

No. 23-1270

IN THE
Supreme Court of the United States

PIERRE YASSUE NASHUN RILEY,
Petitioner,

v.

MERRICK GARLAND, U.S. ATTORNEY GENERAL,
Respondent.

**MOTION FOR LEAVE TO FILE PORTIONS OF JOINT
APPENDIX UNDER SEAL**

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Pursuant to Rules 21 and 34.6(7), petitioner (“Riley”) respectfully moves the Court to seal certain portions of the appendix materials in this case. The confidential material is included in the joint appendix required under Rule 26 and in the petition appendix submitted in paper form. Riley is providing with this motion a redacted version of the former that he will file electronically as Exhibits A and B, consistent with Rule 34.6(7)(d), and he has previously filed a redacted version of the petition appendix. The grounds for this motion are as follows:

1. This case arises from a petition that Riley submitted to the Fourth Circuit, seeking review of an immigration case in which the Board of Immigration Appeals rejected his claim to withholding of removal. The Fourth Circuit dismissed that petition for lack of jurisdiction, an outcome that Riley contends is contrary to the governing statute. (Pet. for Writ of Cert. 7.)

2. The Court granted *certiorari* on November 4, 2024. Oral argument has not yet been scheduled.

3. Riley’s claim for withholding of removal is based on the Convention Against Torture and on the significant likelihood that if he is returned to Jamaica, a particular individual who is associated with that nation’s government and powerful within the nation’s political structures will order Riley to be killed, as that individual has already caused the murder of several of Riley’s family members.

4. Riley presented detailed information about these assertions in his testimony at a hearing before an immigration judge. The material that he asks the Court to seal is the pertinent excerpt from the transcript of that hearing. That material is

important to place before this Court for its understanding of the character of Riley's substantive claims, illustrative of the types of claims that Congress either did (on Riley's view) or did not (per the Fourth Circuit) subject to judicial review.

5. At the hearing, Riley referred to this individual, the person who will cause him to be killed, by name. Riley also provided certain personal details about him that would, even without the name, make it feasible to identify the individual.

6. It is important for Riley's safety that those details, including the name, remain confidential. Public electronic disclosure of those details presents a significant risk of drawing the attention of the threatening individual, and alerting him to the allegations Riley has made. Those outcomes will magnify the danger to Riley and his family members. Meanwhile, those identifying details are not important to the deliberations of the Court. The nature of the allegations is potentially pertinent, but not the specific identity of the government-associated individual in Jamaica who generates the threat to Riley's life.

7. "[T]he right to inspect and copy judicial records is not absolute." *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978). The lower courts are in accord that preventing a serious danger to individual safety is a legitimate reason for restricting that right. *See, e.g., United States ex rel. Lloyd v. Vincent*, 520 F.3d 1272, 1274 (2d Cir. 1975) ("[S]afeguarding his life provides an adequate justification for excluding the public for that limited period while an undercover agent is testifying."); *In re Copley Press, Inc.*, 518 F.3d 1022, 1029 (9th Cir. 2008) (holding district court abused its discretion by "unsealing those parts of the documents that concern ...

people in danger”); *Riker v. Federal Bureau of Prisons*, 315 F. App’x 752 (10th Cir. 2009) (noting a district court had “correctly balanced the public’s interest in access against the interest of ensuring Mr. Riker’s safety”). Congress has also deemed such dangers a legitimate reason for restricting public access to government papers; the Freedom of Information Act specifically exempts law enforcement records whose disclosure “could reasonably be expected to endanger the life or physical safety of any individual.” 5 U.S.C. § 552(b)(7).

8. Consistent with those views, Riley respectfully submits that the enhancement of the risk to his life, and that of his family members in Jamaica, that would result from public disclosure of the identity of the individual at issue is a sufficient and legitimate reason for this Court to seal the materials revealing that identity.

9. In the Fourth Circuit, case materials were not formally sealed, but they were confidential pursuant to Local Rule 25(c)(H). That rule protects filings in immigration cases from remote electronic access, just as Federal Rule of Civil Procedure 5.2(c) does. This Court generally incorporates the latter into its own rules. Rule 34.6(6).

10. Unlike the Fourth Circuit, this Court’s rules do not generally continue that protection once a case has been accepted for oral argument. Rule 34.6(6). After a case is set for oral argument, the Court requires subsequent filings to be made electronically, *id.*, and they will then be available to the public through remote electronic access.

11. To prevent the serious risk identified above, Riley asks the Court to seal materials in the case that disclose the identity of the government-associated individual described above. Those materials are as follows:

(a) The Petition Appendix, which as filed, includes the opinion of the immigration judge in this matter. The immigration judge's opinion states the name of the individual. Riley has already filed a redacted version of the full Petition Appendix, in which the only redacted information was the individual's identity.

(b) The hearing transcript portion that will be included in the Joint Appendix to the merits briefs. As noted above, that portion also states the name, and also includes certain other information that could on its own reveal the individual's identity.

(c) The transcript of the reasonable fear interview that will be included in the Joint Appendix to the merits briefs. This includes the name and other certain identifying information of the individual.

(d) Riley's I-589 Application, which will be included in the Joint Appendix to the merits briefs. This document includes the name of the individual.

(e) Riley's Alien Registration Number, which appears in multiple immigration forms that will be included as part of the Joint Appendix.

Riley is submitting with this motion a redacted version of the Joint Appendix that he proposes to file electronically.

12. Respondent does not object to this motion for leave to redact additional information and does not intend to file a response. The court-appointed *amicus*, similarly, does not object to this motion and does not intend to file a response.

13. In the proceedings before the Fourth Circuit, both parties refrained from disclosing the sensitive information in their filings, and the Court of Appeals similarly refrained. Given that practice, Riley does not anticipate that sealing or redaction of other subsequent filings in this Court, beyond those addressed by this motion, will be necessary.

January 3, 2025

Respectfully submitted,

/s/ Keith Bradley

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PIERRE RILEY,
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v.

MERRICK GARLAND, U.S. ATTORNEY GENERAL,
Respondent.

**On Writ of Certiorari to the United States
Court of Appeals for the Fourth Circuit**

**JOINT APPENDIX
VOLUME I**

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Petition for a Writ of Certiorari Filed: May 31, 2024
Certiorari Granted: Nov. 4, 2024

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

06 Cr. 80 (NRB)

UNITED STATES OF AMERICA,

- against -

ADREAN FRANCIS,

Defendant.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

MEMORANDUM AND ORDER

After a jury trial, defendant Adrean Francis was convicted of the charges of conspiring to distribute over 1,000 kilograms of marijuana, in violation of 21 U.S.C. § 846, and possessing a firearm in furtherance of the conspiracy, in violation of 18 U.S.C. §§ 924(c) and 2. On March 22, 2011, the Court imposed a sentence of 300 months' imprisonment. On October 5, 2020, the Court received defendant's *pro se* motion for compassionate release from North Lake CI.¹ For the following reasons, defendant's motion is granted.

Defendant moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), which permits a court to "reduce a term of imprisonment" if, after considering the factors set forth in 18 U.S.C. § 3553(a), "it finds that . . . extraordinary and compelling reasons warrant

¹ Defendant has since been moved to CI Rivers.

such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A).² A court may reduce a defendant’s sentence under Section 3582(c)(1)(A)(i) only “upon motion of the Director of the Bureau of Prisons” or “upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C. § 3582(c)(1)(A). Defendant submitted a copy of a letter by the Facility Administrator of North Lake CI, denying his request for compassionate release on a number of grounds including that (1) the defendant’s medical condition was stable and treatable in an institutional setting; (2) the nature and circumstances of the offense showed a disregard for public safety and the community; (3) the defendant has only served approximately 57% of his sentence to date; and (4) the defendant is subject to a detainer lodged by the Immigration and Customs and Enforcement (“ICE”) for possible deportation. ECF No. 329, Ex. A.

As this motion is brought *pro se*, it should “be construed liberally to raise the strongest arguments [it] suggest[s].” *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 479 (2d Cir. 2006). However, defendant still bears the burden of demonstrating that his release is justified under Section 3582(c)(1)(A). *See*

² Defendant initially requested that the Court order his release to home confinement in New York, but in his reply to the government’s objection, acknowledges that he is subject to deportation upon release and not eligible for home confinement. ECF No. 337.

United States v. Butler, 970 F.2d 1017, 1026 (2d Cir. 1992). Because he has done so, his motion is granted.

Defendant states in his motion that he “is currently on a cocktail of medication to deal with Type 2 Diabetes and has on several occasions been treated for chronic bronchitis and pneumonia resulting in hospitalization.” ECF No. 329 at 6-7. While defendant has not provided evidence to substantiate that he suffers from these conditions, the government acknowledges that “[b]ased on a review of the defendant’s North Lake CI medical records, the defendant, a 41-year-old male, suffers from Type II diabetes, which appears to be controlled by medication.” ECF No. 334 at 3. Type II diabetes has been identified by the CDC as a risk factor for severe illness from COVID-19,³ and the government concedes in its objection to defendant’s motion that defendant satisfies the “extraordinary and compelling reasons” inquiry under 18 U.S.C. § 3582(c)(1)(A)(i). ECF No. 334 at 7. Indeed, several courts in this Circuit have found that inmates suffering from diabetes risk severe illness from COVID-19 and are therefore eligible for compassionate release. See e.g., *United States v. Miranda*, 457 F. Supp. 3d 141, 146 (D. Conn. 2020); *United States v. Daugerdas*, No. 09-cr-581, 2020 WL 2097653, at *3 (S.D.N.Y. May 1, 2020); *United States v. Colvin*, 451 F. Supp. 3d 237, 241 (D. Conn. 2020). The Court agrees that defendant has shown “extraordinary and compelling reasons” that warrant his release.

³ See People with Certain Medical Conditions, CDC, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html (last updated Dec. 23, 2020).

Because defendant has satisfied his burden under Section 3582(c)(1)(A)(i), the Court now applies the factors set forth in 18 U.S.C. § 3553(a) to determine if they override defendant's extraordinary and compelling circumstances.⁴ We find that they do not. These factors include "the nature and circumstances of the offense," the need for the sentence imposed "to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense," as well as "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." 18 U.S.C. §§ 3553(a)(1), (a)(2)(A), (a)(6).

The government points to defendant's participation in a drug conspiracy to distribute a substantial amount of marijuana, and the fact that the Court imposed the congressionally mandated minimum sentence on defendant, to argue that reducing his sentence to time served "would minimize the severity of the defendant's actions." ECF No. 334 at 6. Congress, however, has revisited the penalties for defendant's crimes since his sentencing. Were defendant to be sentenced today, his prior drug-related conviction would not constitute a "serious drug felony" under 18 U.S.C. § 841(b)(1)(A), and he would not be subject to enhanced penalties.⁵

⁴ "[A] court confronted with a compassionate release motion is still required to consider all the Section 3553(a) factors to the extent they are applicable, and may deny such a motion if, in its discretion, compassionate release is not warranted because Section 3553(a) factors override, in any particular case, what would otherwise be extraordinary and compelling circumstances." *United States v. Gotti*, No. 02 Cr. 743-07 (CM), 2020 WL 497987, at *2 (S.D.N.Y. Jan. 15, 2020).

⁵ Before trial, the government filed a prior drug felony information stating that defendant was convicted of criminal possession of marijuana in the third degree for which he received

Moreover, at defendants' sentencing, the Court stated on the record that had it "felt free to do so, [it] would not sentence [defendant] to more than . . . 15 years." Hr'g. Tr. 14:6-8 (Mar. 22, 2011). Given the change in the law and the Court's contemporaneous view of the appropriate sentence, the Court finds that defendant serving approximately fourteen and a half years in prison amply "provide[s] just punishment" for his offenses and otherwise satisfies the goals of § 3553 and is consistent with applicable policy statements issued by the Sentencing Commission. The Court is likewise satisfied that defendant will not pose a danger to any persons or to the community, as the government informs us that defendant is subject to an active ICE detainer and that ICE intends to effectuate the defendant's removal to his home country of Jamaica upon his release. ECF No. 334 at 4.

For the foregoing reasons, the defendant's motion is granted. Defendant is to be released solely to ICE custody in order to initiate his removal proceedings to Jamaica.

SO ORDERED.

Dated: New York, New York
January 22, 2020

a sentence of five years' probation. ECF No. 90. Possession of marijuana in the third degree is a Class E felony under New York law for which the maximum term of imprisonment is four years. N.Y. Penal Law §§ 70.00(2)(e); 221.20 (McKinney). A "serious drug felony" under the amended § 841 is defined *inter alia* as "an offense under state law . . . for which the maximum term of imprisonment [is] ten years" and for which "the offender served a term of imprisonment of more than 12 months." 18 U.S.C. § 924(e)(2); 21 U.S.C. § 802(57). Defendant's prior felony satisfies neither requirement.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Defendant (pro se)

Adrean Francis

A copy of the foregoing Memorandum and
Order have been mailed to the following:

Adrean Francis (#53403-054)
CI Rivers
145 Parker's Fishery Rd.
Winton, NC 27986

Final Administrative Removal Order

In removal proceedings under section 238(b) of the
Immigration and Nationality Act

Event No: NOR2101000081

FIN: 1307999559

File Number [REDACTED] 840

Date January 26, 2021

To: PIERRE YASSUE NASHUN RILEY
AKA: FRANCIS, ADRIAN; RILEY, PEIRRE

Address: ICE/BRO Custody

(Number, Street, City, State and ZIP Code)

Telephone: _____
(Area Code and Phone Number)

ORDER

Based upon the allegations set forth in the Notice of Intent to Issue a Final Administrative Removal Order and evidence contained in the administrative record, I, the undersigned Deciding Officer of the Department of Homeland Security, make the following findings of fact and conclusions of law. I find that you are not a citizen or national of the United States and that you are not lawfully admitted for permanent residence. I further find that you have a final conviction for an aggravated felony as defined in section 101(a)(43)(u/b) of the Immigration and Nationality Act (Act) as amended, 8 U.S.C. 1101(a)(43)(u/b), and are ineligible for any relief from removal that the Secretary of Homeland Security, may grant in an exercise of discretion. I further find that the administrative record established by clear, convincing, and unequivocal evidence that you are deportable as an alien convicted of an aggravated felony pursuant to section 237(a)(2)(A)(iii) of the Act, 8 U.S.C.

1227(a)(2)(A)(iii). By the power and authority vested in the Secretary of Homeland Security, and in me as the Secretary's delegate under the laws of the United States, I find you deportable as charged and order that you be removed from the United States to:

Jamaica
or to any alternate country prescribed in section 241 of the Act.

Digitally signed by
CRAIG R. FILECCIA
Date 2021.01.28
13:35:38 -05'00'

C. 7429 FILECCIA CRAIG R FILECCIA
(Signature of Authorized Official)

(A)AFOD
(Title of Official)

01/28/2021 SALEM, VA
(Date and Office Location)

Certificate of Service

I served this FINAL ADMINISTRATIVE REMOVAL ORDER upon the above named individual.

1/28/2021 Norfolk, VA Personal
(Date Time, Place and Manner of Service)

/s/ [Illegible]
(Signature and Title of Officer)

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

Respondent Name:
RILEY, PIERRE YASSUE NASHUN

To:
RILEY, PIERRE YASSUE NASHUN
DHS/ICE/CDF
P.O BOX 1460
BOWLING GREEN, VA 22427

Alien Registration Number:
[REDACTED] 840

Riders:
In Reasonable Fear Case Proceedings
Initiated by the Department of Homeland Security

Date:
03/17/2021

ORDER OF THE IMMIGRATION JUDGE

On 03/17/2021, a review of the Department of Homeland Security's (DHS) Reasonable Fear Determination was held in the matter noted above. Testimony was was not taken regarding the alien's background and the alien's fear of returning to the country of origin or last habitual residence.

ORDER: After consideration of the evidence, the immigration court finds that the alien has has not established a reasonable possibility that the alien would be persecuted on the basis of a protected ground, or a reasonable possibility that the alien would be tortured in the country of removal.

The immigration court concurs in the DHS Reasonable Fear Determination because:

Additional reasoning is is not continued on a separate sheet. The case is returned to the DHS for removal of the alien. This is a Final Order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to INA § 242.

- The Court vacates the decision of the DHS immigration officer. Pursuant to 8 C.F.R. § 1208.31(g)(2), the alien is hereby placed in “withholding-only” proceedings.

/s/ Karen Donoso Stevens
Immigration Judge: Donoso Stevens, Karen
03/17/2021

Appeal:

Department of Homeland Security:

waived

reserved

Respondent:

waived

reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service

To: [] Alien | [M] Alien c/o custodial officer | [] Alien’s atty/rep. | [M] DHS

By: Donoso Stevens, Karen, Immigration Judge

Date: 03/17/2021

[1] U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

File: A [REDACTED]-840

In the Matter of
PIERRE YASSUE NASHUN RILEY
Applicant

IN WITHHOLDING ONLY PROCEEDINGS
Transcript of Hearing

Before Choi, Raphael, Immigration Judge

Date: July 27, 2021

Place: ARLINGTON, VIRGINIA

Transcribed by Free State Reporting, Inc.-3

Official Interpreter:

Language:

Appearances:

For the Applicant: DIMITAR GEORGIEV REMO,

For the DHS: HEIDI HALL

* * *

[38] The last time I entered the United States was
February 3, '95.

MR. REMO TO MR. RILEY

And have you traveled outside of the United States
since?

MR. RILEY TO MR. REMO

No I have not traveled since then.

MR. REMO TO MR. RILEY

So how long have you been in the United States since you last entered?

MR. RILEY TO MR. REMO

A little over 26 years.

MR. REMO TO MR. RILEY

Okay. And, Mr. Riley, in your declaration you state that you believed yourself to be a United States citizen. Why is that?

MR. RILEY TO MR. REMO

Well the reason for that is when I came to the United States in '95 I came here to live with my dad and he had indicated to me that I won't be going back to Jamaica and he, he's going to file for my U.S. citizenship because he's a citizen. He's been a citizen since 1980. And it should derive me citizenship through derivative – it says once he, once he filed it it should be automatic and he did. He paid a lawyer sometime in '96 to do that so that's how I thought I was a United States citizen.

MR. REMO TO MR. RILEY

And when did you find out that you were not a United States citizen?

MR. RILEY TO MR. REMO

The first time was in a little after my trial in 2008 when ICE agents saw me to interview me and then the second time there was a detain placed on me when I was transferred to Elkton, Ohio Facility in 2015.

[39] MR. REMO TO MR. RILEY

Mr. Riley, you mentioned that you had a trial –
MR. RILEY TO MR. REMO

And, and yeah. I was going to say well sure be it ICE custody I didn't know that I am not a citizen.

MR. REMO TO MR. RILEY

Mr. Riley, you mentioned a trial. What happened?
MR. RILEY TO MR. REMO

I distributed marijuana back in the past. I got caught and was sentenced to 25 years.

MR. REMO TO MR. RILEY

And what if anything did you use the proceeds from that distribution to do with?

MR. RILEY TO MR. REMO

Hold up. You broke up for a second. Can you repeat that?

MR. REMO TO MR. RILEY

What if anything did you use the proceeds from the distribution to do with the money that you got from the distribution. What did you use that money for?

MR. RILEY TO MR. REMO

Well me and a couple of my co-defendants and associates, we had opened up a record label. And we had invested in promoting and producing and hosting one of the largest hip hop shows in Jamaica called Sashi [phonetic sp.].

MR. REMO TO MR. RILEY

Sashi. And, Mr. Riley, while you were incarcerated what if anything did you do to better your life?

MR. RILEY TO MR. REMO

[40] Well first I earned – excuse me.

MR. REMO TO MR. RILEY

I didn't say anything.

MR. RILEY TO MR. REMO

Somebody say something.

JUDGE TO MR. RILEY

Actually, no.

JUDGE TO MR. REMO

That's not relevant, counsel. I just need you to go into why he's more likely than not to be tortured.

MR. REMO TO JUDGE

Okay, Your Honor.

MR. REMO TO MR. RILEY

Mr. Riley, why do you fear –

JUDGE TO MR. REMO

You have to understand equities and his contacts in the United States, it's not relevant to these proceedings.

MR. REMO TO JUDGE

Understood, Your Honor.

MR. REMO TO MR. RILEY

Mr. Riley, why do you fear going back to Jamaica?

MR. RILEY TO MR. REMO

Well the reason I fear going back to Jamaica is because of the specific duress on account of my affiliation and threats that I will be killed if I return to Jamaica. [REDACTED] are the people who

have made threats and is still making direct threats [41] against my life. He gave orders and murdered two of my male cousins and he was never held accountable. And that's based on the fact that he had strong connections and influence on law enforcement in Jamaica and politicians. He's an ex-police officer for the Jamaican –

JUDGE TO MR. RILEY

Hold on, hold on, hold on. What is this individual's name again?

MR. RILEY TO JUDGE

██████████.

JUDGE TO MR. RILEY

██████████. How do you know ██████████
██████████?

MR. RILEY TO JUDGE

Yes. He's actually from the community, neighborhood that I grew up in called ██████████
██████████, Your Honor.

JUDGE TO MR. RILEY

██████████. Is that right?

MR. RILEY TO JUDGE

Yeah the name of the community, the neighborhood that I grew up in. the name of it is ██████████ and it's in ██████████ in Kingston, Jamaica.

JUDGE TO MR. RILEY

Okay. Well you left that area in 1995. And you have not returned.

MR. RILEY TO JUDGE

Yes, sir.

JUDGE TO MR. RILEY

So why would anyone in that old neighborhood be interested in you much less remember you?

[42] MR. RILEY TO JUDGE

Well, Your Honor, when you asked me in particular anyone or [REDACTED]?

JUDGE TO MR. RILEY

Okay. Well let's go with [REDACTED] specifically.

MR. RILEY TO JUDGE

Okay. Well; [REDACTED] took over that neighborhood as area leader in a don, Your Honor. When an area leader in a don is politically backed by a political constituency in Jamaica. There are two major political constituencies in Jamaica. One is the PNP, and the second one is the JLP. The PNP means People's National Party, and the JLP means Jamaica Label Party. So now that community, that neighborhood was at first a PNP constituency which my grandparents were stern supporters of that political party. So now in the late '70's and early '80's that neighborhood was taken over by the JLP constituency and when they came in they burned people's house down, they kill people. They force people to vote for them you know. They torture people and they banished people from the neighborhood. They did all types of cruel acts, Your Honor. So now in saying that [REDACTED] took over this neighborhood in the early 2000's as the political area leader and don. So now when that happened he – actually he migrated to the United States and became a big drug kingpin. So even though

he migrated here he still called the shots. He still give orders. He still did everything. So how I'm connected to this was my cousin, [REDACTED] [phonetic sp.] him and [REDACTED] actually shared – no not shared, his daughter and [REDACTED]'s kids are cousins. So now he would be in contact with [REDACTED] and basically anybody that left from that community and neighborhood that migrated he will still contact them to donate money to political campaigns for the JLP constituencies. And to – he's pretty tied in with all facets of law enforcement in Jamaica, Your Honor, at his behest. He has all [43] these political people at his behest like doing things for him, all these biddings. And when I say biddings I mean killing people for him, giving him connections as far as to push his drug operations and stuff as that nature. So now back to my cousin, [REDACTED], my cousin [REDACTED] reach out.

JUDGE TO MR. RILEY

No, no. Hold on, hold on, hold on.

MR. RILEY TO JUDGE

Excuse me, sorry, Your Honor.

JUDGE TO MR. RILEY

[REDACTED] is part of the JOC Party, is that right?

MR. RILEY TO JUDGE

JLP Party, Your Honor. Jamaica Labor Party.

JUDGE TO MR. RILEY

JLP. Okay.

MR. RILEY TO JUDGE

Yes because he's an area leader in a don and they you know – everywhere in Jamaica every area leader and every don is run by a political constituency. And

they have the backing of politicians and police officers and JDF which is the Jamaica Defense Force which is equivalent to soldiers.

JUDGE TO MR. RILEY

Okay, hold on.

JUDGE TO MR. REMO

All right, counsel.

MR. RILEY TO JUDGE

Yes, sir.

[44] JUDGE TO MR. REMO

There's background. I assume you submitted background information on this.

MR. REMO TO JUDGE

Yes, Your Honor. The criminal history of [REDACTED] appears in tab D, page 28.

JUDGE TO MR. REMO

Okay, I'm more curious about the country condition information.

MR. REMO TO JUDGE

Yes, Your Honor.

JUDGE TO MR. REMO

About the JLP Party and the influence of people – or the influence of dons or –

MR. REMO TO JUDGE

Yes, Your Honor. Relevant evidence appears on page 190, 169 and 214.

JUDGE TO MR. REMO

All right. Hold on one second.

JUDGE TO MR. RILEY

Okay, back to the respondent. Okay, sir,

MR. RILEY TO JUDGE

Yes, sir.

JUDGE TO MR. RILEY

You said that this [REDACTED] individual came to the United States. Is that correct?

MR. RILEY TO JUDGE

Yes, Your Honor.

JUDGE TO MR. RILEY

Where is he today?

[45] MR. RILEY TO JUDGE

He's back in Jamaica, Your Honor, he was deported back to Jamaica some time in [REDACTED].

JUDGE TO MR. RILEY

Do you know where he resides in Jamaica?

MR. RILEY TO JUDGE

Actually people of [REDACTED]'s stature, Your Honor, doesn't reside at any one place. He has multiple properties all through Jamaica and we, we have submitted evidence that actually shows that of seizures of some of his properties in Jamaica.

JUDGE TO MR. RILEY

Okay. You said he was deported back in [REDACTED]. Is that right?

MR. RILEY TO JUDGE

Yeah sometime in [REDACTED]. Late [REDACTED] I would say.

JUDGE TO MR. RILEY

And how do you know this?

MR. RILEY TO JUDGE

How do – people have seen him that I've spoken to, Your Honor. I'm in contact with –

JUDGE TO MR. RILEY

Who was that?

MR. RILEY TO JUDGE

Excuse me. My mom and my sister. And I've called people from the community that have seen him, drove through the community to check on things because he still runs that community, Your Honor. He's still the don in the area of that community, Your Honor.

[46] JUDGE TO MR. RILEY

And your mother and sister are in Jamaica currently in that neighborhood that's run by [REDACTED] and the JLP Party. Is that right?

MR. RILEY TO JUDGE

Yes, sir. Yes, Your Honor.

JUDGE TO MR. RILEY

Have your relatives been threatened by [REDACTED]?

MR. RILEY TO JUDGE

Yes, Your Honor. They have been threatened. Mostly male relatives. Well my mom and my sister have been lately but just to clarify. What are you talking about in the past, Your Honor or presently?

JUDGE TO MR. RILEY

Well both. But it sounds like the male relatives have been threatned in the past and then they along with the mom and sister continue to be threatned currently, is that correct?

MR. RILEY TO JUDGE

Yes, sir. It is – soon as my reduction – sentence reduction was made public and everybody knew at some point I was in Immigration custody there were multiple threats, daily threats coming into my mom and my sister and some to my brother, Ramiro Thompson. My son, Pierre Junior and my stepdad. All know about these threats and all have been receiving threats and it was multiple threats on Jamaica, a well-known Jamaica social media site. It's called Matey and Groupie [phonetic sp.]. one called the pink wall. I think my brother have the facts on that. It's been publicized. Everybody in California. Well everybody I know in California. Everybody that knows me in Jamaica, New York, and North Carolina.

[47] JUDGE TO MR. RILEY

Okay. The big question is –

MR. RILEY TO JUDGE

Yes, sir.

JUDGE TO MR. RILEY

Why does [REDACTED] have any interest in harming you?

MR. RILEY TO JUDGE

Well yes, Your Honor. After he murdered my two cousins, me coming to Jamaica he sees as a threat, Your Honor.

JUDGE TO MR. RILEY

How do you know this?

MR. RILEY TO JUDGE

That's the big question.

JUDGE TO MR. RILEY

How do you know this?

MR. RILEY TO JUDGE

I know this, Your Honor, because it's just the Jamaican lifestyle, Your Honor. When you kill somebody's cousin you got to expect that retaliation is coming. And this is how Jamaican lifestyle is. That's why he killed my second cousin and that's why he threatned and send out gang members to shoot at some of my other cousins back in Jamacia before they migrated.

JUDGE TO MR. RILEY

Okay. So [REDACTED] thinks that you would seek revenge on him for killing your two cousins. Is that right?

MR. RILEY TO JUDGE

[48] Yes, sir.

JUDGE TO MR. RILEY

And he thinks this because that's the Jamaican way, is that right?

MR. RILEY TO JUDGE

Yes, sir. I'm related to that family and he threatened every male member in that family and most of them have migrated because of that situation. So now me coming to Jamaica he just sees me as a threat coming there to retaliate against him. He had already

threatened everybody, every male member in that family, Your Honor. Killed two of us and threatened every male member of that family.

JUDGE TO MR. RILEY

Okay.

MR. RILEY TO JUDGE

So he starts calling –

JUDGE TO MR. RILEY

So where are all the male members of your family?

MR. RILEY TO JUDGE

Most of them migrated to the United States. They're here in the United States, Your Honor.

JUDGE TO MR. RILEY

You said [REDACTED] killed two cousins for what reason?

MR. RILEY TO JUDGE

Yes, Your Honor, that's what I was trying to lay the context for earlier. When – so when he tried to reach out to my cousin, [REDACTED], he – matter of fact he – that's what I was explaining earlier about the relations of his kids and [REDACTED]'s kids. So he was pretty close to [REDACTED] in particular.

[49] JUDGE TO MR. RILEY

Now who is [REDACTED]? Who is [REDACTED]?

MR. RILEY TO JUDGE

Now being a don – [REDACTED] is my – he's my cousin, Your Honor.

JUDGE TO MR. RILEY

Is he, is he one of [REDACTED]'s victims?

MR. RILEY TO JUDGE

Yes, sir. Yes, Your Honor.

JUDGE TO MR. RILEY

So he's one of two cousins who passed away. Is that right?

MR. RILEY TO JUDGE

Yes. [REDACTED] gave orders to kill.

JUDGE TO MR. RILEY

Okay. So why did he do that?

MR. RILEY TO JUDGE

How did – that started, Your Honor, was [REDACTED], he would call [REDACTED] to basically donate money as far as sending back to the community to donate to his cause. And when I say his cause I mean like to basically send money back to the neighborhood to make sur things is okay with everybody, to fund political campaigns and pay off government officials that's on his payroll. So after that – after a while – I mean [REDACTED] did appease to that in donating to that but after that [REDACTED] is just tired of it and say, hey man listen I don't want to have anything to do with that Jamaican politics and stuff anymore, none of that stuff. And so he took that as a sign of disrespect because that's how dons in Jamaica run their area. It doesn't matter if you migrated and come to the United States or not. Once you have family ties back there he still thinks that he [50] controls people even though you live in the United States. So now when O'Neal told him, no I don't want to have nothing to do with that stuff anymore, he took that as

disrespect that you're going against the order which means like you're not doing what I tell you to do.

JUDGE TO MR. RILEY

Now how do you know this?

MR. RILEY TO JUDGE

Him and [REDACTED] would get into arguments like –

JUDGE TO MR. RILEY

How do you know this?

MR. RILEY TO JUDGE

I spoke to [REDACTED] when he was alive at the time. And remember [REDACTED] used to call us and try to tell us about what he said because he had told [REDACTED] to reach out to me and the rest of my male cousins. But we had told [REDACTED] like hey man, listen man we don't have nothing to do with that world. We – I left Jamaica a long time ago. I am not got nothing to do with that man and you shouldn't either. So we would talk because we grew up pretty close. That's how I know, Your Honor.

JUDGE TO MR. RILEY

Okay and then your other cousin, the one who was killed, why was he killed?

MR. RILEY TO JUDGE

He was killed because when he got – he had got deported sometime in [REDACTED] and when nothing was done about [REDACTED]'s murder in Jamaica basically the police just discarded it. They like didn't care because they're pretty connected to [REDACTED] because he was ex-police himself and he has massive political ties. And that's how just the dons run the areas and that's how politics goes in Jamaica, Your Honor. So now

[51] when he got deported, [REDACTED] [phonetic sp.], my cousin. When he got deported he started putting pressure on the police. Central Kingston Police station. That is the police station that has jurisdiction over the community I grew up in. so he started putting pressure on them saying why isn't nobody doing anything about the murder when they know who did it and they know what happened. Because it's a well-known situation in my community, Your Honor. So now when he starts putting pressure on the police about doing something about it and he actually went over their heads to their supervisors which I think is, I think it's intercom, yeah that's the name of the supervisors that supervise police that's not doing their job.

JUDGE TO MR. RILEY

Hold on, hold on. What is this other cousin's name?

MR. RILEY TO JUDGE

[REDACTED].

JUDGE TO MR. RILEY

So he tries to get police investigate [REDACTED]'s murder but then what happened?

MR. RILEY TO JUDGE

Yeah so nothing happened, Your Honor. So then after nothing happened, after going to like I said the Central Kingston Police Station which I had said before, they're the ones that's in charge of the community, the jurisdiction of my community. Now when you see nothing is happening he went to their – he went over their heads to their superiors and started telling them to put pressure on them to do something about it. So shortly after that [REDACTED] was killed. The order was given and [REDACTED] was killed, Your Honor.

JUDGE TO MR. RILEY

And who gave the order?

[52] MR. RILEY TO JUDGE

██████████ gave the order, Your Honor. He runs that community.

JUDGE TO MR. RILEY

How do you know, sir? How do you know?

MR. RILEY TO JUDGE

How do I know is because the people that killed my cousin still live in that community, Your Honor. People that witness it.

JUDGE TO MR. RILEY

Yeah how do you know it was ██████████ who gave the order to kill your cousin, ██████████?

MR. RILEY TO JUDGE

Because, Your Honor, ██████████ and his gang members, his henchmen, they brag about this stuff, Your Honor. You know they would brag about the – we get out of killing boy, that's patchua [phonetic sp.] for saying that yeah, yeah we gave the order to kill those guys, yeah because they went against the grain, they went against the order. It's not hidden. That's how the community is ran. People live in fear. They have to do what he says and that's just how it is in Jamaica, Your Honor. Political area leader dons. So now and back to what you said about how do I know – I actually saw –

JUDGE TO MR. RILEY

Hold on, hold on. Hold on, hold on.

MR. RILEY TO JUDGE

Sorry, sir.

JUDGE TO MR. RILEY

So after [REDACTED] was killed did the police investigate his death?

MR. RILEY TO JUDGE

[53] No, sir. No, sir.

JUDGE TO MR. RILEY

You have other male relatives living there in Jamaica, is that right?

MR. RILEY TO JUDGE

Yeah in Jamaica, no, Your Honor.

JUDGE TO MR. RILEY

You do not have any male relatives living there?

MR. RILEY TO JUDGE

No, sir. He threatened every single one of them. And he's very powerful and it's a losing battle to go up against individual as [REDACTED].

JUDGE TO MR. RILEY

You ever meet [REDACTED]?

MR. RILEY TO JUDGE

Yeah I saw him growing up in the neighborhood. Because we're all from the same neighborhood, Your Honor. I know him growing up. He's older than me but I know him.

JUDGE TO MR. RILEY

Were you friends?

MR. RILEY TO JUDGE

No, no, sir.

JUDGE TO MR. RILEY

Okay. Thank you.

JUDGE TO MR. REMO

All right. Counsel, sorry, go ahead.

MR. REMO TO JUDGE

[54] Thank you, Your Honor.

MR. REMO TO MR. RILEY

Mr. Riley, what happened – how did your family react after you received your compassionate release order in January?

MR. RILEY TO MR. REMO

Excuse me, you broke up for a second. What you say –

MR. REMO TO MR. RILEY

To your knowledge, how did your family react?

MR. RILEY TO MR. REMO

That is –

MR. REMO TO MR. RILEY

Sorry. Is that better?

MR. RILEY TO MR. REMO

It's cracking, the video is cracking up and the sound is cracking up.

MR. REMO TO MR. RILEY

Is this better? Little –

MR. RILEY TO MR. REMO

Yeah.

MR. REMO TO MR. RILEY

Okay.

MR. RILEY TO MR. REMO

Yeah it's still kind of muddled but okay.

MR. REMO TO MR. RILEY

Okay. I'll try to speak into the microphone. After your compassionate release, to your knowledge, how did your family react to your release?

[55] MR. RILEY TO MR. REMO

I mean they were happy. They were happy about my release, my reduction sentence.

MR. REMO TO MR. RILEY

And were they posting anything on social media?

MR. RILEY TO MR. REMO

Yes. They were posting that you know my son and my brother and the rest of my family congratulate me and happy, I'm coming out sometime soon.

MR. REMO TO MR. RILEY

And in your declaration you stated that your mother started receiving threats. What were the nature of those threats?

MR. RILEY TO MR. REMO

You said my mother, right?

MR. REMO TO MR. RILEY

Yes.

MR. RILEY TO MR. REMO

Cracking up again, man. Yeah okay. So now my mom had like about couple days after my immediate release – excuse me, sentence reduction. My mom started receiving threats like two, three times a day. People calling her talking about they had the green light to kill me and anywhere I go in Jamaica I can't hide, they going to kill me as soon as I get down there. So now one day she was at work and the neighbor, Ms. Patsy, called her and told her that some guys they got masks over their face in a blue Toyota roller car, pulled up and jumped out in front of her home and jumped out in front of Ms. Patsy and asked if I return back from the United States yet. So now she called my mom and told my mom what was going on. So now with all the threats and that [56] happened my mom went to the same Central Police Kingston Station that has restriction, to try to lay a report. So now the front desk officer at the front desk he told her he's not going to take a report because I'm not in Jamaica yet an di haven't been harmed yet. And she went on to try to describe the calls and how recent the calls have been coming in and she tried to tell them about what Ms. Patsy told her about the car, and the guy, the masked man that came out asking for me. And he just wouldn't take a statement. So now she start ed getting a little upset like why are you not taking, why are you not taking a report from me. So now the sergeant came out and when he came out he basically – he gave it to her, man. He told her to hey listen, your son is going to be a deportee in Jamaica – the government of Jamaica don't have time to protect deportees. That's not our job, it's not our business and the reason why your son is getting threats is because it's payback. He's a criminal. And things of that nature and they telling her that he going to have to just be like everybody else that comes

down here, he going to have to pay for protection. It's not the Jamaican government's problem. It's the United States problem, that's where he broke the law. So now after that happened she went to, she went to the same intercom again and tried to report them not taking any reports from her. So now that – she was at work in Western Kingston, the coronation of Mark and Western Kingston. She's a clothes vendor. That's where she works. She sells clothes. Now out t here [REDACTED] [REDACTED] and two of his henchmen pulled up on her and tell her that now hey listen we know about you trying to lay reports, you better knock it off and tell your son anytime him come on Jamaica a stray bullet – well that was patchua I just spoke but what that means is that any time you come to Jamaica it's going to be gun shots for him.

MR. REMO TO JUDGE

And, Your Honor, corroborating –

[57] MR. RILEY TO MR. REMO

And I told her after –

MR. REMO TO JUDGE

Sorry. Your Honor. Corroborating evidence about the mistreatment of deportees appears in tab I starting on page 263.

MR. REMO TO MR. RILEY

Sorry, Mr. Riley, continue.

MR. RILEY TO MR. REMO

Yeah so now basically when that – when he came – when he pulled up on, when he pulled up on my mom at her workplace and said that to her I basically told her, hey listen man, don't go to no stings, don't go to no – I don't care who – what kind of government official

just stop going there because they're not going to help us and I'm just not going to be able to live with myself if something should happen to you over this. See what I'm saying. So I just tell her listen. Stop going to lay reports. Just stay by yourself. Don't ask these people for no help because obviously they're not going to help us. See what I'm saying? And that really kind of upset me because I mean I'm not going to be able to live with myself if something should happen to my mom, you know what I'm saying, or my little sister. So that's what I told her, man.

MR. REMO TO MR. RILEY

Mr. Riley, you mentioned your little sister. To your knowledge what threats has she received against her life?

MR. RILEY TO MR. REMO

Yes. She is in a similar situation. After my sentence reduction she started getting threats too over the Facebook and Instagram and she had received a few calls. So now my sister, she's a popular concert hoster and promoter. That's her thing in [58] Jamaica. So now one day she was hosting a day rave party, that's the name of the party that they keep in Jamaica, and two guys walked up to her and told her that they have the green light, they got the green light to kill me on sight. And the family better not be hiding me and not to worry because they got people at the airport and if my name comes up on the list they going to get it. You know Aleyah [phonetic sp.], she's a little braver girl. She asked them why you want to kill my brother and they told her to stay out of man business. She's a woman, stay out of man business. So Aleyah has a security – actually he's a police officer in Jamaica, Mr. Samuels. He does the security for her.

JUDGE TO MR. RILEY

Okay hold on, hold on, hold on.

MR. RILEY TO JUDGE

Yes, yes, sir.

JUDGE TO MR. RILEY

Your sister is currently in Jamaica. Is that right?

MR. RILEY TO JUDGE

Yes, yes, Your Honor.

JUDGE TO MR. RILEY

Has she herself been threatened or has she only been approached with threats to you?

MR. RILEY TO JUDGE

What do you mean by threatned like her life?.

JUDGE TO MR. RILEY

Correct?

MR. RILEY TO JUDGE

[59] No they didn't threaten her life, Your Honor. They, they called her and over Facebook and Instagram and called her on her phone and the two guys walked up to her sending the threats about me, saying that they got the green light to kill me, Your Honor.

JUDGE TO MR. RILEY

And for what reason did they say this to your sister, if you know?

MR. RILEY TO JUDGE

Your Honor, that's [REDACTED], Your Honor. Sending them to threaten me, Your Honor. That's the

reason. This is all coming from [REDACTED] and his affiliates and his henchmen and his gang members that he runs, Your Honor. The multiple gangs that he runs in Jamaica, Your Honor.

JUDGE TO MR. RILEY

Has he ever been arrested in Jamaica?

MR. RILEY TO JUDGE

[REDACTED]?

JUDGE TO MR. RILEY

As far as you know, yes, has he ever been arrested in Jamaica?

MR. RILEY TO JUDGE

No, Your Honor. He's not going to be arrested. He's backed by politicians and government officials, Your Honor. He's not going to be arrested.

JUDGE TO MR. RILEY

Okay. Thank you.

JUDGE TO MR. REMO

Go ahead, counsel.

MR. REMO TO MR. RILEY

[60] Mr. Riley, why does [REDACTED] want to kill you?

MR. RILEY TO MR. REMO

Like I told Your Honor, Dimitar, retaliation. He's afraid of retaliation. And I'm members of the family that he threatned which is – I'm family members with [REDACTED] and [REDACTED].

MR. REMO TO MR. RILEY

Now, Mr. Riley, in your declaration you mentioned and individual named, George. Who is George?

MR. RILEY TO MR. REMO

George is a friend that grew upon the same community that me and [REDACTED] came from. We all grew up, we all came from the same community, which is [REDACTED].

MR. REMO TO MR. RILEY

And what do you talk about George I your declaration?

MR. RILEY TO MR. REMO

Well [REDACTED] had spoke to George about – after [REDACTED] had died and basically just telling George like yeah he did that because disrespect, he went against the grain and basically like you me, I'm going to kill all of them family which means I'm going to kill all his family if they try to come at me.

MR. REMO TO MR. RILEY

And when did George tell you about this?

MR. RILEY TO MR. REMO

This was a little after [REDACTED] died, a couple months. So I want to say it was like [REDACTED].

MR. REMO TO MR. RILEY

[61] Okay. And similarly, Mr. Riley, you mentioned individual, Sammy or Sam, in your declaration. Who is Sam?

MR. RILEY TO MR. REMO

Yeah. Sam is another, another guy that comes from the neighborhood, the community.

MR. REMO TO MR. RILEY

Okay. And you mentioned that he was talking “shit”. What did you mean by that?

MR. RILEY TO MR. REMO

Yeah so that was in [REDACTED] so that’s pretty much like a little after he was deported to Jamaica like – because this was like six years after [REDACTED] died. So he was talking shit meaning he was still kind of threatening the family like, you tell them it’s still on and popping you know I’m not afraid of none of that, meaning I’m not afraid of any of them.

MR. REMO TO MR. RILEY

And, Mr. Riley, why can’t you move to another part of Jamaica if [REDACTED] has such a hard grip on [REDACTED], your community?

MR. RILEY TO MR. REMO

Hold up. You broke up. Say it again.

MR. REMO TO MR. RILEY

Why are you unable to move to another part of Jamaica if you’re deported?

MR. RILEY TO MR. REMO

Because I have to be registered with the government. And being registered with the government I will be deemed a restricted person that means I have to like wear ankle monitors and report to them and that’s where [REDACTED] has his influence. He’s political tied to every facet of law enforcement in Jamaica and government people.

[62] MR. REMO TO MR. RILEY

And what if any family do you have outside of Kingston?

MR. RILEY TO MR. REMO

None. I don't have any family. I just have my mom and my sister and same home that my grandparents lived in.

MR. REMO TO MR. RILEY

And, Mr. Riley, why did you not tell any of this to the officer who conducted your reasonable fear interview?

MR. RILEY TO MR. REMO

When I first came into ICE custody that was like about January 28th. As you know I was compassionate release under – for Covid reasons. That's the reason why the judge released me from – so now coming from prison and coming over here and the same day I came in I noticed there were Covid signs on the cell doors. So now that had put me just in a state of stress, like tremendous stress you know the judge just released me because she didn't want me to you know contract the disease to become terminally ill or die and now here I am with this disease, this deadly disease facing me right int eh face. So I was just stressed. I was going through a lot of stress. And plus I was on quarantine for 14 days, mandatory quarantine.

JUDGE TO MR. RILEY

Was it 14 days or 4 days? You broke up.

MR. RILEY TO MR. REMO

No, 14 days, 14 days.

MR. RILEY TO JUDGE

Your Honor, can you hear me?

JUDGE TO MR. RILEY

[63] Yes we can hear you.

MR. REMO TO MR. RILEY

Yes.

MR. RILEY TO MR. REMO

Okay. I thought you said –

MR. REMO TO MR. RILEY

Continue.

MR. RILEY TO MR. REMO

Yeah 14 days. So my movements was restricted. I was allowed to use the one you know probably once every two days. So I wasn't in contact with my family. I didn't know all these threats was going on. Because these threats had started happening right after I got released. So I wasn't in contact with them. And plus yeah my family too, they didn't want to tell me a lot of this stuff because they was afraid it triggered my health conditions and stuff like that.

MR. REMO TO MR. RILEY

Mr. Riley, what will happen if the Judge grants your application today?

MR. RILEY TO MR. REMO

First, I would like to make amends to my children. To my family you know, to society. And what I mean by making amends to my children is I want to sit them down, I want to say I apologize for missing their childhood. You know what I mean, based on the bad choices I made back int eh past. And I know that it's

gone and I can't get it back but I would really, I would really like to try my best to make it up to them anyway possible. Whatever that takes. And you know as far as making amends to society I just like you know want to get a job, stay out of trouble, you know be an asset to society. Because I used to work at American Trade Patent office in prison and I'm really thinking [64] about calling them up and asking them for a job. Because I was an SME, [indiscernible] expert. So you know I definitely want to do that. I'm going to go live with Ramiro and my son, he's got a [indiscernible], my daughter, Kayla [phonetic sp.], is trying to get into cosmetics so I just want to be there for them. Definitely get a job, stay out of trouble. I know what's important, man. Today I know what's important and that's family. I just want to be there with my family.

MR. REMO TO MR. RILEY

And, Mr. Riley, just briefly before we conclude who is [REDACTED] [phonetic sp.]?

MR. RILEY TO MR. REMO

[REDACTED], three of my children, that's the father of three of my children's little brother. Their brother. The father of their brother and he was deported also back in Jamaica and he was shot in the head and killed right in front of his mother and sister. That happened in March of this year.

MR. REMO TO JUDGE

No further questions, Your Honor.

JUDGE TO MR. REMO

Okay. Thank you.

JUDGE TO MR. RILEY

Sir, did you ever work with [REDACTED]?

MR. RILEY TO JUDGE

No, no, Your Honor.

JUDGE TO MR. RILEY

You know when [REDACTED] was deported back to Jamaica?

MR. RILEY TO JUDGE

[65] Sometime in [REDACTED], Your Honor. I will more say [REDACTED]

JUDGE TO MR. RILEY

Okay. Thank you.

JUDGE FOR THE RECORD

All right. We're going to take a ten minute recess. Come back and start cross.

MR. REMO TO JUDGE

Thank you, Your Honor.

JUDGE FOR THE RECORD

All right. We are off the record.

MR. RILEY TO JUDGE

Thank you, Your Honor.

* * *

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PIERRE RILEY,
Petitioner,

v.

MERRICK GARLAND, ATTORNEY GENERAL,
Respondent.

PETITION FOR REVIEW

Pierre Riley hereby petition the court for review of the Order of the Board of Immigration Appeals (name of agency, board or commission) entered on May 31, 2022.

/s/ Dimitar P. Georgiev-Rommel
Signature of attorney or unrepresented party

Dimitar Plamenov Georgiev-Rommel
Printed name

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U.S. Department of Justice
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Board of Immigration Appeals
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Name: RILEY, PIERRE YASSUE NASHUN

██████████ 840

Date of this Notice: 5/31/2022

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

/s/ Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

Panel Members:

Baird, Michael P.
Gorman, Stephanie
Wilson, Earle B.

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals
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RILEY, PIERRE YASSUE NASHUN
A 097534840
11093 SW LEWIS MEMORIAL DR
BOWLING GREEN VA 22427

DHS/ICE Office of Chief Counsel - WAS
1901 S. Bell Street, Suite 900
Arlington VA 22202

Name: RILEY, PIERRE YASSUE NASHUN
[REDACTED] 840

Date of this Notice: 5/31/2022

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

/s/ Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

[FILED May 31, 2022]

MATTER OF:

Pierre Yassue Nashun RILEY, [REDACTED] 840

Applicant

ON BEHALF OF APPLICANT: Dimitar P. Georgiev-
Rommel, Esquire

ON BEHALF OF DHS: Heidi A. Hall, Assistant Chief
Counsel

IN WITHHOLDING ONLY PROCEEDINGS
On Appeal from a Decision of the Immigration Court,
Arlington, VA

Before: Baird, Appellate Immigration Judge; Gorman,
Appellate Immigration Judge; Wilson,

Appellate Immigration Judge

Opinion by Appellate Immigration Judge Wilson

WILSON, Appellate Immigration Judge

The Department of Homeland Security (“DHS”) has
appealed from an Immigration Judge’s July 27, 2021,
decision granting the applicant’s request for protection
under the regulations implementing the Convention
Against Torture (“CAT”).¹ The applicant, a native and

¹ The Convention Against Torture and Other Cruel, Inhuman
or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty

citizen of Jamaica, has filed responses in opposition to DHS' appeal. The appeal will be sustained.

We review the Immigration Judge's factual findings for clear error. 8 C.F.R. § 1003.1(d)(3)(i). Questions of law, discretion and judgment, and all other issues, are reviewed de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

The applicant alleged before the Immigration Judge that a man named [REDACTED], a gang leader in his former neighborhood in Kingston and a drug kingpin, will torture or kill him upon his return to Jamaica. He alleges that [REDACTED] killed two of the applicant's cousins in 2008 and 2011 and has recently sent death threats to his mother and sister because he believes the applicant will seek retribution against him for killing his cousins (IJ at 8; Tr. at 47-48, 55-59; Exhs. 2, 6A).

The Immigration Judge found that based on the applicant's credible testimony and the background information in the case he has demonstrated that he faces a particularized risk of torture and that it is more likely than not that [REDACTED] will harm the applicant upon his return to Jamaica (IJ at 9-10). In addition, the Immigration Judge found that the applicant credibly testified that [REDACTED] has influence with the neighborhood and the police, that the applicant would be forced to register with the police and keep them informed of his movements, which would allow

Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). The applicant's attorney stated that he is only applying for deferral of removal under the CAT (Tr. at 33). The Immigration Judge found the applicant is not eligible for asylum, withholding of removal under the INA or withholding of removal under the CAT because he has been convicted of a particularly serious crime (IJ at 6). This finding has not been contested on appeal.

██████████ to know his whereabouts and that he will more likely than not be tortured with the acquiescence of the government (IJ at 10).

DHS challenges the Immigration Judge's positive credibility determination (IJ at 4-6). Based on the deferential clear error standard of review, we discern no clear error in the Immigration Judge's credibility determination and will treat the applicant's testimony as credible for purposes of this appeal.

However, as explained more fully below, we discern clear error in the Immigration Judge's factual findings regarding what is likely to happen to the applicant upon his removal to Jamaica, and we agree with DHS that the applicant has not met his burden of proof to show eligibility for deferral of removal under the CAT. The applicant bears the burden to show that it is more likely than not that he would be tortured in Jamaica by, or with the consent or acquiescence (to include the concept of willful blindness) of, a public official or an individual acting in an official capacity. 8 C.F.R. §§ 1208.16(c), 1208.18. The applicant must make two distinct showings: (i) likely future mistreatment, i.e., that it is more likely than not he will endure severe pain or suffering that is intentionally inflicted; and (ii) that the likely future mistreatment will occur at the hands of the government or with the consent or acquiescence of the government. *Cruz-Quintanilla v. Whitaker*, 914 F.3d 884, 886 (4th Cir. 2019). Importantly, an applicant cannot establish eligibility by stringing together a series of suppositions to show that it is more likely than not that torture will result where the evidence does not establish that each step in the hypothetical chain of events is more likely than not to happen. *Matter of J-F-F-*, 23 I&N Dec. 912, 917-18 (A.G. 2006). An Immigration Judge's findings regarding

the likelihood of future harm and of acquiescence by the government (i.e., what is likely to happen) are factual findings that the Board reviews for clear error. Whether that predicted future harm meets the definition of torture and whether future governmental conduct meets the definition of consent or acquiescence are questions of law we review de novo. *Turkson v. Holder*, 667 F.3d 523, 530 (4th Cir. 2012).

DHS argues on appeal that the Immigration Judge erred in finding that the applicant showed he will more likely than not be tortured and should have found that he presented a speculative chain of events that would happen to him. We agree. While the Immigration Judge found that the applicant has shown a particularized risk of torture, this finding is based on speculative assertions by the respondent regarding ██████████.

The applicant, who has been in the United States for many years, claims that ██████████ killed two of his cousins in Jamaica. But other than his testimony, which is not based on first-hand knowledge, there is no objective corroborating evidence that ██████████ killed his relatives or why. Indeed, the grand jury indictment in California against ██████████ states he was arrested on February 12, 2010, on his way to pick up marijuana, and thus, he would have been incarcerated in the United States at the time of the cousin's murder in 2011 (Exh. 6D). When asked how he knows ██████████ killed his cousins, he stated that ██████████ and his gang members "brag about this stuff" (Tr. at 51-52). Yet, the affidavits from the applicant's family make no mention of ██████████ (Exh. 6). Nor do the affidavits from the applicant's mother, sister, and stepfather mention ██████████ when describing threats to kill the applicant they received in 2021 (Exh. 6B). The mother's affidavit states she received phone calls "from

individuals who live in Jamaica threatening to kill [the applicant] on site should he come home” and that neighbors reported to her that three masked men asked about the applicant’s whereabouts (Exh. 6B; Tr. at 68-69). The applicant’s sister states in her affidavit that “people” have asked about him and unknown guys told her the applicant has a green light on him but did not tell her why (Exh. 6B; Tr. at 68-69). When the applicant was asked why ██████████ has any interest in harming him now and sees him as a threat, the applicant testified “[t]hat’s the big question” and that he will expect the applicant to retaliate against ██████████ for his cousins’ deaths because that is the “Jamaican lifestyle” (Tr. at 47-48). Thus, the applicant’s claims that ██████████ killed or ordered the killing of his cousins and is behind the threats his mother and sister received in 2021 are speculative.

The Immigration Judge also found that country conditions evidence supports the applicant’s claim but cited generalized statements in the 2020 State Department Report regarding government human rights abuses, fatalities involving government security forces, allegations of torture of people in police custody, and insufficient action in addressing abuse and unlawful killings by security forces (IJ at 8-9; Exh. 4C). The Immigration Judge did not explain and did not cite to any particular evidence of record corroborating the claim that ██████████ is an ex-police officer, that he controls the applicant’s old neighborhood, that he killed the applicant’s relatives, or that he poses a particularized risk of harm to the applicant that would amount to torture. The country conditions evidence does not mention ██████████ and does not indicate the police will acquiesce in torture. In fact, the evidence the applicant cites in his brief on appeal is either information about crime and safety for foreign

travelers to Jamaica or evidence indicating that crime is a significant problem, but the evidence also indicates that Jamaica has an independent police oversight body and that efforts are made to address gangs, corruption, and impunity for police killings (Exh. 6 at pages 142-52, 158-64). Moreover, the mother's affidavit does not demonstrate a likelihood of acquiescence simply because the police stated it would not investigate threats from unknown persons against the applicant who currently is not in Jamaica (Exh. 6B). The mere existence of a pattern of human rights violations in a particular country does not constitute a sufficient ground for finding that a person would more likely than not be tortured. *Nolasco v. Garland*, 7 F.4th 180, 191 (4th Cir. 2021).

Thus, we conclude that the respondent's claim is based on the stringing together of a series of suppositions and is not supported by sufficient objective evidence to corroborate his speculative fear of torture by ██████████ or that the government will acquiesce in his torture. *Matter of O-R-E-*, 28 I&N Dec. 330, 350 (BIA 2021); *Matter of J-F-F-*, 23 I&N Dec. at 917-18.²

² The applicant also alleges in his reply brief that the Immigration Judge did not consider, in the aggregate, the likelihood of torture because of his status as a criminal deportee and his long-time residence in the United States (Respondent's Reply Br. at 22-24). However, the Immigration Judge found that the applicant never mentioned that he fears the police directly (IJ at 7). The applicant states he will be required to register with the government and wear an ankle monitor and cites evidence stating that criminal deportees are stigmatized (Exh. 6 at 263-303, 310-25). However, he has not cited specific evidence that police or other government officials subject criminal deportees to extreme mistreatment, intentionally inflict torture on them, or that he personally faces a risk of torture by the government or with the consent or acquiescence of a public official. The evidence

For these reasons, we will reverse the Immigration Judge's determination that the applicant has demonstrated that it is more likely than not that he would be subjected to torture inflicted by, or at the instigation of or with the consent, acquiescence, or willful blindness of a Jamaican public official or other person acting in an official capacity for purposes of deferral of removal under the CAT.

Accordingly, the following orders will be entered.

ORDER: The Department of Homeland Security's appeal is sustained.

FURTHER ORDER: The Immigration Judge's order dated July 27, 2021, granting deferral of removal under the CAT is vacated, and the applicant is ordered removed from the United States to Jamaica.

he cites does not mention torture of criminal deportees, but rather discusses the difficulty criminal deportees have reintegrating into society and the blame they experience by society and the government for rising crime rates (Exh. 6). Thus, we find this claim to be without merit.

No. 23-1270

IN THE
Supreme Court of the United States

PIERRE RILEY,
Petitioner,
v.

MERRICK GARLAND, U.S. ATTORNEY GENERAL,
Respondent.

**On Writ of Certiorari to the United States
Court of Appeals for the Fourth Circuit**

**JOINT APPENDIX
VOLUME II**

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Petition for a Writ of Certiorari Filed: May 31, 2024
Certiorari Granted: Nov. 4, 2024

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Notice of Intent to Issue a Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

FIN: 1307999559

Event No: NOR2101000081

File Number [redacted] 840

To: PIERRE YASSUE NASHUN RILEY AKA: FRANCIS, ADRIAN; RILEY, PEIRRE

Address: 145 Parkers Fishery Rd Winton, 27986

(Number, Street, City, State and ZIP Code)

Telephone:

(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act) as amended, 8 U.S.C. 1228(b), the Department of Homeland Security (Department) has determined that you are amenable to administrative removal proceedings. The determination is based on the following allegations:

1. You are not a citizen or national of the United States.
2. You are a native of JAMAICA and a citizen of JAMAICA
3. You entered the United States (at)(near) Miami on or about February 3, 1995
4. At that time you entered B2
5. You are not lawfully admitted for permanent residence.
6. You were, on _____, convicted in the See I-831 Court _____ for the offense of _____ in violation of _____ for which the term of imprisonment imposed was _____

Charge:

You are deportable under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii), as amended, because you have been convicted of an aggravated felony as defined in section 101(a)(43)(a, b) of the Act, 8 U.S.C. 1101(a)(43)(a, b).

Based upon section 238(b) of the Act, 8 U.S.C. 1228(b), the Department is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

Your Rights and Responsibilities:

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Department address provided on the other side of this form within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). **The Department must RECEIVE your response within that time period.**

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence); request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Department will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries on account of race, religion, nationality, membership in a particular social group, or political opinion or, if you fear torture in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), or withholding/deferral of removal under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe third country.

You have the right to remain in the United States for 14 calendar days so that you may file a petition for review of this order to the appropriate U.S. Circuit Court of Appeals as provided for in section 242 of the Act, 8 U.S.C. 1252. You may waive your right to remain in the United States for this 14-day period. If you do not file a petition for review within this 14-day period, you will still be allowed to file a petition from outside of the United States so long as that petition is filed with the appropriate U.S. Circuit Court of Appeals within 30 calendar days of the date of your final order of removal.

A 7606 HUGHES - SDDO

(Signature and Title of Issuing Officer)

Norfolk, Virginia

(City and State of Issuance)

January 26, 2021 19:00

(Date and Time)

Certificate of Service

I served this Notice of Intent. I have determined that the person served with this document is the individual named on the other side of the form.

RYAN HAMILTON - DO

[Signature]

(Signature and Title of Officer)

January 27, 2021 12:00

In Person

(Date and Manner of Service)

I explained and/or served this Notice of Intent to the alien in the English language.

(Name of interpreter)

(Signature of interpreter)

Location/Employer: Norfolk, Virginia

I Acknowledge that I Have Received this Notice of Intent to Issue a Final Administrative Removal Order.

(Signature of Respondent)

(Date and Time)

The alien refused to acknowledge receipt of this document.

(Signature and Title of Officer)

(Date and Time)

I Wish to Contest and/or to Request Withholding of Removal

I contest my deportability because: (Attach any supporting documentation)

- I am a citizen or national of the United States.
- I am a lawful permanent resident of the United States.
- I was not convicted of the criminal offense described in allegation number 6 above.
- I am attaching documents in support of my rebuttal and request for further review.

I request withholding or deferral of removal to Jamaica [Name of Country or Countries]:

- Under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), because I fear persecution on account of my race, religion, nationality, membership in a particular social group, or political opinion in that country or those countries.
- Under the Convention Against Torture, because I fear torture in that country or those countries.

[Redacted Signature]

(Signature of Respondent)

Adrean Francis

(Printed Name of Respondent)

1-27-21

(Date and Time)

I Do Not Wish to Contest and/or to Request Withholding of Removal

I admit the allegations and charge in this Notice of Intent. I admit that I am deportable and acknowledge that I am not eligible for any form of relief from removal. I waive my right to rebut and contest the above charges. I do not wish to request withholding or deferral of removal. I wish to be removed to _____

I understand that I have the right to remain in the United States for 14 calendar days in order to apply for judicial review. I do not wish this opportunity. I waive this right.

(Signature of Respondent)

(Printed Name of Respondent)

(Date and Time)

(Signature of Witness)

(Printed Name of Witness)

(Date and Time)

RETURN THIS FORM TO:
Department Of Homeland Security


9200 Arboretum Pkwy Ste 140

Richmond Virginia 23236

ATTENTION:

The Department office at the above address must **RECEIVE** your response within 10 calendar days from the date of service of this Notice of Intent (13 calendar days if service is by mail).



Alien's Name RILEY, PIERRE YASSUE NASHUN	File Number ██████████ 840 Event No: NOR2101000081	Date 01/26/2021
<p>CUSTOM #6 ----- You are not a citizen or national of the United States;</p> <p># You are a native of JAMAICA and a citizen of JAMAICA;</p> <p># You were admitted to the United States at Miami, Florida on or about February 3, 1995, as a B-2 nonimmigrant with authorization to remain in the United States until August 2, 1995;</p> <p># You remained in the United States beyond 6 months without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.</p> <p># You were, on March 22, 2011 , convicted in the United States District Court Southern District Court of New York for the offense of Conspiracy to distribute 1000 kilograms or more of marijuana and Possession of a firearm in furtherance of aforementioned, in violation of 21 U.S.C. 846 and 18 U.S.C. 924(c) and 2.</p> <p>#</p>		
Signature  A 7606 HUGHES	Title SDDO	

**Record of Sworn Statement in
Administrative Proceedings**

U.S. Department of Homeland Security

Office: ERO - NORFOLK, VA Sub OfficeEvent No: NOR2101000081
File No: ██████████ 840Statement by: RILEY, PierreIn the case of: PIERRE RILEYAt: Rivers CorrectionalDate: January 26, 2021

Before: _____

(Name and Title)

In the English language.

Interpreter: _____

Interpreter employed by: _____

I am an officer of the United States Department of Homeland Security, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. I desire to take your sworn statement regarding Administrative Removal

Record of Sworn Statement in Administrative Proceedings: Q. Do you wish to have a lawyer, or any other person present to advise you?

A. No

Q. Are you willing to answer my questions at this time?

A. Yes

Q. Do you swear that all the statements you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?

A. Yes

Q. What is your true and correct name?

A. Pierre Riley

Q. Have you used any other names?

A. Adrian Francis

Q. Of what country are you a citizen?

A. Jamaica

Q. What is your date and place of birth?

A. ████████/79, Kingston

Q. When did you last enter the United States?

A. 1995

Q. Have you ever been ordered deported, excluded, or removed from the United States?

A. No

Q. How and where did you enter the United States at that time?

A. Ft Lauderdale, Air

Q. Do you have any fear of persecution or torture should you be removed from the United States?

A. Yes, political issues with certain people had 2 of his cousins killed within the last 10 years.

Q. Is there anything else you would like to say at this time?

A. I came to the US to live with my father in 95 because my mother was incarcerated in Jamaica. My father naturalized in 1980 and when I came here to live began the process to get me status as a USC. He filed the paperwork in 96.

See I-831



Alien's Name RILEY, PIERRE YASSUE NASHUN	File Number [REDACTED] 840 Event No: NOR2101000081	Date 01/26/2021
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NARRATIVE

I have read (or have had read to me) the foregoing statement consisting of 2 pages. I affirm that the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above-named officer of the Immigration and Naturalization Service. I have initialized each page of this statement (and the corrections noted on page(s) _____).

Signature of alien: [REDACTED]

Subscribed and sworn to me at: Norfolk VA on 1/27/2021

[Signature]
 (Signature of Immigration Officer)

 (Signature of Witness)

Signature RYAN HAMILTON	Title DO
--------------------------------	-----------------



Record of Determination/Reasonable Fear Worksheet

<u>WAS</u> District Office Code	<u>ZAC</u> Asylum Office Code	<u>[REDACTED] 840</u> Alien's File Number
<u>Friedman</u> Asylum Officer's Last Name	<u>M.</u> Asylum Officer's First Name	<u>Jamaica</u> Alien's Nationality
	<u>Riley</u> Alien's Last/ Family Name	<u>Pierre Yassue Nashun</u> Alien's First Name

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

1.1 02/04/21 1.2 ZAR (Telephonic)
Date of interview [MM/YY/DD] Interview site

1.3 Applicant received and signed Form M-488 and relevant *pro bono* list on: 01/27/21
Date signed [MM/DD/YY]

1.4 Representative name, address, telephone number and relationship to applicant:
N/A

1.5 Persons present at the interview (check which apply)
 Representative
 Other(s), list: _____
 No one other than applicant and asylum officer

1.6 Language used by applicant in interview: English

1.7 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended

1.8 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended

1.9 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended

1.10 Interpreter oath completed.

1.11 Interpreter was not changed during the interview

1.12 Interpreter was changed during the interview for the following reason(s):

1.13 Applicant requested a female interpreter replace a male interpreter, or vice versa

1.14 Applicant found interpreter was not competent 1.15 Applicant found interpreter was not neutral

1.16 Officer found interpreter was not competent 1.17 Officer found interpreter was not neutral

1.18 Bad telephone connection

1.19 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

The purpose of this interview is to determine whether you should be referred to an immigration judge to apply for withholding or deferral of removal. You will be eligible for such a referral if DHS finds that there is a reasonable possibility you would be persecuted or tortured in the country to which you have been ordered removed. I am going to ask you questions about why you fear returning to the country to which you have been ordered removed, or any other country. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Alien's File Number:

840

SECTION II:

BIOGRAPHIC INFORMATION

- 2.1 RILEY
Last Name/ Family Name [ALL CAPS]
- 2.2 Pierre Yassue Nashun 2.3 _____
First Name Middle Name
- 2.4 _____/79 2.5 Gender Male Female
Date of birth [MM/DD/YY]
- 2.6 Riley, Peirre; Francis, Adrian
Other names and dates of birth used
- 2.7 Jamaica 2.8 Jamaica
Country of birth Country (countries) of citizenship (list all)
- 2.9 Prior address in last country in which applicant fears persecution or torture (List Address, City/Town, Province, State, Department, and Country):
Kingston, Jamaica
-
- 2.10 2/3/1995 2.11 At Miami International Airport
Date of last arrival [MM/DD/YY] Port of arrival
- 2.12 01/25/21 2.13 Caroline Detention Facility, 11093 SW Lewis Memorial Dr., Bowling Green, VA 22427
Date of detention [MM/DD/YY] Place of detention
- 2.14 Grounds provided by Deportation Officer for removal:
 Prior order reinstated pursuant to 241 (a)(5) of the INA
 Removal order pursuant to 238(b) of the INA (based on aggravated felony conviction)
- 2.15 Black Jamaican 2.16 Rastafarian 2.17 English; Jamaican Patois
Applicant's race or ethnicity Applicant's religion All languages spoken fluently by applicant
- 2.18 Does the applicant claim to have a medical condition (physical or mental), or has the officer observed any indication that a medical condition (physical or mental) exists? Yes No
- 2.19 If YES, Explain:
Type II Diabetes, high blood pressure, back problems, sciatic nerve problems. Applicant stated that he is concerned about contracting Covid in the detention facility due to being diabetic.
-
- 2.20 Does applicant indicate, or does officer believe medical condition is serious? Yes No
- 2.21 Does applicant request immediate attention for a medical condition, or does the officer believe applicant needs immediate attention for a medical condition? Yes No
- 2.22 Does applicant claim that medical condition relates to torture? Yes No

Alien's File Number:	840
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SECTION III: REASONABLE FEAR FINDING

TYPED INTERVIEW NOTES IN QUESTION-AND-ANSWER FORMAT AND ASSESSMENT OF REASONABLE FEAR MUST BE ATTACHED TO THIS WORKSHEET.

If the asylum officer finds the applicant not credible, the interview notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues.

A person has a reasonable fear of persecution or torture if there is a reasonable possibility the person would be persecuted or subjected to torture.

A. Credibility Determination

- 3.1 ~~The applicant's testimony was sufficiently detailed, consistent and plausible in material respects and therefore is found credible.~~ Applicant found credible.
- 3.2 The applicant's testimony was found not credible in material respects. [Assessment must (1) identify specific discrepancies, inconsistencies, kind of detail applicant was unable to provide, etc. (2) Summarize applicant's explanation for the inconsistencies, inability to provide detail, etc.; and why the explanation failed to overcome reasons for finding the applicant not credible; and (3) explain how the non-credible aspects of the testimony are material to the claim.]
- 3.3 Material aspects of the applicant's testimony were found credible in part and not credible in part. [Assessment must identify which material aspects were credible and which were not credible. For part of testimony found not credible, (1) identify specific discrepancies, inconsistencies, kind of detail applicant was unable to provide, etc.; (2) Summarize applicant's explanation for the inconsistencies, inability to provide detail, etc.; and (3) Explain how the non-credible aspects of testimony are material to the claim.]

B. Reasonable Fear Determination

- 3.4 **Reasonable Fear of Persecution Established (I-863 Box 6)**
 [The applicant has established that there is a reasonable possibility of suffering harm constituting persecution in the country to which the applicant has been ordered removed, AND the applicant has established that there is a reasonable possibility the feared persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.]
 Is political opinion related to Coercive Family Planning? Yes No
- 3.5 **Reasonable Fear of Torture Established (I-863 Box 6)**
 [The applicant has established that there is a reasonable possibility that 1) the applicant would be subject to severe pain or suffering in the country to which the applicant has been ordered removed; 2) the feared harm would be specifically intended to inflict severe physical or mental pain or suffering; 3) the pain or suffering would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity; 4) the feared harm would be inflicted while the applicant is in the custody or physical control of the offender; and 5) there is a reasonable possibility that the feared harm would not be in accordance with lawful sanctions.]
- 3.6 **No Reasonable Fear of Persecution Established and No Reasonable Fear of Torture Established (I-863 Box 5, if applicant requests review)** [Assessment must explain reasons for both findings.]

ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

3.7 <u>M. Friedman, ZAR 684</u> Asylum officer name and ID CODE (print)	3.8 <u>M. Friedman</u> Asylum officer's signature	3.9 <u>02/04/21</u> Decision date
3.10 <u>J. Deharo, ZAR 800</u> Supervisory asylum officer name	3.11 <u>J. Deharo</u> Supervisory asylum officer's signature	3.12 <u>02/05/2021</u> Date supervisor approved decision

A Number ██████████ 840
 Name RILEY, Pierre «Middle_Name»
 Country Jamaica

Date 02/04/21
 APSO Friedman / ZAR684
 Office «CCO»

U.S. DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICES

Reasonable Fear Interview Notes

Interviewing APSO:	M. Friedman/ZAR 684
Interview Location:	ZAC (telephonic)
Asylum Office:	Arlington Asylum Pre-Screening Center (ZAC)
Interview Start Time	9:03am EST
Interview End Time	12:15pm EST

Language:	English	Start:	9:03am	EST
Provider:	N/A	End:	12:15pm	EST

NOTE: REASONABLE FEAR INTERVIEWS ARE USED TO SCREEN FOR POSSIBLE ASYLUM ELIGIBILITY AND NOT TO DEVELOP EVERY ELEMENT OF AN APPLICANT'S PROTECTION CLAIM. THESE Q & A INTERVIEW NOTES ARE NOT INTENDED TO BE A COMPLETE TRANSCRIPT OF THE REASONABLE FEAR INTERVIEW OR A COMPLETE ACCOUNTING OF THE APPLICANT'S ASYLUM CLAIM.

INTERPRETER'S OATH

Call Interpreter

Q: Hello, my name is Officer Friedman and this will be a reasonable fear interview today. Do you have form I-899 and M-488?

A: N/A

Interpreter Previously Sworn In

I'm now going to place you under oath.

Q: Do you affirm that you will truthfully, literally and fully interpret the questions I ask and the answers given by the applicant; that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and that you will immediately notify me if you become aware of your inability to interpret in a neutral manner on account of a bias for or against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?

A: N/A

Q: Do you affirm that you will keep the matters discussed during this interview confidential?

A: N/A

Interpreter Sworn In

[to Interpreter] Interpreter, please introduce yourself to the applicant and let him know that you've been sworn in and will keep everything discussed today confidential.

Q: [To the Applicant] Do you understand the interpreter well?

Applicant (A): N/A

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Q: Besides English, do you speak any other languages?

A: Patois

Q: Are you comfortable being interviewed in English with a female officer?

A: Yes

INTRODUCTION & OATH

Q: My name is Officer Friedman and I'll be conducting your reasonable fear interview today through the interpreter. We are having this interview because you expressed a fear of returning to Jamaica. Are you still afraid to go back?

A: Yes mam

APPLICANT OATH

Q: Before we continue I will place you under oath. Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

A: Yes. [Applicant Sworn In]

Q: Thank you. You may lower your hand. We'll discuss the reasons you're afraid in just a few minutes. Since we have an interpreter on the line, please remember to speak clearly and loudly. Please take frequent pauses so the interpreter can accurately tell me everything you say. Everything we discuss will be kept confidential, which means it won't be shared with anyone in Jamaica.

ATTORNEY

Q: Do you have an attorney to represent you today?

A: No

Q: Did you receive a list of attorneys who may be able to represent you for free or low cost?

A: I contacted the care coalition but they said they're not representing me at this time. They're just advising me on what to do and my options.

Q: During this interview you have the right to have an attorney if you would like one, but it's not necessary. Are you comfortable continuing the interview today by yourself?

A: Yes that's okay

M-488 & PURPOSE OF INTERVIEW

[Applicant received and signed M-488 before interview]

Q: Our records indicate that on 01/27/21, you received information explaining the reasonable fear process. Do you remember receiving this information and signing the form?

A: Yes

Q: Did you understand the information in the orientation document?

A: Most of it

Q: Any questions?

A: No questions right now

Q: I will read you a paragraph about the process of today's reasonable fear interview.

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 Country Jamaica

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 APSCO Friedman / ZAR684
 Office «CCO»

[☒AO read para. 1.19 of Form I-899 to the applicant.]

The purpose of this interview is to determine whether you should be referred to an immigration judge to apply for withholding or deferral of removal. You will be eligible for such a referral if the Department of Homeland Security finds that there is a reasonable possibility you would be persecuted or tortured in the country to which you have been ordered removed. I am going to ask you questions about why you fear returning to the country to which you have been ordered removed, or any other country. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q: Did you understand what was just read to you?

A: Yes

Q: Do you have any questions about what was read?

A: Not at this time

Q: How are you feeling today?

A: I feel alright. What's really bothering me is the fact that my judge, she reduced my sentence due to compassionate release, due to covid spreading in prisons, she reduced my sentence by 10 years. She made a decision based on the fact that I'm diabetic and it could be life threatening. She did that and now I'm over here at the facility and there's covid all over the place. It threatens my health.

Q. Does the staff at the facility know about your condition?

A. Yeah

Q. Have they put you in an area away from others?

A. We're all in one unit. Basically each person, whether you have covid or not, gets out to use the bathroom or computer. Everyone is touching the same thing, using the same showers.

Q: Otherwise, how are you being treated in the detention facility?

A: The officers are pretty respectful. I got my diabetic medication. I can't complain.

Q: Do you have any other medical or health-related conditions besides diabetes?

A: Diabetes, back problems, sciatic nerve problems, I'm on blood pressure medication.

Q: Are you taking any medication?

A: Medications for diabetes and blood pressure

Q: Does your medical condition relate to any mistreatment you may have suffered in your country?

A: No I don't think so. I'm not sure.

Q: Would your health condition or medication affect your ability to understand or answer my questions?

A: Not that I know of

Q: Are you alone in the room right now?

A: Yes

Q: Are you willing to answer my questions at this time?

A: Yes

The interview will be in three parts today. First, I will ask you some background and biographic questions. Next, we'll discuss why you're afraid to return to Jamaica. At the end, I'll ask you some questions that I have to ask every applicant and then read you a summary of your testimony.

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BIOGRAPHIC INFORMATION

Q: What is your true and complete name?

A: Pierre Yassue Nashun Riley

Q: Is that the name you were given at birth?

A: Yes

Q: Have you ever used or been known by any other name, nickname or alias?

A: I don't want to claim Adrean Francis. That was the name I was indicted in on my criminal charges. I've never used it but I went by it for a period of like 10 years. I was stuck in that name for over 10 years in the system. When I first got arrested the DEA agents I told them my real name. For some reason when I got sentenced in 2011 it somehow switched to Adrean Francis. They indicted me in that name so I guess that's how it stuck.

Q: Do you know why they would have used that name?

A: The people who cooperated against me told them that was my name.

Q: When did you start using that name?

A: In 2011. It was always attached to my name during trial. The government indicted me in that name but I just want to say that when the agents arrested me I told them my true name. I never told them my name was Adrean Francis.

Q: Do you have any documents issued to you under that name?

A: No

Q: Have you used any other names or nicknames?

A: I had a nickname growing up that my mother called me.

Q: What is your correct date of birth?

A: ██████████/79

Q: Have you ever used any other dates of birth?

A: I guess to get into clubs and stuff. ██████████/78.

Q: Do you still use IDs with that DOB?

A: No

Q: Were you born in Jamaica?

A: Yes so I've been told.

Q: Are you a citizen of Jamaica?

A: Yes

Q: Have you ever been a citizen of any other country?

A: I'm claiming citizenship here because my dad got naturalized when I was one year old in 1980. I did make that claim. Is it okay to make that claim?

Q: I did see that you claimed to be a USC and you said that your father petitioned for you, correct?

A: I think that gives me derivative citizenship. So I think I'm also a citizen of the U.S.

Q: Do you know when your father would have petitioned for you?

A: Sometime in 1996. My mom had gotten a visa for me when I was 12 and I used to travel back and forth for holidays. After she got arrested, he told me to come to the states on my visa because he didn't want me staying in my neighborhood where I grew up. He told me you're not going back because I'm going to file for your citizenship. All this time I thought I was a citizen. He explained to me that once he files for my citizenship it's

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automatic. One more thing I want to note is that this officer Hamilton put that my mom got arrested in Jamaica, but it was in the U.S.

Q: Have you ever lived in any country other than Jamaica and the United States?

A: No

Q: Did you ever apply to live in any other country?

A: No

Q: Have you ever been offered lawful status in another country?

A: No

Q: What was the address of the last place you lived before coming to the United States?

A: Kingston

Q: What is your race or ethnic group? Some people say White, Black, Hispanic, Indigenous, Ladino, Garifuna, Latino.

A: Black, Jamaican, African-American

Q: What is your religion, if any?

A: Rastafarian spiritual

Q: What is your marital status? Are you single, married, divorced, widowed or living with a partner? (provide name, DOB, location, A#)

A: Single, I was engaged but I got locked up before I got married.

Q: Do you have any children? (provide name, DOB, location, A#)

A: Yes, 7

Name: Pierre Riley Jr.
Location: North Carolina
DOB: ████████/00
Citizenship: U.S.

Name: LaKayla Riley
Location: North Carolina
DOB: ████████/00
Citizenship: U.S.

Name: Paris Riley
Location: North Carolina
DOB: ████████/02
Citizenship: U.S.

Name: Shamani Riley
Location: North Carolina
DOB: ████████/02
Citizenship: U.S.

Name: Polan Riley
Location: North Carolina
DOB: ████████/03
Citizenship: U.S.

Name: Pareek Riley
Location: North Carolina
DOB: ████████/03

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Citizenship: U.S.

Name: Persia Riley
 Location: North Carolina
 DOB: ██████████/06
 Citizenship: U.S.

Q: Who would you live with in the U.S. if you are released from the detention center?

A: I would live with my brother in New York.

Name: Romero Thompson

Relationship: Brother

Location: 1 Riverplace, Apt. 1014 NY, NY 10036

Phone: 646-281-5844

Imm Status: US Citizen

Q: Did you ever serve in the military, security forces or with the police in Jamaica?

A: No I was still in school.

Q: What type of work did you do in Jamaica?

A: N/A

Q: In total, how many years of school have you completed?

A: I went to 11th grade in Jamaica but when I came to prison I finished my GED and I got my college degree while I was incarcerated. I got my associate's in business science. I graduated summa cum laude. I got my electrician's license too. I got my apprenticeship in computer operations.

Q: Have either of your parents ever been citizens of the United States?

A: My father

ENTRY/ENCOUNTER INFORMATION

Q: Records indicate that you last entered the United States on 02/03/95 at or near Miami, FL. Is this correct?

A: Yes and I never returned

Q: Did you have any status the last time you entered the U.S.?

A: B-2 visa

Q: Did you ever return to Jamaica after that?

A: No

Q: How many times in total have you entered the U.S.?

A: 4

Q: When was the first time?

A: 12/25/91

Q: Second time?

A: July 1992

Q: Third time?

A: Summer 1993

Q: How long did you stay each time?

A: The first time I stayed a couple weeks, second and third time the whole summer.

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Q. Have you ever been deported from the U.S. before?

A. No

Q: How long have you been detained for with Immigration?

A: Since 01/27/21

REASONS FOR COMING TO THE U.S. & SUBSTANCE OF CLAIM FOR PROTECTION

Now we are going to discuss why you came to the U.S. and why you are afraid to return to Jamaica. Please listen to my questions carefully and answer directly. If you don't know or can't remember something, just tell me but please do not guess. If you do not understand a question, please let me know and I will ask it in a different way.

PAST HARM

Q. Why would you be afraid to return to Jamaica now?

A. Because of the death of my cousins. There's a guy in Jamaica he was an ex-cop. He's pretty powerful. He's got politicians, people in parliament on his payroll. He had both my cousins killed. He's basically targeting the family. He made claims like killing anybody in the family, like hunting us down and killing us. I guess he's paranoid, like fear of retaliation of any male in the family.

Q. What is this person's name?

A. ██████████. I can't remember his last name. It should be in some report of my cousin's killing.

Q. You said he was an ex-cop. Do you know when he retired or left his job?

A. He was in the states too for a period of time. I think he got deported himself. He's a big drug kingpin. Since he got deported he got way more powerful in Jamaica. He has his own hitman squad, police friends, friends with judges.

Q. Was he a cop in Jamaica or in the U.S.?

A. In Jamaica

Q. Do you know when he lived in the U.S. or how long?

A. I'm not sure

Q. Do you know when he was deported?

A. Sometime in either ██████████ or ██████████.

Q. You said he had both of your cousins killed. Were they killed at the same time?

A. No separate times

Q. When were they killed?

A. First one was ██████████ and the second I don't remember exactly, maybe ██████████ or ██████████.

Q. Do you know why he had your cousins killed?

A. I guess it started over some money that one of them owed him. It started off with the first one. Both my cousins got deported from here and they got killed in Jamaica. It started off with some money discrepancy. The second one, he was just like afraid of retaliation. My second cousin said it's not going to go down like that and he just had him killed too. He was making all types of claims like I will kill everyone of you that comes down here.

Q. Was he a cop at the time that he had your cousins killed?

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A. No I don't think so. He had come to the U.S. and he stayed in the U.S. for quite some time and he got deported after that. From what I've heard he had more people killed too.

Q. You said that he had your cousins killed. Did he have someone do it for him?

A. He had his people kill them. He uses police to do his bidding, he has police friends that he's still pretty connected too. He has regular people, governmental people, he's pretty connected.

Q. Where in Jamaica does he live?

A. I don't know. Guys like him pretty much have houses everywhere. He's pretty wealthy.

Q. Has he ever personally threatened you?

A. No he's never personally threatened me. I know him because he's from the same neighborhood that I grew up in.

Q. Has he threatened you indirectly?

A. Yes he knows the family. That's how it goes in Jamaica. If you kill or had someone killed in a person's family, it kind of never stops. How the culture is nobody ever forgets about stuff like that.

Q. When he threatened you through the family, who was it that he threatened?

A. He would speak with people that we know in the community. There's this one guy George that told me some stuff that he was saying, He was talking a bunch of crap. George told me what he said about my family. He brags on this stuff.

Q. When did George tell you about the threats?

A. A couple months to a year after ██████████ died in ██████████. I want to say ██████████. I'll try to get the death certificates.

Q. Have you spoken to George since 2009?

A. George got killed himself, but I used to talk to him when I was incarcerated. He died sometime in 2013 or 2014. This has just been said amongst people. Oh, Sam told me once too. Over the years he just talked shit.

Q. Just to confirm, you last spoke with George in 2009, correct?

A. Yes. I spoke to Sammy after that. It was a couple years after. He told me he's still taking shit.

Q. When did you last speak with Sam?

A. I want to say 2017.

Q. What exactly did Sammy tell you about ██████████?

A. He said that dude is still talking shit about your family. These talks never go away. I got a lot of male cousins.

Q. Did he say anything more specific?

A. He said your guy ██████████ is still talking shit about your family.

Q. The last time you spoke to George, did he say anything more specific?

A. The last time it was still fresh so he was saying "I'll kill the whole family, come at me and this and that." When Dorrell got deported, he said fuck that its not going down like that, so ██████████ had him killed.

Q. Did ██████████ ever threaten any specific family members or did he just threaten to kill your family in general?

A. The family in general. My cousin, we grew up pretty family-oriented. He knew us, we were more like brothers than cousins. There's a lot of male cousins in my family. I wouldn't really care that much if he wasn't that powerful, but he's got police hit squads, judges, and parliamentary people in his pockets.

Q. Do you know if ██████████ has threatened or harmed anyone in your family since he was deported back to Jamaica in ██████████?

A. No I don't know. Now that you mention it, he does use his money to do stuff like that. People in the community that we grew up in he's still pretty connected to.

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Q. Has anyone else besides George and Sammy told you that ██████████ has been threatening your family?

A. Yeah people tell me. This is just so well-known. It's just like, for example, you see old people from the community that knows us and him, they would just say stuff like that.

Q. Was there anything more recent than what you heard from Sammy in 2017?

A. I heard about him like he's in Jamaica, like he's got this and that and he's got all these politicians in his pockets.

Q. Is there any other reason why you think ██████████ would want to kill you other than the fact that you are a cousin of the two people he had killed?

A. No that's it.

Q. When I asked you if ██████████ had threatened any of your family members since he was deported back to Jamaica, you said that he uses his money to do stuff like that. What exactly did you mean?

A. He didn't carry out this act himself. He uses his money to get his police hitman squad. He has reach as far as I know. He can pretty much get any information he wants in Jamaica. It's the money that's the influence.

Q. How is ██████████ so wealthy?

A. Drugs. That how he got deported. From what I've heard he got more powerful in Jamaica.

Q. Did anything happen to ██████████ after your cousins were killed?

A. Hell no. It's damn near impossible for that guy to be arrested.

Q. Why do say that it would be impossible?

A. Because of the corruption of the cops. He's got political guys and parliament people in his pocket. My family said he was the one that had it done and the police discarded it. They don't want to hear that about their friend.

Q. Did your family try to report your cousin's death to the police?

A. Yes. This other lady, he had his police friends kill her son. She actually went to the station and spoke about my cousin's death. She said he sent the money to her son to have my cousins killed. She was laying that whole story down to the police. I was pretty upset because we all grew up together and they just let ██████████ do all this evil stuff with his money.

Q. What happened when your family reported the deaths to the police?

A. They took the statements. Nothing ever came of it. Honestly I believe they discarded it. They never called my family back to say they had any leads. After they told them my mom said their actions were pretty much like they didn't care.

Q. Did your family ever follow-up with the police?

A. Yes they just told them they have no leads.

Q: Besides what we have already talked about, were you ever threatened or harmed by anyone else in Jamaica?

A: Not harmed, but threats. Not that I can remember. What exactly do you mean?

Q. Have you ever been threatened by anyone else in Jamaica besides ██████████?

A. Yeah people in my community. Other rough dudes in my community that I grew up with. ██████████ and them are friends too.

Q. What exactly are you referring to?

A. He has his people that still live in the community so basically they're saying we're on his side so whenever we see each other it's going down. That's what I told you from the get-go. That's what I meant by indirect earlier, I was including them. That's all his influence so that's why I generalized. There are dudes from the community that have sent threats that are connected to him.

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Q. When was the last time someone from the community threatened you or your family?

A. Years ago, I can't put an exact year on it. I was in prison too, but they know at some point I'm going to get out. They're just threatening the whole family. When I wasn't incarcerated, I used to look out for certain people and send them stuff. They just chose a side and said its going down when you come back.

FUTURE HARM

Q: What are you afraid will happen if you had to return to Jamaica?

A: I think that he's going to sent out a squad for me. Its been pretty tense between his side and my family over the years. It never died down. We never retaliated against him, but once you kill somebody's family, it's on for life, even 30 years later they might kill you. It never goes away. Just a single word brings back everything. Like Sammy in 2017 said ██████████ is still talking shit.

Q. You said that ██████████ has not harmed any of your family members since your cousin was killed in 2013-2014, correct?

A. Yes, I think everyone is still trying to keep a low profile. I don't really have that many left in Jamaica. Most of them are here now.

Q. You said you have a lot of male cousins. Are most of them living here or in Jamaica?

A. Here. A few migrated because of that situation too.

Q. Does the family that you have in Jamaica still live in the same community that they lived in when your cousins were killed?

A. Yes my mom still lives down there.

Q. Do you have family in other parts of Jamaica?

A. Not that I know.

Q. So the only family member you have in Jamaica is your mom, correct?

a. No my brother lives there but he's low profile, off the grid, I don't even know where he's at. He's scared too. I couldn't tell you when I last spoke with him.

Q. So basically when ██████████ has threatened your family, he is threatening the family in the U.S. that he will kill them if they come back to Jamaica?

A. Yeah I'm pretty sure. The U.S. is so big and it's a lot harder to come after us here. He doesn't make it a thing to come after us in the U.S. In Jamaica he has all this power and that's where he does most of his dirty work. Not to say that he doesn't have reach here. It's just easier to get away with it in Jamaica.

Q. If ██████████ has not acted on his threats against your family, why do you still think he would want to harm you now?

A. Because that's just how it is. You don't just kill somebody's family. As soon as he thinks there's a threat like me coming back or any other family members coming back he's just going to get at you.

Q. Would he have any other reason to harm you now other than what you've already told me?

A. I can't think of anything more than that.

Q. How would ██████████ know if you returned to Jamaica?

A. Word of mouth. People are going to know if I return. The whole world knows about my reduction of sentence. Everyone in my community in Jamaica, in New York, In North Carolina. It's a public thing on the computer. God knows he might be getting ready for me now.

Q. How would he be able to find you in Jamaica?

A. He has influences. He has people who work in the government. Let's just say for example, if you wanted to get at someone and you have governmental reach and you know that some point in time they might be coming your way. You just have your people waiting to see when I enter the country.

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Country	Jamaica	Office	«CCO»

Q. I believe you mentioned earlier that ██████████ has had other people killed. Who else has he had killed?

A. The lady's son from the community. I can't remember his name. They called him ██████████.

Q. You said that ██████████ hired that lady's son to kill your cousin, correct?

A. Yes that was the statement that his mother made.

Q. So why did ██████████ have him killed?

A. This was years after. I guess they had a falling out.

Q. Approximately when did he have him killed?

A. It might be 2014 or 2015. I was in prison in Gilmore, WV.

Q. Do you know of anyone else that ██████████ has had killed?

A. I've heard about more people, but I don't know them persay.

Q. Besides what you already told me, are there any other reasons you would be afraid to return to Jamaica now?

A. No not that I can recall right now.

INTERNAL RELOCATION

Q: Is there anywhere in Jamaica where you could live and be safe from ██████████ and his people?

A: I really don't think so. His reaches are too far. Jamaica isn't really that big anyway. He owns a lot of properties in Jamaica.

Q. Have any of your family members moved to different parts of Jamaica after the threats?

A. I don't have any details on that. No.

Q. Can you give me an example of how ██████████ could find you in a different part of the country?

A. His governmental reach. He has influences in the government.

Q. Was type of police officer was ██████████? Municipal, federal?

A. I don't know how the police system is set up in Jamaica. I know there's like a regular police and detectives. I want to say he might have been a detective. He wasn't really local. He was a little bit above that.

Q. Do you know why he left his position as a police officer?

A. No I don't know why.

Q. Why does he have connections with officials in the government and the parliament?

A. From what I've heard he's still doing his thing and pushing drugs hard at an all-time high.

Q: Besides safety, would it be hard for you to live in a different part of the country?

A: I'm not sure. Medical reasons I guess. Jamaica's medical systems aren't that good.

Q. So you don't think you would be able to get the proper medical care?

A. Right. It's not like here where I have a family base who's willing to pay for my medication while I'm here. From what I've heard Jamaica's system isn't that good.

CONVENTION AGAINST TORTURE

*AO explains that she is going to ask questions about public officials in Jamaica.

Q. Do you understand who I'm referring to by public officials?

A Number	██████████840	Date	02/04/21
Name	RILEY, Pierre «Middle_Name»	APSO	Friedman / ZAR684
Country	Jamaica	Office	«CCO»

A. Yes

Q: Other than what you told me, have you ever experienced any mistreatment, threats or harm from anyone in the police, military, or government in Jamaica?

A: Yeah I mean the police were pretty rough when I was growing up. I've been roughed up by police in Jamaica before.

Q. What exactly do you mean by roughed up?

A. Slapped with the butt of the gun and stuff like that. Beat up a little bit.

Q. How many times did that happen?

A. Probably 3 or 4 times.

Q. Why did the police treat you that way?

A. For one its because of the neighborhood that we were raised in. It's a pretty rough, poor neighborhood and they don't really care about people who live in poor neighborhoods.

Q. Did they do this to many young people in the neighborhood or did they single you out for some reason?

A. They did this to kids in the neighborhood. Sometimes they would just believe the younger generations are doing the bad stuff.

Q: Besides ██████████ and his people, are you afraid you could be harmed by public officials in the future?

A: Honestly I don't know.

Q: Do you think that any public official in Jamaica would ask or allow someone to harm you?

A: Yes definitely that's how it works.

Q. How exactly do you know about ██████████'s connections with the government?

A. People that see him and he talks a lot. He tries to brag about stuff like that. People would talk about what he says.

Q. Can you tell me anything specific that he has said about his connections?

A. I don't have any specifics. Just bragging like "I got all the connects."

Q: Have you ever seen the ██████████ and his people interacting or associating with the police?

A: No I've been incarcerated. I've heard that other people have seen him and relayed it back.

Q. What have other people told you about what he said about his connections with the government?

A. Pretty much like talking to certain people. I'm not going to say it happens frequently. I've been in jail. So I'm just going off of what they told me.

Q. Do you think that anyone in your country's government could protect you from the people you fear?

A. No I don't know anything about that. I highly doubt that. From what I've heard Jamaica doesn't even keep their...let's say there's a big case and they have witnesses testifying, they don't even keep them in Jamaica, I think after they're finished they let them live abroad.

Q. As far as you know, ██████████ has never suffered any consequences for his crimes, correct?

A. No not that I know of.

Q. Do you know if the police ever investigated the murder of that lady's son that you told me about?

A. I highly doubt that. I don't think so. I'm just going to say no. They're not going to investigate their own. He had police do it for him.

Q. You said ██████████ had other police officers kill him?

A. Yes

A Number	██████████840	Date	02/04/21
Name	RILEY, Pierre «Middle_Name»	APSO	Friedman / ZAR684
Country	Jamaica	Office	«CCO»

Q. How do you know that?

A. That's pretty well-known in the community. According to the details of that situation the police came and detained him, he was unarmed and they just killed him right in his home. They did it right in front of people. When they want someone there's not going to be much of an investigation going on. If you're not highly regarded the police kill whoever they want. What I heard is that he was there unarmed and they just took his kids out of the way and killed him right there in his home. Police do biddings of bad guys especially if you have money.

Q: Did you understand the questions I asked you about public officials?

A: Yes

NEXUS

Now I am going to ask you some questions that every applicant is required to answer. These are questions about other reasons someone may want to harm you. Some of them may not apply to you, but please answer each with "yes" or "no".

In Jamaica:

Q: Have you ever been threatened or harmed, or do you fear being threatened or harmed, because of your race or ethnicity?

A: No

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your religion?

A: No

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your political beliefs?

A: I don't know how to answer that. We grew up in the Jamaica Labor Party. You got guys from the areas from the People's National Party and they do harm people. If I go into the PNP party's neighborhood they do kill people.

Q. Do you have any fear that someone would kill you because you are a member of JLP?

A. Yes that would be a reason

Q. Would you say that you are still a member or that you still support that party?

A. Yeah I still share the beliefs.

Q. Why would someone from the PNP want to harm you?

A. It's just as simple as you being a part of the party. That's just how it goes down. That's all it takes in Jamaica.

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your nationality?

A: No

Q: Is there anything unique or different about you that someone in may want to harm you for?

A: There's always the part about us being in America and hustling and selling marijuana and not sending people money. They might want to hurt you because of that. That's something I've actually experienced, like dudes being upset because I didn't send any money to them.

Q. Have any of those people ever threatened you because you didn't send money to them?

A. Yeah I've heard people say that some of them dudes say "that nigga better not be coming back", stuff like that. I wasn't really..I always thought I was a U.S. citizen so I didn't pay any mind to that stuff but now that I'm getting all this about being deported...I thought I was a citizen. 25 years later I'm finding out, yeah..I don't know.

A Number	██████████ 840	Date	02/04/21
Name	RILEY, Pierre «Middle_Name»	APSO	Friedman / ZAR684
Country	Jamaica	Office	«CCO»

Q: When was the last time someone got upset with you because you didn't send them money?
A: Before I got incarcerated, quite a while back.

Q: Were you a member of any groups or organizations in Jamaica?
A: No

POSSIBLE BARS

I have a few more questions that I have to ask every applicant. Please answer each with "yes" or "no".

Q: Have you ever harmed or help somebody harm another person?
A: No

Q: Have you ever committed a crime in any country?
A: I went to trial in the U.S. and they found me guilty.

Q: Have you ever been arrested, convicted or sentence for a crime anywhere in the world?
A: Yes

Q: How many times have you been arrested?
A: Twice. I was arrested back in 1998 but it ended in a youthful offender.

Q: What were you arrested for in 1998?
A: Marijuana possession

Q: When was the second time you were arrested?
A: For this conviction in 2006

Q: What exactly were you convicted of?
A: Conspiracy to distribute marijuana and possession of a firearm in furtherance of count 1 which is the conspiracy to distribute marijuana. It's a bunch of crap because there was a gun in the vicinity, there was a firearm facilitating the area where we were selling marijuana. It was there to protect us. They just hit us with a bunch of bullshit charges. The gun charge was just added on to the marijuana charge to make us look bad.

Q: How long was your sentence?
A: 25 years

Q: How long did you serve?
A: 7 days shy of 15 years. I was incarcerated 02/02/06. On 01/25/21 the judge signed the order for compassionate release.

Q: Have you ever had any type of military or weapons training?
A: No

Q: Have you ever belonged to any group that uses or encourages violence, or engages in illegal activity?
A: No

Q: Even if you didn't want to, have you ever helped or supported any group that uses or encourages violence, or engages in illegal activity?
A: No

Q: Have you ever been associated or affiliated with a gang, cartel, or drug traffickers in any way?
A: No

A Number ██████████840
 Name RILEY, Pierre «Middle_Name»
 Country Jamaica

Date 02/04/21
 APSO Friedman / ZAR684
 Office «CCO»

Q: Terrorist activities are things like using weapons or explosives against people or property; trying to hurt other people; or trying to cause a lot of property damage. Do you understand what I mean by "terrorist activities"?

A: Yes

Q: Have you ever been a terrorist or participated in any terrorist activities?

A: No

SUMMARY OF TESTIMONY

Please give me a moment to summarize the information you provided during your interview, and then I'll read it back to you.

I'm now going to read you a summary of your testimony. Since this is only a summary, it will not include everything that you've told me today. Please let me read the whole thing, and then you'll have a chance to make any corrections or changes at the end.

Summary of Material Facts

You testified: You and your family were threatened by a person named ██████████, who was a former police officer in Jamaica. ██████████ had two of your cousins killed. One of the deaths was due to a discrepancy over money and the other was due to retaliation. You believe that ██████████ is targeting you and your family because of your relationship to your cousins. Your family reported this to the police and the police took their statements, but never found any leads or followed-up with your family on the case. You believe they intentionally discarded the case in order to protect ██████████. You are afraid to return to Jamaica because you believe ██████████ will have you killed. You have heard from friends and people in your community in Jamaica that ██████████ has threatened to kill you and other family members if you return to Jamaica. You do not believe you could live anywhere else in Jamaica because ██████████ is well-connected with government officials and he can find you anywhere. You do not believe the police or government could protect you because they are the people who ██████████ works closely with.

Q: Is that summary correct?

A: Yes

Q: Is there anything you would like me to add or change?

A: No

Q: Is there anything else that you would like to tell me about your claim that we have not yet discussed?

A: No not right now. That's pretty much it. This dude he's not going to stop. There haven't been any deaths lately, but the tension is still there between his people and my family. Honestly, it's never going away. It's what I know.

LAST CHECK FOR UNDERSTANDING

Q: Did you understand all the questions I asked today?

A: Yes for the most part

CONCLUSION

You will receive your decision the next few days. If you receive a positive decision, you'll be given notification to appear before an immigration judge. If you receive a negative decision, we will call you again to explain the reasons for the negative decision and your options. You can either ask a judge to review the negative decision or start the process to be deported to your home country.

Q: Do you have any questions?

A: I'm pretty sure I have questions, but my mind is discombobulated.

A Number	██████████840	Date	02/04/21
Name	RILEY, Pierre «Middle_Name»	APSO	Friedman / ZAR684
Country	Jamaica	Office	«CCO»

Q. Any other questions before we finish?

A. I'm sure I will have questions after this interview, but I can't think right now.

Thank you for your time today and for sharing your experiences with me. This concludes your reasonable fear interview, and I wish you the best of luck.

END TIME: 12:15PM EST

PRO SE

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ARLINGTON, VA

_____)
In the Matter of _____)
RILEY, Pierre _____)
Respondent _____)
In removal proceedings _____)
_____)

File No.: A [REDACTED] 840

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IMMIGRATION COURT
ARLINGTON, VA

2021 MAY 12 A 8:10

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DEPARTMENT OF JUSTICE

Immigration Judge: Hon. Raphael Choi

Next Hearing date: May 18, 2021

RESPONDENT'S I-589 APPLICATION

**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) ██████████ 840		2. U.S. Social Security Number (if any)	
3. USCIS Online Account Number (if any)			
4. Complete Last Name Riley		5. First Name Pierre	6. Middle Name YassueNashun
7. What other names have you used (include maiden name and aliases)? Adrean Francis			
8. Residence in the U.S. (where you physically reside)			
Street Number and Name 11093 SW Lewis Memorial Drive		Apt. Number	
City Bowling Green	State VA	Zip Code 22427	Telephone Number (804) 6330043
9. Mailing Address in the U.S. (if different than the address in Item Number 8)			
In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
10. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	11. Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
12. Date of Birth (mm/dd/yyyy) ██████/1979	13. City and Country of Birth Kingston, Jamaica		
14. Present Nationality (Citizenship) Jamaican	15. Nationality at Birth Jamaican	16. Race, Ethnic, or Tribal Group Black African American	17. Religion Rastafarian, Spiritual
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input checked="" 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.			
19. Complete 19 a through c.			
a. When did you last leave your country? (mm/dd/yyyy) 02/03/1995		b. What is your current I-94 Number, if any?	
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 2/03/1995	Place Miami Inter Airport	Status B-2 Visa	Date Status Expires 6/2012
Date 7/1993	Place Kennedy Airport NY	Status B-2 Visa	
Date 7/1992	Place Kennedy Airport NY	Status B-2 Visa	
20. What country issued your last passport or travel document? Jamaica		21. Passport Number Do not know	22. Expiration Date (mm/dd/yyyy)
		Travel Document Number Do not know	
23. What is your native language (include dialect, if applicable)? English		24. Are you fluent in English? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	25. What other languages do you speak fluently? Patos
For EOIR use only. 2021 MAY 12		For USCIS use only. Action: Interview Date: _____ Asylum Officer ID No.: _____	Decision: 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)	2. Passport/ID Card Number (if any)	3. Date of Birth (mm/dd/yyyy)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Other names used (include maiden name and aliases)
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage	11. City and Country of Birth	
12. Nationality (Citizenship)		13. Race, Ethnic, or Tribal Group	14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location):			
16. Place of last entry into the U.S.	17. Date of last entry into the U.S. (mm/dd/yyyy)	18. I-94 Number (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: 7

(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)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley Jr	6. First Name Pierre	7. Middle Name YassueNashun	8. Date of Birth (mm/dd/yyyy) ██████/2000
9. City and Country of Birth Bronx, N. Y., USA	10. Nationality (Citizenship) UnitedStatesCitizen	11. Race, Ethnic, or Tribal Group Black, African American	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? United States Citizen	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 checked="" 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 checked="" type="checkbox"/> No			

Part A.II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley	6. First Name Lakalya	7. Middle Name Nasheena	8. Date of Birth (mm/dd/yyyy) [REDACTED]/2000
9. City and Country of Birth Bronx, N.Y., USA	10. Nationality (Citizenship) United States Citizen	11. Race, Ethnic, or Tribal Group Black African American	12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? United States Citizen	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 checked="" 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 spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley	6. First Name Paris	7. Middle Name Sky	8. Date of Birth (mm/dd/yyyy) [REDACTED]/2002
9. City and Country of Birth Bronx, N.Y., USA	10. Nationality (Citizenship) United States Citizen	11. Race, Ethnic, or Tribal Group Black African American	12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? United States Citizen	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 checked="" 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 spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley	6. First Name Shamani	7. Middle Name Chiara	8. Date of Birth (mm/dd/yyyy) [REDACTED]/2002
9. City and Country of Birth Bronx, N.Y., USA	10. Nationality (Citizenship) United States Citizen	11. Race, Ethnic, or Tribal Group Black African American	12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? United States Citizen	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 checked="" 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 spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" 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)
43 Gold Street	Kingston	Central Kingston	Jamaica	3/22/1979	2/3/1995

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)
11093 SW LewisMemorialDI	Bowling Green	Virginia	USA	1/27/2021	04/2021
145 Parkers Fishery RD	Winton	North Carolina	USA	11/2020	01/27/21
1805 West 32 Street	Baldwin	Michigan	USA	03/02/2020	11/2020
F.C.I. Elkton P.O. BOX	Lisbon	Ohio	USA	07/07/2015	03/02/20

3. Provide the following information about your education, beginning with the most recent school that you attended.
(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)
Glenville State College	University/College	200 High St. Glenville WV	01/2012	06/2015
Calhoun Gilmer Career Center	Electrical Technician	P.O. BOX 6000 Glenville WV	02/2012	06/2012
F.B.O.P. Drug Program	Rehabilitation Program	150 Park Row N.Y. N.Y.	06/2010	06/2011
University of the State of NY	University/GED Testing	POBOX 7348 Albany NY 12224	07/2008	11/2008

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)
CI Rivers 145 Parkers Fishery Rd Winton NC 27986	FoodService Kitchen Orderly	01/08/21	01/27/21
Unicot F.C.I. Elkton PO BOX 10 Lisbon Ohion 44432	Class,LineTutor Computer Op	11/22/16	02/10/20
FBOP F.C.I. Elkton PO BOX 10 Lisbon Ohio 44432	Unit Orderly	07/2015	11/2016

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
Mother Rosemarie Ann Maragh	Kingston, Jamaica	<input type="checkbox"/> Deceased Kingston Jamaica
Father Winston Churchill Riley	Kingston, Jamaica	<input type="checkbox"/> Deceased N.Y. USA
Sibling Jermaine Hall	Kingston, Jamaica	<input type="checkbox"/> Deceased Hawthorne CA USA
Sibling Tajaun Hall	Kingston, Jamaica	<input type="checkbox"/> Deceased Hawthorne CA USA
Sibling Ramiro Thompson	Bronx, N.Y., USA	<input type="checkbox"/> Deceased N.Y. N.Y. USA
Sibling Alliyah Thompson	Kingston, Jamaica	<input type="checkbox"/> Deceased Kingston Jamaica

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 I. 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:

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Race | <input checked="" type="checkbox"/> Political opinion |
| <input type="checkbox"/> Religion | <input checked="" type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input checked="" type="checkbox"/> 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.

My cousins were deported back to Jamaica from the U.S. and then killed by a former police officer, [REDACTED], and his associates. The first cousin to be killed, [REDACTED], was killed in [REDACTED] and my other cousin, [REDACTED], was killed a few years after. My first cousin was killed over a money discrepancy and my families' political affiliations. My second cousin was killed after he started investigating the murder and complaining to the police. Since I have been incarcerated I have heard from friends in Jamaica that the former police officer is threatening to kill me, because he sees me as a threat and because of my well-known criminal drug case and connections. Recently, since my compassionate release, my mother and sister have been receiving threatening phone calls in which the callers say they have the green light to kill me if I return to Jamaica. My son, stepdad, and brother have also received these threatening phone calls.

- 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.

I fear mistreatment and harm from [REDACTED] and those affiliated with him. I will be killed, like he did to my two other male family members, or at least be shot at or injured by gunshot wounds. [REDACTED] has specifically stated that all males in my family will be killed because of our political connections. Should I be deported I will face the same fate that happened with my two cousins. Both were murdered by [REDACTED] and his cronies. He never faced justice then and will unlikely face any justice now should I be killed. If I am deported to Jamaica the government will register me as a deportee and they will record an address for me. [REDACTED] will get this information through his government connections. I am also diabetic so I will have to be registered with medical facilities.

Part B. Information About Your Application (Continued)

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 (including for an immigration law violation)?

No Yes

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

- 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.

My family lives in a Jamaican Labor Party community, but they are supporters of the People's National Party. If you are a PNP person living in a JLP community you have to keep quiet or they will kill you. [REDACTED] supported JLP and wanted my cousins to send money to JLP but they refused. To my knowledge most of my family members were supporters of PNP and have voted for them. When they migrated here my family members have

- 3.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 your 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.

Yes. I fear being tortured and or killed should I be returned to Jamaica. There have been direct threats against my life by a former ex-police officer with strong political connections. I am unable to get assistance from the police in Jamaica because they are very corrupt and influenced by money. My family went to the Police to report these threats and were informed that nothing will be done as I am not a priority and never will be owing to my status as a deportee. This individual, [REDACTED] political, police and gang ties will result in my torture. It was done to two prior males in my family and just recently after my early release from a criminal conviction my family received several direct threats against my life from this individual and his family.

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 were previously denied asylum by USCIS, 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

- 2.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.

My father naturalized in 1980. My brothers Tajaun Hall and Jermain Hall recieved lawful status through derivative citizenship. My brother Ramiro Thompson was born in the United States.

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.

Part C. Additional Information About Your Application (Continued)

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.**

I did not file within the first year after I arrived because there was no need. The situation I am in today did not happen yet when I last arrived in the U.S. (2/3/1995).

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 (including for an immigration law violation)?

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.

If you have been arrested in the United States, you must submit a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.

I have been arrested before in 1998 for Marijuana Possession which was adjudicated as a youthful offender and sealed and expunged. I received 5 years probation and 500 hours community service which I completed successfully. I was convicted in 2008 for a federal charge for Conspiracy to Possess and Distribute Marijuana and Possession of a Firearm in Furtherance of a Drug Trafficking Crime. I received 25 years on both counts but the time was reduced due to compassionate release. These are my only two cases to the best of my knowledge.

Part D: Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the 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 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or 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.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States unlawfully 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. Pierre Riley	Write your name in your native alphabet.
---	--

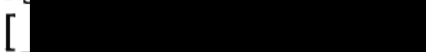
Did your spouse, parent, or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
--------	----------------	--------	----------------

Did someone other than your spouse, parent, or child(ren) prepare this application? No 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? No Yes

Signature of Applicant (The person in Part A.I.)

→ []

Sign your name so it all appears within the brackets

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 /S/ Maya DeGasperi		Print Complete Name of Preparer Maya DeGasperi	
Daytime Telephone Number (202) 916-8181		Address of Preparer: Street Number and Name 1 N Charles St Suite 2305	
Apt. Number	City Baltimore	State MD	Zip Code 21211

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable)	Attorney or Accredited Representative USCIS Online Account Number (if any)
		<input type="text"/>	<input type="text"/>

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 ____ to ____ 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:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

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 ____ to ____ 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:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge

Supplement A, Form I-589

A-Number (If available) ██████████ 840	Date
Applicant's Name Pierre YassueNashun Riley	Applicant's Signature

List All of Your Children, Regardless of Age or Marital Status*(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)*

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley	6. First Name Polan	7. Middle Name Page	8. Date of Birth (mm/dd/yyyy) ██████████/2003
9. City and Country of Birth Bronx, N.Y. USA	10. Nationality (Citizenship) American US Citizen	11. Race, Ethnic, or Tribal Group Black African American	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? USA Citizen	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 checked="" 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 checked="" type="checkbox"/> No			
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any)
5. Complete Last Name Riley	6. First Name Pareek	7. Middle Name Pierce	8. Date of Birth (mm/dd/yyyy) ██████████/2003
9. City and Country of Birth Bronx, N.Y. USA	10. Nationality (Citizenship) American US Citizen	11. Race, Ethnic, or Tribal Group Black African American	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status? USA Citizen	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 checked="" 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 checked="" type="checkbox"/> No			

Additional Information About Your Claim to Asylum

A-Number (if available) ██████████840	Date
Applicant's Name Pierre YassueNashun Riley	Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part _____

Question _____

PART A.I. INFORMATION ABOUT YOU. (Continued)

19 c. List each entry into the U.S. beginning with your most recent entry.

Date: 12/25/1991 Place: Kennedy Airport N.Y. Status: B-2 Visa

PART A.II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN. (Continue)

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

Completed Last Name	First Name	Middle Name	Date of Birth	Marital Status
Riley	Persia	London	██████████/2006	Single

City and Country of Birth	Nationality	Race	Gender
Bronx, N.Y., USA	American, US Citizen	Black, African-American	Female

PART A.III. INFORMATION ABOUT YOUR BACKGROUND. (Continued)

3. Provide the following information about your education. (Continued)

Name of School	Type of School	Location	Attended
Kingston College	High School/College	Kingston, Jamaica	Fr: 9/1990 To: 2/1995

5. Provide the following information about your parents & siblings (brothers & sisters). (Continued)

Full Name	City/Town & Country of Birth	Current Location
Sibling: Everton Riley	Kingston, Jamaica	Unknown
Sibling: Maurice Thompson	Kingston, Jamaica	Brooklyn, N.Y. USA
Sibling: Trisha Riley	N.Y., USA	Brooklyn, N.Y. USA
Sibling: Tasha Riley	N.Y., USA	Miami, FL, USA
Sibling: Nadia Riley	N.Y., USA	Arizona, USA
Sibling: Paul Riley	N.Y., USA	Canada
Sibling: Jason Riley	N.Y., USA	Queens, N.Y., USA
Sibling: Troy Riley	N.Y., USA	Peekskill, N.Y., USA

PRO SE**DETAINED**

RILEY, Pierre
A [REDACTED] 840

On 5/11/2021, Eleanor C. Gourley, on behalf of CAIR Coalition, hereby certify that pursuant to an authorization by the above-referenced *pro se* applicant and in our capacity as LOP provider assisting *pro se* detainees, the following document was submitted:

- Respondent's I-589

Which was served on Assistant Chief Counsel for the Department of Homeland Security at the following address:

Office of the Chief Counsel
U.S. Department of Homeland Security
1901 S. Bell Street Suite 900
Arlington, VA 22202

By: first-class mail E-service hand-delivery.

Signature

** Please note we are not the attorney of record nor are trying to enter our appearance. We are assisting the applicant *pro se* with this filing.

PRO SE

DETAINED

RILEY, Pierre
A [REDACTED] 840

On 5/12/2021, Eleanor C. Gourley, on behalf of CAIR Coalition, hereby certify that pursuant to an authorization by the above-referenced *pro se* applicant and in our capacity as LOP provider assisting *pro se* detainees, the following document was submitted:

- Respondent's I-589

Which was served on Assistant Chief Counsel for the Department of Homeland Security at the following address:

Office of the Chief Counsel
U.S. Department of Homeland Security
1901 S. Bell Street Suite 900
Arlington, VA 22202

By: first-class mail E-service hand-delivery.

RECEIVED
 DEPARTMENT OF JUSTICE
 2021 MAY 12 A 8:10
 EOIR
 IMMIGRATION COURT
 ARLINGTON, VA

/s/ Eleanor C. Gourley
Signature

**** Please note we are not the attorney of record nor are trying to enter our appearance. We are assisting the applicant *pro se* with this filing.**

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

RILEY, Pierre A [REDACTED]-840

For Official Use Only

RECEIVED
DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2021 AUG 25 AM 9:17
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

! **WARNING:** Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at Arlington Immigration Court, Arlington, VA (Location, City, State)

5. **What decision are you appealing?**

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated July 27, 2021.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

The Department of Homeland Security ("DHS") is appealing the Immigration Judge's decision granting deferral of removal under the regulations implementing the Convention Against Torture (CAT). The Immigration Judge erred in finding that the respondent met his burden to show it is more likely than not that he will face torture by or with the acquiescence of a public official in Jamaica.

The Immigration Judge erred as a matter of law and fact in determining that the respondent faces probable future torture if returned to Jamaica. Specifically, the Immigration Judge incorrectly found that the respondent met his burden to show that each step in the hypothetical chain of events would be more likely than not to occur. See Matter of J-F-F-, 23 I&N Dec. 912, 917-18 (A.G. 2006). The Immigration Judge further erred as a matter of law and fact in finding a public official of Jamaica would acquiesce or take part in torture of the respondent.

Finally, the Immigration Judge committed clear error in finding that the respondent was credible. Material parts of the respondent's testimony were implausible, uncorroborated, and inconsistent with prior statements and documentary evidence.

DHS requests that this case be assigned for review by a three-member panel because the Immigration Judge's decision is not in conformity with the law and applicable precedents of the Board, the decision contains erroneous findings of fact, and the need to reverse a decision of the Immigration Judge. See 8 C.F.R. 1003.1(e)(6)(iii), (v), and (vi).

DHS reserves its right to raise any other issues as they become apparent upon review of the transcript.

(Attach additional sheets if necessary)

! WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? Yes No

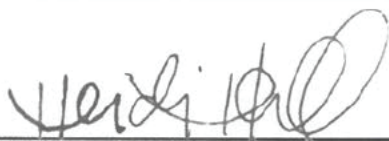
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? Yes No

! WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule..

9. **Sign Here** 

X



Signature of Person Appealing
(or attorney or representative)

08/25/2021

Date

Form EOIR-26
Revised Sept. 2019

10. **Mailing Address of Respondent(s)/Applicant(s)**

Pierre Riley
(Name)

11093 SW Lewis Memorial Dr
(Street Address)

(Apartment or Room Number)

Bowling Green, VA 22427
(City, State, Zip Code)

(Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

Dimitar Georgiev-Rommel, McKenna & Associates, LLC
(Name)

1220 N. Fillmore St.
(Street Address)

(Suite or Room Number)

Arlington, VA 22201
(City, State, Zip Code)


(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12. **PROOF OF SERVICE (You Must Complete This)**

I Heidi A. Hall (Name) mailed or delivered a copy of this Notice of Appeal
 on August 25, 2021 (Date) to Pierre Riley / Dimitar Georgiev-Rommel (Opposing Party)
 at 11093 SW Lewis Memorial Dr, Bowling Green, VA 22427 / 1220 N. Fillmore St., Arlington, VA 22201 (Number and Street, City, State, Zip Code)

SIGN HERE  X *Heidi A. Hall* Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- | | |
|---|--|
| <input type="checkbox"/> Read all of the General Instructions | <input type="checkbox"/> Served a copy of this form and all attachments on the opposing party |
| <input type="checkbox"/> Provided all of the requested information | <input type="checkbox"/> Completed and signed the Proof of Service |
| <input type="checkbox"/> Completed this form in English | <input type="checkbox"/> Attached the required fee or Fee Waiver Request |
| <input type="checkbox"/> Provided a certified English translation for all non-English attachments | <input type="checkbox"/> If represented by attorney or representative, attach a completed and signed EOIR-27 |
| <input type="checkbox"/> Signed the form | |