ was [ ]granted [ ]denied [ ]withdrawn

[ ] Cancellation of removal under section 240A(a) was [ ]granted [ ]denied [ ]withdrawn.

Respondent's application for:

[ ] Cancellation under section 240A(b)(1) was [ ] granted [ ] denied [ ] withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Cancellation under section 240A(b)(2) was [ ]granted [ ]denied [ ]withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Adjustment of Status under Section ____ was [ ]granted [ ]denied [ ]withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[X] Respondent's application of [X] withholding of removal [X] deferral of removal under Article III of the Convention Against Torture was [ ] granted [X] denied [ ] withdrawn.

[ ] Respondent's status was rescinded under section 246.

[ ] Respondent is admitted to the United States as a _____ until _____.

[ ] As a condition of admission, respondent is to post a $ _____ bond.

[ ] Respondent knowingly filed a frivolous asylum application after proper notice.

[ ] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

[ ] Proceedings were terminated.

[ ] Other:

Date: [redacted]

[redacted]
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

4

Deeper Dive into Motions to Reopen

Below are two common options used in Motions to Reopen:

(1) Getting Rid of Criminal Convictions that Caused the Deportation Order:

If an individual was ordered removed because of a criminal conviction, one way to reopen the removal order and prevent the deportation might be to get rid of the actual criminal conviction in criminal court. This is often known as a motion for "post-conviction relief." Because most criminal convictions come from state courts, the options for this will depend upon which state the individual was convicted and how long ago the conviction was, among other factors.

Links to additional information including sample motions are provided below. **Please note that the conviction has to be completely dismissed or "vacated"; expungements do not count.**

Practice point: The support of the county or district attorney or prosecutor can be critical to the criminal court decision to grant an application to get rid of a criminal conviction or lower a sentence. This is where local advocacy and education could help inform the county attorney's decision to support a motion for post-conviction relief. One of the MN8, Chamroeun Phan, persuaded the prosecutor through the #ReleaseMN8 campaign to support his motion for post-conviction relief and thereby get rid of the underlying criminal conviction upon which his deportation order was based.

For more information on a motion for post-conviction relief:

- General information: http://firrp.org/media/Padilla-v.-Kentucky-Guide-2013.pdf
- For New York: https://www.immigrantdefenseproject.org/what-we-do/padilla-post-conviction-relief/
- For Washington state: https://defensenet.org/wp-content/uploads/2017/11/PCR-Legal-Framework-6.1.2016.pdf
- For California: https://www.ilrc.org/clean-slate-immigrants-reducing-felonies-misdemeanors-using-penal-code-%C2%A7-185-prop-47-penal-code-%C2%A7

(2) Waivers and/or Applying for a Green Card through a U.S. Citizen Relative

File and seek approval of an I-130 immediate relative petition as soon as possible.

Motions to Reopen can often be based on U.S. citizen (USC) relatives, such as a spouse, adult child or parent, because such individuals can immediately seek a green card for a relative through "adjustment" *and* a "212(h) waiver" of any crimes.

To apply for a waiver in deportation proceedings, a USC relative must first apply and be granted an I-130 immediate relative petition from U.S. Citizen and Immigration Services (USCIS). Usually you will need this petition to be approved *before* you can file the Motion to Reopen. So it is crucial to fill out this petition as soon as possible. Here are some practical tips to getting your I-130 petition approved as soon as possible:

- Save up the money for the I-130 petition: The application process currently costs $535.
- Request the process to be "expedited": Your lawyer may have to make the request, or you can make an appointment with USCIS and request expedition of the application process especially if your relative is detained already.
- Seek assistance from your Congressional leaders: Your U.S. House Representative or Senator can help as a liaison with government agencies, including inquiring into the adjudication of your I-130 petition and expedited processing.[1]

Additional Resources:

The Florence Project, "Pro Se Motion to Reopen Guide," 2013 available at: http://firrp.org/media/Motions-to-Reopen-Guide-2013.pdf

Immigrant Legal Resource Center (ILRC), "Update on INA § 212(h) Defense Strategies," 2011 available at: https://www.ilrc.org/sites/default/files/resources/update_on_ina_212_1.pdf

[1] Practice point: For an I-130 petition through a U.S. citizen spouse, USCIS may conduct an interview of the couple to confirm that the marriage is bona fide. This can be difficult if the individual is detained, creating further delay in processing the I-130 application. If you have children or other proof that the marriage is real, USCIS may skip interviews. In all cases, Congressional liaisons can be critical to troubleshooting logistical issues and delays in processing.

[Attorney Names] DETAINED

[Attorney Firm/Organization]
[Address]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
[Immigration Court Location]

IN THE MATTER OF: A# _____

[Respondent Name]

Immigration Judge [IJ name]

RESPONDENT'S MOTION TO REOPEN REMOVAL PROCEEDINGS

I. Jurisdiction

The Immigration Court has the power under INA § 240(c)(7) to hear motions to reopen. "An Immigration Judge may upon his or her own motion at any time, or upon motion of the Service or the alien, reopen or reconsider any case in which he or she has made a decision, unless jurisdiction is vested with the Board of Immigration Appeals." 8 CFR § 1003.23(b)(1). An Immigration Judge therefore is vested with *sua sponte* powers to entertain a motion to reopen outside of the statutory 90 day time limit for filing. *Id.*

The Board of Immigration Appeals does not currently have jurisdiction over this matter. [Respondent name] is presently within the United States; thus, this motion is not barred by departure. New facts will be proven at a hearing and supported by proper evidence, as required by INA § 240(c)(7)(B) and 8 CFR § 1003.23(b)(3).

II. Factual and Procedural Background

On November 15, 2010, the Department of Homeland Security filed a Notice to Appear against [Respondent name], placing him in removal proceedings on the grounds that he had been convicted of an aggravated felony under INA § 237(a)(2)(A)(iii) and INA § 101(a)(43)(F). The underlying crime was [XXXX], case number xxxxxxxxx which DHS charged as a Crime of Violence. [Respondent name] had plead guilty to on [date]. At no point in these criminal proceedings was he informed of the danger of deportation, either by the criminal court or by his defense attorney.

On [date], he was ordered removed from the United States by Immigration Judge [IJ name], in the Immigration Court in [Court location]. [Respondent name] was not represented in his hearing and was unable secure any witnesses on his behalf. At the time of his removal,

despite having a United States citizen wife, and being a lawful permanent resident, his options for relief were restricted severely by his aggravated.[Respondent name] called and spoke to the [Country] Embassy which informed him that they would not be issuing travel documents for him and that he would not be deported to [Country] in the near future.

[Respondent name] was released on an Order of Supervision ninety days after the order of removal and continued to check in with ICE as needed. (Tab A, release notification). He complied with all of ICE requirements and never missed a check- in date. [Respondent name] also never again got into any trouble with the law since his release in 2012 more than four years ago.

During an ICE check in, [Respondent] was detained at the end of [month] in order to allow him to be interviewed by the [country] Embassy for travel documents and possible deportation.

[Discussion of Handship to family]

[Child] is the oldest son/daughter of [Respondent] and [mother]. He\she was born on [birthdate]. S/he is currently [age] years old and lives at his/her mother's place. S/he suffers from several medical conditions.

As the doctor says in this letter, "[description of medical hardship and explanation of why he or she needs to remain in the United States and needs attention and care of both parents." The current detention and stress of his or her father's detention has exacerbated her health and has caused severe physical and emotional harm.

[Wife/Husband] has had to bear the burden of caring for the family in the respondent's absence. He/She has found it financially difficult to care for the family without his/her partner.

[Respondent's Criminal History]

A criminal history with the various register of actions are attached. Prior to his being ordered deported Respondent had several convictions for ___, ___ and ____. The most serious charge XXXX, involved the following….[provide an accurate retelling of the facts of the case, but also provide context about what happened and why. Try and be as clear as possible about what has changed since then, and why you have either taken responsibility and become a reformed person, (for instance if they were addiction related, how you got treatment) or if the incident was completely out of character). IF no one was seriously hurt, then highlight that fact, if someone was hurt, then you must explain anything that can help mitigate this issue. Try and avoid statements that can be seen as blaming others, or refusing responsibility for your actions.]

The other felony on [Respondent] record involved a theft. This shoplifting incident was the result of a drunken night on the town and an after midnight attempt at stealing a bottle of liquor. The Respondent was ordered to make restitution and pay back damages, do community service and stay out of trouble. He has done all three and furthermore sought further rehabilitative treatment on [Date].

III. This Court May Invoke Its *Sua Sponte* Authority to Reopen Removal Proceedings

This Court has discretionary power to *sua sponte* reopen cases for exceptional circumstances. 8 C.F.R. § 1003.23(b)(1) (2012); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). Respondent has the burden to demonstrate such exceptional circumstances exist. *Id.* at 984-85. The Board in *Matter of Beckford* noted that exceptional circumstances involve demonstrating to the Court that there is a substantial likelihood that the result in the respondent's case would be different if reopening is granted. 22 I&N Dec. 1216, 1219 (BIA 2000).

A. THE RESPONDENT'S AGGRAVATED FELONY CONVICTIONS ARE CONSTITUTIONALLY DEFICIENT AND LIKELY TO BE REOPENED

The [Respondent's] conviction from [date] was not just the basis for his removal, but also prevented him from applying for lawful permanent resident cancellation under INA 240A(a) a remedy he would have been statutorily eligible for, and likely a beneficiary of given the amount of hardship to relatives and his long residence in the United States. Moreover the aggravated felony conviction prevented him from applying for asylum based on extreme past persecution. *See Mendoza-Pablo v. Holder*, 667 F.3d 1308 (9th Cir. 2012) (discussing whether early deprivations based on premature birth and trauma to mother can qualify for past persecution). Reopening the Respondent's case after a successful post-conviction petition woud allow him to successfully prevent his removal to Cambodia.

Padilla v. Kentucky, 13 S.Ct. 1473 (2010) holds that lack of advice regarding the immigration consequences constitutes deficient assistance of counsel under the first prong of *Strickland v. Washington*, 466 U.S. 668 (1984). "It is quintessentially the duty of counsel to provide her client with available advice about an issue like deportation and the failure to do so clearly satisfies the first prong of the Strickland analysis." *Padilla*, 559 U.S. at 371. Given that removal was mandatory in *Padilla*, as here, "a decision to reject the plea bargain would have been rational under the circumstances." *Id.* at 372. *Padilla* was decided over four months before he pleaded guilty, and thus its mandate applies to his criminal case and his criminal counsel knew or should have known of the additional Constitutional requirements.

Under Minnesota law, a defendant may withdraw a guilty plea if "withdrawal is necessary to correct a manifest injustice." Minn. R. Crim. P. 15.05.1. "A manifest injustice

exists if a guilty plea is not valid." *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). A guilty plea is not valid where it is not "accurate, voluntary, and intelligent." *Id.*; *see also Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). A plea is not voluntary or intelligent when there is ineffective assistance of counsel. *Hill v. Lockhart*, 474 U.S. 52 (1985); *Butala v. State*, 664 N.W.2d 333, 341 (Minn. 2003). The proper way to move to withdraw a plea after sentencing is through a post-conviction petition. *James v. State*, 699 N.W.2d 723, 726 (Minn. 2005). In this case, such a petition is being filed.

Minnesota state courts have held on several occasions that failure to properly advise a non-citizen defendant of immigration consequences prior to a guilty plea constitutes grounds to withdraw the plea under the above standard. *See Sanchez v. State*, 868 N.W.2d 282, 287 (Minn. Ct. App. 2015); *Campos v. State*, 816 N.W.2d 480 (Minn. 2012); *State v. Lopez*, 794 N.W.2d 379 (Minn. Ct. App. 2011). Therefore, there is a significant likelihood that [Respondent] will succeed in his post-conviction petition, which would vacate the conviction for which he was ordered removed.

Execution of a removal order based on a criminal conviction that is constitutionally suspect would be a gross miscarriage of justice and meets the requirements for a *sua sponte* reopening. In an unpublished decision the BIA noted "The fact that it took over a decade for the respondent to vindicate his rights does not undermine a finding that enforcement of a removal order that was predicated upon a criminal conviction that was constitutionally defective at the time it was entered, constitutes a gross miscarriage of justice sufficient to warrant reopening the proceedings of a removed alien." (Tab G Matter of Martinez Wagner at 2). Without an aggravated felony conviction the Respondent would have various means to pursue relief from

removal, including Cancellation of Removal for Lawful Permanent Residents, and humanitarian asylum based on severe past persecution.

B. MATTE OF J-H-J- IS A FUNDAMENTAL CHANGE IN LAW ALLOWING THE IMMIGRATION COURT TO EXERCISE ITS DISCRETION TO REOPEN THE RESPONDENT'S REMOVAL CASE AND ALLOWING HIM TO ADJUST WITH A 212(h) WAIVER

In Re X-G-W- the BIA chose to exercise its *sua sponte* power to consider an untimely motion because of a fundamental change in the asylum law brought about by IIRIRA. 22 I. & N. Dec. 71, 73 (BIA 1998). The BIA's precedential decision *In re G-D-* offers guidance on when a change in law is significant enough to warrant granting a motion to reopen *sua sponte*. 22 I. & N. Dec. 1132, 1134 (BIA 1999). "The statutory revision was so profound that the respondent in *In re X-G-W-* clearly acquired eligibility for relief by virtue of that particular change in the law, a change amounting to a reversal in the principles of asylum law applicable to coercive population control practices in China". *Id.* The BIA granted the motion to reopen "[i]n response to this situation, affecting many of our recently decided cases." *Id.*

Matter of J-H-J-, 26 I&N Dec. 563 (BIA 2015) reflects a substantial change in the interpretation of the Immigration and Nationality Act, justifying the favorable exercise of the court's discretion to reopen a case *sua sponte*. *Matter of J-H-J-* explicitly reverses two BIA precedential decisions, Matter of *Koljenovic*, 25 I&N Dec. 219 (BIA 2010) and *E.W. Rodriguez*, *25* I&N Dec. 784 (BIA 2012) signaling a fundamental change in the Attorney General's discretion to grant 212(h) waivers.

As in *In re X-G-W*, the change in law at issue here unequivocally makes available a form of relief that was unavailable to the respondent at their deportation. [Respondent] meets all the statutory criteria for a 212(h) waiver. He adjusted status to a lawful permanent resident after he

entered the United States as a child. He is married to a United States Citizen, [wife] who has filed an expedited I-130. (Tab B). It is appropriate to reopen cases under *sua sponte* authority in order to allow for adjustment of status based on marriage to a US Citizen.(Tab G, Matter of Johns)..

The court's power to reopen a case *sua sponte* should only be exercised when a change in law is sufficiently compelling that the extraordinary intervention is warranted. *In Re G-D-*, 22 I. & N. Dec. at 1135. *Matter of J-H-J-* is in both scope and size a fundamental shift in the law. In cases where deportation would cause extreme hardship to United States citizens, INA § 212(h)(1)(B) may provide a sole basis of relief for LPRs convicted of aggravated felonies. *Matter of J-H-J-* drastically expands the number of lawful permanent residents eligible for this relief. [Respondent] motion to reopen should be granted *sua sponte* to consider his application for a waiver under INA § 212(h) in accordance with the fundamental change in law provided by *Matter of J-H-J-*.

IV. Conclusion

Based on all the above, the Court may find that Respondent has established a basis to reopen proceedings.

Respectfully Submitted,

_____ _____

Date [Attorney]
[Attorney firm/Organization]

[Address]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
[LOCATION]

In the Matter of: [Respondent] **A Number:**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's Motion Reopen, it is HEREBY ORDERED that the motion be ☐ **GRANTED**

☐ **DENIED**

On the ground that:

☐ DHS does not oppose the motion.

☐ A response to the motion has not been filed with the Court.

☐ Good cause has been established for the motion.

☐ The court agrees with the reasons stated in the opposition to the motion.

☐ The motion is untimely per _____.

☐ Other: _____.

Deadlines:

☐ The application(s) for relief must be filed by _____.

☐ Respondent must comply with DHS biometrics instructions by _____.

_____ _____
Date **Immigration Judge**

Certificate of Service

This document was served by | | Mail | | Personal Service
To | | Alien | | Alien c/o Custodial Officer | | Alien's Atty/Rep | | DHS

Date:_____ **By:**_____

In the Matter of: [Respondent] **A Number:**

CERTIFICATE OF SERVICE

On _____, [year], I, _____, served a copy of Respondent's Motion to Reopen and accompanying documents to the Department of Homeland Security, U.S. Immigration & Customs Enforcement, Office of Chief Counsel at the following address by email and hand delivery:

[Immigration Court Address]

_____ _____

Date

[Attorney name]
[Attorney firm/organization]
[Address]

[redacted]

DETAINED

University of Minnesota Law School
Center for New Americans
Detainee Rights Clinic
190 Walter Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
FORT SNELLING, MINNESOTA

IN THE MATTER OF:	[redacted]
[redacted]	

Immigration [redacted]

Next Hearing: Not Scheduled

MOTION FOR EMERGENCY STAY TO DECIDE MOTION TO REOPEN

COMES NOW Respondent, by and through undersigned counsel, and files the following Motion for an EMERGENCY STAY OF DEPORTATION before this Court. In support of this Motion, Respondent states as follows:

1. Respondent has filed a concurrent MOTION TO REOPEN his removal proceedings.
2. The filing of this motion does not automatically stay execution of removal, 8 CFR § 1003.23(b)(1)(v), and because the motion is considered withdrawn if [redacted]'s removed, 8 CFR § 1003.23(b)(1), grant of a stay is necessary so that [redacted]'s case can be heard on the merits.

Removal May Be Imminent Preventing Proper Adjudication

3. A grant of stay of removal is necessary in order to allow this Court to properly adjudicate the Motion to Reopen as the Respondent's removal may become imminent, despite the [redacted] years and several months that has elapsed since the order was issued.
4. ICE has indicated that travel documents to [redacted] have been approved though no indication as to when the flight and removal would be scheduled. This information is usually not disclosed to the Respondents or attorneys until the day of or day before removal.
5. After this court issued its decision to remove the Respondent on [redacted] the Respondent was later released on an order of supervision as ICE Enforcement and Removal Operations indicated that [redacted] was not going to issue travel documents in his case and was not likely to accept him for deportation.

6. The Respondent continued to check-in as required by his Order of Supervision and did not have any idea that [redacted] might decide to process him for removal. Removals to [redacted] have been limited and intermittent. During the intervening four years, he got gainful employment, married [redacted] a United States Citizen, bought a house with [redacted] and began to try and have another child with [redacted] at the beginning of this year. (Tab B and E).

7. During this period the Respondent did not get into any additional trouble with the law.. (Tab F).

Respondent and Counsel have Been Diligent

8. As soon as the Respondent was taken into ICE Custody in late [redacted] of this year, his family arranged to find an attorney, namely [redacted] from the [redacted] Law Group. They filed a Deferred Action Request on [redacted] and a I-130 Petition that was given a priority date of [redacted]

9. Respondent's family also hired a criminal attorney [redacted] who filed a post-conviction petition in [redacted] county on [redacted] (Tab F)

10. Respondent and various counsel have been diligent since they learned that the Respondent's removal may become imminent. The instant Stay and Motion to Reopen had not been filed previously as Respondent it was unclear when the I-130 would be adjudicated and current counsel was not retained until [redacted]

Unclear when the I-130 will be adjudicated

11. The Respondent since becoming detained in late [redacted] has been transported to various ICE facilities around the country and is currently in [redacted]. This travel has made it difficult for USCIS to adjudicate the I-130 even though it has been placed on

an expedited track as an interview has become impossible until and unless the Respondent is back into custody of the [redacted] (Tab B). A stay will be necessary in order to allow USCIS to adjudicate the I-130 as an interview should be scheduled in the next two weeks.

Post-Conviction Relief Likely to Occur within next two months

12. [redacted] was retained on [redacted] to file a post-conviction petition based on ineffective assistance of counsel and other grounds to vacate the Respondent's conviction for [redacted]. (Tab F) The petition was filed on [redacted] and a hearing will likely be scheduled within the next six weeks for the petition. A stay will be necessary in order to allow the district court to adjudicate the post-conviction petition which should be done within six weeks to a two months.

Irreparable Harm to Respondent and Family if Stay Not Granted

13. The Respondent and his family would suffer irreparable harm if the stay is not granted, while the prejudice to DHS would be minor. Respondent's USC daughter suffers from [redacted]

14. DHS had allowed the Respondent to be out on an order of supervision for [redacted] years prior to his recent detention and there is no prejudice in allowing this Court to stay his

removal in order to allow USCIS to decide the I-130, thereby establishing his eligibility for adjustment with a waiver and to wait until the [redacted] Court can adjudicate his post-conviction petition which would also significantly alter the Respondent's eligibility for relief from removal in the form of Cancellation of Removal for Lawful Permanent Residents and Asylum eligibility.

15. Respondent respectfully requests that this Court Stay his removal in order to allow time for consideration of his I-130 and post-conviction motion in state court and which would then allow this Court to properly adjudicate his Motion To Reopen Proceedings.

16. Respondent requests a hearing before this Court to present his claims for the necessity of the Stay of Removal and why it would be necessary to prevent a gross miscarriage of justice and allow the Respondent to have his Motion to Reopen Proceedings to be properly adjudicated.

WHEREFORE, based on the foregoing reasons, Respondent urges this Court to grant his Motion for a Stay of Removal.

Date: [redacted]

Respectfully Submitted,

[redacted]

University of Minnesota Law School
Detainee Rights Clinic
190 Walter Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455

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

[redacted]

In the Matter of: [redacted] [redacted]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's Motion for an EMERGENCY STAY OF REMOVAL, it is HEREBY ORDERED that the motion be ☐ **GRANTED**

☐ **DENIED**

On the ground that:

- ☐ DHS does not oppose the motion.
- ☐ A response to the motion has not been filed with the Court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per _____.
- ☐ Other: _____.

Deadlines:

- ☐ The application(s) for relief must be filed by _____.
- ☐ Respondent must comply with DHS biometrics instructions by _____.

_____ _____

Date [redacted]

Certificate of Service

This document was served by [ ] Mail [ ] Personal Service
To [ ] Alien [ ] Alien c/o Custodial Officer [ ] Alien's Atty/Rep [ ] DHS

Date:_____ **By:**_____

In the Matter of: [redacted] **A Number:** [redacted]

CERTIFICATE OF SERVICE

On [redacted], I, [redacted], served a copy of Respondent's MOTION FOR STAY OF REMOVAL and accompanying documents to the Department of Homeland Security, U.S. Immigration & Customs Enforcement, Office of Chief Counsel at the following address by US mail:

1 Federal Drive

[redacted]

Date

University of Minnesota Law School
Detainee Rights Clinic
190 Walter Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455