

Nos. 19-1155 and 19-1156

In the Supreme Court of the United States

WILLIAM P. BARR, ATTORNEY GENERAL, PETITIONER

v.

MING DAI

WILLIAM P. BARR, ATTORNEY GENERAL, PETITIONER

v.

CESAR ALCARAZ-ENRIQUEZ

*ON WRITS OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

JOINT APPENDIX

JEFFREY B. WALL
*Acting Solicitor General
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217*

*Counsel of Record
for Petitioner*

DAVID J. ZIMMER
*Goodwin Procter LLP
100 Northern Avenue
Boston, MA. 02210
dzimmer@goodwinlaw.com
(617) 570-1000*

*Counsel of Record
for Respondent
Ming Dai*

NEAL KUMAR KATYAL
*Hogan Lovells US LLP
555 Thirteenth St., N.W.
Washington, D.C. 20004
neal.katyal@hoganlovells.com
(202) 637-5528*

*Counsel of Record
for Respondent
Cesar Alcaraz-Enriquez*

PETITIONS FOR WRITS OF CERTIORARI FILED: MAR. 20, 2020
CERTIORARI GRANTED: OCT. 2, 2020

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Docket No. 15-70776

MING DAI, PETITIONER

v.

WILLIAM P. BARR, ATTORNEY GENERAL, RESPONDENT

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
3/12/15	<u>1</u>	FILED BIA PETITION FOR REVIEW. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. Petitioner detained: No. The schedule is set as follows: Certified Administrative Record due 05/07/2015. Petitioner opening brief due 08/06/2015 for Ming Dai. Respondent brief due 10/08/2015 for Eric H. Holder Jr., Attorney General. Petitioner optional reply brief is due 14 days from service of respondent brief. [9454912] (OC) [Entered: 03/12/2015 11:59 AM]

* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
3/23/15	<u>4</u>	Filed (ECF) Certified Administrative Record by Executive Office of Immigration Review. [9466917] [15-70776] (Executive Office Of Immigration Review, DOJ) [Entered: 03/23/2015 08:56 AM]
		* * * * *
9/9/15	<u>9</u>	Filed clerk order: The opening brief [<u>8</u>] submitted by Ming Dai is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9675579] (TLH) [Entered: 09/09/2015 08:06 AM]
		* * * * *
11/9/15	<u>12</u>	Filed clerk order: The answering brief [<u>11</u>] submitted by Loretta E. Lynch is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in

DATE	DOCKET NUMBER	PROCEEDINGS
		<p>paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9749768] (GV) [Entered: 11/09/2015 03:15 PM]</p> <p>* * * * *</p>
9/27/17	<u>25</u>	<p>Filed clerk order (Deputy Clerk: OC): The Court is of the unanimous opinion that the facts and legal arguments are adequately presented in the briefs and records and the decisional process would not be significantly aided by oral argument. Fed. R. App. P. 34(a)(2). Therefore, this case is ordered submitted without oral argument on Friday, October 13, 2017, in San Francisco, California. [10596289] (OC) [Entered: 09/27/2017 11:51 AM]</p>
10/13/17	<u>26</u>	<p>SUBMITTED ON THE BRIEFS TO SIDNEY R. THOMAS, STEPHEN REINHARDT and STEPHEN S. TROTT. [10617312]</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		(Learned, Glen) [Entered: 10/13/2017 01:47 PM]
3/8/18	<u>27</u>	FILED OPINION (SIDNEY R. THOMAS, STEPHEN REINHARDT and STEPHEN S. TROTT) GRANTED; REMANDED. Judge: SR Authoring, Judge: SST Dissenting. FILED AND ENTERED JUDGMENT. [10790555]—[Edited: Replaced PDF of Opinion (typo corrected in dissent for clarification). 03/28/2018 by RY] (RMM) [Entered: 03/08/2018 06:54 AM]
4/12/18	<u>28</u>	Filed (ECF) Respondent Jefferson B. Sessions, III Motion to extend time to file petition for rehearing until 05/23/2018. Date of service: 04/12/2018. [10833703] [15-70776] (Carmichael, Aimee) [Entered: 04/12/2018 08:33 AM]
4/12/18	<u>29</u>	Filed clerk order (Deputy Clerk: AF): Pursuant to G.O. § 3.2.h, Judge Murguia has been drawn as the replacement for Judge Reinhardt. The panel for this case will now consist of: THOMAS, Chief Judge; TROTT and MURGUIA, Circuit Judges. [10834206] (AF) [Entered: 04/12/2018 11:34 AM]

DATE	DOCKET NUMBER	PROCEEDINGS
4/17/18	<u>30</u>	Filed order (SIDNEY R. THOMAS STEPHEN S. TROTT and MARY H. MURGUIA): Respondent's unopposed motion for an extension of time within which to file a petition for rehearing is GRANTED. The petition shall be filed on or before May 23, 2018. [10840238] (AF) [Entered: 04/17/2018 02:52 PM] * * * * *
5/17/18	<u>32</u>	Filed order (SIDNEY R. THOMAS, STEPHEN S. TROTT and MARY H. MURGUIA) Respondent's motion for an extension of time within which to file a petition for rehearing is GRANTED. The petition shall be filed on or before June 22, 2018. [10876401] (OC) [Entered: 05/17/2018 01:15 PM]
6/22/18	<u>33</u>	Filed (ECF) Respondent Jefferson B. Sessions, III petition for rehearing en banc (from 03/08/2018 opinion). Date of service: 06/22/2018. [10919164] [15-70776] (Carmichael, Aimee) [Entered: 06/22/2018 02:16 PM] * * * * *

DOCKET		
DATE	NUMBER	PROCEEDINGS
8/15/18	<u>42</u>	Filed (ECF) Petitioner Ming Dai response to Petition for Rehearing En Banc (ECF Filing), Petition for Rehearing En Banc (ECF Filing). Date of service: 08/15/2018. [10977641]. [15-70776] (Zimmer, David) [Entered: 08/15/2018 11:21 AM]
		* * * * *
2/22/19	<u>45</u>	Filed order and amended dissent (SIDNEY R. THOMAS, STEPHEN S. TROTT and MARY H. MURGUIA). The dissent filed March 8, 2018, is amended, with the following amended dissent to be substituted in lieu of the original. The petitions for rehearing and rehearing en banc remain pending, and no further action is required of the parties until further order of the court. [11203692] (RMM) [Entered: 02/22/2019 07:08 AM]
		* * * * *
4/9/19	<u>48</u>	Filed (ECF) Respondent William P. Barr citation of supplemental authorities. Date of service: 04/09/2019. [11257964] [15-70776] (Evans, Walter) [Entered:

DATE	DOCKET NUMBER	PROCEEDINGS
		04/09/2019 01:23 PM]
4/11/19	<u>49</u>	Filed (ECF) Petitioner Ming Dai citation of supplemental authorities. Date of service: 04/11/2019. [11260180] [15-70776] (Zimmer, David) [Entered: 04/11/2019 06:44 AM]
10/22/19	<u>50</u>	Filed Order for PUBLICATION (SIDNEY R. THOMAS, STEPHEN S. TROTT and MARY H. MURGUIA) (Statement Respecting Denial by Judge Trott; Dissent by Judge Callahan; Statement Respecting Denial by Judges O'Scannlain and Trott; Dissent by Judge Collins) The full court has been advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed R. App. P. 35. Judge Miller was recused and did not participate in the vote. The petition for rehearing en banc is denied. Attached are dissents from and statements respecting the denial of rehearing en banc. [11472354] (AKM) [Entered:

DATE	DOCKET NUMBER	PROCEEDINGS
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10/22/2019 08:16 AM]

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Docket No. 15-71553

CESAR ALCARAZ-ENRIQUEZ, PETITIONER

v.

WILLIAM P. BARR, ATTORNEY GENERAL, RESPONDENT

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
5/22/15	<u>1</u>	FILED BIA PETITION FOR REVIEW. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. Petitioner detained: No. The schedule is set as follows: Certified Administrative Record due 07/17/2015. Petitioner opening brief due 10/16/2015 for Cesar Alcaraz-Enriquez. Respondent brief due 12/18/2015 for Loretta E. Lynch, Attorney General. Petitioner optional reply brief is due 14 days from service of respondent brief. [9547044] (BY) [Entered: 05/22/2015 08:45 AM]

<u>DATE</u>	<u>DOCKET NUMBER</u>	<u>PROCEEDINGS</u>
		* * * * *
6/8/15	<u>4</u>	Filed (ECF) Certified Administrative Record by Executive Office of Immigration Review. [9564228] [15-71553] (Executive Office Of Immigration Review, DOJ) [Entered: 06/08/2015 08:30 AM]
		* * * * *
10/19/15	<u>6</u>	Filed clerk order: The opening brief [5] submitted by Cesar Alcaraz-Enriquez is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9723693] (TLH) [Entered: 10/19/2015 04:02 PM]
		* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
2/16/16	<u>13</u>	<p>Filed clerk order: The answering brief [12] submitted by Loretta E. Lynch is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9865893] (KT) [Entered: 02/16/2016 01:11 PM]</p> <p>* * * * *</p>
4/13/16	<u>20</u>	<p>Filed clerk order: The reply brief [19] submitted by Cesar Alcaraz-Enriquez is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed</p>

DATE	DOCKET NUMBER	PROCEEDINGS
		from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9938089] (KT) [Entered: 04/13/2016 11:36 AM]
		* * * * *
2/15/18	37	ARGUED AND SUBMITTED TO Judges CARLOS T. BEA, N. RANDY SMITH and DAVID C. NYE. [10765604] (AT) [Entered: 02/15/2018 12:56 PM]
		* * * * *
2/22/18	<u>39</u>	Filed (ECF) Petitioner Cesar Alcaraz-Enriquez Motion to stay removal. Date of service: 02/22/2018. [10773669] [15-71553] (Jobe, Robert) [Entered: 02/22/2018 01:49 PM]
		* * * * *
3/7/18	<u>41</u>	Filed (ECF) Petitioner Cesar Alcaraz-Enriquez Supplemental Motion to stay removal. Date of service: 03/07/2018. [10789450] [15-71553] (Jobe, Robert) [Entered: 03/07/2018 11:27 AM]
3/9/18	<u>42</u>	FILED MEMORANDUM DISPOSITION (CARLOS T. BEA, N. RANDY SMITH and DAVID

DATE	DOCKET NUMBER	PROCEEDINGS
		C. NYE) In light of this disposition, Petitioner's motion to stay removal is granted. Each party shall bear their own costs. PETITION FOR REVIEW GRANTED IN PART, DENIED IN PART; REMANDED. FILED AND ENTERED JUDGMENT. [10792605] (SD) [Entered: 03/09/2018 11:59 AM]
		* * * * *
6/22/18	<u>48</u>	Filed (ECF) Respondent Jefferson B. Sessions, III petition for panel rehearing (from 03/09/2018 memorandum). Date of service: 06/22/2018. [10919361] [15-71553] (Carmichael, Aimee) [Entered: 06/22/2018 02:57 PM]
8/24/18	<u>49</u>	Filed order (CARLOS T. BEA, N. RANDY SMITH and DAVID C. NYE) This appeal has been held in abeyance pending resolution of the government's petition for rehearing en banc (and, if applicable, any en banc proceedings) in the case of Dai v. Sessions, 884 F.3d 858 (9th Cir. 2018), which squarely presents a question bearing on the merits of this case. This administrative

DATE	DOCKET NUMBER	PROCEEDINGS
		closure is not a decision on the merits and no mandate will issue in connection with this order. [10988993] (WL) [Entered: 08/24/2018 01:02 PM]
		* * * * *
11/22/19	<u>52</u>	Filed order (CARLOS T. BEA, N. RANDY SMITH and DAVID C. NYE) This appeal was held in abeyance pending resolution of the government's petition for rehearing en banc (and, if applicable, any en banc proceedings) in the case of Dai v. Sessions, 884 F.3d 858 (9th Cir. 2018), which squarely presented a question bearing on the merits of this case. The government's petition in that case failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration and was thus denied. Accordingly, the Respondent's petition for panel rehearing is denied. [11508925] (WL) [Entered: 11/22/2019 11:56 AM]

* * * * *

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
San Francisco, California

File: A205-555-836

IN THE MATTER OF MING DAI, RESPONDENT

Date: Feb. 19, 2013

IN REMOVAL PROCEEDINGS

APPEARANCES:

FOR THE RESPONDENT:

Ben Hall

FOR THE DHS:

M.J. Hannett

Before: STEPHEN S. GRISWOLD, Immigration Judge

[66]

JUDGE FOR THE RECORD

Today is February 19, 2013. This is Immigration Judge Stephen Griswold in San Francisco, California. These are continued removal proceedings in the matter of Ming Dai, A number 207 555 836.

JUDGE TO COUNSEL

Counsels, please state your appearances for the record

MR. HALL TO JUDGE

Ben Hall on behalf of respondent.

MS. HANNETT TO JUDGE

M.J. Hannett for the Department.

JUDGE TO COUNSEL

Let's take care of a few preliminary matters here.

JUDGE TO MS. HANNETT

First of all, are background checks current, Ms. Hannett?

MS. HANNETT TO JUDGE

Yes, they are, Your Honor. Respondent was last printed on September 25, 2012, so these will expire December 25, 2013.

JUDGE TO MS. HANNETT

Okay. And the result was clear?

MS. HANNETT TO JUDGE

Yes.

JUDGE TO MS. HANNETT

Okay.

JUDGE TO COUNSEL

And, any objection to my taking jurisdiction from the previous immigration [67] Judge?

MS. HANNETT TO JUDGE

No, Your Honor.

MR. HALL TO JUDGE

No, Your Honor.

JUDGE TO MR. HALL

Let's discuss the issues here. With regard to relief, the respondent concedes he's not eligible for post-hearing voluntary departure, correct?

MR. HALL TO JUDGE

Correct.

JUDGE TO MR. HALL

All right.

JUDGE TO COUNSEL

And regarding the applications for relief, it does not appear to be a one-year issue here. And any other issues we can identify or eliminate at this point?

MS. HANNETT TO JUDGE

I don't believe so, Your Honor.

JUDGE TO MS. HANNETT

Okay.

MR. HALL TO JUDGE

I'm not aware of any.

JUDGE TO MR. HALL

Other than the respondent, any witnesses, Mr. Hall?

MR. HALL TO JUDGE

No, Your Honor.

[68]

JUDGE TO MR. HALL

I'm sorry. Well, there's someone sitting behind you. Who would that be?

MR. HALL TO JUDGE

Somebody with the translation service?

JUDGE TO MR. HALL

Okay. Is this someone who helped prepare the case?

MR. HALL TO JUDGE

No.

JUDGE TO MR. HALL

No. And she's with your office?

MR. HALL TO JUDGE

No.

JUDGE TO MR. HALL

So, when you say translation service, you're talking about—

MR. HALL TO JUDGE

She, I think's related to the Court's translation contract.

JUDGE TO MR. HALL

Oh, I see.

INTERPRETER TO JUDGE

Right.

JUDGE TO MS. DAKWON

Ma'am, who are you?

MS. DAKWON TO JUDGE

I am Ms. Chian Dakwon (phonetic sp.) and I'm with Lionbridge in Salinas.

JUDGE TO MS. DAKWON

[69]

And you're sitting in, simply to observe today?

MS. DAKWON TO JUDGE

Yes.

JUDGE TO MS. DAKWON

All right. And are you currently an interpreter, or are you going to become an interpreter?

MS. DAKWON TO JUDGE

I am going to become an, an interpreter.

JUDGE TO MS. DAKWON

All right.

JUDGE TO MR. HALL

Any concerns there, Mr. Hall?

MR. HALL TO JUDGE

No, Your Honor.

JUDGE TO MR. HALL

All right.

JUDGE TO MS. HANNETT

Ms. Hannett?

MS. HANNETT TO JUDGE

No.

JUDGE TO MS. HANNETT

All right.

JUDGE FOR THE RECORD

This lady's indicated she is a future interpreter. She's observing today and the parties do not object.

[70]

JUDGE TO MR. HALL

How long do you expect for the respondent's direct testimony?

MR. HALL TO JUDGE

A couple hours, hopefully.

JUDGE TO MR. HALL

Couple hours. Okay.

MR. HALL TO JUDGE

Under two.

JUDGE TO MR. HALL

I'm sorry?

MR. HALL TO JUDGE

Under two, I'm hoping.

JUDGE TO MR. HALL

Okay. Thank you.

JUDGE FOR THE RECORD

And, in terms of evidence today, we have the NTA, which will be Exhibit 1. Exhibit 2 is the Form I-589, with supporting documents, as referred to the Court from the asylum office. This includes the respondent's declaration and other documents. And since then, I have received the motion for substitution of a counsel, which does not need to be marked, the translation of the respondent's declaration with a certificate of service.

JUDGE TO MR. HALL

Now, my understanding is this is same declaration and translation, just with the corrections to the translation and the addition of the certificate of service. Correct?

[71]

MR. HALL TO JUDGE

Yes, and on that one, he's signed to acknowledge that it is a true and correct copy.

JUDGE TO MR. HALL

All right. That's fine. Any further submissions at this time?

MR. HALL TO JUDGE

No, Your Honor.

JUDGE FOR THE RECORD

Okay. I'll mark the resubmission of the declaration as Exhibit 3.

MS. HANNETT TO JUDGE

Your Honor, I do have the updated Department of State Report, or the current one. Should I submit that now?

JUDGE TO MS. HANNETT

Please.

UNIDENTIFIED MALE TO UNIDENTIFIED PERSON

I'll hold [indiscernible] these.

JUDGE TO MS. HANNETT

Thank you.

JUDGE FOR THE RECORD

I'll mark the Department of State Report as Exhibit 4.

JUDGE TO MS. HANNETT

Ms. Hannett, any objections to the respondent's submissions, aside from the usual hearsay objection which goes to weight?

MS. HANNETT TO JUDGE

Your Honor, if I could have a minute to the look at the originals? I see that [72] the respondent has them, but I haven't seen them at this point. Please?

JUDGE TO MR. HALL

And do you have originals for all of the documents, Mr. Hall?

MR. HALL TO JUDGE

Yes.

JUDGE TO MR. HALL

Okay.

JUDGE TO MS. HANNETT

While you're looking at those, I'm going to take care of swearing in the respondent, etcetera.

JUDGE FOR THE RECORD

And let's begin by swearing in our interpreter, Ms. Hui Wu. That's H-U-I, last name W-U.

JUDGE TO INTERPRETER

If you could stand and raise your right hand, Ms. Wu. Do you swear that you're competent to interpret from English into Mandarin and Mandarin into English and that you'll do so faithfully and accurately?

INTERPRETER TO JUDGE

I swear, Your Honor.

JUDGE TO INTERPRETER

Thank you. Please be seated, Ms. Wu.

JUDGE TO MR. DAI

And through the interpreter, to the respondent. Good afternoon, sir.

MR. DAI TO JUDGE

Hi.

[73]

JUDGE TO MR. DAI

Please stand next to the chair over there. Please raise your right hand. Do you swear that everything you say in these proceedings will be the truth?

MR. DAI TO JUDGE

Except for the work information. Other, other than that, everything will be true.

JUDGE TO MR. DAI

All right, please be seated. And please tell us your true and complete name.

MR. DAI TO JUDGE

My name is Ming Dai.

INTERPRETER TO JUDGE

M-I-N-G, D-A-I.

JUDGE TO MR. DAI

And are you still living on Calcutta Drive?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

Now, you're going to be asked questions by both attorneys and myself this afternoon.

MR. DAI TO JUDGE

Okay.

JUDGE TO MR. DAI

If at any time you do not understand a question, or if you do know the answer to a question, do not guess.

[74]

MR. DAI TO JUDGE

Okay.

JUDGE TO MR. DAI

Simply tell us that you don't understand or you don't know. Is that clear?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

All right. Now, before we go any further, it's my duty to advise of the consequences if you present what we call a frivolous application for asylum. That means that if you lie to this Court, or if you knowingly present false information or false documents, then you could be barred for the rest of your life from any Immigration benefits in the United States. Do you understand that?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

And knowing that, do you wish to go ahead and testify today, or would you like to speak to your attorney in private first?

MR. DAI TO JUDGE

I don't think that's necessary.

JUDGE TO MR. DAI

Are you ready to testify?

MR. DAI TO JUDGE

Yes. I'm sorry, Judge. I'd might not have hear you clearly earlier. So you said, though those are the things that are in, I'm supposed to say at court, that work-related? Or you mean that what I'm supposed to say right now?

[75]

JUDGE TO MR. DAI

Well, let's clarify a few things here. When you raised your hand and took an oath to tell the truth, what I'm asking you is to swear that everything you say today will be the truth.

MR. DAI TO JUDGE

Yes, it will be true.

JUDGE TO MR. DAI

All right.

JUDGE FOR THE RECORD

And the respondent raised his hand again.

JUDGE TO MR. DAI

And now, we'll get to the question of any corrections you need make to your asylum application.

MR. DAI TO JUDGE

(Untranslated.)

JUDGE TO MR. DAI

But before we do that, what did you mean when you said everything except for your work history?

MR. DAI TO JUDGE

Because I couldn't get a job in China.

JUDGE TO MR. DAI

All right, so you seem to indicate that something about your work history was not true. Can you explain to me what you were talking about, if I understood you correctly?

MR. DAI TO JUDGE

[76]

Because when I applied for a visa, I didn't get a job, I didn't have a job.

JUDGE TO MR. DAI

All right. So, was there some time when you did not tell the truth about your jobs?

MR. DAI TO JUDGE

Yes, only one.

JUDGE TO MR. DAI

Now—

MR. DAI TO JUDGE

Except for the, the previous case, other, other than that, everything is true.

JUDGE TO MR. DAI

And that one time, you did not tell the truth was when?

MR. DAI TO JUDGE

It's, it's not I didn't tell the truth. It's when I filled out that form, I, that, that work issue.

JUDGE TO MR. DAI

That was the form for you to get your visa to come to the United States?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

All right. Now, I have here, strike that.

JUDGE TO MR. HALL

Mr. Hall, any updates or amendments to make to the respondent's asylum application or declaration?

MR. HALL TO JUDGE

[77]

No. Nothing outside of what was updated at the asylum office.

JUDGE TO MR. HALL

Okay. And let's review those so we're all clear about that. At the asylum office, there were apparently nine changes made. So, I'll review those with the respondent.

JUDGE TO MR. DAI

Sir, I have here your asylum application. Do you know what I'm referring to?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

And did somebody in your attorney's office read back to you in Mandarin the contents of your asylum application?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

Did you understand it all?

MR. DAI TO JUDGE

Yes, I did.

JUDGE TO MR. DAI

Now, when you went to the asylum office interview, the Asylum Officer noted a number of changes on your application. And I'm going to review what those changes were and I want you to tell me if the change is correct or not, and if not, then we'll correct it now.

MR. DAI TO JUDGE

[78]

Okay.

JUDGE TO MR. DAI

Your telephone number is 510-936-3972?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

You do not have any religion?

MR. DAI TO JUDGE

No.

JUDGE TO MR. DAI

You were educated at the Shanghai Institute of Technology college?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

From 2002 to 2005

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

You have been unemployed since July of 2009 until March of 2012

MR. DAI TO JUDGE

That's correct. I was unemployed.

JUDGE TO MR. DAI

And, since March of 2012 to the present, you've been employed at T6 Restaurant?

MR. DAI TO JUDGE

[79]

Yes, that's right. That's like a, that's like a part-time job.

JUDGE TO MR. DAI

Are you still working there?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

You worked at the Shanghai Construction Company as a driver?

MR. DAI TO JUDGE

That's right.

JUDGE TO MR. DAI

You have a brother named Tun Dai, T-U-N, last name D-A-I, who lives in Shanghai?

MR. DAI TO JUDGE

Yes, yes, he's in Shanghai.

JUDGE TO COUNSEL

Counsels, those are changes one through seven, and I'm looking for changes eight and nine. I don't see them. Do you know what those were?

MR. HALL TO JUDGE

I do not. I was not—

MS. HANNETT TO JUDGE

Number again?

JUDGE TO MS. HANNETT

I'm looking for changes eight and nine. It's noted above the signature that there were—

MS. HANNETT TO JUDGE

[80]

Are they on the, the return?

MR. HALL TO JUDGE

There's one in the statement.

MS. HANNETT TO JUDGE

Oh, I see the part S, there's some red markings; all true, that box has an X in it in red and then the numbers 1 to 9 are in red. So, perhaps the officer forgot to mark those two changes, but on my copy, well, I have the original, they're in red.

JUDGE FOR THE RECORD

All right, let's go off the record a moment, and we'll nail this down and then I'll recap it on the record. Okay.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE FOR THE RECORD

Back on the record. And we've established that the changes eight and nine were to the translation of a work certificate, which is tab B of Exhibit 2. It's a little bit problematic, because I don't know whether that's a correction of the translation or what.

JUDGE TO MR. HALL

And can you enlighten us there, Mr. Hall?

MR. HALL TO JUDGE

That was a correction to the translation. Our interpreter didn't quite see the difference between laid off and retired, unfortunately.

JUDGE TO MR. HALL

Who made this correction, and how do I know that person was competent to re-interpret or re-translate the document?

[81]

MR. HALL TO JUDGE

All right. It appears it was made at the office from, like, probably our interpreter that accompanied Mr. Dai to the asylum interview.

JUDGE TO MR. HALL

All right, so what I'm going to do is, those are not really respondent's changes. Those are changes in interpretation.

MR. HALL TO JUDGE

Okay.

JUDGE TO MR. HALL

I'm going to strike those, as far as numbering them and including them in the application, and then if there's an issue as to whether he was laid off or retired, then we can have Ms. Wu look at the document and tell us what the correct translation is.

JUDGE TO MR. DAI

So Mr. Dai, with the changes that we've just discovered, excuse me, just discussed, is everything in your application true and correct to the best of your knowledge?

MR. DAI TO JUDGE

Yes, and what, is true.

JUDGE TO MR. DAI

All right, then I'm going to ask you to sign your application. Put your signature next to the X, and then on the below that, write your name out in full, in Mandarin.

MR. DAI TO JUDGE

Here?

JUDGE TO MR. DAI

[82]

Where the X is, with your signature. And then, on the line below that, write your name out in complete, in Mandarin.

MR. DAI TO JUDGE

Here, in English?

JUDGE TO MR. DAI

Next to the X, put the signature that you put on legal documents. Thank you.

JUDGE TO COUNSEL

Any other preliminaries, counsels?

MS. HANNETT TO JUDGE

Not from the Department, Your Honor.

MR. HALL TO JUDGE

No, Your Honor.

JUDGE TO MR. HALL

All right. Go ahead, Mr. Hall. Please feel free to highlight the documents as you go along through the testimony.

MR. HALL TO JUDGE

Okay. And how would you like me to refer to the documents. Should I do it as Exhibit B, A, for everything attached to the 589?

JUDGE TO MR. HALL

589 is Exhibit 2 and then the tabs would be A, B, and so on.

MR. HALL TO JUDGE

Okay. Exhibit 2A, okay.

JUDGE TO MR. HALL

Exactly.

[83]

MR. HALL TO JUDGE

Thank you.

JUDGE TO MR. HALL

Thanks for asking.

MR. HALL TO JUDGE

You're welcome.

MR. HALL TO MR. DAI

Q. Good morning, sir. What is your name?

A. Dai Ming.

Q. What language do you speak?

A. China, Mandarin.

Q. Can you understand the translator?

A. Yes, I understand.

Q. Where did you last live in China?

A. China, Shanghai.

Q. Where were you born?

A. China, Shanghai.

Q. What is your date of birth?

A. 1970, February the 28th.

Q. What's your highest level of education?

A. Graduated from vocational school

INTEPRETER TO MR. HALL

I'm sorry. Associate degree.

JUDGE TO INTERPRETER

Is that the respondent who corrected himself, or the interpreter?

[84]

INTERPRETER TO JUDGE

The interpreter. Sorry. That's the interpreter corrected herself.

JUDGE TO INTERPRETER

All right.

JUDGE FOR THE RECORD

Just before we proceed, one other preliminary I should have taken care of.

JUDGE TO MR. DAI

Sir, I have here a statement written out, or typed out, in Chinese. Can you see this from there?

MR. DAI TO JUDGE

No, I cannot see.

JUDGE TO UNIDENTIFIED PERSON

Could you show this to the respondent?

JUDGE FOR THE RECORD

I'm showing him the typed declaration in Chinese that's part of Exhibit 3.

JUDGE TO MR. DAI

Do you recognize that document?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

What is it?

MR. DAI TO JUDGE

That's my statement, statement material.

JUDGE TO MR. DAI

All right. And who typed that?

[85]

MR. DAI TO JUDGE

It's, it's my attorneys, their office typed it.

JUDGE TO MR. DAI

All right. And how did they know what to say in your statement?

MR. DAI TO JUDGE

No, I, I gave that to the attorney and they translated. Here, they translated wrong. China, Shanghai. It should be Shanghai.

JUDGE TO MR. DAI

All right. Listen carefully to my questions please, sir. Listen carefully to my questions. Who typed the document you see in front of you?

MR. DAI TO JUDGE

I handwritten that and they, they typed it out.

JUDGE TO MR. DAI

All right. And are you able to read it?

MR. DAI TO JUDGE

Yes, I can read it.

JUDGE TO MR. DAI

Does it correctly reflect what you wrote up?

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

Now, you started to say there was a mistake.

MR. DAI TO JUDGE

Yes.

JUDGE TO MR. DAI

[86]

What's the mistake?

MR. DAI TO JUDGE

China, Shanghai.

JUDGE TO MR. DAI

What's wrong with it?

MR. DAI TO JUDGE

It typed out as Shanghai.

JUDGE TO MR. DAI

What should it say?

MR. DAI TO JUDGE

Shanghai.

JUDGE TO MR. DAI

All right. Any other mistakes in it?

MR. DAI TO JUDGE

I believe no.

JUDGE TO MR. DAI

Have you reviewed this before right now? Or is this the first time you've seen that?

MR. DAI TO JUDGE

No, I mentioned that before. It's Shanghai.

JUDGE TO MR. DAI

Listen to my question, please.

MR. DAI TO JUDGE

I, I know.

JUDGE TO MR. DAI

[87]

Have you seen this document before?

MR. DAI TO JUDGE

Previously I was, that, I saw it before.

JUDGE TO MR. DAI

Where did you see it before?

MR. DAI TO JUDGE

Attorney's office.

JUDGE TO MR. DAI

All right. Did you read it then?

MR. DAI TO JUDGE

I did read it.

JUDGE TO MR. DAI

All right. And did anyone tell you what to say in any part of your declaration?

MR. DAI TO JUDGE

No. Nobody told me.

JUDGE TO MR. DAI

Did you copy any of your declaration from any place?

MR. DAI TO JUDGE

No.

JUDGE TO MR. DAI

Is it all in your own words?

MR. DAI TO JUDGE

Yes, yes. Everything is in my words.

JUDGE TO MR. DAI

[88]

All right. Is everything in that statement true and correct, to the best of your knowledge?

MR. DAI TO JUDGE

Yes, it's true and correct.

JUDGE TO MR. DAI

All right.

JUDGE TO MR. HALL

Let's have the respondent sign below that statement. Okay.

MR. DAI TO JUDGE

Okay. Should I sign English, in, sign it in English or Chinese?

JUDGE TO MR. DAI

Whichever signature you like to put on legal documents.

MS. HANNETT TO JUDGE

Your Honor? I'd just like to make an objection to these documents, if I hadn't mentioned that before.

JUDGE TO MS. HANNETT

Okay. Thank you.

JUDGE TO MR. DAI

Thank you.

JUDGE TO MS. HANNETT

And before we pick up with more testimony, you've had a chance to review the originals and as I understand, you have some objections.

MS. HANNETT TO JUDGE

Correct, Your Honor. I don't object to the passport, but as to the other documents presented, I just object to foundation.

[89]

JUDGE TO MS. HANNETT

And let the parties present what they wish on that, and then I'll assess what weight to give the documents.

JUDGE TO MR. HALL

Go ahead, Mr. Hall.

MR. HALL TO MR. DAI

Q. What was your last job in China?

A. The last job, I work at Shanghai Tian Hua Construction Company.

INTERPRETER TO JUDGE

Shanghai Tien Hua, T-I-A-N, H-U-A Construction Company.

JUDGE TO MR. DAI

Mr. Dai, only one person can speak at a time, so please wait for the interpreter to finish and then if you

need to correct something, or you need to add something, we'll give you a chance to do that.

MR. DAI TO JUDGE

Okay.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. How many times have you been married?

A. One time.

Q. Are you currently married?

A. Yes, I'm married.

Q. What is your wife's name?

A. Li Ping Qin.

[90]

INTERPRETER TO JUDGE

L-I, P-I-N-G, Q-I-N.

MR. HALL TO MR. DAI

Q. What is her date of birth?

A. You mean my date of birth?

Q. Your wife's date of birth.

A. 1973, September the 8th.

Q. And when did you marry your wife?

A. 1997, February the 20th.

MR. HALL TO JUDGE

[Indiscernible] Exhibit—

MS. HANNETT TO MR. HALL

Exhibit what?

MR. HALL TO JUDGE

This is Exhibit 2, Exhibit D.

MR. HALL TO MR. DAI

Q. Sir, what is this document?

A. Marriage certificate.

Q. Whose marriage certificate?

A. My marriage certificate.

Q. All right. Oh. And how did you get this document?

A. The, the civil affair office. They issued that.

Q. And what day does it say you got married?

A. 1997, February the 20th.

Q. And how did this document arrive in the United States?

[91]

A. My wife mailed it to me.

Q. When did your wife mail it to you?

A. It was in 2012, July.

Q. To your knowledge, is this the same document that was issued by the civil affairs office?

A. The marriage certificate? It's the same.

Q. Thank you. All right, how many times has your wife been pregnant?

A. Two times.

Q. How did the first pregnancy end?

A. It ended when my daughter was in junior high school.

Q. When did your wife's first pregnancy end, the first time she was—I'm sorry, how, strike that. How did your first wife's pregnancy end, the first time that she was pregnant?

JUDGE TO MR. HALL

Counsel, let's start that over again.

MR. HALL TO MR. DAI

Q. How did your wife's first pregnancy end?

A. My, the first pregnancy ended the day my daughter was born.

Q. When was that?

A. 2000, October the 9th.

Q. And what is your daughter's name?

A. Lu Yi Dai.

INTERPRETER TO JUDGE

L-U, Y-I, D-A-I.

[92]

MR. HALL TO INTERPRETER

And, Ms. Wu, I have a spelling of R-U, Y-I. Could that be consistent?

INTERPRETER TO MR. HALL

R-U, Y-I, Ru Yi . That's not the, the pronunciation for, that's not the spelling for that pronunciation.

MR. HALL TO JUDGE

Can you clarify with the respondent?

INTERPRETER TO JUDGE

Yes.

MR. DAI TO MR. HALL

I-U, Y-I, D-A-I.

MR. HALL TO MR. DAI

Q. Sir, how do you pronounce that in Mandarin?

A. l-u y-i, Dai.

INTERPRETER TO JUDGE

I'm sorry, Judge. The interpreter misheard that. In that case, the spelling should be R-U, Y-I.

JUDGE TO INTERPRETER

Thank you.

MR. HALL TO INTERPRETER

Okay.

JUDGE TO MR. HALL

Counsel, I don't know that the birth certificate of the daughter is seriously in contention. Let's hold off on DHS's concerns about specific document of that nature. We can come back to that. Let's—

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MR. HALL TO JUDGE

All right.

JUDGE TO MR. HALL

—save some time here.

MR. HALL TO JUDGE

Got you.

MR. HALL TO MR. DAI

Q. What type of birth control did your wife use after her first pregnancy, if any?

A. We use, we use condom.

Q. Okay. And when did your wife get pregnant for the second time?

A. 2000 and, 2009, April

Q. How did she find out she was pregnant?

A. When she found out about it, when her company has the annual checks.

MS. HANNETT TO INTEPRETER

I'm sorry, had—

JUDGE TO INTERPRETER

What checks?

INTERPRETER TO JUDGE

Annual checkups.

JUDGE TO INTERPRETER

Annual. Thank you.

INTERPRETER TO JUDGE

Annual.

[94]

MR. HALL TO MR. DAI

Q. Who told your wife she was pregnant?

A. The person at a hospital who performed that exam. That person told my wife.

Q. What type of exam did your wife have?

A. She did the urine test, the blood test.

Q. When did you find out your wife was pregnant for the second time?

A. It was on 2009, April, the end of April. So when my wife did that exam and she found out that, about that result from the doctor and she told me about it.

JUDGE TO MR. DAI

Q. When did she tell you?

A. She, she told me about the same day.

Q. And where were you when she told you?

A. She came back and she told me at home. It was at home.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. What was your reaction when you found out she was pregnant again?

A. I was very happy.

Q. What was your wife's reaction?

A. Also very happy.

Q. What did you and your wife do to keep the baby?

A. Because I heard from others, they said if I pay for some fine, I can keep my baby.

[95]

JUDGE TO MR. DAI

Q. So what did you found out that she was pregnant?

A. I, I gave my wife better food?

Q. Did she keep going to work?

A. Sometimes, she takes days off. She takes several days off to rest at home.

Q. Did you continue living at home?

A. No, yes. I, we, we live at home.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. What did you mean by people paid bribes?

A. No. If you want to have more babies, I heard that you need to pay for a fine.

JUDGE TO MR. HALL

And I believe I heard the respondent say fine, not bribe.

MS. HANNETT TO MR. HALL

He did say fine.

MR. HALL TO JUDGE

Oh, I'm sorry.

JUDGE TO MR. HALL

That's all right.

MR. HALL TO MR. DAI

Q. Okay, so how did the second pregnancy end?

A. It was, it was ended as a forced, forced abortion.

[96]

Q. When was the abortion?

A. 2009, July 13.

Q. Who forced your wife to have an abortion?

A. The family planning officer.

Q. What was the family planning officer's name?

A. The last name is Zhang, Z-H-A-N-G. I, I don't know the full name. I only know the last name is Zhang.

JUDGE TO MR. DAI

Q. Is it a man or woman?

A. A female.

Q. Did you know this Ms. Zhang before July 13, 2009?

A. No, I never met her.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. Did your wife know this family planning officer?

A. She found my wife and that's how we know her.

Q. Okay. When did your wife first meet Ms. Zhang?

A. 2009, in May.

Q. Why did they meet?

A. Ms. Zhang, Ms. Zhang came to my wife's company and then she order my wife to have the forced abortion.

Q. What did your wife say after she was told to have the abortion?

A. My wife said, I'll need to think about it.

Q. So what happened on July 13, 2009?

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A. Family planning officer, they came to my place.

Q. How many people came to your place?

A. Five.

Q. Where were they from?

A. They're, they come from the, the local family planning office and also the police station.

JUDGE TO MR. DAI

Q. When you said they came to your place, where do you mean?

A. On that day, they, they directly came to my home.

Q. What time of day was it?

A. Morning.

Q. About what time?

A. Around 7:30

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. What happened when the five people arrived at your house?

A. They, they need to take my wife to do the forced abortion.

Q. How is it they got your wife and took her for the abortion?

A. They came to my house.

Q. And what happened when they came to your house?

A. After they come to my house, they first asked my wife to fill out a form.

Q. All right. What form did they ask your wife to fill out?

A. That form is, is regarding to my wife's baby in, in her belly.

[98]

Q. Can you be more specific as to what the form was about?

A. It regarding the, the, it's about the baby, the parents' name, the home address, when, when was the woman get pregnant.

JUDGE TO MR. DAI

Q. Did you help her fill out the form?

A. My wife filled it out.

Q. Did you look at the form?

A. I didn't look at that time, but my wife told me.

Q. When did she tell you?

A. While she filled it out, she, she read it out to me.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. How long did it take her to fill out the form?

A. It usually 15, 15 minutes is sufficient.

JUDGE TO MR. DAI

Q. Why do you say usually? Have you filled this form out before?

A. No. But it's just a piece, a piece of paper, a form, so it's just a matter of time. Sometimes you need to fill out your ID number, so you might have to take out your ID and take a look.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO JUDGE

Okay.

MR. HALL TO MR. DAI

[99]

Q. What happened after your wife filled out the form?

A. After my wife filled out that form, the family planning officer asked my wife to do that abortion at the hospital.

Q. So what happened next?

A. At that time, I, I stopped them, right in front of them.

JUDGE TO MR. DAI

Q. What do you mean by that?

A. They, they wanted take my wife to the hospital. So, two people came up and they tried to take my wife away. So I went, went up, I went up to stop them. I wouldn't let them go.

Q. What did your wife say when they asked her to go to the hospital?

A. My wife said she didn't want to go.

Q. What did they say?

A. They said she must go.

Q. And then, what did anybody else say?

A. Anybody else?

Q. After she said she didn't want to go, did you or anyone else say something?

A. They said that she has to go.

Q. And then, what did she say?

A. Then they said that's the Chinese policy.

Q. Did they say anything else?

A. No.

Q. What did you say, if anything?

A. I, I said you can't take my wife away.

[110]

Q. Did you say anything else?

A. No.

Q. Did they say anything back to you?

A. No.

Q. Did you say anything about paying a fine?

A. I didn't say anything like that, at that time.

Q. You mentioned earlier that you heard that you could pay a fine and have another baby. Did you try to pay that fine at any point?

A. No, before the birth of the baby, things like that would never happen, fines or anything. That would not happen.

Q. So when they wanted to take your wife away, you didn't say anything about wanting to pay a fine?

A. At that time, we just really want to keep that baby. We, we didn't really think about paying the fine or anything like that.

JUDGE TO MR. HALL

Go on, Mr. Hall.

MR. HALL TO MR. DAI

Q. All right. Who did you try to block?

A. Block the family planning officer.

Q. How many?

A. Two.

JUDGE TO MR. DAI

Q. How many people were in the room where you tried to block them?

A. In the beginning, in the room where tried to block them? Three, three, and there were two policemen in the, in the, in the hallway.

[101]

Q. And the three were family planning officers?

A. Yes.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. Where was your wife when you tried to block the family planning officers?

A. My wife was right behind me.

Q. And what happened after you tried to block the officers?

A. Two policeman came up and they pushed me off on the, onto the ground.

Q. What did you do after they pushed you to the ground?

A. They pushed me off. I just got up and I got up, and tried to block them again.

Q. Who did you try to block?

A. I was trying to block the family planning officer.

Q. And what happened after the second time you tried to block the officer?

A. The, the policeman put a handcuff on me. And, and also, also before I could resist, they, they just beat on my stomach.

JUDGE TO MR. DAI

Q. How did they beat on your stomach?

A. They hit my stomach with their fist.

Q. How many times did they hit you?

A. They, they hit me, they hit me several times, but I didn't, I didn't [102] count.

Q. How many of them hit you?

A. Two policemen.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. What happened to your wife when you were handcuffed and being hit by the police?

A. My wife was taken to the hospital by those family planning officer.

JUDGE TO MR. DAI

Q. And what happened to you during that time?

A. After that, I was taken to a detention center by the policemen.

Q. So, did you see your wife being taken away?

A. They left early.

Q. What do you mean, they left early?

A. My wife was taken away by those family planning officer before me.

Q. And did you see her being taken away?

A. She, she was, she was taken outside. I saw two family planning officers took her outside.

Q. Did you see where they took her?

A. No, I did not see.

Q. And was she saying or doing anything while they took her outside?

A. She saw that I was beaten by the policemen.

Q. And then what did she do?

A. She was crying.

[103]

Q. And did she do anything else?

A. No, because two people were grabbing on her, so she couldn't do anything.

Q. When you say grabbing on her, what do you mean?

A. Just those two family planning officer, they were grabbing on her arms and they, they drag her out.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. What happened to the third family planning officer when your wife was being taken out of the house?

A. The third family planning officer was just watching.

Q. Did she leave with the other two family planning officers?

A. They left together.

Q. Well, how much longer after your wife was taken away, were you taken away?

A. About, about five or six minutes after my wife was taken away, I was taken away.

Q. And where were you taken?

A. Zha Bei detention center.

INTERPRETER TO JUDGE

Z-H-A, B-E-I detention center.

MR. HALL TO MR. DAI

Q. And who took you to the detention center?

A. Two policemen.

[104]

Q. How were you transported to the detention center?

A. The, the policemen put me on the police car and they drove me there.

Q. How long did it take?

A. About three or four minutes.

Q. What happened after you arrived at the detention center?

A. After I got to the detention center, they order me to, to admit that I'm guilty for fighting with the policemen.

Q. What did you say when they told you to do that?

A. I don't think I'm guilty for protecting my family.

Q. And what did they say to your response?

A. They, they just think I just wouldn't confess. And then, they started to persecute me, mentally.

Q. Did they actually say anything to you after you said you didn't think you did anything wrong?

A. They said I, I was fighting against the policeman. I, I disrupt their, I disrupt them performing their duty.

Q. Were you formally charged with any criminal actions?

A. The, the policemen, they just told me so, and that's how, that's what they decided.

JUDGE TO MR. DAI

Q. Well, did they present any papers to a prosecutor or to a court, something like that?

A. No.

JUDGE TO MR. HALL

[105]

Go ahead.

MR. HALL TO JUDGE

Okay.

MR. HALL TO MR. DAI

Q. So, what happened after the initial questioning with the police officers?

A. After the questioning, I wouldn't admit the wrongdoing and then they just, they just interrogated me all the time. They, they just, they just repeatedly asked me the same question. The question is do you think you conduct any crime? And they wouldn't let me sleep.

Q. Where were you when you were first questioned at the detention center?

A. Inside the detention center.

Q. Were you in a special room or anything?

A. I was inside a room, a small room.

Q. Was anyone else in there?

A. What do you mean by anyone else?

Q. Were you the only person in that room?

A. The, the small room? Just, just, just the interrogation room? The policemen were with me.

Q. How many?

A. Two policemen.

Q. Were they the same policemen who arrested you?

A. No, they often change.

Q. How many times were you taken to the interrogation room?

[106]

A. I was taken there for, for several times. I believe several times.

Q. Like when you say several times, can you give me an idea of how many you mean, just an estimate?

A. About, about seven times, seven times.

Q. And how long were you at the detention center?

A. I stay there for 10 days.

Q. What day were you released?

A. July 23, 2009, July 23rd.

Q. Why were you released on July 23, 2009?

A. Because, because they, they wouldn't let me eat, they, they give me very little to drink, and they, they mentally torture me all the time, and they, they interrogated me, they wouldn't let me sleep. So the only option I had was to admit the, the wrongdoing and so they, they torture me and they interrogated me. After, after that, I admitted, then I just had that record on, on my file.

Q. How often did you eat at the detention center?

A. Almost, I could only eat one time per day and as for water, sometimes I asked for that from them, they just wouldn't give it to me.

Q. How much did you eat in a day?

A. How much? Just, just lunch, just one meal. That's it.

Q. What did you eat?

A. Those, just sometimes they give you some steamed bread, sometimes they give you rice.

Q. Okay. How did they prevent you from sleeping?

A. They just interrogated me. So, at night they just, they just asked me to, to go to the interrogation room.

[107]

Q. Where would you stay at night, other than the interrogation room?

A. In that detaining, that, how do you say that? The prison.

Q. Was it, all right—

JUDGE TO MR. DAI

Q. Was it in the same location as the interrogation room?

A. No.

Q. How did you get from the interrogation room to the location where you were held otherwise?

A. I walked there.

Q. It was in the same building?

A. Yes.

Q. And describe that room to us.

A. It's just a very small room. No windows, no nothing. Just a door and a platform. Two chairs. Oh no, just I have one for my and two interrogators, well in total three, three chairs.

Q. Are you describing the interrogation room, or the place you slept?

A. I was describing the interrogation room.

Q. Okay. And could you describe the room where you slept?

A. In the room where I slept, that was just a room.

INTERPRETER TO JUDGE

I'm sorry, there's just a bed. I'm sorry, that interpreter's mistake.

JUDGE TO MR. DAI

Q. And, were there other people in that room?

A. No, not in my room.

Q. How big was it?

[108]

A. So maximum from here to here. A very small room.

JUDGE FOR THE RECORD

The respondent appears to have indicated a small area of perhaps six feet by six feet, approximately.

JUDGE TO MR. HALL

Go ahead, Mr. Hall.

MR. HALL TO MR. DAI

Q. All right. How long did it take you to get from the room you slept in to the interrogation room?

A. It's, it's about five to six minutes' walk.

Q. Okay. Okay, so how many times per day would they interrogate you?

A. One, one time.

Q. What time was that?

A. Normally, they, they did it in the evening, around 11:00 or 12:00.

Q. What did you do during the day?

A. During the day, I, I just sit inside.

Q. Okay. All right.

JUDGE TO MR. DAI

Q. So during these interrogations, what did they say to you?

A. They just force me to admit those crimes that they made up.

Q. And how did they do that?

A. They said you must, you have to admit that crime. Otherwise you won't be released.

Q. Did they say anything else to you to make you to admit?

[109]

A. They just, they just repeatedly asked me those questions, just like, you must admit, otherwise the consequence will be serious.

Q. You say they asked you questions. What questions did they ask you?

A. Do you think it's, it's correct to fight against the policemen?

Q. Anything else?

A. I said I, I said I didn't, I said I didn't fight with them, so I didn't fight against them. I was just protecting my, my family.

Q. And did they say anything else to you?

A. No, they just keep asking me that question.

Q. Did they do anything to you during the interrogations?

A. They just gave me very few food and drinks, very few drinks and they, they just wouldn't let me sleep.

Q. You said earlier that they tortured you. What did you mean by that?

A. They just torture me mentally, so they just wouldn't let me sleep.

Q. And how did they prevent you sleeping?

A. They, they just took me, took me into the interrogation room. They just asked me that question and admit, they asked me to admit the crime and I just wouldn't do that, and they just asked me to sit in the interrogation room. They, they just wouldn't let me sleep.

Q. Well, how long were you made to sit in the interrogation room each night?

A. I sit for, for about two or three hours. And, and they just told me that, you know, sit there and think about it.

Q. Were they in the room with you when you were made to sit for two [110] or three hours?

A. No, they just went out and then they, they just came back in a little bit.

MR. HALL TO MR. DAI

Q. How many officers would interrogate you at a time?

A. Two policemen.

Q. Were they always the same two?

A. No.

Q. So, the day you were released, what did you do, or do to get released?

A. I need to admit that I'm guilty.

Q. Who did you admit your guilt to?

A. I, I admit it to the policemen.

Q. And what time of day did you admit it?

A. On that day, around noon.

Q. Okay, how did it take to get released after you admitted your guilt?

A. I, I waited for, for about two days, and then they release me.

JUDGE TO MR. DAI

Q. Did you make your admission, just talking to the policemen, or did they make you sign something?

A. I just sign a piece of paper. It says that I admitted that I disrupted the policemen performing their duty.

MR. HALL TO MR. DAI

Q. All right. What happened after you were released?

A. After I was released, I, I went straight to the hospital.

[111]

Q. Why did you go to the hospital?

A. Because that day, when I was at home, I was beaten by the policeman. I was injured.

Q. How were you injured?

A. When, when the policeman pushed me, so I hit my shoulders on the ground. And they beat me on my stomach.

Q. What shoulder hit the ground?

A. The right shoulder.

JUDGE TO MR. DAI

Q. Can you show us? Just point to it?

A. Here. Here, just right here. Then I hit the ground.

JUDGE FOR THE RECORD

The respondent has pointed to the outer part of his right shoulder.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. Okay, so how did you get to the hospital?

A. I took a taxi.

JUDGE TO MR. DAI

Q. Which hospital did you go to?

A. Dong Fang hospital.

INTERPRETER TO JUDGE

D-O-N-G, F-A-N-G hospital.

MR. HALL TO MR. DAI

Q. Okay, and how long did it take to get there?

[112]

A. About 30 minutes.

Q. All right. What happened once you arrived at the hospital?

A. I, after I got to the hospital, I just register and then I, I look for a doctor. You know, just register.

JUDGE TO MR. DAI

Q. How did you get to the hospital?

A. I took a cab.

Q. Directly from the police station?

A. Yes.

JUDGE TO MR. HALL

Q. Go ahead.

MR. HALL TO MR. DAI

Q. What treatment did you get for your injuries when you were at the detention center?

A. No treatment at all.

Q. Were the officers at the detention facility aware of your injuries?

A. I told them about it. They just ignored me. They just forced to admit my wrongdoings.

Q. What happened at the hospital once you had a doctor that could see you?

A. And the doctor asked me to do an exam.

Q. What type of exam did you have?

A. X-Ray.

Q. What did the doctor x-ray?

INTERPRETER TO MR. HALL

[113]

I'm sorry. Can you please repeat?

MR. HALL TO MR. DAI

Q. What did the doctor x-ray?

INTERPRETER TO MR. HALL

What did the doctor—

MR. HALL TO MR. DAI

Q. Well, you know, who—

JUDGE TO MR. DAI

Q. What part of your body did the doctor x-ray?

A. I just told the doctor that I have pain on my right shoulder, on my ribs and my, my right side of my stomach, and the doctor just gave me the, did a, just did a x-ray for me.

MR. HALL TO MR. DAI

Q. So, what part of your part of your body did the doctor x-ray?

A. My arm, my arm, and my, on my, and my ribs, the right side of my ribs.

Q. How long did the x-ray procedure take?

A. The x-ray, it was fast. It was about five to six minutes.

Q. And what were the results of the x-ray?

A. The result was that my right arm dislocated. And my, the right side of my, the right ribs were broken.

JUDGE TO MR. DAI

Q. Did you see the x-ray?

A. I saw it.

Q. What did it look like?

[114]

A. It just, the, the ribs, the broke bones, it's, I just saw a split.

Q. How big was the x-ray?

A. It's just this big, that size. See, over here, for here and here.

JUDGE FOR THE RECORD

The respondent has pointed to the right side of his ribs and his shoulder.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. All right. And, who told you the results of the x-ray?

A. The doctor. The doctor told me that.

Q. And how long did it take you to get the results?

A. The result was, it just took three or four minutes.

JUDGE TO MR. DAI

Q. Was the x-ray on a piece of plastic, or was it on a computer screen?

A. A piece of plastic. It's black.

Q. Did the doctor tell you how many ribs you broke?

A. One, one was broke.

JUDGE TO MR. HALL

Mr. Hall?

MR. HALL TO MR. DAI

Q. All right. What treatment did you receive for the broken rib?

A. No treatment.

Q. What treatment did you receive for your dislocated shoulder?

A. The doctor just put my, the, the dislocated arm into place. They [115] just, they just did, like, pull and like this and shake and then, that just happened.

JUDGE FOR THE RECORD

And the respondent has made some motions consistent with that statement.

MR. HALL TO MR. DAI

Q. How did it feel when you had your arm put back in place?

A. It hurts so bad at that time. I sweated.

Q. What happened after you had your arm put back in place?

A. So my, my, the doctor just wrapped, wrapped my arm with a, with a gauze, just like this, like this.

JUDGE FOR THE RECORD

The respondent has indicated his right arm folded up against his chest, with his hand above, or strike that, with his hand nearly at his left shoulder.

MR. HALL TO MR. DAI

Q. And how long was your arm in the position you just described?

A. You mean, until it was healed? Or you mean, like, how long did it take them to wrap it up?

Q. You said that it was put in a position with your hand near your left shoulder, and it was wrapped in gauze. How long was your arm in that position, in the healing process, before you could move it freely again?

A. Six weeks. Doctor me, doctor told me that.

Q. All right now, what other treatment did you receive, if any?

A. The doctor just prescribed some three seven powders to me.

JUDGE TO MR. DAI

Q. Some what powders?

[116]

A. Three seven powders.

INTERPRETER TO JUDGE

That's literal translation.

JUDGE TO INTERPRETER

Thank you.

JUDGE TO MR. DAI

Q. What are three seven powders?

A. It's a kind of powder, a medical powder. It's similar to Yun Nan medicine. So you take it orally.

Q. What medicine?

A. Yun Nan.

INTERPRETER TO JUDGE

Y-U-N-A-N. I'm sorry, Y-U-N, N-A-N. Yun Nan.

MR. DAI TO JUDGE

It's also a kind of medication for external injury.

JUDGE TO MR. DAI

Q. You took it orally?

A. Yes.

Q. For how long?

A. Until my, my arm was completely recovered.

Q. How long was that?

A. For about, about six weeks.

Q. And how has your arm been since then?

A. I was, I was worry about, it got dislocated again so those heavy works, I just avoid using right hand.

[117]

Q. Any other problems since then?

A. Sometimes when the weather is bad, then I just feel some sore, sores and pain on the, here.

MS. HANNETT TO JUDGE

Did the respondent point to something when he said here? I wasn't looking up, Your Honor.

JUDGE TO MS. HANNETT

I didn't notice.

JUDGE TO INTERPRETER

Did you notice?

INTERPRETER TO JUDGE

Yeah, he said just here.

JUDGE TO INTERPRETER

So his right arm?

INTERPRETER TO JUDGE

Yeah.

JUDGE TO INTERPRETER

Thank you.

MR. HALL TO MR. DAI

Q. Okay. What time did you leave the hospital?

A. I was in the hospital for more than two hours and then I left.

Q. Where did you go after the hospital?

A. I went straight home.

Q. How did you get home?

A. I took a taxi.

[118]

Q. What did you do when you went home?

A. After I went home, I saw my wife. She was crying there.

Q. Why was she crying?

A. Because the baby was aborted and I was taken to the detention center.

Q. What did your wife say about the abortion?

A. She just said that they, they took her there and the doctor asked her to take off her clothes so she, she has to get on the operating table.

Q. Anything else?

A. And the doctor gave her some anesthesia shot. When she woke up, the baby was gone. Then the nurse told her that they, they put a IUD inside her.

Q. So, what hospital did she have the procedure done?

A. Chang Ning district.

INTERPRETER TO JUDGE

C-H-A-N-G, N-I-N-G, Chang Ning district,

MR. DAI TO JUDGE

Guang Hua hospital.

INTERPRETER TO JUDGE

G-U-A-N-G, H-U-A hospital.

MR. HALL TO MR. DAI

Q. How long did the procedure take, if you know?

A. I don't really know, but my wife said from the time she got in until the time she, she was released, it took most of the day.

Q. All right, and how far along was the pregnancy when she had the abortion?

[119]

A. It was about three months.

Q. Okay, all right, what other punishment did you or your wife receive from family planning for having the second pregnancy and disrupting the officers, if any?

A. Yes.

Q. And what was that?

A. I was fired by my company. My, my, and also my wife was sent to a lower department. So she was originally at the, work for the filing department, and

then she was sent to the, the receiving, the mail receiving department and her salary was deducted by thirty percent. And my daughter, my daughter did quite well at school but she didn't get into those better high schools.

Q. So when were you fired by, sorry, strike that. When were you fired?

A. It was 2009, end of July.

Q. What were you told when you were fired?

A. They said I was fired for fighting with the policemen and disrupting from performing their duties. And I broke the, the country's policy, the national policy.

JUDGE TO MR. DAI

Q. What policy was that?

A. One couple can only have one child.

MR. HALL TO MR. DAI

Q. All right, and when was your wife sent to the mail room?

A. My, just, just when, just when my wife went to work. Actually, she, she rested at home for about a month and then when she went back to work, they just directly asked her to move from her old position to the, to the mail room.

Q. Who told her to move from her old position to the mail room?

[120]

A. Her boss.

Q. What did her boss tell her was the reason for moving to the mail room?

A. Because that, the reason is, is she want to have the second child.

Q. Okay. And do you remember what month that was?

JUDGE TO MR. HALL

What was?

MR. HALL TO JUDGE

Well, when she was demoted.

JUDGE TO MR. HALL

Thank you.

MR. DAI TO MR. HALL

Q. It was, it was around, around September.

MR. HALL TO MR. DAI

Q. Okay. And when was your daughter denied admission to a better high school?

A. 2012, in May.

JUDGE TO MR. DAI

Q. Were you given a reason?

A. They decide, they don't usually give a, tell you why. So they just tell you, you know, if you, if you are going, you just go to that school. Otherwise you can just quit schooling, quit school.

Q. Was she admitted into any school at all?

A. Right now, she went to a, she's going to a school, but how do you say that? That school is just an, a very average school.

[121]

MR. HALL TO MR. DAI

Q. How do you know this was in retaliation for the second pregnancy?

A. The teacher, her teacher told my wife about it.

JUDGE TO MR. DAI

Q. What did she say to your wife?

A. She just said you guys had those, you know, issues, and she can only arrange those average schools for you, for you guys. We, we broke the country's policy.

Q. The teacher said that to your wife?

A. Yes.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. Remember the name of that teacher?

A. That teacher at the education, educational issued office, so I'm, I'm in the U.S. I don't know which, which teacher is that.

Q. Were you in the U.S. when the teacher told your wife this?

A. Yes.

Q. All right. Okay.

MR. HALL TO JUDGE

Now, Your Honor, as far as the documents go, I was going to ask him about his medical record, the document from his work, and the medical record for his wife. Seem like those would be the most at-issue documents.

JUDGE TO MR. HALL

That's fine. Why don't you do those all together?

[122]

MR. HALL TO JUDGE

Okay. I'll do those now.

MR. HALL TO MR. DAI

Q. All right. What is—

MR. HALL TO JUDGE

This is Exhibit 2A.

MR. HALL TO MR. DAI

Q. Well, sir, what is this document?

A. This is the, the outpatient report, the, actually the medical booklet.

Q. Whose medical booklet?

A. That's my, Dai Ming.

Q. What information is inside of it?

A. Just those medical records of my arm dislocation and those broke ribs.

JUDGE TO MR. DAI

Q. How did you get that booklet?

A. The doctor give it to me.

Q. And how did you get it here in the United States?

A. My wife mailed it to me.

JUDGE TO MR. HALL

Can you show him the other two documents at the same time?

JUDGE TO MR. DAI

Q. Do you see these other documents your attorney's put in front of you?

A. Yes, I can see that.

[123]

Q. How did you get those in the United States?

A. Sir, it, it was mailed to, mailed to here together with that medical booklet.

Q. And have you seen all three of those documents when you were still in China?

A. Yes, I, I have.

JUDGE TO MR. HALL

I think that should suffice, unless you have something specific you wanted to bring out.

MR. HALL TO JUDGE

No, I'm just going to say, these are Exhibit 2A, B, and C.

JUDGE TO MR. HALL

Thank you.

MR. HALL TO JUDGE

Okay. And that's it.

JUDGE TO MR. HALL

Anything else?

MR. HALL TO JUDGE

Just a little bit more.

JUDGE TO MR. HALL

Go ahead.

MR. HALL TO MR. DAI

Q. Sir, when did you arrive in the United States?

A. It was 2012, January 27th.

Q. All right, and what type of visa did you come to United States—

[124]

JUDGE TO MR. HALL

We already have pleadings on this, so I'm satisfied.

MR. HALL TO JUDGE

Oh, okay, okay.

JUDGE TO MR. HALL

We don't need to go into that.

MR. HALL TO JUDGE

All right.

MR. HALL TO MR. DAI

Q. Who helped you fill out your visa application?

A. That agent company.

Q. Why did you use an agent company?

A. Because I don't know English.

Q. All right. What information on the visa application was not true?

A. Just my work information were not true.

Q. Okay.

JUDGE TO MR. DAI

Q. Everything else was true?

A. Yes.

Q. Did someone read back to you your visa application in Chinese?

A. Yes.

MR. HALL TO MR. DAI

Q. Okay. And why did you come to the United States?

A. Because I was persecuted in China and my wife, my wife was forced to have an abortion and I lost my baby. I was arrested. I was beaten. I lost [125] my job. America is, is a free country and it's a, a democratic country. I want to come here and, and have my very basic human rights. I really, really hate Chinese dictatorship.

Q. Okay. Are you afraid to return to China?

A. Yes.

Q. Why?

A. Because if I return to China—actually they're still looking for me right now, so if I go back to China, they might force me to do some sterilization procedures.

Q. Why are they looking for you?

A. Because sometimes they come to my house, and they didn't see me there.

JUDGE TO MR. DAI

Q. How do you know that?

A. My wife told me about it.

Q. How many times has she told you about it?

A. Several times. She said they've been looking for you.

MR. HALL TO MR. DAI

Q. When was the first time she told you this information?

A. The first time she told me, that was, that was which month? She told me one time in June and she told me one time in October.

Q. Okay.

MR. HALL TO JUDGE

All right, those are all the questions I have on direct.

JUDGE FOR THE RECORD

[126]

All right. Let's take a brief recess and then we'll pick up from there.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE FOR THE RECORD

And we're back on the record after the recess.

JUDGE TO MS. HANNETT

Ms. Hannett, go ahead.

MS. HANNETT TO JUDGE

Oh, thank you, Your Honor. I just need 20 seconds.
My computer's—

JUDGE TO MS. HANNETT

No problem, take your time.

MS. HANNETT TO JUDGE

—sleeping. I'm ready, Your Honor.

JUDGE TO MS. HANNETT

Go ahead.

MS. HANNETT TO MR. DAI

Q. Good afternoon, sir.

A. Hi.

Q. Sir, I'm going to ask you some questions about your application for asylum. If you don't understand something I say, please let me know and I'll repeat or rephrase the question.

A. Okay.

Q. Sir, are you on any medication that affects your memory?

A. No.

Q. Did you drink any alcohol before coming to court today?

[127]

A. No.

Q. Did you take any drugs, legal or illegal, before coming to court today?

A. No.

Q. And other than the lie you mentioned on your visa application, have you ever lied to an Immigration Officer?

A. No.

Q. Or anyone, have you ever lied to anyone to receive an Immigration benefit?

A. No, no.

Q. Okay. Sir, you had an interview at the asylum office, correct?

A. Yes.

Q. And at that interview, you swore to tell the truth, correct?

A. Yes.

Q. And you just told us that you'd never lied to anyone other than the visa application, to get an Immigration benefit?

A. Right.

Q. Okay. So, you didn't lie at your interview?

A. Right.

Q. Your asylum interview.

A. Uh-huh.

JUDGE TO MR. DAI

Q. Is that a yes?

A. Yes, yes, yes.

MS. HANNETT TO MR. DAI

[128]

Okay.

JUDGE TO MS. HANNETT

We'll need to establish whether there was an interpreter and if he understood?

MS. HANNETT TO JUDGE

Okay.

MS. HANNETT TO MR. DAI

Q. Now sir, you brought an interpreter to your interview. Is that correct?

A. Yes.

Q. And there was also someone on the telephone monitoring the interpreter, correct?

A. Right.

Q. Now, did you ever express any problem with the interpreter?

A. No, no problems.

Q. Okay, you didn't have any problem with the interpreter?

A. Correct.

Q. Okay, and you understand the interpreter today as well?

A. Yes, I understand.

Q. Okay. Sir, isn't it true that you told the asylum officer that your wife had never been to the United States?

A. I never told him whether my wife came to the U.S. The Asylum Officer never asked me any questions if my wife came to the U.S. before. I didn't answer that question.

Q. Well, has your wife been to the U.S. before?

[129]

A. he came here twice.

Q. She came with you, correct?

A. She came here, the first time she came alone. The second time she came with me.

Q. That was in 2012?

A. Yes, yes, 2012, September. They came, she came to the U.S.

Q. And your daughter came as well?

A. My daughter came with us.

Q. And they returned to China in February 2012?

A. Yes.

Q. Okay. And isn't it true the Asylum Officer asked you whether your wife or daughter had ever travelled anywhere outside of China?

A. Yes.

Q. And you said, you answered yes.

A. Yes, at the time I answered yes.

Q. Okay. And when the Asylum Officer asked you where they went, you said together they went to Taiwan and Hong Kong. Is that correct?

A. That's right.

Q. Okay. And then, isn't it true the Asylum Officer asked you, has your wife or daughter travelled to any other countries besides Taiwan and Hong Kong?

A. He asked, but I was, I was nervous. I was very nervous.

Q. Isn't it—I'm only asking for a yes or no. Your attorney will have a chance to ask you follow-up questions.

A. Yes.

Q. So when the Asylum Officer asked if your wife or, daughter had [130] travelled to any other countries besides Taiwan and Hong Kong, isn't it true that you said my wife went to Australia in 2007?

A. Yes.

Q. Okay. And then isn't it true that the Asylum Officer asked you if she had travelled anywhere else?

A. Yes.

Q. And you said no, correct?

A. I believe so.

Q. Okay. Well, why did you not say, yes, to the United States?

A. I, at that time, I just didn't really think about it. Because, because I was already in the U.S. and they, they came with me to the U.S., my wife and my daughter, so I was, I, I, I thought that you were asking me anywhere other than the U.S.

Q. Just wait for the question, sir.

A. Because when I come to the U.S., you guys all have those records.

Q. All right. Well, so you're saying now that the reason you didn't tell the officer was because you thought the office wasn't talking about the United States, correct?

A. Right, right.

Q. But then, isn't it true that the officer then explained to you that Government records indicate that your wife travelled with you to the United States, and asked you for an explanation?

A. They asked me to explain, so I explained that she came here, she came here before, and they didn't move on to that topic.

Q. Okay, well, isn't it true that you then replied, after a long pause, that the reason is I'm afraid to say that my wife came here, then why did she go back?

[131]

A. I didn't, I didn't say, I didn't say that I was afraid that she, she might go back or afraid that you asked her, you asked about her. I just said, I just admit that she came.

JUDGE TO MS. HANNETT

Can you repeat the question for the respondent?

MS. HANNETT TO JUDGE

Sure.

JUDGE TO MR. DAI

Sir, the attorney's going to read to you from the notes of the interview.

MR. DAI TO JUDGE

(In English) Oh, okay.

JUDGE TO MR. DAI

And she's going to read what it says that you, strike that. Then she's going to read what the notes say was your answer to the Asylum Officer.

MR. DAI TO JUDGE

Okay.

JUDGE TO MR. DAI

And listen to that and then tell us if that's true, strike that. And tell us if its accurate, that that's what you said.

MR. DAI TO JUDGE

Okay.

MS. HANNETT TO MR. DAI

Q. Okay, this is the question from the Asylum Officer. Earlier you said your wife has only travelled to Australia, Taiwan, and Hong Kong. You also said that you travelled to the U.S. alone. Government records indicate that your wife travelled [132] with you to the

United States. Can you explain? And then, after a long pause, you stated the reason is I'm afraid to say that my wife came here, then why did she go back?

JUDGE TO MS. HANNETT

And why did she go back?

MS. HANNETT TO JUDGE

Then why did she go back.

JUDGE TO MS. HANNETT

Thank you.

JUDGE TO MR. DAI

Q. Is that accurate? That that is what you said?

A. I don't, I afraid, I, I'm, I don't think I said that, but I did admit that my wife came to the U.S.

MS. HANNETT TO MR. DAI

Q. And you also admitted to the Asylum Officer that your daughter came with your wife in January?

A. Yes, yes.

Q. Okay. And the Asylum Officer; isn't it true the Asylum Officer then asked you if you could explain and you just replied, I'm afraid.

A. I'm afraid?

JUDGE TO MR. DAI

Q. Yes, is that what you said when the officer asked you to explain?

A. Let me think. I afraid? I, I forgot. I don't remember if that's correct or not. At that time, I was extremely nervous.

Q. All right. Well then, isn't it true the Asylum Officer asked you please [133] tell me what you are afraid of? That is what your interview today is for, to understand your fears. And you replied, I'm afraid you ask why my wife and daughter go back.

A. (No audible response.)

Q. Yes or no, sir.

JUDGE TO MR. DAI

Q. Is that what you said?

A. Maybe, maybe yes.

MS. HANNETT TO MR. DAI

Q. And isn't it also true that the officer asked why did they go back and you replied, so that my daughter can go to school and in the U.S., you have to pay a lot of money?

A. Yes, that's what I said.

Q. Okay. And isn't it also true that the officer asked you, can you tell me the real story about you and your family's travel to the U.S., and you replied I wanted a good environment for my child. My wife had a job and I didn't, and that is why I stayed here. My wife and child go home first.

A. I believe I said that.

Q. Sir, have you been to a doctor in the United States to verify any of the injuries you obtained from the incident when the police came and the family planning officers came for your wife?

A. No.

Q. Sir, why did your wife and daughter return to China?

A. Because I, because, because my mother-in-law was gone, so my father-in-law was alone in China. He, he's quite old. He's over 70.

Q. But wouldn't you keep your wife and daughter here to protect them [134] from possible forced abortions in the future? Or forced IUDs?

A. IUD was already inserted.

Q. Well, why didn't you keep them here to protect them?

A. Because my, my in-law, my in-law was in the poor health and my wife just really need to go back, and my daughter, my daughter needs to, needs to that graduate and go to high school.

Q. Can't your daughter be forced to have an abortion in China theoretically?

A. Because, because I just, I just got to the U.S. and I, I couldn't do too much and I don't have so much foundations here, so bringing them here, for lifes here and schooling, so nothing's settled.

Q. But your wife and daughter face possible persecution in China, don't they?

A. Yes, so I applied for asylum so I can bring them all over here.

Q. But why didn't your daughter at least stay and apply for asylum or get asylum through you?

A. Because my daughter is so young.

Q. How old is your daughter?

A. Right now, she's 13. Because if I, when I work, I cannot keep her home alone.

MS. HANNETT TO JUDGE

Your Honor, I would just submit the asylum officer notes. I think there were one or two questions respondent said maybe to when I asked if said them.

JUDGE TO MS. HANNETT

It's certainly helpful to have the notes. Thank you. I'll mark these as

[135]

Exhibit 5.

JUDGE TO MR. HALL

Would you like a moment to look at this, or have you seen this before?

MR. HALL TO JUDGE

I would like time to look at this, please.

JUDGE TO MR. HALL

Okay.

JUDGE FOR THE RECORD

I'm marking this as Exhibit 5.

JUDGE TO MS. HANNETT

Are you done with your questions, Ms. Hannett?

MS. HANNETT TO JUDGE

I have a few more.

JUDGE TO MS. HANNETT

All right.

JUDGE FOR THE RECORD

Let's just take just a pause for a moment for Mr. Hall to look these over.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE FOR THE RECORD

Back on the record.

JUDGE TO MR. HALL

Mr. Hall, any objections?

MR. HALL TO JUDGE

Yes, I would object to the notes, just by the fact that they're notes and by [136] being notes, they don't carry with them the indicia of reliability of something like a court reporter's transcripts that have the exact language of what happened. So to that extent, I'm objecting that this might not reflect accurately everything that was said that day.

JUDGE TO MR. HALL

Anything else?

MR. HALL TO JUDGE

Well, I guess without having this entire thing written in Chinese, there's no way for him to verify that he agrees with all of the statements within this, and it would also take a long time to go over that.

JUDGE TO MR. HALL

Understood. As far as reliability of the statements, I'll be principally considering the statements the respondent has verified in court.

MR. HALL TO JUDGE

Okay.

JUDGE TO MR. HALL

Anything else?

MR. HALL TO JUDGE

That's it.

JUDGE TO MR. HALL

All right. That will go to weight, which I'll assess once we've heard all testimony and evidence.

JUDGE TO MS. HANNETT

Go ahead.

MS. HANNETT TO JUDGE

[137]

Four more questions.

MS. HANNETT TO MR. DAI

Q. Sir, the medical booklet you submitted for you and for your wife, and let me check which exhibit this is.

MS. HANNETT TO JUDGE

This is Exhibit—

JUDGE TO MS. HANNETT

I'm sorry. Are you moving on from the asylum office interview?

MS. HANNETT TO JUDGE

I am.

JUDGE TO MS. HANNETT

Let me just ask a question or two in that regard before we change gears here.

JUDGE TO MR. DAI

Q. Sir, when did your wife and daughter return to China?

A. February the 6th.

Q. So just a short time after you arrived in the United States?

A. Yes.

Q. And, sir, just to be clear, February 6, 2012 they went back, correct?

A. Right, right.

Q. And on the asylum application, you listed information about your wife.

A. Yes.

Q. And there's a question that says here, regarding your wife, if she was previously in the U.S., it asked you to give the date of her previous arrival. And it's [138] blank. You didn't answer that question. Why is that?

A. I didn't fill that form?

Q. The question is left blank, but just strike that. The answer is left blank in response to that question. Why is that?

A. That time, I, I told them. Didn't they fill that out?

Q. When you say you told them, who do you mean? Who did you tell?

A. At that time, when I filled out that form, I didn't understand English so I, I said that, I said the date.

Q. To whom?

A. The person who fill out the form for me.

Q. And that was someone who worked for your previous attorney?

A. I believe so.

Q. All right.

JUDGE TO MS. HANNETT

Ms. Hannett, go ahead.

MS. HANNETT TO MR. DAI

Q. Sir, which attorney helped you fill out this form?

A. A Chinese, a Chinese person. Not the attorney.

Q. Sir, why did you swear that everything on this application was true?

A. Because I told them that. I thought they fill it out for me.

Q. Now sir, the medical booklets you submitted, do you have a certified letter from the hospital explaining what the notes in the booklets mean?

A. You mean my?

Q. Yes, do you have a letter from the hospitals explaining what the notes in these booklets mean?

[139]

A. The hospital, the hospital wouldn't issue a letter for you. They will only give you the booklet, the medical booklet.

Q. Did you ask for a letter?

A. The hospital would never issue that kind of letter to you.

Q. I'm just asking you if you asked for one.

A. No. Just in China, you only have medical booklet. They'd never give you any letters.

Q. So how do we know that you didn't write in any of the information yourself, sir?

A. That's, those are all from the doctor.

Q. They're hand-written notes, correct?

A. Yes.

Q. So how do we know that you didn't write them in yourself?

A. Those medical booklet, we got it from the hospital. Normally, you cannot obtain that.

Q. When you say normally, what do you mean?

A. So, if you go to the hospital, you, you pick up the medical booklet and you register your information and then you bring that booklet to the doctor.

Q. So what would stop someone from hand-writing something in a booklet, or typing something in a booklet, on their own?

A. I don't know how do they do that, but I personally never done that.

Q. Okay, sir, is there any other reason you're afraid to return to China that you haven't mentioned today?

A. Just what I told you, just like what I told you. And the other reason is if I return to China, it's impossible for me to get another job.

[140]

Q. Okay. But there's nothing else?

A. Just the sterilization and that.

Q. Okay.

MS. HANNETT TO JUDGE

I have no further questions, Your Honor.

JUDGE TO MS. HANNETT

All right.

JUDGE TO MR. DAI

Q. Do you believe your wife was persecuted?

A. Yes, yes.

Q. And why do you say that?

A. She was, she was forced to have that abortion. And, and she was forced to change her position to another department and her salaries, her salary was deducted by thirty percent.

Q. So, once you got to the United States, why didn't your wife apply for asylum?

A. My wife just returned to China.

Q. Right, and my question is why didn't she stay here and apply for asylum?

A. At that time, we didn't know the apply, we didn't know that we can apply for asylum.

Q. Well, if you didn't know that you could apply for asylum, why did you stay here after they returned?

A. Because at that time, I was in a bad mood and I couldn't get a job, so I want to stay here for a bit longer and another friend of mine is also here.

[141]

JUDGE TO MS. HANNETT

Did you have any other questions, Ms. Hannett?

MS. HANNETT TO JUDGE

No, Your Honor.

JUDGE TO MS. HANNETT

All right.

JUDGE TO MR. HALL

Do you have any re-direct, Mr. Hall?

MR. HALL TO JUDGE

Very brief.

MR. HALL TO MR. DAI

Q. Why didn't you tell the Asylum Officer that your wife and daughter had been in the United States when she asked you what countries they had been to?

A. I, I was, I was just extremely nervous at that time and I thought they were referring anywhere other than U.S., because I was in the U.S. then so I, I, I was thinking they might, they might be referring to anywhere else other than U.S.

Q. Okay.

MR. HALL TO JUDGE

I have no further questions.

JUDGE TO MR. HALL

All right.

JUDGE TO COUNSEL

We're out of time, so let's go off the record and find a time to reconvene. Does either party intend to present any additional testimony or evidence?

MR. HALL TO JUDGE

[142]

No. Not for respondent.

MS. HANNETT TO JUDGE

Well, I'm not sure if the Court would like the Department to call the Asylum Officer. I don't believe it's necessary because the respondent did admit to several of the statements, I think to most of the statements.

JUDGE TO MS. HANNETT

That's my sense as well. I will give full weight to the statements he admitted. Where he did not admit the statements, then of course I can't credit those, absent the Asylum Officer testimony.

MR. HALL TO JUDGE

Just as a practical matter, I believe this Asylum Officer is in Rwanda at the moment—

JUDGE TO MR. HALL

Yes.

MR. HALL TO JUDGE

—so that might make it a little bit more difficult.

JUDGE TO MR. HALL

That would push things out a bit.

JUDGE TO MS. HANNETT

And for the most part, the respondent has admitted the questions he was asked to confirm, with just a few exceptions. So, Ms. Hannett, how would you want to proceed?

MS. HANNETT TO JUDGE

Well, if the notes are being admitted—

JUDGE TO MS. HANNETT

[143]

Yes.

MS. HANNETT TO JUDGE

—then I don't need to call the Asylum Officer.

JUDGE TO MS. HANNETT

They're certainly being admitted, and as I say, the weight will depend on whether the respondent has admitted those particular statements or not. Where he wasn't asked about them, or he denies it or he doesn't remember it, then I can't, obviously, give it nearly as much weight. But where he's admitted the statements, I give the admitted statements full weight as being what transpired at the asylum office interview. So I don't see a need for the Asylum Officer, quite frankly.

MS. HANNETT TO JUDGE

Then at this time, I would say the Department will not be calling the Asylum Officer. However, if additional evidence is submitted by the respondent in an effort to rehabilitate any of the inconsistencies, then the Department would probably change its position as to whether the Asylum Officer's testimony is needed.

JUDGE TO MS. HANNETT

Understood.

JUDGE TO MR. HALL

But my understanding is the respondent's not intending to present any additional evidence or testimony. Correct?

MR. HALL TO JUDGE

Correct.

JUDGE TO MR. HALL

All right.

JUDGE FOR THE RECORD

[144]

So, let's on that basis pause and we'll reconvene. We'll set a hearing for a decision on the case.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE FOR THE RECORD

We're back on the record. By agreement of the parties, I'm setting the case to Friday, February 22nd at 9 o'clock in the morning. That's this year, 2013, of

course. [Indiscernible] at the end of this week. The parties are both available.

JUDGE TO MR. HALL

And Mr. Hall, you have indicated off the record that you're willing to waive the presence of the interpreter. For the dictation of the oral decision, you will have your own interpreter and will explain the nature of the decision to the respondent and any necessary advisals, et-cetera. Is that correct?

MR. HALL TO JUDGE

Correct, Your Honor.

JUDGE TO MR. HALL

All right. In that case, we'll proceed on that basis

JUDGE TO COUNSEL

Anything else that we need to address today?

MR. HALL TO JUDGE

No, Your Honor.

MS. HANNETT TO JUDGE

No, Your Honor

JUDGE TO COUNSEL

All right.

[145]

JUDGE TO MR. DAI

Mr. Dai, we're going to have you come back to court Friday morning with your attorney at 9 o'clock.

MR. DAI TO JUDGE

This week, right?

JUDGE TO MR. DAI

Correct.

MR. DAI TO JUDGE

Okay.

JUDGE TO MR. DAI

All right, sir, we'll see you then.

MR. DAI TO JUDGE

Okay.

JUDGE FOR THE RECORD

We're adjourned.

HEARING CONTINUED

Record of Applicant and Interpreter Oaths During An Interview

Received
Department of Justice
 FEB 19 2013

Location of Interview	ZSF
Name of Individual being Interviewed	DAI, Bing
Alien-Number of Individual	A 205555836
Individual's Native Language(s)	FEI MING Mandarin
Interpreter Used	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Interpreter	FEI MENG
Address of Interpreter	838 Grand Ave. S.F. CA 94108
Relationship of Interpreter to Applicant:	<input type="checkbox"/> Friend <input type="checkbox"/> Family <input checked="" type="checkbox"/> Professional (Paid) <input type="checkbox"/> Professional (Unpaid) <input type="checkbox"/> Other (specify):
Identity Document(s) Presented by Interpreter, if any	Driver License
Languages Used by Interpreter	English and Mandarin

DECLARATION OF INTERPRETER

- I am appearing today at the request of the individual whose name and Alien-number appear above.
- I speak and understand both English and the non-English language indicated above fluently, and know from conversing with the individual that we understand each other.
- I do solemnly swear/affirm to truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the individual.
- I understand that DHS may choose to collect, retain, and verify the identity information I have provided.

Signature of Interpreter: /s/ [FEI MENG]

DECLARATION OF APPLICANT

- I am appearing today for an interview with an asylum officer concerning the request for asylum (Form I-589) that I filed with U.S. Citizenship and Immigration Services (USCIS).

- I understand that, under the laws of the United States, if I sign or submit a statement or document I know is false or has no reasonable basis in fact that pertains to a material fact in any application, affidavit, or other document required by the immigration laws or regulations, I may be fined or imprisoned not more than five years.
- I also understand that if I filed my asylum application on or after April 1, 1997, I may be forever barred from receiving any benefits under the Immigration and Nationality Act if I knowingly made a frivolous application for asylum. A frivolous application for asylum is an application that contains deliberately fabricated statements.
- I do solemnly swear/affirm to tell the truth, the whole truth, and nothing but the truth during my interview.

Signature of Applicant: /s/ [MING DAI]

If applicant is proceeding in English without an interpreter:

- I understand that I have the right to have an interpreter present at my interview, at no expense to the government.
- I understand that I can be rescheduled to return another day for my interview with an interpreter of my choosing.
- I hereby certify that I am competent in the English language.
- I knowingly waive my right to have an interpreter present, and want to proceed with the asylum interview by myself.

Signature of Applicant: _____

The above oaths were signed and sworn to affirmed before me on **Wednesday, October 17, 2012.**

Signature of Asylum Officer: ILLEGIBLE

Asylum Officer ID Number: [28F206]

I certify that I am qualified to act as an Interpreter and that I have read the Declaration of Applicant to the individual named above. S/he stated that s/he understood me.

Signature of Interpreter: [FEI MENG]

Date: [10/16/2012] [10/17/2012]

[Feb. 19, 2013]

[Stephen S. Griswold]

[Immigration Judge]

A#205555836 AO **hurgood, ZSF 206
Applicant: Ming DAI Asylum Interview Notes
Country: China Date: 10/17/12

Note: These are contemporaneous notes, not a verbatim summary of this proceeding.

Language Line # 540

Start: 9:40am End: 11:11am

Attorney present (or waiver signed): David Ewing

I-589 preparer listed on application: David Ewing

Interpreter: Fei Meng Language: Mandarin

INTRODUCTION

[AO explained confidentiality, purpose and process of interview. AO administered oaths to applicant, interpreter, and monitor.]

PRELIMINARY QUESTIONS

Any reason you cannot testify truthfully today? No

Any health or medical problems, including medications that may prevent you from testifying properly? No

Have you spoken to your interpreter today? Yes

Do you understand each other well? Yes

Are friends with or family with your interpreter or related in any way? No

Identity—Check Documents

Can I see your passport and all the originals of the documents you submitted?

[verified passport and supporting docs]

Have you ever had any other passports? No

Do you have any other documents to support your claim?
No

Are you familiar with all the documents that you submitted in support of your claim for asylum? Yes

Are they all true and correct? Yes

Application Preparation

Did someone help you prepare your asylum application/declaration? Yes my attorney

Did someone read the application/declaration back to you in your native language? Yes

Are there any changes you need to make to the application/declaration?

Yes—my current work and translation error on termination letter.

Are there any important events which you did not include in the application/declaration?

No

PERSONAL INFORMATION

Verify the I-589

[monitor muted for name, address, and date/place of birth]

Full name? Ming Dai

Use any other name? No

DOB and alts? 2/28/70

Marital status and kids? Married w/1 daughter

Race or Ethnicity? Han

Religion? None

[monitor returned]

Citizen of what country? China

Are you a citizen of any other country? No

Do you have any immigration status in any other country? No

Ever filed for asylum in any other country? No

Been offered citizenship, asylum, or refugee status in any other country? No

Have you ever received documents such as a work permit, passport, or other documents for any other country other than COO? No

Ever filed any other applications with the US immigration? No

Ever been detained by US Immigration or been to Immigration Court? No

Lived or traveled anywhere else besides your country and US? No

Entries

How many times have you entered the US? Once

What status? B-2

Filed w/in a year? (if no ask 1-yr questions) Yes

Visa Application

Have you ever applied for a visa to the US? Yes

How many times? Once

Did you fill out the application yourself or did someone help you prepare the application?

I filled it out by myself

Did you apply for your visa with anyone else?

No, I applied by myself

Was all the information on the application true and correct? Some of it not true

What wasn't true? My work unit, my salary

Anything else not true? No

Why did you give false information?

Because I cannot find a job

Why did you give false information?

Because trying to come to the US with visa you must have a job

Did you personally appear for an interview? Yes

Did you tell the truth to the consular officer at the interview? Yes

You didn't provide any false information to the consular officer at the interview? Yes

What did the officer ask you?

Did you come to the US for travel?

Is that all he asked? Yes

What did you say?

I said yes I come to the US for travel tours

Was that true? Yes but I wanted to escape from China

When did you decide to come to the US? 2011

Why decide to come to the US?

Because I was persecuted in China

When did you learn about asylum?

After I came to the US I heard about it

When did you decide to stay in the US?

Should be around March 2012

Before that what were you intending to do in the US?

I'm trying to escape from China to release my unhappy feelings.

What changed in March 2012 that you decided to stay in the US?

I found asylum information from the newspaper.

From January to March, what were you doing in the US?

Travel tours

Where to? Los Angeles, Las Vegas

Anywhere else? Fremont

How much time spend in LA? 3 days

How much time in LV? 2 days

Did you tour with anyone else? No

You just visited LA and LV by yourself for a few days?

I had one friend guide me

What did you do for the rest of the three months?

Except the travel to the place I just stayed at home, the place where I lived.

Why living in Fremont? I had one of my friend there
Besides this one friend did you live with any other
friends or family? No

Did you ever travel or live with any other friends and
family while in the US?

I only traveled with one friend to LV and LA

Where is your wife now? In Shanghai

Where is your daughter now? In Shanghai

Have your wife or daughter ever traveled anywhere out-
side of China? Yes

Where to? Together they went to Taiwan and HK

Any other countries? My daughter did not go

Has your wife or daughter traveled to any other coun-
tries besides Taiwan and HK?

My wife went to the Australia in 2007

Anywhere else? No

Why did your wife travel to Australia?

Her company tours there

Residences abroad and in US? See I-589

Education? College

Work in your home country?

Yes, I worked at Shanghai Tianhua Design Co. as a
driver

When stop working there? 7/2009

When laid off? July, July

How did you learn that you were laid off?

The company notified to me over the phone
Notified in any other way of termination?

Only by telephone

You submitted a document as proof you were laid off?

Yes

The document indicates you were terminated 9/30/2009.
Can you explain?

Because at that time I stayed home to heal up my injuries.

But you said you were notified by phone that you were laid off in July? Yes

I'm not understanding. Can you explain it to me?

Because my arm was injured and they required me to sign and it must be in person. Then when my arm injured I went to the company to sign the report.

This document also lists a different address for you. Can you explain?

This is very early address. It is my parent's address.

Why still using parent's address?

Since I work until now, my file is all this address

Why not change it to your correct address?

If you change it then it's a lot of paperwork

Ever had any kind of government job or served in the military? No

Work in US? Yes as a kitchen helper.

Family member info? See I-589

Family in US? No

PAST PERSECUTION

Now we are going to talk about what happened in your home country. I have read your declaration and reviewed all your documents and will take everything into account, but I'd like to hear in your own words why you are applying for asylum.

Harmed in China? Yes

By who? Chinese government

When? 7/13/2009

How were you harmed?

Because they want my wife to have an abortion, I tried to prevent to block them. Then they beat me and then brought me to the detention center for 10 days.

Did your wife have an abortion? Yes

When did you learn that she had an abortion?

[long pause] when I come back, then she told me

Can you describe for me how you learned that she had an abortion?

I was at home

When were you home? 7/23/12

What time of day? Afternoon

Can you give me more details. For example what was your wife doing at the time?

4:30pm I got back home. I saw my wife crying and she told me that she had an abortion. Without notify to her she also had an IUD installed.

You had gone home, but where did you come from?

From the release of the detention center back to my home.

What did you do next? [long pause]

Your wife had told you she had an abortion, what did you do after that?

Next happened my company telephoned to me and said you are fired.

Then what did you do next?

My wife also got a punishment from her company. She was working for the file department and changed to the mailing department. The salary also decreased.

I've read you declaration. I want to know what happened the day that your wife told you she had an abortion?

My wife was crying [long pause], I tried to comfort her [long pause]

Anything else happen on 7/23?

We didn't want to eat dinner, because we were very upset the baby was gone.

Your declaration indicates that on 7/23 you went straight to the hospital after being released from detention to seek medical treatment. Can you explain?

Yes

Can you explain why you didn't mention going to the hospital?

Earlier I didn't mention?

Earlier you said you went from the detention center to home and found out your wife had an abortion. Can you explain?

Originally I wanted to mention that. But you asked me how you find out my wife had an abortion.

But I asked where you had come from when you went home.

I didn't hear it clearly.

Injuries?

Right arm and right side of ribs was fractured.

Medical treatment?

Doctor positioned my arm and wrapped up my arm. Doctor told me not to use for 6 weeks.

How did your wife learn that she was pregnant?

When the company had the check up

Did she know that she was pregnant before that? No

Did she have any health problems right before that?
No

When was the check up? April 2009

Had your wife gone to the doctor before that?

No. She had a cold. Does that count?

Did she go to the hospital for this cold? Yes

When? March

Why not say this earlier when I asked about her health?

The cold is very small problems in China.

What were her symptoms?

Headache and stuffy nose

Her medical record indicates that she had constant upper waist pain?

That is one kind of cold.

Why didn't you describe that symptom to me?

In China if you get a cold then it goes to the upper chest uncomfortable and headache and dizzy and stuffy nose.

Didn't discover pregnancy during March hospital visit?

No didn't do that kind of checkup

Detained 10 days. Suffer physical harm during the detention?

Yes, my arm and my ribs both injured.

Interrogated? No

Did they say why arresting you?

Yes, they said I prevented doing their legal work

Why released? Because my attitude was good

Any other conditions of your release?

This is not very big criminal things. It is not a criminal case.

What do you mean it isn't criminal?

In general, kill people and robbery that is criminal

Did you or your family have any problems with family planning or the police after you were released?

After I was released, because they are government agency, we are just small people so we have no power to fight. The next thing I was fired by my company and my wife was punished by her company. Salary decreased 30%.

Any other problems with family planning or the police?

Family planning authority people came to our home every six months and required my wife to have a checkup.

Until when? Now

Why not include this in your declaration?

My wife was required

Isn't that an important fact in your case? Yes

Why not include this?

[long pause] they required and we just had to follow so I didn't write it down.

Any other problems with family planning or the police?

No, another problem is they don't allow us to have a second child.

CONTINUING THREAT OF HARM

Has your wife had any problems with family planning or police since you left China?

I don't know

Why don't you know? My wife didn't mention big problems

Family planning was coming to your house every six months and it has been over six months since you left. No problems then?

They concerned about IUD slipping out.

Have you done anything in the US that would cause anyone in your home country to want to harm you? For example, joined any groups or organizations?

No

FUTURE FEAR

Are you afraid to return to your home country? Yes

What do you fear would happen to you if you return?

We are afraid we cannot have a second child

Any other harm that you fear?

In case my wife got pregnant again, I may well be sterilized.

Is there any other reason you are afraid to go back that we have not talked about today?

That I cannot find a job.

RELOCATION

Is there anywhere else in your home country that you could live and feel safe? No

Why not? the one child policy it is national policy

Earlier you said your wife has only traveled to Australia, Taiwan and HK. You also said that you traveled to the US alone. Government records indicate that your wife traveled with you to the United States. Can you explain?

[long pause] the reason is I'm afraid to say that my wife came here, then why did she go back.

Your wife went back? Yes

When did she go back to China? February

Why did she go back? Because my child go to school

Earlier you said you applied for your visa alone. Our records indicate that your child also obtained a visa to the US with you. Can you explain?

[long pause]

Daughter came with wife and you in January? Yes

Can you explain? I'm afraid

Please tell me what you are afraid of. That is what your interview today is for. To understand your fears?

I'm afraid you ask why my wife and daughter go back

Why did they go back?

So that my daughter can go to school and in the US you have to pay a lot of money.

Can you tell me the real story about you and your family's travel to the US?

I wanted a good environment for my child. My wife had a job and I didn't and that is why I stayed here. My wife and child go home first.

BARS

Committed any crimes anywhere in the world?	No
Any arrests anywhere in the world [other than what we talked about today (if applicable)]?	No
Have you ever harmed or used violence against anyone on account of that person's race, religion, nationality, political opinion, or membership in a particular social group?	No

Have you ever belonged to or helped any terrorist or violent group?	
Have you ever served in the military or the police?	No

CONCLUSION

I don't have anymore questions, but is there anything else you feel that we need to talk about before we close the interview? [to Applicant and Attorney]

[Signed 2 copies of I-589 to verify any changes.

Explained decision pick up.

You will need to come back here in 2 weeks to pick up your decision. There are 2 possible outcomes. 1) you may be granted asylum or 2) if we are unable to approve your case, you will be referred to Immigration Court. This is not a denial.

You will have an opportunity to present your case to an Immigration Judge.

Signed appointment letter.]



2011 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)

[Feb. 19, 2013]

BUREAU OF DEMOCRACY, HUMAN RIGHTS,
AND LABOR

2011 Country Reports on Human Rights Practices Report

May 24, 2012

This is the basic text view. SWITCH NOW to the new, more interactive format.

READ A SECTION: CHINA (BELOW) | TIBET | HONG KONG | MACAU

EXECUTIVE SUMMARY

The People's Republic of China (PRC) is an authoritarian state in which The Chinese Communist Party (CCP) constitutionally is the paramount authority. CCP members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP and its nine-member Standing Committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. Civilian authorities generally maintained effective control of the security forces.

Deterioration in key aspects of the country's human rights situation continued. Repression and coercion, particularly against organizations and individuals involved in rights advocacy and public interest issues, were routine. Individuals and groups seen as politically sensitive by the authorities continued to face tight restrictions on their freedom to assemble, practice religion, and travel. Efforts to silence political activists and public interest lawyers were stepped up, and, increasingly, authorities resorted to extralegal measures including enforced disappearance, "soft detention," and strict house arrest, including house arrest of family members, to prevent the public voicing of independent opinions. Public interest law firms that took on sensitive cases continued to face harassment, disbarment of legal staff, and closure. The authorities increased attempts to limit freedom of speech and to control the press, the Internet, and Internet access. The authorities continued severe cultural and religious repression of ethnic minorities in Xinjiang Uighur Autonomous Region (XUAR) and Tibetan areas. Abuses peaked around high-profile events, such as the visit of foreign officials, sensitive anniversaries, and in response to internet-based calls for "Jasmine Revolution" protests.

As in previous years, citizens did not have the right to change their government. Other human rights problems during the year included; extrajudicial killings, including executions without due process; enforced disappearance and incommunicado detention, including prolonged illegal detentions at unofficial holding facilities known as "black jails"; torture and coerced confessions of prisoners; detention and harassment of lawyers, journalists, writers, dissidents, petitioners, and others who sought to peacefully exercise their rights under the law;

a lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; restrictions on freedom to assemble, practice religion, and travel; failure to protect refugees and asylum seekers; pressure on other countries to forcibly return citizens to China; intense scrutiny of and restrictions on nongovernmental organizations (NGOs); discrimination against women, minorities, and persons with disabilities; a coercive birth imitation policy that in some cases resulted in forced abortion or forced sterilization; trafficking in persons; prohibitions on independent unions and a lack of protection for workers' right to strike; and the use of forced labor, including prison labor. Corruption remained widespread.

The authorities prosecuted a number of abuses of power, particularly with regard to corruption. However, the internal disciplinary procedures of the CCP were opaque, and it was not clear whether human rights and administrative abuses were consistently punished.

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

a. Arbitrary or Unlawful Deprivation of Life

During the year security forces reportedly committed arbitrary or unlawful killings. In many instances few or no details were available. No official statistics on deaths in custody were available.

Although no official statistics regarding deaths in custody were reported, some cases received media coverage. In June the media reported that residents in Hubei Province protested outside a Lichuan City government building after Ran Jianxin died in

police custody. Ran, a Lichuan council man, was arrested May 26 on suspicion of having accepted bribes and died June 4 while being interrogated. Relatives said they found wounds and bruises on his body and believe he died an unnatural death. Photos circulated on the Internet apparently showed Ran's body covered in bruises.

In September villagers in Wukan, Guangdong Province, engaged in demonstrations against local government officials to protest the sale of village land.

* * * * *

Sexual Harassment: After the law on the Protection of Women's Rights was amended in 2005 to include a ban on sexual harassment, the number of sexual harassment complaints increased significantly. A 2009 Harvard University study on sexual harassment in the country showed that 80 percent of working women in the country experienced sexual harassment at some stage of their career. The same study found that only 30 percent of sexual harassment claims by women succeeded.

The founder of an education training business in Shenzhen was sentenced to jail during the year after a female employee told the police that he raped her. After his conviction, other employees reported they had been raped or harassed by him as well.

According to information on the ACWF Web site, women who had been sexually harassed had increasingly better access to useful information and legal service hotlines through the Internet. A Beijing rights lawyer told ACWF that approximately 100 to 200 million women in the country had suffered or were suffering sexual harassment in the workplace, but very few legal service centers provided counseling.

Reproductive Rights: The government restricted the rights of parents to choose the number of children they have. National law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local family-planning officials using physical coercion to meet government goals. Such practices included the mandatory use of birth control and the

abortion of unauthorized pregnancies. In the case of families that already had two children, one parent was often pressured to undergo sterilization.

The national family-planning authorities shifted their emphasis from lowering fertility rates to maintaining low fertility rates and emphasized quality of care in family-planning practices. In May 2010 a representative of the National Population and Family Planning Commission reported that 85 percent of women of childbearing age used some form of contraception. Of those, 70 percent used a reversible method. However, the country's birth limitation policies retained harshly coercive elements, in law and practice. The financial and administrative penalties for unauthorized births were strict.

From February to April 2010, Xuzhou in Jiangsu Province was the site of a high-profile court proceeding in which a 30-old-female plaintiff sued the local family-planning bureau, claiming that she had been barred from a civil service position in the county government for giving birth to a child before marriage. Although she married the father soon after the child's birth, the court ruled that the family-planning bureau's original decree citing the birth as out of wedlock held, in which made her ineligible for the government position. In December 2010 in Taizhou, Jiangsu, in a similar case involving a male plaintiff, the court ruled that the male plaintiff also was ineligible for a civil service position.

The 2002 National Population and Family-planning Law standardized the implementation of the government's birth limitation policies; however, enforcement varied significantly. The law grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet conditions

stipulated in local and provincial regulations. The one-child limit was more strictly applied in urban areas, where only couples meeting certain conditions were permitted to have a second child (e.g., if each of the would-be parents was an only child). In most rural areas, the policy was more relaxed, with couples permitted to have a second child in cases where the first child was a girl. Ethnic minorities were subject to less stringent rules. Countrywide, 35 percent of families fell under the one-child restrictions, and more than 60 percent of families were eligible to have a second child, either outright or if they met certain criteria. The remaining 5 percent were eligible to have more than two children. According to government statistics, the average fertility rate for women nationwide was 1.8 (representing the number of children each woman of child-bearing age has); in the country's most populous and prosperous city, Shanghai, the fertility rate was 0.8.

The National Population and Family Planning Commission reported that all provinces had eliminated the birth-approval requirement before a first child is conceived, but provinces may still continue to require parents to "register" pregnancies prior to giving birth to their first child. This "registration" requirement can be used as a de facto permit system in some provinces, as some local governments continued to mandate abortion for single women who become pregnant. Provinces and localities imposed fines of various levels on unwed mothers.

Regulations requiring women who violate family-planning policy to terminate their pregnancies still exist in the 25th, 42nd, and 22nd provisions of the Population and Family Control Regulation of Liaoning, Jilin, and Heilongjiang provinces, respectively. An additional 10

provinces—Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan—require unspecified “remedial measures” to deal with unauthorized pregnancies.

The law requires each person in a couple that has an unapproved child to pay a “social compensation fee,” which can reach 10 times a person’s annual disposable income. The law grants preferential treatment to couples who abide by the birth limits.

Social compensation fees were set and assessed at the local level. The law requires family-planning officials to obtain coast approval before taking “forcible” action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed, and national authorities remained ineffective at reducing abuses by local officials.

The population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who violated the child-limit policy by having an unapproved child or helping another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the CCP (membership is an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of private property.

To delay childbearing, the law sets the minimum marriage age for women at 20 and for men at 22. It continued to be illegal in almost all provinces for a single woman to have a child, with fines levied for violations.

The law states that family-planning bureaus will conduct pregnancy tests on married women and provide them with unspecified “follow-up” services. Some provinces fined women who did not undergo periodic pregnancy tests.

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. Linking job promotion with an official’s ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals. An administrative reform process initiated pilot programs in some localities that sought to remove this linkage for evaluating officials’ performance.

Although the family-planning law states that officials should not violate citizens’ rights in the enforcement of family-planning policy, these rights, as well as penalties for violating them, are not clearly defined. By law citizens may sue officials who exceed their authority in implementing birth-planning policy. However, there exist few protections for whistleblowers against retaliation from local officials. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

According to online reports, women who registered newborns in Nanhai District, Foshan, Guangdong Province, were requested to insert an IUD (intrauterine device). Many posted online complaints that officials threatened to not register the baby if the mother did not comply. This allegedly occurred even when the newborn was the mother’s only child.

Government regulations implemented in 2008 make family-planning services compulsory, including reproductive health information and services, contraception devices, and family-planning technical services, available and free to migrants in their temporary residences. Previously, migrants were often forced to return to the place of their legal household registrations to receive these compulsory services.

According to 2010 statistics, the maternal mortality ratio was an estimated 30 per 100,000 live births. Regional differences indicated that the maternal mortality ratio in rural areas was much higher than in urban areas and also higher in poorer regions than in more developed regions. Rural, poor, migrant, and ethnic minority women continued to suffer the greatest mortality rates due to a lack of access to quality health services.

Discrimination: The constitution states that “women enjoy equal rights with men in all spheres of life.” The Law on the Protection of Women’s Rights and Interests provides for equality a ownership of property, inheritance rights, and access to education. The ACWF was the leading implementer of women’s policy for the government, and the State Council’s National Working Committee on Children and Women coordinated women’s policy. Nonetheless, many activists and observers were concerned that the progress made by women over the past 50 years was eroding. They asserted that the government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability. Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages, so very few cases were brought to court. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. Rural contract law and laws protecting women's rights stipulate that women enjoy equal rights in cases of land management, but experts argued that in practice this was rarely the case, due to the complexity of the law and difficulties in its implementation. In determining child custody in divorce cases, judges make determinations based on the following guidelines: Children under age two should live with their mothers; children two to nine years of age should have custody determined by who can provide the most stable living arrangement; and children 10 and over should be consulted when determining custody.

Many employers preferred to hire men to avoid the expense of maternity leave and child care, and some lowered the effective retirement age for female workers to 50 (the official retirement age for men was 60 and for women 55, with the exception of men and women involved in physically demanding jobs, for which the retirement age was 55 and 45, respectively). In addition, work units were allowed to impose an earlier mandatory retirement age for women than for men. Lower retirement ages also reduced pensions, which generally were

based on the number of years worked. Job advertisements sometimes specified height and age requirements for women.

Women earned less than men, despite government policies mandating nondiscrimination in employment and occupation. The Ministry of Human Resources and Social Security and the local labor bureaus were responsible for ensuring that enterprises complied with the labor law and the employment promotion law, each of which contains antidiscrimination provisions.

A high female suicide rate continued to be a serious problem. There were approximately 590 female suicides per day, according to a Chinese Centers for Disease and Control and Prevention report released in September. This was more than the approximately 500 per day reported in 2009. The report noted that the suicide rate for females was three times higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, birth limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women was three to four times higher than for men, were especially vulnerable. Government research indicating that 58 percent of all suicides involved the use of pesticide led to the implementation of a trial program in Hunan and Zhejiang provinces to control its sale and storage to attempt to reduce suicide attempts.

The UN Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2008 official government statistics, women comprised more than 70 percent of all

illiterate persons above the age of 15. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to Ministry of Education statistics, in 2008 women accounted for 50 percent of undergraduate students, 46 percent of postgraduate students, and nearly 35 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process as the job distribution system became more competitive and market driven.

COPY

Department of Homeland Security
U.S. Citizenship and Immigration Services
U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067

I-589, Application for Asylum
and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A. I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any) None		2. U.S. Social Security Number (if any) None	
3. Complete Last Name DAI		4. First Name Ming	5. Middle Name None
6. What other names have you used (include maiden name and aliases)? None			
7. Residence in the U.S. (where you physically reside)		Telephone Number (510) 3972 (1)	
Street Number and Name 34582 Calcutta Drive		Apt. Number	
City Fremont	State CA	Zip Code 94555	
8. Mailing Address in the U.S. (if different than the address in No. 7) In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
9. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
11. Date of Birth (mm/dd/yyyy) 02/28/1970	12. City and Country of Birth Shanghai, China, PRC		
13. Present Nationality (Citizenship) China, PRC	14. Nationality at Birth China, PRC	15. Race, Ethnic, or Tribal Group Han	16. Religion None (2)
17. Check the box, a through c, that applies: a. <input checked="" type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c. a. When did you last leave your country? (mm/dd/yyyy) 01/27/2012 b. What is your current I-94 Number, if any? 491241136 26			
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date 01/27/2012	Place San Francisco, CA	Status B-2	Date Status Expires: 07/26/2012
Date	Place	Status	
Date	Place	Status	
19. What country issued your last passport or travel document? China, PRC		20. Passport # G56637910	21. Expiration Date (mm/dd/yyyy) 11/17/2021
22. What is your native language (include dialect, if applicable)? Mandarin EXHIBIT # 2		23. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	24. What other languages do you speak fluently? None
For EOIR use only. FEB 19 2013 Stephen S. Griswold		For USCIS use only. Decision: Action: Interview Date: 10/17/12 Asylum Officer ID#: 25F206 Approval Date: Denial Date: Referral Date:	

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Part A. II: Information About Your Spouse and Children

Your spouse I am not married. (Skip to Your Children below.)

1. Alien Registration Number (A-Number) (if any) None	2. Passport/ID Card No. (if any) None	3. Date of Birth (mm/dd/yyyy) 09/08/1973	4. U.S. Social Security No. (if any) None
5. Complete Last Name QIN	6. First Name Lipia	7. Middle Name	8. Maiden Name
9. Date of Marriage (mm/dd/yyyy) 02/20/1997	10. Place of Marriage Shanghai, China, PRC	11. City and Country of Birth Shanghai, China, PRC	
12. Nationality (Citizenship) China, PRC	13. Race, Ethnic, or Tribal Group Han	14. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input checked="" type="checkbox"/> No (Specify location): Shanghai, China, PRC			
16. Place of last entry into the U.S.	17. Date of last entry into the U.S. (mm/dd/yyyy)	18. I-94 No. (if any)	19. Status when last admitted (Visa type, if any)
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. (Skip to Part A. III, Information about your background.)

I have children. Total number of children: 1

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) (if any) None	2. Passport/ID Card No. (if any) None	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security No. (if any) None
5. Complete Last Name DAI	6. First Name Ruyi	7. Middle Name	8. Date of Birth (mm/dd/yyyy) 10/09/2000
9. City and Country of Birth Shanghai, China, PRC	10. Nationality (Citizenship) China, PRC	11. Race, Ethnic, or Tribal Group Han	12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location): Shanghai, China, PRC			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 No. (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Part A. II. Information About Your Spouse and Children (Continued)			
1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card No. <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security No. <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 No. <i>(if any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No			
1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card No. <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security No. <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 No. <i>(if any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No			
1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card No. <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security No. <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 No. <i>(if any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No			

Part A: III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
1201 Roon, No.5, 629 Alley Baotouan Road	Shanghai	Shanghai	China, PRC	05/2007	01/2012

2. Provide the following information about your residences during the past 5 years. List your present address first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
34582 Calcutta Drive	Fremont	CA	United States	01/2012	Present
1201 Roon, No.5, 629 Alley Baotouan Road	Shanghai	Shanghai	China, PRC	05/2007	01/2012

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Tieling Occupation High School	High School	Shanghai, China, PRC	09/1985	07/1988
Antu Middle School	Middle School	Shanghai, China, PRC	09/1982	07/1985
Changbaiyichun Elementary School	Elementary School	Shanghai, China, PRC	09/1977	07/1982
Shanghai Institute of Technology College		Shanghai, China	2002	2005

4. Provide the following information about your employment during the past 5 years. List your present employment first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Unemployed		07/2009	Present
Shanghai Tianhua Construction and Design Company Limited	Worker - Driver	07/2001	07/2009
Tea Co restaurant Fremont CA	Kitchen helper	3/2012	Present

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location	
		<input type="checkbox"/> Deceased	
Mother Fengzhen YANG	Shanghai, China, PRC	<input type="checkbox"/> Deceased	Shanghai, China, PRC
Father Weiqing DAI	Shanghai, China, PRC	<input type="checkbox"/> Deceased	Shanghai, China, PRC
Sibling Dai, Jun (brother)	Shanghai, China	<input type="checkbox"/> Deceased	Shanghai, China
Sibling		<input type="checkbox"/> Deceased	
Sibling		<input type="checkbox"/> Deceased	
Sibling		<input type="checkbox"/> Deceased	

Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, “Basis of Eligibility,” Parts A-D, Section V, “Completing the Form,” Part B, and Section VII, “Additional Evidence That You Should Submit,” for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on:

Race Political opinion

Religion Membership in a particular social group

Nationality Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

Please see attached sheets

B. Do you fear harm or mistreatment if you return to your home country?

No Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;

2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

Please see attached sheets

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No Yes

If "Yes," explain the circumstances and reasons for the action:

Please see attached sheets

-
- 3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person you or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

Please see attached sheets

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No Yes

If “Yes,” explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse’s application. If so, include your parent or spouse’s A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States? No Yes
- B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?
- No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

-
3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?
- No Yes

If “Yes,” describe in detail each such incident and your own, your spouse’s or your child(ren)’s involvement.

-
4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If “Yes,” describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

-
5. Are you filing this application more than 1 year after your last arrival in the United States?

No Yes

If “Yes,” explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V.” Completing the Form,” Part C.

-
6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

No Yes

If “Yes,” for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and all evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: "Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 2, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in an application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, knowingly presents any such application, affidavit, or other document containing any such false statement which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.



WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name. <i>Dai Ming</i>	Write your name in your native alphabet. <i>戴明</i>
--	---

Did your spouse, parent, or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
Did someone other than your spouse, parent, or child(ren) prepare this application? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," complete Part E.)			
Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

Signature of Applicant (The person in Part A.1.)
 [*Dai Ming*]
 Sign your name so that all appears within the brackets

09/05/2012
 Date (mm/dd/yyyy)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer <i>[Signature]</i>		Print Complete Name of Preparer David W. Ewing, Esq.	
Daytime Telephone Number (415) 781-8181		Address of Preparer: Street Number and Name 838 Grant Avenue, Suite 302	
Apt. No.	City San Francisco	State California	Zip Code 94108-1741



Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered 1 to 9 were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Ming Dai
Signature of Applicant
戴鸣
Write Your Name in Your Native Alphabet

10/17/12
Date (mm/dd/yyyy)
[Signature]
Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered 1 to 7 were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

X 戴 Ming Dai
Signature of Applicant
戴鸣
Write Your Name in Your Native Alphabet

FEB 19 2013
Date (mm/dd/yyyy)
[Signature]
Signature of Immigration Judge



I am Ming DAI. Forty two years ago I was born in Shanghai, China. I married Qing Lipin in 1997. My daughter, Ruyi Dai, was born in 2000. The family planners required us to use birth control after Ruyi's birth. My wife knew of several other women who suffered health problems with IUDs, so we used condoms.

In April 2009, my wife told me she was pregnant. She was rounded up, with others, for a routine workplace pregnancy exam. To her surprise, she tested positive. My wife worked for Tiankai Trading Company. In May of 2009, one of the family planning officer found her and ordered her to submit to abortion surgery. But we wanted to save this child.

On July 13, 2009, people of family planning office and the local police came to my house and take my wife to the hospital. I tried to block her exit, but they beat me to the ground. I immediately fought my way to my feet tried to save my wife. The police then handcuffed me, and then punched me hard in the stomach when I was defenseless. They took my wife to the hospital and completed the abortion. I was badly hurt in my right shoulder. The police drove me to the Zhabei Detention Center. I was detained for ten days, The police denied me any medical treatment—and I could not contact my family.

When I was released, after ten days, I went straight to the hospital. My doctor treated me for a dislocated arm and a broken rib. The doctor pushed my arm back into the shoulder cup. He used no pain medication. The doctor moved very quickly, but the pain was agonizing while it lasted! He put my arm in a sling and told me to not use my arm for six weeks.

When I got home, I sometimes found my wife crying to herself. While I was recuperating at home, my company fired me in retaliation for my resistance and my arrest. My wife was punished by her work unit. She was reduced from a bookkeeping job to a menial job in the mailroom. Her pay was reduced by 30%.

In further punishment for my defiance, my daughter was denied admission to a good middle school. My termination prevented me from finding another job. My happy family life withered away.

I eventually found a way to reach the USA. My wife and I are still young and we want to have more children. Please grant me asylum so that I can bring my wife and daughter to safety in the USA.

(Cover Page)

Shanghai City Dongfang Hospital
Tongji University Dongfang Branch Hospital
 Designated Hospital of Expo 2010 Shanghai China
 Out-patient Medical Record

With the resident population of the city Field Population

X-Ray Number: ____ Inpatient Number: ____

Name	Ming DAI	Age	39	Man
Married		Origin		
Tel		Zip Code		
Address		[Unreadable]		
[Unreadable]		[Unreadable]		

Ninety-Year Experiences in Pudong, Easterners Kindly Love and Look the World

(Page 1)

07/23/2009

Orthopedics Department
of Dongfang Hospital

Main Claim: Trauma, right shoulder ached,
 [unreadable]
 Right ribs ached when coughed

- Rx: 1. Right side shoulder dislocated (Broken ribs on right side)
 2. Sanqi Anti-inflammatory
 3. Rest

Wu YANG

(Page 2)

[Blank Page]

EXHIBIT A

(Page 3)

[In Summary]

The Information of Siweiya Medical Pressed Strips

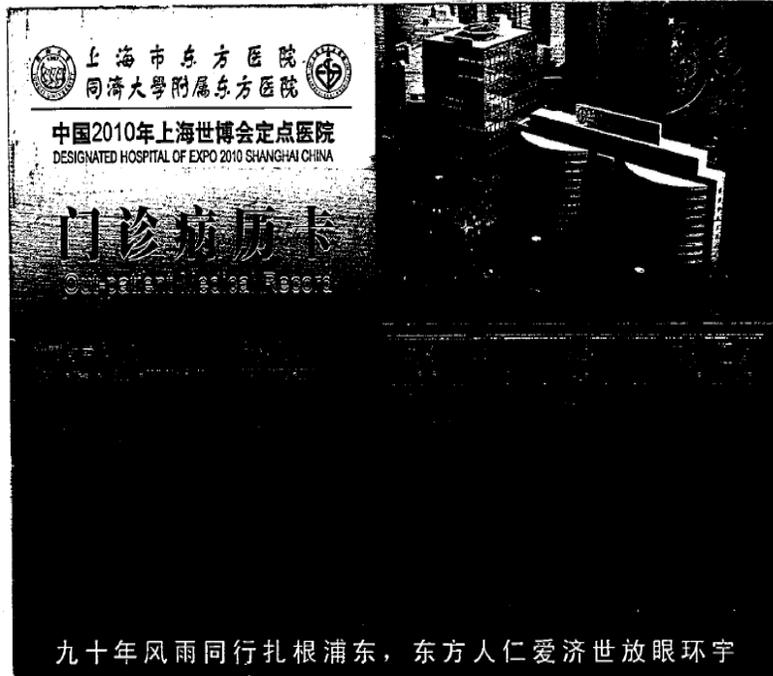
Siweiya (Sigvaris) Medical Pressed Strips

The Benefits from Siweiya Medical Pressed Strips

Translator's Certification

I, Peiting Li, certify that I am fluent in the Chinese and English languages and that the attached document is an accurate translation of the document entitled "Out-patient Medical Record".

Date: Aug. 31, 2012 /s/ PEITING LI
PEITING LI
838 Grant Ave. Suite 302
San Francisco, CA 94108



日期 姓名

东方医院 骨科

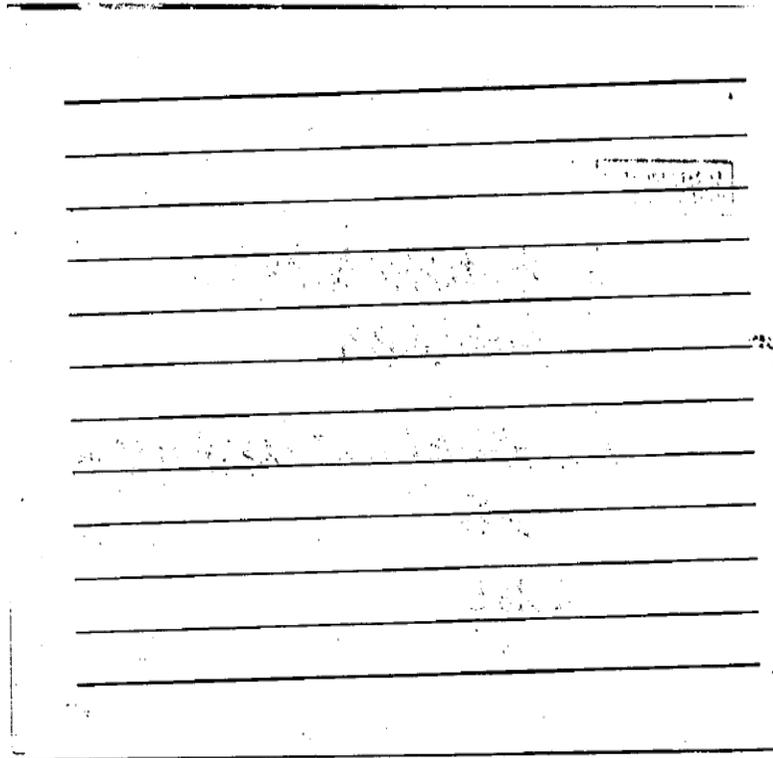
诉：外伤及扭伤后痛，活动受限
肩峰处疼痛

① 右肩疼痛（右肩峰处疼痛）

2. 肿胀

3. 畸形

李伟



(Front Cover Page)

Shanghai City Medical Organ Clinic and Emergency
Hospitalization Record
Booklet (Self-Management)

Changning District Clinic and Emergency Hospitaliza-
tion Record Booklet (Self-Management)

Code: _____

Name: Lipin QIN

Sex: Female

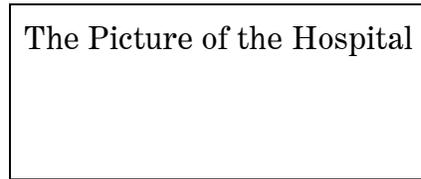
Social (Medical) Insurance Card Number: _____

Date of Birth: 09/08/1973

(Back Cover Page)

**This Medical Record Booklet is Current Used for
Changning District and Shengkang Medical Association
and Internet Medical Organs**

(The Placement Levels of Medical Organs
do not count as first to last)



Changning District Internet Medical Organs
[In Summary]

Names of Hospitals

Shengkang Internet Medical Hospitals
[In Summary]

Names of Hospitals

(Page 1)

**Clinic and Emergency Hospitalization Medical Record
Booklet (Self-Management) First Page**

Integrated Hospital of Guanghua Chinese Western
Medicines of Changning District of Shanghai City
*Fengguan Specialist's Hospital of Guanghua Chinese
Western Medicines of Shanghai City

Name: Lipin QIN Sex: Female Age: 36

Married Blood Type: _____

Work Unit: Shanghai Tiankai Importing and Export-
ing Commercial Company

Limited Tel: 13764302086

Residency/Household Address: Room 1201, No. 5,
629 Alley, Baotounan
Road

Tel: _____

X-Ray Number		CT Number	
MRI Number		Ultrasonic B Number	
Allergic Medicine			
Past Confirmed Diseases			

[Paragraphs in Summary]

Integrated Hospital of Guanghua Chinese Western Medicines of Changning District of Shanghai City is an advanced hospital.

Guanghua Hospital

Address: 540 Xinhua Road, Shanghai City
Commuter: 48, 946, 911, 141, 71, 57, 127

Web: www.ghhospital.com.cn
Railroad Commuter: No.3, 4 Line

(Page 2)

Guanghua Hospital Special Department Specialist's Clinic Arrangement
[In Summary]

Departments	Weeks
Names of Departments	Mon-Sat Days

Departments	Weeks
Names of Departments	Mon-Sat Days

Departments	Weeks
Names of Departments	Mon-Sat Days

Note: Clinic Appointment: 52589070, 62808537

(Page 3)

Date	Name of Hospital	Hospitalization Record	Doctor's Signature
03/12/2009			
		[Unreadable] 6 Hours, no throw up and nausea	
	[Unreadable]	Upper waist part has constant shrinking pain. [Unreadable]	
		P[unreadable] Bp [unreadable] [Unreadable]	
		[Unreadable]	
		[Unreadable]	
		[Unreadable]	
		[Unreadable] x 2 days	
			[Unreadable]

(Page 4)

Date	Name of Hospital	Hospitalization Record	Doctor's Signature
07/13/2009			
	[Unreadable]	Pregnant for about 12 weeks	
		Rx: Terminate the gestation	
		Uterine IUD placement	
		Surgery was safe and efficient	

出生年月 1973.9.8
 社(医)保卡号
 姓名 李强
 性别 男
 编号

长宁区门急诊就医记录册(自管)



上海市医疗机构门急诊就医记录册(自管)

本就医记录册在长宁区及申康医联网医疗机构内通用

(医疗机构排名不分先后)



长宁区医联网医疗机构

- 长宁区中心医院
- 长宁区同仁医院
- 长宁区光华中西医结合医院
- 长宁区天山中医医院
- 长宁区妇幼保健院
- 长宁区精神卫生中心
- 长宁区天山社区卫生服务中心
- 长宁区虹桥社区卫生服务中心
- 长宁区仙霞街道社区卫生服务中心
- 长宁区新泾社区卫生服务中心
- 长宁区北新泾街道社区卫生服务中心
- 长宁区程家桥街道社区卫生服务中心
- 长宁区新华街道社区卫生服务中心
- 长宁区华阳街道社区卫生服务中心
- 长宁区江苏社区卫生服务中心
- 长宁区周家桥社区卫生服务中心

申康医联网医院

- 第一人民医院 第六人民医院 华东医院 瑞金医院
- 仁济医院 新华医院 第九人民医院 第十人民医院
- 第三人民医院 龙华医院 曙光医院 岳阳医院
- 中医医院 胸科医院 肺科医院 公共卫生临床中心
- 精神卫生中心 第一妇婴保健院 儿童医院中心
- 儿童医院 皮肤病性病医院 口腔病防治院 眼病防治中心



门急诊就医记录册(自管)首页

上海市长宁区光华中西医结合医院·上海市光华中西医结合类风湿专科医院

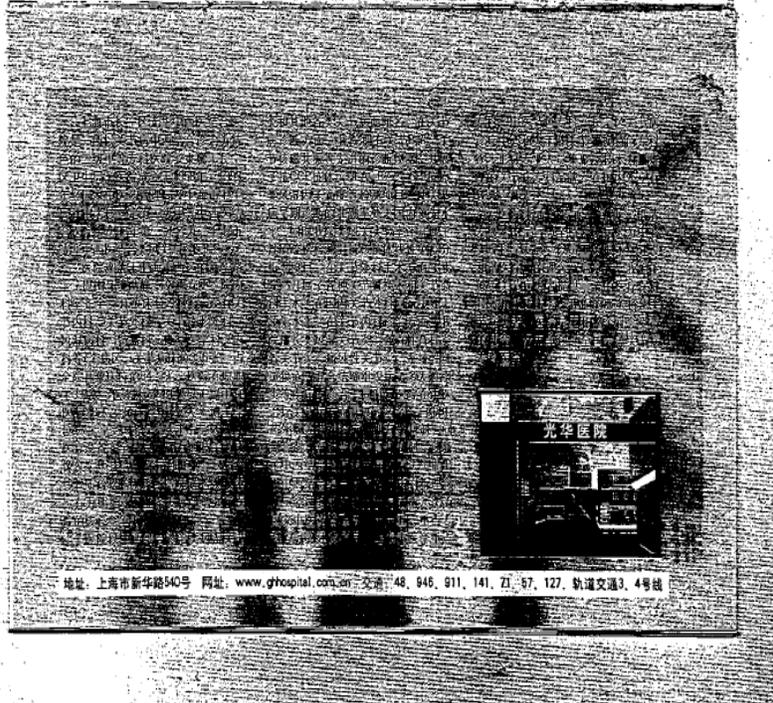
姓名 秦露洁 性别 女 年龄 36

已婚 未婚 血型 _____

工作单位 上海华信进出口贸易有限公司 电话 13761202086

居住/户口地址 包头南路69号5字1201室 电话 _____

X线号		CT号	
MRI号		B超号	
药物过敏			
以往确诊疾病			



地址: 上海市新华路540号 网址: www.gghospital.com.cn 交通: 48, 646, 611, 141, Z1, 57, 127, 轨道交通3, 4号线

China's family planning policy enforced with heavy-handed tactics

Authoritarian measures such as sterilisation common—and some provinces reporting methods such as forced abortions



- o [Jonathan Watts](#) in Xiaotun village, Henan
- o [guardian.co.uk](#), Tuesday 25 October 2011 07.51 EDT



The board at the Jinhe Xiaotun village family planning centre notes that 401 of the 1,871 residents are married women of child-bearing age. Photograph: Jonathan Watts

Family planning in Xiaotun village is deemed a success. Its population of 1,871 people increased by only 10 last year, or less than 0.5%.

The progress towards stabilisation is marked in red pen on a white board at the Xiaotun village family planning

centre. It notes that 401 of the 1,871 residents are married women of child-bearing age. Of them, 156 have one child and 228 have two or more. A further column shows the measures that have been taken to prevent further births. A total of 228 are in this category. Only four are using contraception. The other 224 have been sterilised, a remarkably high proportion.

Hu Ruiling, director in charge of women, acknowledged a considerable degree of intrusiveness. “We check every women in the village each month,” she says. “If we find someone is pregnant with a second child, we suggest abortion.”

But reports from other provinces reveal the sinister methods used by officials to reach their family planning targets.

This month, a woman in Lijin, Shandong, died during a forced abortion on her seven-month foetus. It would have been Ma Jihong’s third child. Relatives told the Guardian that 10 men turned up at Ma’s home, forced her to go to the hospital and pressed her fingerprint to an authorisation form for the abortion. The operation went horribly wrong, but the relatives were not told for hours that she had died. “Her eyes were black and her nose was bloodied,” said the relative. “We know we lost the mother. We have no idea what happened to the child.”

Li Heping, a lawyer who has represented victims of similar cases, said this is certainly not the first death. “It’s wrong to use violence to enforce the policy. It goes against human nature and tradition. But it happens everywhere in China.”

Instead of punishing murderously zealous local officials, the authorities have tried to silence the lawyers, activists and individuals who try to complain. In one of the most egregious of modern China's injustices, the blind civil rights activist and lawyer Chen Guangcheng was imprisoned for three years after he tried to alert the health ministry to the abductions and forced abortions carried out by family planning officials in Linyi, Shandong province. He has been released but remains under extra-legal house detention. Lawyers and journalists who try to visit have been beaten up by thugs employed by the government.

The heavy-handed tactics and coercion by officials have turned one-time champions against the policy. Liang Zhongtang, of the Shanghai Academy of Social Science, was one of its earliest and most influential advocates, but he now thinks it is ineffectual and wrong.

Many rural people have ignored the rules. And Thailand, by contrast, has achieved a sharper drop in its fertility rate over the same period without such tough measures.

More important, though, are his ethical concerns. "I realised that what we did was not right. It infringes people's rights. Births are a matter that should be decided by individuals and families, not the government. We should halt the policy immediately."

- Additional reporting by Cecily Huang

<http://www.guardian.co.uk/environment/2011/oct/25/china-family-planning-policy-heavy-handed>

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT

File: A075-191-250

IN THE MATTER OF CESAR ALCARAZ-ENRIQUEZ,
RESPONDENT

Date: July 31, 2014

**IN REMOVAL PROCEEDINGS
TRANSCRIPT OF HEARING**

APPEARANCES:

FOR THE RESPONDENT:

HELIODORO MORENO JR.

FOR THE DHS:

STEPHEN A. JOHNSTON

Before: MICHAEL J. YAMAGUCHI, Immigration Judge.

* * * * *

[141]

minor?

A. No.

Q. Okay. Were you ever arrested after you were an adult in the United States?

A. Yes.

Q. Okay. Were you ever convicted of a crime in the U.S. as an adult?

A. Yes.

Q. Do you remember when this was?

A. Well, there actually are several. There's a lot. There's a lot of convictions. I would say yes, I was guilty. There were quite a few.

Q. Okay. But as an adult do you remember what you were convicted of, if anything?

A. Drugs, robbery, and I also hit my ex.

Q. Okay, so let's talk about the time when you say you hit your ex. What year did this occur?

A. I believe it was year '97 or '98 or '99.

Q. Okay. What happened?

INTERPRETER TO JUDGE

Well, can the interpreter clarify something?

JUDGE TO INTERPRETER

Go ahead.

MR. ALCARAZ-ENRIQUEZ TO MR. MORENO

What happened is my daughter told me that Esmeralda (phonetic sp.) was still hitting her, and I just couldn't control myself because she was really hitting her really hard. So that's what happened.

[142]

MR. MORENO TO MR. ALCARAZ-ENRIQUEZ

Q. Okay. When you learned of—okay. Did you ever see your ex hit your daughter?

A. Well, actually, yes. Actually, again, yes, she would hit her, but not as hard, as strong when I was not

in front. My daughter told me that when I was not there present, the beatings would be worse.

Q. Okay. So what did you do when you learned that the mother of your daughter was hitting her in this way?

A. (Interpreter) Could you repeat, counsel?

Q. Yes. What did you do after you learned that she was beating your daughter in this way?

A. Well, again, no, you know, once I knew it, no, what happened is Angelina told me. I told her not do it, please do not do it. Angelina is telling me that you're hitting her in this way, so I told her that several times. But eventually I couldn't control myself.

Q. And what did you do?

A. Well, I hit Esmeralda.

Q. How?

A. With my fist.

Q. Where?

A. On her face.

Q. What happened next?

A. Well, the police came for me.

Q. Okay. Have you ever used drugs?

A. Yes.

[143]

Q. Okay. Had you used drugs during this incident that you just described with your ex?

A. Yes.

Q. What drugs?

A. Meth, methamphetamines.

Q. Okay. When did you first start using meth?

A. I was about 18 years old.

Q. Okay. How long did you use methamphetamine for?

A. For about one year.

Q. How often would you use meth during this year?

A. Like every weekend.

Q. Okay. And was that during the entire year?

A. Yes.

Q. Okay. After that year did you ever use meth?

A. No, because I went to San Quintín.

Q. Okay. Now for the crime of hitting your ex, do you remember what your sentence was?

A. Yeah, I believe they gave me three years, I think, something like that.

Q. Okay. Was that three years in prison?

A. That's what they gave me, but they didn't do the full, the full sentence.

Q. Okay. How much of the sentence did you actually serve?

A. About two years.

Q. Okay. Do you remember where you served that time?

* * * * *

[155]

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Q. Okay. Did you have any problems with the Mexican police in Tijuana at any time during second deportation?

A. Well, what happened is yes, they beat me up, but what happened is I had an argument with my neighbor, so they, they beat me up. And not the first time I was arrested, this was the second time when they beat me up, because supposedly I was not supposed to go back. I had to stay away from that place. I couldn't go back to [156] that place.

Q. Okay. When was the first time you were arrested?

A. You're talking in Mexico?

Q. Yes.

A. Well, again, I don't, I don't, I don't know, but I was arrested. The first time they didn't hit me, or they didn't hit me as hard as the second time. The second time they beat me up pretty badly and I didn't like it.

Q. Okay. What led up to that first arrest?

A. I had a fight with my neighbor.

Q. Why?

A. (Interpreter) The interpreter would like to clarify something.

A. Well, because I was not supposed to have company, people in my apartment.

Q. Okay. So what happened?

A. He started to yell at me, saying why do you have these people here.

Q. What was this person's name?

A. Theodoro.

Q. Okay. Do you know his last name?

A. No.

Q. Okay. So what happened once he started screaming at you?

A. (Interpreter) The interpreter would like to clarify something.

A. Well, he tried to, to, to hit me, so I hit him back, but in order, only try to calm down and to put him on the ground, because he kept trying to come on top of me all the time. And he was older than me. I just didn't want to fight.

[157]

Q. Okay. So what happened? Okay, so did you hit him?

A. Yes.

Q. Okay. What happened after you hit him?

A. I was stronger than him, so he just remained on the ground, and then the police arrived.

Q. Okay. Do you know what medical treatment if any he needed?

A. What do you mean?

Q. Did the person you hit, Theodoro, did he need any medical treatment?

A. I wouldn't be able to tell you.

Q. Okay. So when the police came to arrest you, where were you taken?

A. They took me to the prison.

Q. Okay. How long were you there?

A. Two days.

Q. Okay. And where'd you go after those two days?

A. They told me I could go back home.

Q. Okay. So did you go back home?

A. Can I clarify something?

Q. Yes.

A. Well, I didn't want to go back, because I didn't want to have any problems, any further fights. But they didn't care. I said I don't want to go back, I don't want to get into trouble, but they told me, well, you shouldn't have any further problems if you go back.

Q. Who didn't care?

[158]

A. The people who work in prison.

Q. Okay. Did you go back to where you lived?

A. Yes, yes.

Q. Okay. What happened once you went back to where you lived?

A. I went back to try to grab my belongings to, to leave, but I couldn't.

Q. Why not?

A. The, the, the door had a different lock by then.

Q. Okay. What did you do when you saw that the door had a different lock?

A. Well, I talked to her daughter, the young lady, if she could open the door for me.

Q. Okay. Why would she be able to open the door for you?

A. Well, it had a padlock and I thought she was the one who installed the padlock there. There was no, no one else.

Q. Okay. And what did she say to you?

A. She told me to go away.

Q. Did she unlock the door for you?

A. No, she did not.

Q. Okay. What did you say?

A. Nothing, whether she could unlock that padlock.

Q. Okay. So when you refused, what did you do? When she refused, what did you do? Excuse me.

A. I went to my aunt's place.

Q. Okay. And where does your aunt live?

A. Next-door to where I used to live.

[159]

Q. Okay. What happened then?

A. The police arrived.

Q. What happened after the police arrived?

A. (Interpreter) By interpreter, could you repeat, counsel?

Q. Sorry, what happened after the police arrived?

A. They put me inside the patrol car.

Q. Did they say anything to you?

A. They told me what are you doing here?

Q. What did you say?

A. That I just came just, just to grab my belongings, that's it.

Q. Okay. Did anything happen when the police went to go arrest you?

A. Yes, they started beating me up.

Q. How many police officers were there?

A. Two.

Q. Okay. What did they hit you with?

A. With whatever they had hand.

Q. And what was that?

A. Their hands, their gloves. They would throw things at me, whatever they could grab.

Q. Okay. Did they say anything to you while they were hitting you in this way?

A. Yeah, they told me you're a drug addict, and I would tell them I just came out of prison.

Q. Had you been doing drugs while you were in Mexico during this time?

[160]

A. No.

Q. Okay. So the police came and arrested you. Where were you taken this time?

A. Well, they went around, around to different parts of the city driving, and eventually they took me to the prison.

Q. Okay. What happened at the prison?

A. Well, once I got into prison nothing, but before we arrived to the prison we got to this place where they, they beat me up again.

Q. Who beat you up?

A. Other policemen that were there with them.

Q. Where, what place was this?

A. Some sort of facility.

Q. Okay, facility for what?

A. Some sort of facility where they take these young people to place them under arrest, I don't know. But they told me you better calm down, because if you don't calm we'll take you [indiscernible] and we're going to beat you some more.

Q. How many officers were beating you this time?

A. About five.

Q. How did they beat you?

A. Their clubs.

Q. Where would they beat you?

A. All over.

Q. How long did they do this for?

A. About eight hours. And I'm not lying.

Q. Okay. Did they do anything else to you aside from hit you with their [161] clubs?

A. Yes.

Q. What was that?

A. They put electric current on me.

Q. With what?

A. Some sort of little thing that they had like this.

Q. Okay. And how often did they do this to you during this time?

A. I tell you, for about eight hours.

Q. Did they say anything to you during this time?

A. Yeah, they, they were scolding me that why I have to hit, why I beat up that old man, taking justice in my own hands, replacing them.

Q. What did they do once they were done beating you?

A. They put me in prison.

Q. Okay. Were you ever found guilty of any crime for these arrests?

A. Of course.

Q. What?

A. Because I was defending myself or hitting that neighbor.

Q. Okay. Did you report to anyone these police officers had beat you?

A. No.

Q. Why not?

A. I don't know. I don't know how to do that.

Q. Okay. How long were you detained this second time?

A. What do you mean?

Q. You said that after you were beaten you were taken to prison, correct?

[162]

A. Yes.

Q. How long were you in prison the second time?

A. About three months.

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U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT

File: A075-191-250

IN THE MATTER OF CESAR ALCARAZ-ENRIQUEZ,
RESPONDENT

Date: Aug. 28, 2014

**IN REMOVAL PROCEEDINGS
TRANSCRIPT OF HEARING**

APPEARANCES:

FOR THE RESPONDENT:

HELIODORO MORENO JR.

FOR THE DHS:

STEPHEN A. JOHNSTON

Before: MICHAEL J. YAMAGUCHI, Immigration Judge.

* * * * *

[182]

this morning?

MR. ALCARAZ-ENRIQUEZ TO JUDGE

Yes, a lot of that, yes.

JUDGE TO MR. ALCARAZ-ENRIQUEZ

Okay, good.

JUDGE FOR THE RECORD

All right, so for the record I'll find the respondent, that there is no indicia.

JUDGE TO MR. ALCARAZ-ENRIQUEZ

So I just want to, okay. I just want to remind you you're still under oath. And Mr. Johnston now has an opportunity to ask you questions.

JUDGE TO MR. JOHNSTON

Mr. Johnston, go right ahead.

MR. JOHNSTON TO JUDGE

Your Honor, can I request the any potential witnesses be sequestered?

JUDGE TO MR. JOHNSTON

Yes, that's right.

MR. MORENO TO JUDGE

That's right.

JUDGE TO MR. MORENO

I'll go off the record while you—

MR. MORENO TO JUDGE

Yes.

(OFF THE RECORD)

(ON THE RECORD)

JUDGE TO MR. JOHNSTON

[183]

All right, Mr. Johnston, go right ahead.

MR. JOHNSTON TO JUDGE

Thank you.

MR. JOHNSTON TO MR. ALCARAZ-ENRIQUEZ

Q. Good morning, sir.

A. Good morning.

Q. Now do you recall providing a statement to your attorney?

A. Yes, of course.

Q. And you signed the statement swearing that it was true?

A. Of course.

Q. And that statement was translated to you into the Spanish language, right?

A. Yes, thank you so much. Thanks.

Q. And you affirm that everything in the statement is true, correct?

A. Yes.

Q. Okay. Now first I'm going to ask you some questions about your arrest in 1999.

MR. JOHNSTON TO JUDGE

Just a moment, Your Honor.

MR. JOHNSTON TO MR. ALCARAZ-ENRIQUEZ

Q. Now at the time you were living with your girlfriend?

A. Yes.

Q. And she was 17 years old?

A. I believe so.

Q. And you had a small child at the time?

[184]

A. A daughter, yes.

Q. And you'd been with her for about three years?

A. Yes.

Q. How long had you been living with her?

A. About three years.

Q. Since she was 14?

A. 15.

Q. Is it true that the night before you got arrested that she had wanted to leave, but you locked her in the bedroom?

A. No.

Q. Do you know why the probation officer would say that's what happened in his report? And if you don't know, that's fine.

A. I think it's because my ex said that, I believe.

Q. The report says that at one point during that night your victim was able to get out of the residence, but you followed her and dragged her back. Is that correct?

A. I didn't drag, well, she didn't, she did not, we did not leave the house. She did not come back, nor did we leave the house.

Q. But you agree that you dragged her?

A. Less than that.

Q. Okay. Did you threaten to stab her and dispose of her body in a dumpster?

A. No.

Q. The probation officer also states that the next morning you became angry and started to punch the victim on different parts of her body, leaving bruises on [185] her arms, head, legs, and back, and that only when she started begging for her life did you stop. Is that correct?

A. It's correct in the sense that I hit her, but not the way she describes it.

Q. Later that same day around 5:00 p.m. did you become angry at her again and grab her and drag her into the living room?

A. No.

Q. Did you then pick her up by the waist and throw her against the stairs?

A. No.

Q. Did you kick her on her legs and thigh, and at one point kick her in the head?

A. No.

Q. You didn't do any of those things?

A. No.

Q. The report also says that after your mother intervened, you struck the victim twice more on the stomach. Is that true?

A. No.

Q. According to the report the victim also told the police officer that you forced her to have sex several times. Is that correct?

A. Of course not.

Q. The probation report also states that you told the, I believe the probation officer that you only hit the victim this time because she was messing around with another man, is that correct?

A. No.

[186]

Q. So you're saying that this probation report is just plain wrong?

A. I did hit her, but not the way she described it.

Q. Well, did you hit her because you thought she was messing around with another man?

A. From what I'm aware of is that she lived with me and never went out with any other man.

Q. So you have no recollection of telling the probation officer that you hit her because she was messing around with somebody else?

A. Well, I did mention to the officer that I had supposedly heard that she wanted to leave, but I did not hit her with those intentions or with that, with that in mind. It was because she had hit my daughter.

Q. Did you tell the probation officer or the police that you hit your girlfriend because she was hitting your daughter?

A. Well, no, I mean, I wanted to mention it to the officer that that was happening, but it didn't seem to be of importance to him.

Q. Even when you were being interviewed by the probation officer regarding your sentence you didn't mention that you hit your girlfriend because she was hitting your daughter?

A. The best I could explain it to the officer was that something was happening and that she was taking advantage of my daughter.

Q. But you didn't mention that your girlfriend was hitting your daughter, right?

A. Well, I didn't have evidence, I didn't have evidence of it. Like she didn't for example have any bruising because she would apply a cream or lotion on her, on my daughter. She would do that to my daughter.

* * * * *

[192]

A. No.

Q. One of the documents submitted today by your attorney says that because of an intense verbal argument you chose to leave the residence. So that's wrong?

A. We didn't fight, there wasn't anything big or small. It was just simply a conversation. And no, I didn't leave because of that. It was just, it was just a conversation that we had.

Q. Now I assume that if you return to Mexico or if you're released here in the United States you don't plan to commit crimes, right?

A. Well, you know, you try to live the best you can, but that's not, the past is in the past.

Q. Right. So in the future, I just want to clarify that if released from detention you have no plans to commit crimes such as attacks against other people?

A. Yes, that's true. That's correct.

MR. JOHNSTON TO JUDGE

Okay, I have nothing further, Your Honor. I just want to clarify whether the probation report is part of the record.

JUDGE TO MR. JOHNSTON

Yes, it's Exhibit 10.

MR. JOHNSTON TO JUDGE

Thank you.

MR. MORENO TO JUDGE

Yes, I objected to it though, Your Honor, both Exhibit 10 and Exhibit 9. And the Court said that it would make a ruling later on.

JUDGE TO MR. MORENO

[193]

Yes.

JUDGE TO MR. JOHNSTON

Well, Mr. Johnston, do you have a response? They were objecting.

JUDGE TO MR. MORENO

You're objecting on what basis now?

MR. MORENO TO JUDGE

Well, I'm objecting based on we don't have the person who made both statements here for cross-examination, and it's like triple hearsay document.

MR. JOHNSTON TO JUDGE

Well, Your Honor—

JUDGE TO MR. MORENO

Yes, unfortunately hearsay in this court is acceptable.

MR. MORENO TO JUDGE

Of course. But beyond that, Your Honor, also what is Mr. Johnston submitting it for, is the question.

JUDGE TO MR. MORENO

Submitting for particularly serious crime issue.

JUDGE TO MR. JOHNSTON

PSC, right?

MR. JOHNSTON TO JUDGE

Correct, Your Honor.

MR. MORENO TO MR. JOHNSTON

So you're submitting it for the truth of the matter or for impeachment?

JUDGE TO MR. MORENO

No, well, that's true.

[194]

MR. JOHNSTON TO JUDGE

The issue before the Court is whether he's committed a particularly serious crime.

JUDGE TO MR. JOHNSTON

Particularly serious crime.

JUDGE TO MR. MORENO

Under Matter of N-A-M- I can consider all relevant evidence. That's what N-A-M- says.

MR. MORENO TO JUDGE

I understand that, Your Honor, but I would like him to explain what he's trying to submit it for.

JUDGE TO MR. MORENO

He's trying to submit it for the truth of the matter asserted.

MR. MORENO TO JUDGE

Okay, then I would still object to the submission of the document at this point.

JUDGE TO MR. MORENO

Yes, well, I'm going to have to overrule that.

MR. MORENO TO JUDGE

Okay.

JUDGE TO MR. MORENO

Because there's just no hearsay. Look, if we were observing the rules of evidence, yes, I think you're absolutely correct. But it is relevant, and under N-A-M I can take that into evidence.

JUDGE TO MR. JOHNSTON

[195]

All right, Mr. Johnston, anything further?

MR. JOHNSTON TO JUDGE

That's all I want to clarify.

JUDGE TO MR. JOHNSTON

Okay.

MR. JOHNSTON TO JUDGE

Because Exhibit 10 is the probation report.

JUDGE TO MR. JOHNSTON

Right.

MR. JOHNSTON TO JUDGE

Exhibit 11 is the clats (phonetic sp.). Is that correct?

JUDGE TO MR. JOHNSTON

No.

MR. MORENO TO MR. JOHNSTON

No, it's 9 and 10.

JUDGE TO MR. JOHNSTON

9, then 9 and 10.

MR. MORENO TO MR. JOHNSTON

9 and 10.

MR. JOHNSTON TO JUDGE

9 and 10, thank you.

JUDGE TO MR. JOHNSTON

11 is the documents Mr. Moreno filed today.

MR. JOHNSTON TO JUDGE

Right.

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[202]

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Q. Okay. Now do you know where your son was in jail those two years or in prison?

A. In San Quintin.

Q. Okay. Do you know if during his time in San Quintin if he had any problems in jail?

A. My daughter was called, and she was told that my son tried committing suicide.

Q. Who called your daughter?

A. An employee from that place.

Q. Okay. And which daughter was called?

A. Wendy.

Q. Okay. Did they say why he tried to commit suicide?

A. Well, it was because supposedly when they called my daughter he [203] was, he was, he had depression.

Q. Okay. Did you ever have the opportunity to visit your son while he was in prison?

A. Yes.

Q. How many times?

A. I only went once.

Q. Okay. Was this after or before he attempted to kill himself?

A. After.

Q. Okay. What happened when you visited him?

A. When I went to go visit my son it was catastrophic for me. My son was bone-thin. He was just bones. He must have weighed something like 80 pounds.

Q. Okay.

A. He wasn't able to coordinate things very well. He was telling me that someone had placed a chip in his head. He was very disoriented. He was, I see him and he was in a really bad state, very, very bad. I left there being very worried. The same person that entered was not the same person that was there.

Q. Okay. So do you know what happened to your son after he was released from San Quentin?

A. Yes.

Q. What happened?

A. Yes, when my son was deported, he was deported to Tijuana.

Q. Okay. When was he deported?

A. I don't remember.

Q. Okay. But was it after his release from San Quintin?

A. No, after his time in San Quintin he was transferred to Avenal, and [204] he was deported from there.

Q. Okay. And you said he was deported to Tijuana. What happened once your son was deported to Tijuana this time?

A. We immediately, my husband and I, transferred ourselves to Tijuana. And it was mainly because I had seen my son in those conditions and I knew that he was not doing well.

Q. What did you do when you went to Tijuana after he was deported?

A. Well, when I was with my son he was completely disoriented. He was skinny, he was extremely skinny, and he was saying that someone was following him. And he was also saying that he was the devil.

Q. Okay. So what did you do when you saw him like this?

A. We knew that he was in danger, and we had to place him in a home.

Q. And what was the name of this home that you placed him in?

A. Just for Today, Solo por Hoy.

Q. Okay. And how long was he there?

A. Well, it was approximately, to my best memory, three to four years.

A. (In English) No, two or, two or three years.

A. Two or three years.

Q. Okay, all right, okay. Do you know if while he was there at that—

MR. MORENO TO JUDGE

Scratch that, Your Honor.

MR. MORENO TO MS. MONTER

Q. Do you know if while he was at Solo por Hoy if he had to take any medication?

[205]

A. Yes.

Q. Okay. Now you said he stayed there approximately two to three years. Did he ever live any other place while he was, after he was deported this first time to Mexico, other than Solo por Hoy?

A. Yes.

Q. Where?

A. In Michoacán.

Q. Okay. And where is Michoacán located?

A. In Mexico.

Q. Okay. And how long was he in Michoacán?

A. From my best recollection, just some weeks.

Q. Okay. Okay, and who did he stay with there for those weeks?

A. So he was living for some time with his, with his grandfather, but for some reason he did not want him to live there with him because of his mental illness.

Q. Okay. Who did not want who to live there?

A. The grandfather. What happened was that also when my son was there, when he was staying there, he disappeared.

Q. And how do you know about this?

A. They phoned us and they told us your son is not here, he has left. We do not know where he is.

Q. Who called you and told you this?

A. Cesar's father was called. So you can only imagine, you can only imagine when the person told us that he could not be found. Knowing about his mental health, it was, it was like living in hell for me. And as a family we had to come up with what we were going to go do to find him. Someone had to go and look for him.

[206]

Q. So were you or anyone able to find him?

A. We later received a call that the Mexican army had found him. My husband went to Mexico and found him in very poor conditions. His feet were blistered and bleeding from walking so much. And so my husband Fermin spoke with Cesar and told him that that was not a good place for him. We have to go back, I'm going to take you, we have to go back to Tijuana. But before that my husband went to Hidalgo, Mexico. But before then I spoke with him and I told my husband to take him to go see a doctor because I needed to know what was going on with my son.

Q. And did your husband take him to a doctor?

A. Yes, he took him to Singuilucan, Hidalgo, and he took him to go see a mental health doctor, a mental illness doctor.

Q. And do you know what the result is of seeing this mental illness doctor?

A. Yes.

Q. What was that?

A. He said he had a mental illness and that he also had—I don't remember. He had, he had also a mental illness and depression, a very deep depression. The doctor recommended to my husband that he needed to be medicated, he needed to have therapy, and that he had to be surrounded by people that understood and knew about his disability.

Q. Okay. So let me step back for one moment. You said earlier that the American—excuse me, that the Mexican military found him. Did they ever tell you or anyone else where they found him?

A. My son was found on the side of a road. He was very dehydrated and his feet were in really bad shape, and he was in really poor conditions.

[207]

Q. Okay. Did Cesar ever tell you or anyone else what had happened to him when he was disappeared?

A. No, unfortunately because of my son's condition he's not one to communicate much.

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[212]

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Q. Okay. What do you think would happen to your son if he's returned to Mexico now?

A. First of all, Mexico's not a good place for my son to be, and that's, that's been demonstrated already. And first off, my son has a disability, and people there are unaware, they have no idea of the mental illnesses that exist. And my son is discriminated against. And secondly, his family is here. His sister, his dad, I am here for him. We're here to support him. And it's been demonstrated already that that's not the place for him. A lot of things have happened to my son. He also was stabbed and I just fear the day that I get the call that they notify me that my son is dead. He cannot return. He will not survive.

Q. I would like to hear an interpreter clarification. I wonder if the interpreter could verify if she said stabbed. I didn't hear that in Spanish.

A. (Interpreter) The interpreter can clarify.

A. Yes, he was stabbed. He also suffered a stroke. He was alone when this happened. I don't know if you can still notice it on his face, but you can only imagine.

Q. Okay. Where was he when he suffered this stroke?

A. He was at his place where he was living in his apartment in Tijuana.

Q. Okay. If he was alone, how did you find out about this?

A. Well, we had a phone set up for him, so he had the phone and he also had a computer. But people would go in and steal his belongings.

Q. Okay, but Ms. Monter, I need you to listen very carefully to my [213] question, because my question is how did you find out he had a stroke?

A. Because someone phoned us, someone called us and told us your son suffered a stroke.

Q. Who called you?

A. A neighbor.

Q. Okay. Do you know if your son had to go to the hospital?

A. He went to go see a doctor.

Q. Okay. Okay, now Ms. Monter, you just testified earlier that you and your family at time have rented an apartment for your son in Mexico.

A. (Untranslated.)

Q. Okay, and you've also said that on several occasions you or other family members have gone to Mexico to look for him or try to provide for him.

A. Yes.

Q. Okay, if he's returned to Mexico now, couldn't you and your family do that and keep him out of danger?

A. First off, he's not safe there. He needs to be with his family so that we can give him his medication. And he needs to have his routine set up, he needs to be receiving his medication, getting therapy, so that he is able to function, so that he is able to reintegrate in, in a

normal active life, just as so many people with schizophrenia do.

Q. And couldn't you just help him get these services in Mexico?

A. First of all, because of his condition he wouldn't be able to medicate himself because of his condition. And also here in the United States there's an organization that helps with the support of people like him. When he's released they've, they've told us that they'd help us. The organization's name is NUMI (phonetic sp.), and [214] it's an organization that helps support people with mental illnesses.

MR. MORENO TO JUDGE

Your Honor, and there's a letter from that organization in Exhibit 11B in the record. At this time I have no further questions, Your Honor.

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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT

File: A075-191-250

IN THE MATTER OF CESAR ALCARAZ-ENRIQUEZ,
RESPONDENT

Date: Sept. 11, 2014

**IN REMOVAL PROCEEDINGS
TRANSCRIPT OF HEARING**

APPEARANCES:

FOR THE RESPONDENT:

HELIODORO MORENO JR.

FOR THE DHS:

STEPHEN A. JOHNSTON

Before: MICHAEL J. YAMAGUCHI, Immigration Judge.

* * * * *

[222]

* * * * *

Q. Okay, now Ms. Emory, are you aware that your brother Cesar Alcaraz was deported to Mexico in 2001?

A. Yes.

Q. And do you know after he was deported where he went?

A. Yes.

Q. Where?

A. Rehabilitation center.

Q. Where at?

A. Tijuana.

Q. What type of rehab center was it?

A. It's a rehabilitation center.

Q. Okay. Do you remember the name?

A. Solo por Hoy.

Q. Okay. And do you know about how long he was there?

A. I would say a year maybe.

JUDGE TO MS. EMORY

Q. I'm sorry, how long?

A. About a year.

Q. About a year.

MR. MORENO TO MS. EMORY

Q. Okay, and did you go and visit him while he was there?

A. Multiple times.

Q. About how many, if you can recall?

A. Multiple. We would try to go at least every three months.

[223]

Q. Okay.

A. You know.

Q. All right, so would you say it was less than 10 times?

A. I can't give you a specific date, I mean—

Q. Okay, all right. And you went to go visit him at this rehabilitation center?

A. Yes, I did.

Q. Okay. And what was your brother's condition when you went to go visit him?

A. He was skin and bones.

JUDGE TO MS. EMORY

Q. He was what?

A. Skin and bones.

Q. Skin and bones.

MS. EMORY TO MR. MORENO

Odd behavior.

MR. MORENO TO MS. EMORY

Q. What do you mean by odd behavior?

A. Talking to himself, the staff would tell us that he would, you know, talk to himself. He would do things out of the ordinary. I mean, he would, you know, always look behind him, see if somebody was, you know, behind him. He wasn't well.

Q. Was he taking—go ahead.

A. He was taking medication. I don't know what type of medication they were giving him, but he was still, he was not well.

Q. So what did you think when you saw him in this condition?

[224]

A. He's going to die.

Q. Okay. And you said you went to visit him multiple times. Did it improve at all?

A. Never. It never improved.

Q. Okay. So after your brother was no longer at this rehabilitation center, where did he go?

A. After the rehabilitation center?

Q. Yes.

A. Then he returned home.

Q. And where's home?

A. He came to the U.S.

Q. Okay. And where did he stay once he reentered the U.S.?

A. With me.

Q. Okay. Where at?

A. We rented an apartment in San Jose, California, then we purchased a home in Tracy, California.

Q. Okay. And about how long did Cesar live with you once you returned to the U.S., if you remember?

A. Approximately two and a half, three years.

Q. Okay. And as soon as he came back to the United States and started living with you, did you notice anything out of the ordinary?

A. Yeah, his odd behavior. I was like, maybe, you know, it's me, maybe I'm, I don't know, I'm not a psychiatrist. I, you know, I don't know. He would start looking in the blinds and you know, saying that somebody was following him. He would start laughing out of the blue just for no reason. He would start talking to himself, [225] talking to the pictures. I was like, okay, this isn't normal. I mean, I thought it would go away, but it didn't.

Q. So did you do anything—

A. Yes.

Q. —after it didn't go away?

A. Yes, I put him in a 72-hour holding [indiscernible] medical center.

Q. For what purpose?

A. Find out what was wrong with him.

Q. Okay. And did they diagnose him with anything that you know of?

A. Yes, they diagnosed him with schizophrenia.

Q. Okay. And do you know if he was given any medication after that diagnosis?

A. Yes, I do.

Q. Okay. And did he take that medication, if you know?

A. Yes, I personally give it to him every night.

Q. Okay. And for how long did he take this medication, if you remember?

A. Two to three years.

Q. Okay. Now aside from when you put him and he was diagnosed with schizophrenia, did he ever go back to see the psychologist at all?

A. Yes, he would go monthly to his checkups and get additional medication. He would have therapy with a psychiatrist. At times I was allowed to go in, sometimes I wasn't.

Q. Okay. And about how long did he go to these meetings after his diagnosis?

[226]

A. A couple of years.

Q. Okay. And after, you know, he was diagnosed with schizophrenia and he was given these meds and going to therapy, did you notice a change in his behavior at all?

A. Definitely.

Q. What do you mean by that?

A. He, he was, you know, normal. I mean, you could sit down and have a normal conversation with him. He would remember things about the past. Before he wasn't able to do that. You could actually have a conversation with him and he'd be able to hold it. He would take care of my son. My son at the time was a newborn, and I would go to work.

Q. Okay.

A. And he took care of him, he took care of him.

Q. Okay. Now you said he lived with you for about three years.

A. Yes.

Q. If you recall. Okay, and what happened after those three years?

A. Then he got deported again.

Q. Okay. And where did he go once he was deported the second time?

A. He went to, we decided to put him on his own, like rent him a little apartment.

Q. Okay. And why didn't you guys put him in the rehabilitation center again?

A. Cesar wasn't safe there. He wasn't eating or they weren't feeding him. They were giving him, I don't know what type of medication they were giving him. [227] Don't know if it made it worse. I mean, he just looked out of it when he was there.

Q. Okay. Now do you know if after you guys put him up in an apartment, as you say, where was this apartment at?

A. Tijuana, Mexico.

Q. Okay. Are you aware of any problems that he had after that?

A. Yeah, a couple of incidents.

Q. Like what?

A. He had an incident with my grandmother.

Q. And where was that?

A. He thought I guess she was the devil, and so they had some kind of altercation, I'm sorry.

Q. How did you learn about this?

A. My grandmother called my mom.

Q. And told her what?

A. That my brother had run away and he was missing because of that fight that they had gotten into.

Q. Okay. All right, so and you said there was more than one altercation.

A. There was another incident from the renter, I guess. They had another argument, and then he got arrested.

Q. Okay. Now what do you think would happen to your brother if he's returned to Mexico?

A. He was already beaten. He was abused. He's going to die if he goes back.

Q. Why do you think that?

[228]

A. He has no support. He has no one there.

Q. Okay, but—

A. He, he has a mental illness. We've already tried everything we could. We've helped him, we've tried to put him on his own. He needs to be where he's safe with us. He needs to be able to have someone monitor him, make sure he takes—once he gets on his medications, he's fine. He just, obviously he was fine for the three years he was living with me, when he was over there. There's been a number of things that have happened to him. He's gone missing. He's been beaten up. He's had fights. And not once, multiple times. If you send him back he's just, he's going to die. I honestly in my heart feel that that's what's going to happen.

* * * * *

SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

Nos. C9939558 & C9935331

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF

v.

CESAR ENRIQUE ALCARAZ, DEFENDANT

Dec. 17, 1999

REPORT OF PROBATION OFFICER

No.: C9939558 & C9935331

D. Nishigaya, D.A.

W. Rainey, P.D.

COURT DATA

SENTENCING COURT:

Honorable Jerome E. Brock

CHARGE:

(C9939558)

Count One, Section 273.5(a) of the Penal Code (In-
flicting Corporal Injury on Mother of Defendant's
Child)

Count Two, Section 236/237 of the Penal Code (Fel-
ony False Imprisonment)

Count Three, Section 11377(a) of the Health and Safety Code (Possession of Methamphetamine)

(C9935331)

Count One, Section 11550(a) of the Health and Safety Code (Under the Influence of Methamphetamine), a misdemeanor

Count Two, Section 11364 of the Health and Safety Code (Possession of Controlled Substance Paraphernalia), a misdemeanor

PRIORS: None

PROBATION ELIGIBILITY: Eligible

DATE OF OFFENSE:

(C9939558) Counts One and Three: July 8, 1999

Count Two: On and between July 7, 1999 and July 8, 1999

(C9935331) June 25, 1999

DATE OF ARREST:

(C9939558) July 8, 1999

(C9935331) June 25, 1999

CONVICTION:

(Both) Pled Nolo Contendere on September 29, 1999, pursuant to Section 859a of the Penal Code

CONDITIONS:

(Both) No State Prison; one year County Jail top/bottom

REMAINING CHARGES: None

DAYS IN CUSTODY:

(C9939558) 140 actual days, 70 days—4019 PC, 210 total days; rel 849a 7/13/99; rearr BW 8/6/99; pres in cust

(C9935331) 1 total day; cite & rel 6/25/99

AGE & DATE OF BIRTH:

20; April 14, 1979; Michoacan, Mexico (See Supp Info)

CODEFENDANTS & STATUS:

(C9939558) None

(C9935331)

Juvenile co-participant Jose G. gave officers a false date of birth. His case, under Docket #C9938470, was certified to Juvenile Court on December 3, 1999.

SUPPLEMENTAL INFORMATION:

The defendant is also scheduled at this time for a Pre-trial Conference under Docket #C9935124 for allegedly violating Section 537e(a) of the Penal Code, a misdemeanor. Notes in the District Attorney's files indicate this charge will be dismissed as part of the negotiated plea.

The defendant's true date of birth is April 14, 1979. His juvenile probation records indicate he produced a driver's license with an earlier date of birth when he was arrested in February 1997. After he was released on supervised own recognizance, his true date of birth was discovered.

SUMMARY OF OFFENSE:

(C9939558)

On the evening of July 8, 1999, the seventeen-year-old victim told San Jose Police Officers she had been together with the defendant for approximately three years and they have a daughter together. She spent the previous night at the defendant's residence. At approximately 11:00 p.m., she wanted to leave, but the defendant locked her in the bedroom to prevent this. At one point during the night, the victim was able to get out of the residence; however, the defendant followed her and dragged her back. In the process, he threatened to stab her and dispose of her body in a dumpster. The next morning, around 10:00 a.m., the victim's sister called. The defendant answered and became very angry as he hung up the phone. He started to punch the victim on various parts of her body leaving bruises on her arms, head, legs, and back. When she started begging for her life, he stopped assaulting her.

At 5:00 p.m. that afternoon, the victim said she was eating in the kitchen. When she told the defendant she wanted to leave, he became angry again. Grabbing her by her arms, he dragged her to the living room. Picking her up by her waist, he threw her against the stairs. As she rolled down the stairs, he kicked her on her legs and thighs. At one point, he kicked her on the head. Even though the defendant's mother intervened, he struck the victim twice more on the stomach. At 5:30 p.m., the defendant's mother drove the victim home. On July 20, 1998, she told a police officer the defendant also forced her to have sex seven times on July 8, 1999.

At 10:00 p.m. that night, officers arrested the defendant as he was trying to flee his residence. A plastic bindle containing a white powder was found inside his right shoe. Subsequent lab results revealed it contained .04 grams of methamphetamine, and that the defendant was under the influence of methamphetamine.

The defendant told officers he and the victim had been together for three years. They have a one-year-old child, but the defendant and the victim were not living together. He admitted having an argument with the victim at 5:00 p.m. that afternoon. After she turned to walk out on him, he chased her and grabbed her arm. The victim was about to hit him when he punched her once in the face. She tried to run out of the house, but the defendant pushed her to prevent her from leaving. She fell down and hit her head on the stairs. The defendant denied hitting the victim "that hard". Although he was angry, he did not lose his temper. At the time, he was not under the influence of drugs or alcohol; however, he had ingested methamphetamine two days earlier.

(C9935331)

On June 25, 1999, at 2:42 a.m., two police officers were patrolling San Fernando Street in San Jose when they observed a broken taillight on the defendant's vehicle. The defendant was driving and carrying one passenger. After initiating a vehicle stop, the officers learned the defendant had a misdemeanor warrant. They found a glass pipe with burnt residue in one of the defendant's pockets. Objective symptoms of stimulant influence were observed upon the defendant and the passenger. Both were arrested. The defendant admitted inhaling two lines of methamphetamine recently. A tattoo reading

“SUR 13” with three dots was observed on the chest of the passenger. The passenger was also present when the defendant was arrested on July 1, 1999 under Docket #C9935124.

VICTIM'S STATEMENT:

Correspondence has been sent to the victim(s) in this case advising of the date, time, and place of sentencing, the right to be present and to be heard pursuant to Section 1191.1 and 1191.3 of the Penal Code, as well as requesting information regarding any losses suffered.

(C9939558)

The victim reports that her medical expenses totaled approximately \$2,000, but the Victim Witness Assistance Center was covering her expenses. They were also paying for her weekly counseling sessions with a family therapist. These sessions began in September and are ongoing. Besides receiving many bumps and bruises, including some that bled, her jaw was slightly dislocated during the defendant's assault. He also forced her to have sex during the assault. Emotionally, she still feels affected by what happened. In particular, whenever she sees the defendant, she becomes paranoid and scared. Her daughter was also affected since she was present when the defendant attacked her. Whenever somebody “roughs up” the victim, her daughter starts crying. Overall, though, her daughter is doing well.

The victim had no comment regarding the defendant's sentence except that he needs to stay away from the victim and their daughter. Except for hearing in September 1999 that the defendant was making threats against her, the defendant has complied with his restraining order. In Family Court, the defendant turned down an

opportunity for visitation rights to their daughter. The victim is in the process of applying for child support.

The victim said the present matter was the first time the defendant physically attacked her; it was also the first time he forced her to have sex. She suspects he was under the influence of drugs because he did have a problem with methamphetamine use.

The defendant had told her he was a member of VST, a Sureno gang, for the past five years. His moniker was "Dreamer" and he associated with other VST gang members.

Julie Kimura, Claims Specialist for the Victim Witness Assistance Center, reports the victim was approved to receive up to \$10,000 in financial assistance. So far, \$700 in mental health expenses has been paid under Claim #572861. The victim applied for reimbursement for a self-defense course, but it has not yet been approved. At the present time, no medical bills have been received.

DEFENDANT'S STATEMENT:

The defendant admits committing domestic violence against the victim while he was under the influence of methamphetamine. However, he believes he should not be convicted of Possession of Methamphetamine because the amount he carried was so small. He regrets his actions and acknowledges making a mistake by hitting the victim, especially since he hit her so many times. Nonetheless, the victim exaggerated how he hit her and the threats he supposedly made. In particular, she lied when she claimed he raped her. Furthermore, he only hit the victim above the eye, and not all over her body as

she said. The defendant also denies making any threats against her since he was arrested.

Regarding his sentence, the defendant believes one year is too much. He has a drug problem rather than a domestic violence problem. They had been together for three years and the present matter was the first time he hit the victim. Moreover, he only did so because she was “messing around” with another man. He intends to comply with his probation conditions, but does not want to be in a parenting program since he will not see his daughter for at least three years. In Family Court, on November 30, 1999, he turned down visitation rights because he does not want any further trouble with the victim. Consequently, a three-year restraining order for the victim and their daughter was placed against him under Case #199CP008135. In addition, the defendant does not want gang orders placed on him since he heard it will prevent him from “hanging around anyone” because the police will think it is gang-related. He denies ever being in a gang.

While in custody, the defendant said he has been studying for a GED since he dropped out of school after the 11th grade. Upon his release, he intends to get a job. At first, he will do any kind of work. Eventually, he wants to find employment as a lab assistant. For six months in 1998, he was hired as a temporary assistant at a lab studying DNA sequencing.

Regarding his substance abuse history, the defendant said he began using marijuana and methamphetamine in February 1999. He only used marijuana rarely; however, he did abuse methamphetamine. He would either inhale, or smoke, an “8-ball” of methamphetamine each day. Indeed, if he were not under the influence of

methamphetamine, he would not have yelled at the victim and been involved in the present matter. He denies ever drinking alcohol.

INTERESTED PARTIES:

San Jose Police Department Case #99-256-9715 indicates that on September 13, 1999, the victim reported hearing threats from the defendant. Two days earlier, she was visiting a friend when her friend's brother told her he had spoken to someone in County Jail. That person said the defendant had stated he would hire someone to kill the victim. She told officers the defendant was a VST gang member.

The Classification Department at the Elmwood Correctional Facility reports the defendant has been housed in protective custody. During his initial risk assessment interview, he informed officers he wanted to be placed in protective custody because of his involvement with Sureno gang members. On August 16, 1999, the defendant incurred a major custody infraction for disobeying orders, and hiding underneath his bunk, while officers were conducting a body count. The defendant has also received one minor infraction for allowing another inmate to enter his cell after lock-down.

The defendant's juvenile record is attached for the Court's examination.

The Immigration and Naturalization Service was notified of the defendant's status as a non-citizen felon being convicted of a violent crime.

JUDICIAL COUNCIL RULES: (N/A)CASE EVALUATION:

Appearing for sentencing is a 20-year-old male who pled nolo contendere to Inflicting Corporal Injury on Mother of Defendant's Child, Felony False Imprisonment, Possession of Methamphetamine, Under the Influence of Methamphetamine and Possession of Controlled Substance Paraphernalia. Under Information #C9939558, the defendant prevented the victim from leaving his house. The next day, he punched and kicked her. He possessed .04 grams of methamphetamine when he was arrested. Under Docket #C9935331, the defendant possessed a glass pipe with burnt residue while under the influence of methamphetamine. His adult criminal record shows no prior convictions.

The defendant possesses several risk factors believed to be predictors of future, life-threatening, domestic violence. These factors include an extreme focus on the victim, a previous homicidal threat, past substance abuse, knowledge of the victim's whereabouts, being a victim of violence as a child, previous criminal acts, minimization of his actions, and an attitude that condones violence in certain situations such as a girlfriend being unfaithful.

All things considered, this officer concurs with the negotiated term of a one-year County Jail sentence. In addition to the standard domestic violence and drug orders, employment and gang orders are recommended as conditions of probation. A no contact order is also recommended to enhance the victim's safety.

RECOMMENDATION:

(Both)

1. Probation be granted.
2. The defendant report to the Probation Officer within three (3) days of the grant of probation or release from jail if in custody at the time of the grant and thereafter as directed
3. The defendant be referred to the Department of Revenue for determination of ability to pay fines and fees.
4. A County Jail sentence be imposed.
5. The defendant shall submit to chemical tests as directed by the Probation Officer.
6. The defendant shall not possess or consume alcohol or illegal drugs, or go to places where illegal drugs are used or sold or alcohol is the major item of sale.
7. The defendant shall enter and complete a substance abuse treatment program as directed by the Probation Officer.
8. The defendant shall seek and maintain gainful employment and maintain academic and/or vocational training as directed by the Probation Officer.
9. The defendant shall not associate with individuals identified as members of a street gang, as identified by the Probation Department.
10. The defendant shall not frequent any areas of gang-related activity and not participate in any gang activity, as directed by the Probation Officer.

11. The defendant shall not use, or display any insignia, emblem, button, badge, cap, hat, scarf, bandanna, jacket or other article of clothing which is evidence of affiliation with/or membership in a street gang.
12. The defendant shall not obtain any new gang-related tattoos.
13. A Restitution Fine of no more than \$10,000.00 be imposed pursuant to Section 1202.4 of the Penal Code.
14. A Presentence Investigation Fee not to exceed \$300.00 be imposed pursuant to Section 1203.1(b) of the Penal Code.
15. A Probation Supervision Fee not to exceed \$30.00 per month be imposed pursuant to Section 1203.1(b) of the Penal Code.

(C9939558 only)

1. The defendant shall perform uncompensated community service work.
2. The defendant shall enter and complete a certified domestic violence program pursuant to Section 1203.097 of the Penal Code as directed by the Probation Officer.
3. The defendant shall pay all certified batterer's program participation fees.
4. The defendant shall participate in the San Jose Alternatives to Violence Men's Drop-In Group until he enters a certified domestic violence program.
5. A Domestic Violence Fund Fee of no less than \$200.00 be imposed pursuant to Section 1203.097 of the Penal Code.

6. The defendant shall not annoy, molest, attack, strike, threaten, harass, stalk, sexually assault, batter or disturb the peace of the victim.
7. The defendant shall not possess a firearm pursuant to Section 12021 of the Penal Code.
8. The defendant shall submit his/her person, place of residence, vehicle and any property under his/her control to search at any time without a warrant by any Peace Officer.
9. A Criminal Court protective order coterminous with the probation grant be issued pursuant to Section 136.2(g) of the Penal Code and entered into the Department of Justice Registry pursuant to Family Code Section 6380.
10. The defendant shall make payment to a battered women's shelter up to a maximum of \$5,000.00 pursuant to Section 1203.097 of the Penal Code.
11. Restitution as determined by the Court.
12. Restitution as determined by the Court, including but not limited to \$700.00 to State Board of Control.
13. The defendant shall have no contact with the victim(s).
14. A \$281.00 Criminal Justice Administration fee to City of San Jose be imposed pursuant to Government Code 29550, 29550.1 and 29550.2.
15. A \$50.00 Criminal Laboratory Analysis Fee be imposed pursuant to Section 11372.5 of the Health and Safety Code.
16. A \$150.00 Drug Program Fee be imposed pursuant to Section 11372.7 of the health and Safety Code.

17. The defendant be ordered to provide two blood and one saliva samples pursuant to Section 296 of the Penal Code.

(C9935331 only)

1. A \$100.00 Criminal Laboratory Analysis Fee be imposed pursuant to Section 11372.5 of the Health and Safety Code.
2. A \$150.00 Drug Program Fee be imposed pursuant to Section 11372.7 of the health and Safety Code.
3. A \$140.50 Criminal Justice Administration fee to City of San Jose be imposed pursuant to Government Code 29550, 29550.1 and 29550.2.

NOTE: Attorney fees if appropriate.

Respectfully submitted,
JOHN CAVALLI
Chief Probation Officer

/s/ PATRICK CHING
PATRICK CHING
Deputy Probation Officer
Ext. 2198

PC/PC
Attachments

Reviewed by:

/s/ DAVID H. PEREZ
DAVID H. PEREZ
Supervising Probation Officer
Ext. 2138

The above report has been read and considered by the Court.

JEROME E. BROCK
Judge of the Superior Court
Santa Clara County, California

Route

Print

FROM: CLET ISN: 15071 DATE: 04/25/14
 TIME: 14:01:13 RESP MSG

TO: FT71ZIM5 OSN: 00129 DATE: 04/25/14
 TIME: 14:01:17

USERID: A08901

I*

CR.CAIII0000

04/25/2014 14:02 36573

04/25/2014 14:02 39699 CAICE39S0

*IMAOYKHRMM

TXT

HDR/2L01ISFRQIMA0YKHRMM

ATN/RDELEONK1855A75191250

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number 11723362 ()

Purpose Code C

Attention RDELEONX1855A75191250

The information in this rap sheet is subject to the following caveats:

** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL

PALM.PRINTODOJ.CA.GOV (CA; 2009-08-13)

DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED, TYPED, AND UPLOADED

INTO THE CAL-DNA DATA BANK. FOR INFO
(510) 620-3300

***** (CA; 2009-08-13)

RESTRICTED—DO NOT USE FOR EMPLOY-
MENT, LICENSING, PLACEMENT OR CERTIFI-
CATION PURPOSES (CA; 2014-04-25)

***** IDENTIFICATION *****

Subject Name(s)

ALCARAZ, CESAR ENRIQUE
SERRANO, EFRAIN (AKA)
ALCARAZ, CESAR ENRIQUEZ (AKA)
ALCAREZ, CESAR A (AKA)
ALZARAZ, CESAR ENRIQUE (AKA)
ALCARAZ, CESAR (AKA)
ALCARAZ, CASAR (AKA)
ALCAREZ, CESAR (AKA)
ALZARAZ, CASAR (AKA)
ALZARAZ, CESAR (AKA)
ALCARAZ, ESAR (AKA)
ALCARAZ, CESAR ENRIQUES (AKA)
ALCARAZ, CEASAR ENRIQUE (AKA)
ALCARAZ, CEASAR ENRIQUEZ (AKA)
ALCAREZ, CESAR ENRIQUEZ (AKA)
ALCARAZEERIQUEZ, CESAR (AKA)

Subject Description

FBI Number	State Id Number	DOC Number
██████████	11723362	CDC-T002159

Social Security

Number	Driver's License Number
██████████	B6895964 ()

Sex	Race	
Male	White	
Height	Weight	Date of Birth
5'08"	190	1979-01-04
		1974-12-16
		1979-01-14
		1979-04-14
Hair Color	Eye Color	
Black	Brown	
Scars, Marks, and Tattoos		
Code	Description, Comments, and Images	
TAT L ANKL	,	
SC FHD	,	
Place of Birth	Citizenship	Ethnicity
MEXICO	MEXICO	White American
	UNKNOWN	
Employment		
Occupation	CELL TECH	
Employer		
Occupation	CASHIER	
Employer		
Occupation	STUDENT	
Employer		
Occupation	GARDENER	
Employer		
Occupation	LABORER	
Employer		
***** CRIMINAL HISTORY *****		
===== Cycle 001 =====		
Earliest Event Date 1997-02-19		

Arrest Date	1997-02-19
Arrest Case Number	97006296DMZ314
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALCARAZ, CESAR ENRIQUE
Comment(s)	ARREST/DETAINED/CITED
Charge	1
Statute	BURGLARY:FIRST DEGREE (459 PC)
State Offense Code	22021
Severity	Felony
Disposition	(1997-02-21; PROS REL-DET ONLY-COMB W/OTHER CNTS/CASE)
Charge	2
Statute	POSSESS/ETC BURGLARY TOOLS (466 PC)
State Offense Code	22012
Severity	Misdemeanor

Court Disposition	(Cycle 001)
Court Case Number	C9727890
Final Disposition Date	1997-03-05
Court Agency	CA043043J CAMCSAN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUE
Charge	1
Statute	POSSESS/ETC BUR- GLARY TOOLS (466 PC)
State offense Code	22012
Severity	Unknown

Disposition	(CERTIFIED TO JUVENILE COURT)
Charge	2
Statute	BURGLARY:SECOND DEGREE (460 (B) PC)
State Offense Code	22125
Severity	Unknown
Disposition	(CERTIFIED TO JUVENILE COURT)
Court Comment	COURT ACTION

====Cycle 002=====

Earliest Event Date	1997-10-15
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Arrest Date	1997-10-15
Arrest Case Number	97037428DMZ314
Arresting Agency	CA0430000 CASOSAN JOSE
Subject's Name	ALCARAZ, CESAR ENRIQUEZ
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	ASSAULT WITH DEADLY WEAPON (245 PC)
State Offense Code	13030
Severity	Felony
Disposition	(1997-10-15; RELEASED/ DETENTION ONLY)

===== Cycle 003 =====

Earliest Event Date 1998-01-23

Arrest Date 1998-01-23
 Arrest Case Number 98002865DNW779
 Arresting Agency CA0431300 CAPDSAN
 JOSE
 Subject's Name SERRANO, EFRAIN
 Comment(s) ARREST/
 DETAINED/CITED
 Charge 1
 Statute POSSESS CONTROLLED
 SUBSTANCE (11377 HS)
 State Offense Code 35137
 Severity Felony
 Charge 2
 Statute POSSESS CONTROL SUB-
 STANCE PARAPHERNA
 (11364 HS)
 State Offense Code 35133
 Severity Misdemeanor

===== Cycle 004 =====

Earliest Event Date 1998-12-17

Arrest Date 1998-12-17
 Arrest Case Number 544910-1825458
 Arresting Agency CA0380100 CAPDSAN
 FRANCISCO
 Subject's Name ALCAREZ, CESAR A
 Comment(s) ARREST/
 DETAINED/CITED
 Charge 1

Statute	DRIVE W/O LICENSE (12500 (A) VC)
State Offense Code	54107
Severity	Misdemeanor
Disposition	(1998-12-18; PROS REL- DET ONLY-INTEREST OF JUSTICE)
Charge	2
Statute	FAIL PROVE FIN RSP:PO REQUEST (16028(A) VC)
State Offense Code	54101
Severity	Infraction
Disposition	(1998-12-18; PROS REL- DET ONLY-INTEREST OF JUSTICE)

===== Cycle 005 =====

Earliest Event Date 1999-06-25

Arrest Date	1999-06-25
Arrest Case Number	99036062-DMZ314
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUE
Comment(s)	ARREST/DETAINED/ CITED
Comment(s)	INCIDENT H2085481
Charge	1
Statute	POSSESS CONTROL SUB- STANCE PARAPHERNA (11364 HS)
State Offense Code	35133
Severity	Misdemeanor

Charge	2
Statute	USE/UNDER INFLU- ENCE CONTROL SUBST (11550 HS)
State Offense Code	35143
Severity	Misdemeanor
Charge	3
Statute	POSSESS CONTROL SUB- STANCE PARAPHERNA (11364 HS)
State Offense Code	35133
Severity	Misdemeanor

Court Disposition	(Cycle 005)
Court Case Number	C9935331
Final Disposition Date	1999-12-17
Court Agency	CA043043J CASCSN JOSE
Subject's Name	ALCARAZ, CESAR ENRIQUE
Charge	1
Statute	POSSESS CONTROL SUBSTANCE PARA- PHERNA (11364 HS)
State Offense Code	35133
Severity	Misdemeanor
Disposition	(CONVICTED-PROBA- TION)
Charge	2
Statute	USE/UNDER INFL CON- TRLD SUBSTANCE (11550 (A) HS)
State Offense Code	35212
Severity	Misdemeanor

Disposition	(CONVICTED-PROBATION)
Court Comment	(2000-11-09) PROBATION REINSTATED
Court Comment	COURT ACTION

Sentencing Sentence	(Cycle 005) PROBATION

Sentencing Sentence	(Cycle 005) 010 DAYS JAIL
===== Cycle 006 =====	
Earliest Event Date	1999-07-01

Arrest Date	1999-07-01
Arrest Case Number	99037451-DMZ314
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALZARAZ, CESAR ENRIQUE
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	BUY/SELL ARTICLES W/IDENT REMOVED (537E (A) PC)
State Offense Code	31027
Severity	Misdemeanor

Court Disposition	(Cycle 006)
Court Case Number	C9935124
Final Disposition Date	1999-12-17
Court Agency	CA043043J CASCSN JOSE

Subject's Name	ALZARAZ, CESAR EN- RIQUE
Charge	1
Statute	BUY/SELL ARTICLES W/IDENT REMOVED (537E (A) PC)
State Offense Code	31027
Severity	Unknown
Disposition	(DISMISSED/ FURTHERANCE OF JUSTICE)
Court Comment	COURT ACTION

===== Cycle 007 =====

Earliest Event Date	1999-07-08
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Arrest Date	1999-07-08
Arrest Case Number	99038925-DMZ314
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUEZ
Comment(s)	ARREST/DETAINED/CITED
Charge	1
Statute	INFLICT CORPORAL INJ ON SPOUSE/COHAB (273.5 PC)
State Offense Code	38025
Severity	Felony
Disposition	(1999-07-13; REL/DET ONLY/FURTHER INVES- TIGATION)
Charge	2

Statute	FORCE/ADW NOT FIRE- ARM:GBI LIKELY (245(A) (1) PC)
State Offense Code	13094
Severity	Felony
Charge	3
Statute	FALSE IMPRISONMENT (236 PC)
State Offense Code	56008
Severity	Misdemeanor
Charge	4
Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Felony

===== Cycle 008 =====

Earliest Event Date 1999-08-06

Arrest Date	1999-08-06
Arrest Case Number	99044965-DMZ314
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUEZ
Comment(s)	ARREST/ DETAINED/CITED
Comment(s)	CNT01 NUM- TC9939558
Comment(s)	CNT02 NUM- TC9939558
Comment(s)	CNT03 NUM- TC9939558
Charge	1

Statute	INFLICT CORPORAL INJ:SPOUSE/COHAB (273.5(A) PC)
State Offense Code	38064
Severity	Misdemeanor
Charge	2
Statute	FALSE IMPRISONMENT: VIOLENCE/ETC (237 (A) PC)
State Offense Code	56027
Severity	Felony
Charge	3
Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Felony

Court Disposition	(Cycle 008)
Court Case Number	C9939558
Final Disposition Date	1999-09-29
Court Agency	CA043043J CASCSN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUEZ
Charge	1
Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Unknown
Disposition	(CONVICTED CERTI- FIED TO SUPERIOR COURT)
Charge	2

Statute	FALSE IMPRISONMENT (236/237 PC)
State Offense Code	56017
Severity	Unknown
Disposition	(CONVICTED CERTI- FIED TO SUPERIOR COURT)
Charge	3
Statute	INFLICT CORPORAL INJ SPOUSE/COHAB (273.5(A) PC)
State Offense Code	38028
Severity	Unknown
Disposition	(CONVICTED CERTI- FIED TO SUPERIOR COURT)
Court Comment	COURT ACTION

Court Disposition	(Cycle 008)
Court Case Number	C9939558
Final Disposition Date	1999-12-17
Court Agency	CA043013J CASCSANTA CLARA
Subject's Name	ALCARAZ, CESAR EN- RIQUEZ
Charge	1
Statute	INFLICT CORPORAL INJ SPOUSE/COHAB (273.5(A) PC)
State Offense Code	38028
Severity	Felony
Disposition	(CONVICTED)
Charge	2

Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Felony
Disposition	(CONVICTED)
Charge	3
Statute	FALSE IMPRISONMENT (236/237 PC)
State Offense Code	56017
Severity	Felony
Disposition	(CONVICTED-PROB/JAIL)
Court Comment	(2000-06-16) PROBATION REINSTATED
Court Comment	(2000-11-30) PROBATION REVOKED
Court Comment	CONDITION OF PROB- FIREARM RESTRICTION
Court Comment	COURT ACTION

Sentencing	(Cycle 008)
Sentence	002 Years Prison

Sentencing	(Cycle 008)
Sentence	005 DAYS JAIL

Sentencing	(Cycle 008)
Sentence	001 YEARS JAIL; 003 YEARS PROBATION; CONCURRENT; FINE; WORK PROGRAM

===== Cycle 009 =====

Earliest Event Date 2000-06-11

Arrest Date	2000-06-11
Arrest Case Number	00035617
Arresting Agency	CA043083C CACBSANTA CLARA CO CORR
Subject's Name	ALCARAZ, CESAR
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	INFLICT CORPORAL INJ SPOUSE/COHAB (273.5(A) PC)
State offense Code	38028
Severity	Felony
Charge	2
Statute	FALSE IMPRISONMENT W/VIOLENCE/ETC (236 PC)
State Offense Code	56020
Severity	Felony
Charge	3
Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Felony

===== Cycle 010 =====

Earliest Event Date	2000-07-04

Arrest Date	2000-07-04
Arrest Case Number	00516945
Arresting Agency	CA0431300 CAPDSAN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUE
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	NO ARREST RECEIVED ()
State Offense Code	00001
Severity	Other
Charge	2
Charge Description	CITED IN LIEU OF ARR HIT&RUN PROP DAMAG:LOC/ETC REQ (20002(A) (1) VC)
Statute	
State Offense Code	54074
Severity	Misdemeanor

Court Disposition	(Cycle 010)
Court Case Number	CC077624
Final Disposition Date	2000-11-02
Court Agency	CA043043J CASCSN JOSE
Subject's Name	ALCARAZ, CESAR EN- RIQUE
Charge	1
Charge Description	SEN-X2 YR PROB, 45 DS JL CC, \$100 FINE

Statute	HIT&RUN PROP DAMAG:LOC/ETC REQ (20002(A) (1) VC)
State Offense Code	54074
Severity	Misdemeanor
Disposition	(CONVICTED-PROB/JAIL)
Charge	2
Charge Description	SEN-X2 YR PROB, ,
Statute	SEE COMMENT FOR CHARGE ()
State Offense Code	66085
Severity	Misdemeanor
Disposition	(CONVICTED-PROBATION)
Court Comment	(2000-12-14) PROBATION REINSTATED
Court Comment	CNT 02 CHR-12500 VC
Court Comment	COURT ACTION
Court Comment	RSTN

==== Cycle 011 =====

Earliest Event Date 2000-11-01

Arrest Date	2000-11-01
Arrest Case Number	00066049
Arresting Agency	CA043083C CACBSANTA CLARA CO CORR
Subject's Name	ALCARAZ, ESAR
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	INFLICT CORPORAL INJ SPOUSE/COHAB (273.5(A) PC)
State Offense Code	38028

Severity	Felony
Charge	2
Statute	FALSE IMPRISONMENT WITH VIOLENCE/ETC (237 PC)
State Offense Code	56019
Severity	Felony
Charge	3
Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) HS)
State Offense Code	35172
Severity	Felony
Charge	4
Statute	HIT&RUN PROP DAMAG:LOC/ETC REQ (20002(A) (1) VC)
State Offense Code	54074
Severity	Misdemeanor
Charge	5
Statute	FAIL TO PAY FINE:VEH OPR VIOL (40508(B) VC)
State Offense Code	54094
Severity	Misdemeanor
Charge	6
Statute	FAIL TO PAY FINE:VEH OPR VIOL (40508(B) VC)
State Offense Code	54094
Severity	Misdemeanor
Charge	7
Statute	DRIVE W/O LICENSE (12500 (A) VC)
State Offense Code	54107
Severity	Misdemeanor

248

Charge 8
 Statute UNSAFE SPEED:PRE-
 VAILING CONDITIONS
 (22350 VC)
 State Offense Code 54106
 Severity Infraction

==== Cycle 012 =====

Earliest Event Date 2000-12-13-----

Sentencing (Cycle 012)
 Sentence 002 YEARS PRISON

 Corrections (Cycle 012)
 Supervision Date 2000-12-13
 Corrections Agency CA021015C CASPSAN
 QUENTIN
 Subject's Name ALCARAZ, CESAR EN-
 RIQUE

Supervision Case Number T202159
 Correction Action CDC CUSTODY
 Charge 1
 Statute INFLICT CORPORAL INJ
 SPOUSE/COHAB (273.5(A)
 PC)
 State Offense Code 38028
 Severity Unknown
 Charge 2
 Statute FALSE IMPRISONMENT
 W/VIOLENCE/ETC (236
 PC)
 State offense Code 56020
 Severity Unknown
 Charge 3

Statute	POSSESS CONTROLLED SUBSTANCE (11377 (A) MS)
State offense Code	35172
Severity	Unknown
Correction Comment	CDC CUSTODY
Correction Comment	CRT CASE C9939558

===== Cycle 013 =====

Earliest Event Date 2001-07-24

Arrest Date	2001-07-24
Arrest Case Number	A75191250
Arresting Agency	CAO USISFRESNO
Subject's Name	ALCARAZ, CESAR
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Charge Description	PROSECUTION WAIVED
Statute	ILLEGAL ENTRY (8 1325 US)
State Offense Code	03052
Severity	Felony

===== Cycle 014 =====

Earliest Event Date 2006-10-23

Arrest Date	2006-10-23
Arrest Case Number	06071838
Arresting Agency	CA043083C CACBSANTA CLARA CO CORR
Subject's Name	ALCARAZ, CESAR EN- RIQUES

Comment(s) ARREST/DETAINED/
CITED

Charge 1
Statute HIT&RUN PROP
DAMAG:LOC/ETC REQ
(20002(A) (1) VC)

State Offense Code 54074
Severity Misdemeanor

Charge 2
Statute DRIVE W/O LICENSE
(12500 (A) VC)

State Offense Code 54107
Severity Misdemeanor

===== Cycle 015 =====

Earliest Event Date 2007-07-22

Arrest Date 2007-07-22
Arrest Case Number SO 0719000 00
Arresting Agency CA0390000 CASOSTOCK-
TON

Subject 's Name ALCARAZ, CESAR EN-
RIQUEZ

Comment(s) ARREST/DETAINED/
CITED

Charge 1
Statute NO ARREST RECEIVED
()

State Offense Code 00001
Severity Other

Charge 2
Statute ANNOY/MOLEST CHIL-
DREN (647.6 PC)

State Offense Code 36077

251

Severity Misdemeanor
Disposition (2007-07-24; PROS REL-
DET ONLY/REASON UN-
KNOWN)

===== Cycle 016 =====

Earliest Event Date 2007-07-23

Arrest Date 2007-07-23
Arrest Case Number 0719000-0338963
Arresting Agency CA0390000 CASOSTOCK-
TON
Subject's Name ALCAREZ, CESAR EN-
RIQUEZ
Comment(s) ARR AGY SO0720214
Comment(s) ARREST/
DETAINED/CITED
Charge 1
Statute ANNOY/MOLEST CHIL-
DREN (647.6 PC)
State Offense Code 36076
Severity Felony

===== Cycle 017 =====

Earliest Event Date 2007-08-01

Arrest Date 2007-08-01
Arrest Case Number 09201621-4358800
Arresting Agency CAO USISSACRAMENTO
Subject's Name ALCARAZ, CESAR
Comment(s) ARR AGY 0000664403
Comment(s) ARREST/
DETAINED/CITED

252

Charge	1
Statute	LOCAL ORDINANCE VI- OLATION ()
State Offense Code	65000
Severity	Misdemeanor

===== Cycle 018 =====

Earliest Event Date 2014-04-21

Arrest Date	2014-04-21
Arrest Case Number	CC14GB560A-070KM0455
Arresting Agency	CA0070000 CASO- MARTINEZ
Subject's Name	ALCARAZ-ENRIQUEZ, CESAR
Comment(s)	ARREST/ DETAINED/CITED
Charge	1
Statute	DEPORTABLE ALIENS (8 1227 US)
State Offense Code	03067
Severity	Felony

***** NON CRIMINAL INFORMATION *****

***** INDEX OF AGENCIES *****

Agency	USISFRESNO; CAO;
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Agency	USISSACRAMENTO; CAO;
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Agency	CASOMARTINEZ; CA0070000;
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Agency	CASPSAN	QUENTIN;
	CA021015C;	

Agency	CASOSACRAMENTO;	
	CA0340000;	

Agency	CAPDSAN	FRANCISCO;
	CA0380100;	

Agency	CASOSTOCKTON;	
	CA0390000;	

Agency	CASOSAN	JOSE;
	CA0430000;	

Agency	CACBSANTA CLARA CO	
	CORR; CA043083C;	

Agency	CAPDSAN	JOSE;
	CA0431300;	

Agency	USISFRESNO; CA0;	
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Agency	USISSACRAMENTO; CA0;	
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Agency	CASCSANTA	CLARA;
	CA043013J;	

Agency	CAMCSAN	JOSE;
	CA043043J;	

Agency	CASCSN	JOSE;
	CA043043J;	

* * * END OF RECORD * * *

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Re: Cesar Alcaraz

Dear Immigration Court: I am not fluent in English and do not write very well. Thus, I am orally dictating this letter to my daughter in Spanish and she is writing it down in English.

I am writing this letter on behalf of my son, Cesar Alcaraz Enriquez I will give my best summary of the events that have occurred.

I will start from beginning. When my son was a baby, probably only a few months old, I was not very strong and I fell while holding my son. I could see Cesar's eyes turn red. I was too poor and could not afford to take my son to the doctor. When my son Cesar and daughter Wendy were very young I left Mexico and immigrated to the United States. I was coming to the United States in hopes for a better life for myself and my children. I knew that in the United States I could have a better income in order to provide my children with food, clothes, and the necessities that every child deserves. I was in the United States for approximately three years before I brought my children into the United States.

When my son, Cesar, was around fifteen years old he refused to live with me any-longer and instead he went to live with his father. He only lived with his father for a few months and then decided to live with his aunt. I was not happy with that decision. I even called the police demanding my son be returned to me from his aunt's house. I was told that if I wanted to get him back I would have to go to court. Due to the fact that I was not familiar with the family court system and my son

was in process of completing his immigration documents, I was afraid that my actions may disrupt this process and get him into trouble. I did not want to jeopardize his chance of becoming an American citizen, as I am so proud to be.

I attempted to make my children legal citizens of the United States as soon as I get my first residence card. I had been sending documents to my attorney and information he needed in order to complete this process. I had called to speak to my attorney, and this is when he told me that his office had been broken into. He stated that along with the items stolen were all my documents concerning my children and the money orders given to him to complete this process. He also stated that because of this theft he was unable to complete the citizenship process at that time, and this process would be delayed.

One day my son went to go visit his friend. During this visit, his friend was arrested for theft. Although my son did not steal any items, he was still arrested. This was a case of my son being in the wrong place at the wrong time. My son was later released to me.

When my son Cesar was in his late teens, around the age of eighteen, my son and his then girlfriend had a child. Her name is Angelina Alcaraz. Eventually, Cesar's girlfriend, Esmeralda Alvarado came to me explaining that she wanted to leave my son. She explained to me that during an argument he had pushed her towards the wall. I was able to help Esmeralda by removing her from the situation. My husband and I drove her to her parents' house. When we dropped Esmeralda off at her parent's house she looked completely fine. I did not see any bruises or signs of trauma. Later that

evening, police officers came to my home and arrested Cesar. The police officers claimed that she was bruised. I am completely sure that when I dropped her off she was fine. I later spoke to Esmeralda and I asked why she was doing this. Esmeralda told me that her parents' gave her an ultimatum: either she reports him or she will be disowned and live on the streets with her baby. The police later told me that there was evidence that my son was a drug abuser. They indicated that he was using mixed drugs like cocaine and methamphetamine. Cesar was detained in the downtown jail in San Jose.

I went to visit Cesar, and I saw something strange in his face. My daughter's friend, Carmen, had a boyfriend in the same jail as Cesar. The two boys actually shared the same cell. Carmen told my daughter that Cesar was crazy; acting crazy and saying things that would make any one think Cesar was not thinking clearly. I told my daughter, "How can people be so mean and say things that were not true about Cesar?" After that, my son was transported to San Quentin State Penitentiary.

I remember when Cesar would write me letters. He wrote things that did not make sense. Then when my family or I would try to visit him Cesar refused. I was very worried about him, but at that time I didn't know that my son was mentally ill. One day my daughter received a call from the prison staff. Eventually we found out that my son tried to commit suicide.

I am an immigrant to the United States and I do not know how the correctional system works, so I was unable to receive any information about my son Cesar. I went to the San Quentin State Penitentiary, and thank

God, I found a very helpful correctional officer, who allowed me to see my son. When I got to see Cesar I immediately wanted to cry and scream at the same time. I held back my tears and I asked my son how he was. He told me, "They placed a chip in my head." He was so skinny, only skin and bones. He was talking only inconsistencies, which did not make any logical sense. That is the moment when I realized my son was mentally ill and the professionals who were treating my son were correct in their opinions. They transferred my son again to Avenal State Penitentiary. I told Cesar that I am an American citizen and we do not have family in Mexico. I explained to him that I was going to hire an attorney. Cesar told me, "No I do not want to be here mom. I am not crazy. They told me if I stay in the United States they are going to put me in a mental institution, and I'm not crazy. I don't want to live in a mental hospital." I assumed that the reason they would tell my son this information is because he was evaluated by a psychiatrist in the correctional system, and the prison had the medical records to prove his mental instability. For these reasons, I know that my son, Cesar, needs to get medical treatment for his mental illness.

I was also concerned that if the correctional system knew my son was not mentally sound then how could they put him at risk by deporting him to Mexico; where he did not know any family or any knowledge of growing up there.

When my son was deported, he lived with a very distant relative in Michoacán. However, the relative said he was not used to living with anyone who had a mental illness, and to come and pick up Cesar. I was in a living hell; my son was in a country he did not know and was

lost in his own mind. His father, Moises, called some of his friends in Mexico asking if they saw Cesar, but no one had any information.

I was physically sick. I had pain in my jaws, and mental anguish because I did not know where my son was. My husband, Fermin Monter, went to Mexico to look for him. My husband found Cesar at my mother's house in Mexico. Fermin asked Cesar what had happened but Cesar was quiet and did not say anything. My husband told me that my son's feet were bloody because he walked a lot. I told my husband bring him back and put him in a "Casa Hogar" in Tijuana, Mexico. This is a rehabilitation center and there my family and I could see Cesar.

However, my husband took Cesar to the doctor first, because something was not right. The doctor examined Cesar and that is when the doctor diagnosed Cesar with schizophrenia, depression, anxiety and a multitude of other symptoms. I cannot recall all of the symptoms the doctor had written on the report. The doctor recommended my husband to place Cesar in a facility where he will be monitored twenty-four hours a day. The doctor told my husband, "Imagine for a second that you are in his shoes. How you would feel if someone took you from your environment and you lost your girlfriend and daughter. He is going to need therapy and treatment to recover psychologically and be able to cope with reality." I know in my heart that Cesar is not going to take his medication on his own free will because he is in denial.

My husband took him to the casa hogar in Tijuana, Mexico, this was not the best place for him, but at least it was secure and gave me peace of mind. One time I

went to go visit Cesar in the facility but he refused to see me. I thought, “why God? What is in my son’s head? My husband drove ten hours to go visit Cesar for nothing,” I did not see him that time. But the following week I was able to see him. I will never forget that my son had a bible in his hands and he was putting meat inside the bible; in between the sheets of paper. I asked him why he was doing that, and he said because the bible needs to eat. The people in charge of the casa hogar told me do not worry the doctor is giving him medication, but still Cesar was not well. My daughter went to go visit him and she told me Cesar needs to come home, he is not well, and if he doesn’t come back he is going to die. By the grace of God he returned home and my daughter took him to Santa Clara Valley Medical Center.

Again, the doctor told us Cesar was mentally ill. The doctor prescribed him with medication that made him sleep, and he gain twenty pounds in the first month. We as a family were happy to have him home and enjoyed our time together. We all pitched in and took care of Cesar. The only reason he was taking the medication was because Wendy made him take it every day. He was enjoying life and thriving.

Later, I brought my son to my house and I noticed that my son was having a conversation with himself. He would speak and respond to his own statements. I also noticed he was laughing at himself, like he was having a conversation in his mind. I know that those are some of the symptoms for a mental illness.

When my daughter was on vacation, Cesar came to stay with us while she was gone. One day my husband was scolding my youngest son Alex. My husband did

not say anything to Cesar because he knows that he is not all there. Cesar start fighting with my husband. My husband told me, "Cesar cannot stay at the house anymore. I do not want to have any problems with you because I know that if something happens between your son and I, you are going to choose your son."

Due to his mental illness Cesar feels like we attack him. For example, if I tell him, "Cesar wash your teeth." He would answer, "Why are you screaming at me?" To the contrary, I do not scream at him because we know of Cesar's mental illness. He really needs his family's support because he cannot take care of himself.

When Cesar was living with Wendy in Tracy, California, we believe the neighbor called the police on my son. The police came and arrested him for illegally crossing the border into the United States. I spoke with a person at the police department who spoke Spanish. I told him, "My son needs medication." He told me, "I am sorry miss. We cannot provide medication for him until he requests it." I told him, "Sir you know my son needs his medication." He said, "I know he is not all there." My son was deported back to Mexico.

As a family we want the best for him. We united as a family and rented a place for him, and paid for his food every month. Cesar is not capable of taking care of himself mentally, physically or financially. For example, if we give him twenty dollars for necessities he will go out and buy something that he does not need; making him incompetent to handle his financial affairs.

One time my mother took Cesar to live with her. I was at ease because I assumed my mother would take care of my son. I called my mother one day and she

said he was okay. Another time my mother called me and she said that my son tried to attack her. I asked her, "Why did he do that?" She said, "I do not know. Why did you not tell me he is crazy?" "Mom I told you before about the time Cesar had an argument with Fermin, but you didn't listen. I told you that for no reason he becomes aggressive." My son left my mother's house with no money. I feared that my son was lost. My mother told me that every day she walked looking for him and did not know what else to do. Thank God one day we received a call from Desarrollo Integral de la Familia (DIF) a place where they take care of people who have no place to live. The DIF said they found my son unconscious on the road. Cesar's father went to Mexico to bring him back to Tijuana, Mexico. We asked Cesar what happen but he refuses to tell us.

He is not emotionally stable. A normal person will ask how is the status of my case, but he does not even try to ask or follow up on his case. Our family is pulling together in order to have Cesar with us because we know he is unable to care for himself. Your honor, as a mother I beg and plead you to please allow my son to be with his family, his sibilings, and his daughter so he can get healthy. We are suffering because we know that he is not capable to live by himself. If he is not with his family and has the support of his doctor's he will die in Mexico. Please take a moment to think how you would feel if you were separated from your son and him from his family in this time of crisis.

Thank you for your time and consideration in this matter. If you have any questions or concerns please feel free contact me at any time.

Respectfully Submitted,

/s/ CELIA MONTER
CELIA MONTER
Mother of Cesar Alcaraz

Declaration of Cesar Alcaraz-Enriquez

A# 75-191-250

* * * * *

6. Shortly after Esmeralda and I began living together we began to have problems because she would hit Angelina too much. Some time in 1999, we were at home when Esmeralda was again hitting Angelina. I thought she was being excessive, and I asked her to stop, but she would not. I was under the influence of meth at the time, and I became very upset because she would not stop. Thus, I hit her and she fell to the ground. I feel bad for what I did, but I was trying to defend my daughter at the time. Soon, afterward the police arrived and I was arrested. Subsequently, I was convicted for possession of meth and for hitting Esmeralda. I was sentenced to two years in state prison.

* * * * *

10. Sometime in 2007, I was at home in Tracy when the police arrived, and arrested me. I was detained for several months while I was prosecuted for illegal re-entry. That same year I was convicted in Federal Court of having re-entered the United States illegally, and then I was deported back to Mexico.
11. I resumed living in Tijuana, Mexico with my aunt for about a year. My father then got me an apartment close to my aunt that he paid for. During this time in Mexico I did not work. About a year later I began to have problems with a neighbor who

was living in the apartment next door. His name was Teodoro. One day in 2013, I had two friends at my apartment when Teodoro came to complain that I could not have people at my apartment. Teodoro became aggressive, and tried to hit me. I defended myself by hitting him back and he fell to the ground. Soon, the police arrived. I explained what happened, but the Mexican police arrested me. They told me I was “crazy.” I spent two days in jail, and then was released. I never saw a judge. I returned to my apartment, but was unable to enter because the lock on my apartment had been changed. I asked Teodoro’s daughter to open unlock the apartment so that I could get my things, but she refused. I then went to my aunt’s apartment. Moments later two police officers arrived at my aunts house looking for me. They immediately began cussing at me, and asked me what the “fuck” I was doing there. I explained that I was just released from jail, and that I was going to get my things. They told me that I should not be there and accused me of disturbing the persons living there. I denied that I was doing anything wrong. The officers did not believe me, and arrested me again. As one of the officers was placing me in the police car, he began to punch me all over my body. He punched me in the head and back. While he hit me he accused me of attacking Teodoro again. Once he placed me in the car, the officer also hit me with his baton on the head and back. The officer was also verbally insulting me, asking “what the fuck are you doing here American.” He called me a criminal and asked how I had money to live if I did not work. He also accused

me of selling drugs. I was then taken to the local jail.

12. At the jail, the police officer continued to beat me. In the hall way next to the jail cells he tazed me in the back and also sprayed me in the eyes with pepper spray. The beating lasted for six hours. I was in a lot of pain and I cried. I begged them to stop, but they continued to do so. I was then placed in a jail cell. I was later found guilty of hitting Teodoro. I spend about 3-4 months in jail. When I was released from jail I stayed at another rehabilitation center called "CREADD." I stayed at the rehabilitation center for about 1 or 2 months. During that time, my father came looking for me in Mexico. My father took me to a psychiatrist in Tijuana who spoke to me for a few hours, and conducted some tests. I told the psychiatrist that I heard voices as a child, but that was a lie. I told him that just to please my family who were worried about me, and still think something is wrong with me. Afterwards, I visited the Mental Health Hospital of Tijuana where I was prescribed some medication, but I do not remember the name. However, I refused to take the medication because I do not think I need it, and do not like taking medication. I still do not think I have any mental illness, but I am not a doctor.
13. My father arranged for me to stay-at another apartment complex in Tijuana. My father remained with me there for the next month or so. In December 2013, I went to downtown in Tijuana to visit. However, I soon got lost and did not know where I was. Thereafter I was detained by U.S.

immigration officials who accused me of attempting to enter the U.S. without permission. However, I had no intent of doing so. I was detained in San Diego for about a month. During that time I was prosecuted in Federal Court for illegal re-entry. I was sentenced to six months in jail. After completing my sentence, I was transferred to immigration custody.

14. I am afraid to return to Mexico because I fear that the police will arrest me, beat me, and even kill me. The police in Mexico have severely attacked me in the past, and I know they can do so again. Thus, I request that I be allowed to remain in the United States with my daughter, parents, and siblings.

* * * * *

ABS: CT OF JUDGMENT - PRISON COMMIT. T - DETERMINATE
 [NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

<input checked="" type="checkbox"/> SUPERIOR	COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
<input type="checkbox"/> MUNICIPAL	BRANCH OR JUDICIAL DISTRICT HALL OF JUSTICE		
PEOPLE OF THE STATE OF CALIFORNIA vs DEFENDANT: CESAR ENRIQUE ALCARAZ		DOB: 01-14-79	C9939558 -A
AKA:			-B
CUI:			-C
BOOKING #: 99523016	<input type="checkbox"/> NOT PRESENT		-D
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT	
DATE OF HEARING: 11-30-00	DEPT. NO.: 24	JUDGE: RODNEY J. STAFFORD	
CLERK: D. SEPULVEDA	REPORTER: J. PETTEGILL	PROBATION NO. OR PROBATION OFFICER: D. GRANJA	
COUNSEL FOR PEOPLE: D. FENDERAU		COUNSEL FOR DEFENDANT: S. FLAGSBERG, P.D. <input checked="" type="checkbox"/> APPTD.	

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment
 (number of pages attached)

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (M/D/YEAR)	CONVICTED BY		TERM (L/M/D)	CONCURRENT	CONSECUTIVE TO VOLUNT	CONSECUTIVE TO IN-PRISON	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE PAROLE	645 STAT.	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	PLEA								YRS	MOS
01	PC	273.5(A)	INFLECTING CORPORAL INJURY	1999	09-29-99		X	L							2	0
02	PC	236/237	FALSE IMPRISONMENT -P	1999	09-29-99		X	M	X						(2)	(0)
03	HS	11377(A)	POSSESSION OF METH. -P	1999	09-29-99		X	M	X						(2)	(0)

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT.	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	TOTAL

4. Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: _____

7. Additional indeterminate term (see CR-292).

8. TOTAL TIME: 2 0

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document. (Continued on reverse)

Form Adopted by the
 Judicial Council of California
 CR-290 (Rev. January 1, 1995)

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
 [NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

Penal Code
 §§ 1213, 1213.5

MAY 12 2014

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: CESAR ENRIQUE ALCARAZ			
C9939558	-A	-B	-C
			-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):
- a. RESTITUTION FINE of: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5.
 - b. RESTITUTION FINE of: \$ _____ per PC 1202.45 suspended unless parole is revoked.
 - c. RESTITUTION of: \$ _____ per PC 1202.4(f) to victim(s)* Restitution Fund
 (*List victim name(s) if known and amount breakdown in item 11, below.)
 (1) Amount to be determined.
 (2) Interest rate of: ___% (not to exceed 10% per PC 1204.4(f)(3)(F)).
 - d. LAB FEE of \$ _____ for counts: _____ per H&SC 11372.5(a).
 - e. DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a).
 - f. FINE of \$ _____ per PC 1202.5.

10. TESTING
- a. AIDS pursuant to PC 1202.1 other (specify): _____
 - b. DNA pursuant to PC 290.2 other (specify): _____

11. Other orders (specify):
ADVISED 3 YEARS PAROLE; DEFT. ADMITS VIOLATION OF PROBATION; PROBATION REMAINS REVOKED;

12. Execution of sentence imposed
- a. at initial sentencing hearing.
 - b. at resentencing per decision on appeal.
 - c. after revocation of probation.
 - d. at resentencing per recall of commitment. (PC 1170(d).)
 - e. other (specify): _____

13. CREDIT FOR TIME SERVED

CASE NUMBER	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
C9939558 -A	375	251	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-B			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-C			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-D			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1

DATE SENTENCE PRONOUNCED: **11-30-00** SERVED TIME IN STATE INSTITUTION: DMH CDC CRC

14. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.
- To be delivered to the reception center designated by the director of the California Department of Corrections.
 other (specify): _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE ERIN K. MELTON 	DATE 12-11-00
---	-------------------------

SUPERIOR COURT OF CALIFORNIA
SAN JOSE FACILITY

DA No. 990720256 CEN
99038925 CA WARR

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF

v.

CESAR ENRIQUE ALCARAZ (1/14/79),
657 S. 10TH ST, SAN JOSE, CA 95112, DEFENDANT(S)

Filed: June 8, 2015

FELONY CASE SUMMARY

CASE SUMMARY

<u>Count</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Defendant</u>	<u>Alle- gation</u>	<u>Alleg. Effect</u>
1	PC273.5(a)	2-3-4	CESAR ENRIQUE ALCARAZ		
2	PC236-237	16-2-3	CESAR ENRIQUE ALCARAZ		
3	HS11377(a)	16-2-3	CESAR ENRIQUE ALCARAZ		

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
SAN JOSE FACILITY

DA No. 990720256 CEN
99038925 CA WARR

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF

v.

CESAR ENRIQUE ALCARAZ (1/14/79),
657 S. 10TH ST, SAN JOSE, CA 95112

[Filed: Aug. 3, 1999]

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about July 8, 1999, in the County of Santa Clara, State of California, the crime of INFLICTING CORPORAL INJURY ON MOTHER/FATHER OF DEFENDANT'S CHILD, in violation of PENAL CODE SECTION 273.5(a), a Felony, was committed by CESAR ENRIQUE ALCARAZ who did willfully inflict upon Esmarelda Alvarado, the mother of the defendant's child, corporal injury resulting in a traumatic condition.

A felony conviction of the offense charged in this count requires that the defendant provide two specimens of blood, a saliva sample, right thumbprints, and a full

palm print impression of each hand pursuant to Penal Code section 296(a).

COUNT 2

On or about and between July 7, 1999 and July 8, 1999, in the County of Santa Clara, State of California, the crime of FELONY FALSE IMPRISONMENT, in violation of PENAL CODE SECTION 236-237, a Felony, was committed by CESAR ENRIQUE ALCARAZ who did unlawfully violate the personal liberty of Esmarelda Alvarado, the violation being effected by violence, menace, fraud and deceit.

COUNT 3

On or about July 8, 1999, in the County of Santa Clara, State of California, the crime of POSSESSION OF CONTROLLED SUBSTANCE, in violation of HEALTH & SAFETY CODE SECTION 11377(a), a Felony, was committed by CESAR ENRIQUE ALCARAZ who did possess methamphetamine, a controlled substance.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant CESAR ENRIQUE ALCARAZ, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on July 22, 1999, in SANTA CLARA County, California.

Warrant received for service by:

/s/ [ILLEGIBLE]

on [8/3/99]

Cash or Bond \$[15,000]

/s/ [ILLEGIBLE]
JUDGE OF THE SUPERIOR COURT

/s/ G. LINDH 2983
LINDH 2983
(Nguyen 2709)
SJPD (408) 277-3700 991891331 FV
CARR/D216/FELONY/sa

[SEAL OMITTED]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Court Docket No. C9939558
PFN No. DMZ 314

THE PEOPLE OF THE STATE OF CALIFORNIA

v.

CEASAR ALCARAZ, DEFENDANT

Date of Hearing: Nov. 30, 2000
Court: Criminal, Dept.: 24, Time: 8:30 a.m.
[Filed: Nov. 30, 2000]

**PETITION FOR MODIFICATION OF TERMS OF
PROBATION**

Defendant was granted probation on: December 17,
1999, for three (3) years.

Expiration Date: December 17, 2002

CHARGE: Ct. 1, Sec. 273.5(a) PC (Inflicting Corporal
Injury upon Mother of Defendant's Child),
a felony

Ct. 2, Sec. 236/237 PC (False
Imprisonment), a felony

Ct. 3, Sec. 11377 H&SC (Possession of
Methamphetamine), a felony

CONDITIONS:

1. Standard terms and conditions

2. 1 year CJ, 140 + 70 = 210 days CTS
3. RF \$200, AF \$200, BSF \$200, DVF \$200, CJAF \$281 - SJ, PINV \$200, PSUP \$30/mo
4. Report to APO and maint contact as dir w/in 3 days
5. Submit to search/testing
6. Educ/voc trng/empl
7. DV Protective order issued, no contact
8. Advise PC 12021
9. Not own/possess deadly weapons
10. No contact w/victim unless approve by APO
11. No alcohol/drugs or where sold
12. Complete DV couns
13. Complete parenting couns
14. Complete alcohol couns
15. Restitution—general
16. PC 296 provide 2 blood, and saliva sample
17. Register purs 11590 H&SC

PROBATION OFFICER: APPROVED: DATE:
P. Abbott, Unit III

PAlic.a\c9939558.00dec (avu)

GRANTED: DENIED: OTHER:

ARRAIGNMENTS: HEARING: OTHER: