

IMMIGRATION REMOVAL DEFENSE TRAINING

September 15, 2017

CASE HYPOTHETICAL

Client, Mr. M, is in detention at Adelanto. After an ICE did an I-9 audit of his employer, his company's HR person informed Mr. M that there was a "problem" with his Social Security Number and that he should call ICE to straighten it out.

So Mr. M called his local ICE office and set up an appointment to come in. He was interviewed by an ICE Agent, then personally served with an NTA and taken into ICE custody. He is awaiting his first master calendar.

EOIR INFORMATION:

Mr. M's NTA alleges that:

- 1) he is not a U.S. Citizen,
- 2) he is a citizen and national of Country X,
- 3) he entered the U.S. without inspection on an unknown date through an unknown place, and
- 4) On XXX, XX 2015, he falsely claimed to be a U.S. Citizen in order to obtain employment at Company X.

He is charged with being removable under:

- 1) 212a6Ai, present without admission or parole, and
- 2) 212a6Cii, false claim to U.S. Citizenship.

FAMILY:

His parents are deceased and were not U.S. Citizens. He is married to a U.S. Citizen by birth. He and his wife have a 25-year-daughter, who is also a U.S. Citizen. His wife is terminally ill.

ENTRY:

He reports that he has lived in the U.S. since he was about 6 years old (about 40 years now). He remembers riding in the backseat of his older sister's car, when they came to a brief stop at the border fence. His sister said something to the officer that he couldn't hear, and he saw the officer wave his hand, signaling that his sister could keep driving.

CRIMINAL HISTORY:

He reports having been arrested and convicted 3 times:

- 1) resisting arrest about 20 years ago,
- 2) battery about 13 years ago (his wife was the victim), and
- 3) hit and run with property damage about 8 years ago.