

DATE, 2017

/NAME OF DEPORTATION OFFICER
ICE ERO
12445 E. Caley Avenue
Centennial, CO 80111

RE: Humanitarian Parole Request for Mr. X Y-Z, AXXX-XXX-XXX

Dear Officer /NAME:

On behalf of Mr. X Y-Z, AXXX-XXX-XXX, I hereby submit this request for parole, pursuant to 8 C.F.R. § 212.5(b).

On /DATE, 2017 Mr. Y-Z received a positive credible fear determination from an asylum officer. Mr. Y-Z does not pose a danger to the community, nor does he present a flight risk. In addition, Mr. Y-Z fits the definition of an individual with special vulnerabilities, and warrants a favorable exercise of discretion by way of parole so as to release him from immigration detention and allow him, outside of detention, to pursue relief in removal proceedings in the form of asylum. For reasons explained and documented below, Mr. Y-Z's ongoing detention at taxpayer expense serves no purpose and he accordingly respectfully asks that ICE carefully consider his request for parole.

Overview

[FACTUAL SUMMARY]

X Y-Z was born in Guatemala on June XX, 19XX. Because of his sexual orientation, Mr. Y-Z suffered numerous instances of physical, sexual, and psychological abuse in Guatemala.

Mr. Y-Z had a credible fear interview on February XX, 2017. On March XX, 2017, an asylum officer determined Mr. Y-Z has a credible fear of return. Mr. Y-Z has been in ICE custody since January XX, 2017. During his detention at GEO ICE Aurora Detention Facility ("GEO"), other detainees harassed and threatened Mr. Y-Z because of his sexual orientation. He continues to fear for his safety and wellbeing while being held in detention.

Eligibility for Asylum

Mr. Y-Z is likely eligible for asylum because he suffered persecution by government officials, and by persons the government is unable or unwilling to control, on account of his particular social group of gay men from Guatemala. Mr. Y-Z has suffered past persecution and thus is entitled to a presumption of future persecution.

Request for Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture

ICE has the authority and discretion to release arriving aliens seeking asylum in the United States who have been found to have a “credible fear” of persecution or torture by U.S. Citizenship and Immigration Services (“USCIS”) or an Immigration Judge of the Executive Office for Immigration Review (“EOIR”). *See* U.S. Customs and Immigration Enforcement Directive 11002.1, “Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture” (Dec. 8, 2009). DHS should review parole requests on a case-by-case basis where the applicant’s release would significantly benefit the public. *See id.*; *see also* 8 C.F.R. §§ 212.5(b); 235.3.

In granting parole requests, ICE considers proof of identity, whether the applicant is a flight risk, whether the applicant presents a danger to the community, and the reasons the applicant merits parole. *See* U.S. Customs and Immigration Enforcement Directive 11002.1, “Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture” (Dec. 8, 2009).

Recent administrative changes do not impact the Department’s position regarding the parole eligibility for individuals who have positive determinations after a credible fear interview. Although the President’s Executive Order issued on January 25, 2017, “Border Security and Immigration Enforcement Improvements” indicates that parole is disfavored, additional guidance from DHS clarifies that individuals with positive credible fear findings are parole eligible.¹ The memo states on pages 2–3 that arriving aliens who establish a “credible fear” of persecution or torture are eligible for parole as long as the individual can establish his or her identity and show he or she will not be a flight risk or security risk. *Id.*

Here, Mr. Y-Z was found to have a credible fear of persecution or torture by an asylum officer.

Identity

Mr. Y-Z reports that ICE has a copy of his government issued identification from Guatemala. That identification provides sufficient proof of his identity.

Flight Risk

Mr. Y-Z does not present a flight risk. Mr. Y-Z’s cousin X-P is a United States citizen living in New Orleans. Mr. Y-Z has a support system in New Orleans and will be able to attend all of his future immigration hearings.

Danger to the Community

¹DHS Memorandum, “Implementing the President’s Border Security and Immigration Enforcement Improvement Policies,” Secretary of Homeland Security John Kelly (Feb. 20, 2017), *available at*: https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf.

Mr. Y-Z is not a danger to the community. Mr. Y-Z is not a danger to the community because he does not have any criminal history. Consequently, he can demonstrate he has not committed any violent crimes, engaged in any behavior that would make him a danger to the community, or been involved in any activities that are contrary to U.S. national security interests.

Special Vulnerabilities

Furthermore, Mr. Y-Z should be released from detention because he is a particularly vulnerable individual. *See* U.S. Immigration and Customs Enforcement Directive 11065.1, Review of the Use of Segregation for ICE (2013) § 5.2, *available at*: https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf. Special vulnerabilities include individuals “who would be susceptible to harm in general population due in part to their sexual orientation or gender identity; or who have victims—in or out of ICE custody—of sexual assault, torture trafficking, or abuse.” *Id.* When an individual is found to have a special vulnerability, the Department of Homeland Security (“DHS”) should consider release from detention if release is “consistent with requirements of mandatory detention, public safety, and other immigration enforcement considerations.” *Id.* Mr. Y-Z fits the definition of an individual with special vulnerabilities and merits release from detention. Other detainees at the GEO facility harass Mr. Y-Z and he fears being subjected to abuse and harm should his detention continue. For example, a group of men yelled at Mr. Y-Z when he walked through the halls, calling him derogatory terms. The intimidation tactics used against Mr. Y-Z make him feel unsafe and particularly vulnerable for future harm.

Release on Parole in Public Interest

Mr. Y-Z’s release is in the public interest. He is a survivor of persecution and has a strong support system in the United States. The persecution he experienced in his home country has left him in fear of his life and his continued detention has had a detrimental impact on his well-being. His release will facilitate access to the support he needs to recover his from trauma, facilitate his access to counsel and greatly increase his likelihood of success as he pursues relief in removal proceedings in the form of asylum.

In conclusion, Mr. Y-Z has close ties to the United States, he is not a flight risk, nor is he a danger to the community. Mr. Y-Z fits the definition of an individual with special vulnerabilities and merits release from detention. Mr. Y-Z warrants a favorable exercise of discretion and merits parole so that he may pursue asylum outside of detention.

Mr. Y-Z respectfully requests that he be released from ICE custody as soon as possible. He has already been detained at GEO for ## days and further detention at taxpayer expense is not warranted. As set forth in the Department’s directive, applicants for parole and counsel should receive “written notifications of parole decisions... within seven days” of the interview for parole or submission of parole request “absent reasonable justification for delay in providing such notification.” U.S. Customs and Immigration Enforcement Directive 11002.1, “Parole of Arriving Aliens Found to Have a Credible

Fear of Persecution or Torture” (Dec. 8, 2009) at 6. Accordingly, we look forward to your prompt response to this request.

Thank you in advance for your time in considering this request. Please do not hesitate to contact me should you require any additional documentation to assist you in rendering a favorable decision regarding Mr. Y-Z’s request for parole.

Sincerely,

ATTORNEY NAME
ATTORNEY’S FIRM
FIRM’S ADDRESS
FIRM’S PHONE NUMBER
FIRM’S FAX NUMBER
ATTORNEY EMAIL ADDRESS