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[Organization Name]
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DETAINED

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
[CITY, STATE]**

In the Matter of:)
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)
)
)
Respondent)
)
In Removal Proceedings)
_____)

File No.: A

Immigration Judge:

Next Hearing:

**RESPONDENT’S WRITTEN OBJECTION TO THE GOVERNMENT’S PROFFER OF
IMPEACHMENT/REBUTTAL EVIDENCE**

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
[CITY, STATE]**

_____))
In the Matter of:))
))
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)) **File No.:** A
))
Respondent))
))
In Removal Proceedings))
_____)

**RESPONDENT’S WRITTEN OBJECTION TO THE GOVERNMENT’S PROFFER OF
IMPEACHMENT/REBUTTAL EVIDENCE**

The Respondent, through undersigned counsel, is submitting this written objection to the proffer of evidence offered by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) on DATE, 2017. On DATE, 2017 the parties appeared before your Honor and the government offered a proffer of evidence that contained an I-213 that this Court had previously excluded on DATE, 2016. The evidence should be excluded because the government has not authenticated the I-213 in any way and because the I-213 is unreliable.

As this Honorable Court ordered on DATE, 2016, “DHS did not provide the original I-213 forms and did not in any way authenticate the copies it introduced into the record. Thus, they will not be admitted into evidence.” To date—almost ten months later—the government has not provided any authentication of the I-213, as required by this Honorable Court, pursuant to 8 C.F.R. § 1287.6(a) and by the Board of Immigration Appeals. *Matter of J.R. Velasquez*, 25 I&N Dec. 680, 685 (BIA 2012) (DHS evidence inadmissible because “Disposition Notice” was not

authenticated “*at all*”). There is no reason why DHS should be able to submit an already excluded, unauthenticated I-213 when this Honorable Court has already excluded it on that basis.

The Respondent also renews his argument that the I-213 is fundamentally unreliable because it contains embedded hearsay and relies on statements from unknown, unidentified third parties. *See Felzcerek v. INS*, 75 F.3d 112, 117 (2d Cir. 1996) (citing *Murphy v. INS*, 54 F.3d 605, 610-11 (9th Cir. 1995) (hearsay statements in the I-213 must be cured by testimony of the agent who completed the I-213, if the reliability of the form is undermined).

DHS has not articulated in what way the unauthenticated I-213 rebuts or impeaches the Respondent’s testimony. The government is simply attempting to include evidence that this Honorable Court has already deemed inadmissible without justification or authentication.

WHEREFORE, the Respondent respectfully requests that this Court continue to exclude the government’s proffer of evidence.

Respectfully submitted on this XX day of XX.

[Attorney Name], Esq.
[Organization Name]
[Organization Address]
[Organization Address]

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
[CITY, STATE]**

)
IN THE MATTER OF:)
)
)
) \) **File No.:** \)
)
Respondent)
)
_____) **IN REMOVAL PROCEEDINGS**

ORDER OF THE HONORABLE IMMIGRATION JUDGE

Upon consideration of the respondent's **Written Objection to the Government's Proffer of Impeachment/Rebuttal Evidence**, IT IS HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- DHS does not oppose the motion.
- The respondent 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 _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

Honorable 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: Court Staff _____

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Case No:

PROOF OF SERVICE

On this _____ day of _____, 2016 I, _____ served a copy of this:

**RESPONDENT'S WRITTEN OBJECTION TO THE GOVERNMENT'S PROFFER OF
IMPEACHMENT/REBUTTAL EVIDENCE**

and all attached pages to: The Office of Chief Counsel
at the following address: [Address]

By (check one): first-class mail courier service hand-delivery.

Signature

Date