

No. 19-863

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IN THE  
**Supreme Court of the United States**

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AGUSTO NIZ-CHAVEZ,

*Petitioner,*

v.

WILLIAM P. BARR, ATTORNEY GENERAL,

*Respondent.*

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

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**JOINT APPENDIX**

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PETITION FOR WRIT OF CERTIORARI FILED: JAN. 9, 2020  
CERTIORARI GRANTED: JUNE 8, 2020

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The following decisions and orders have been omitted in printing the joint appendix because they appear in the appendix to the petition for certiorari, beginning on the following pages:

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UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

AGUSTO NIZ-CHAVEZ,

*Petitioner,*

v.

WILLIAM P. BARR, ATTORNEY GENERAL,

*Respondent.*

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DOCKET ENTRIES

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<u>Date</u>	<u>#</u>	<u>Docket Text</u>
12/28/2018	1	Agency Case Docketed. Notice filed by Petitioner Augusto Niz-Chavez. Originating Case No: A 205 000 967.
		* * *
12/28/2018	4	Petitioner EMERGENCY MOTION filed by Ms. Sufen Hilf for Augusto Niz-Chavez for a stay of removal.
12/31/2018	5	MOTION filed by Ms. Sufen Hilf for Augusto Niz-Chavez to expedite decision.

\* \* \*

<u>Date</u>	<u>#</u>	<u>Docket Text</u>
01/02/2019	11	RESPONSE in opposition filed regarding a motion, [4]; previously filed by Ms. Sufen Hilf for Augusto Niz- Chavez. Response from Attorney Ms. Jennifer Bowen for Respondent Matthew G. Whitaker
01/03/2019	12	REPLY filed by Ms. Sufen Hilf for Augusto Niz-Chavez regarding <i>Petitioners Emergency Motion for Stay of Removal</i>
01/11/2019	13	FILED: Supplement to Petitioner's Emergency Motion for Stay of Removal by Ms. Sufen Hilf for Augusto Niz-Chavez.
01/25/2019	14	MOTION filed by Ms. Sufen Hilf for Augusto Niz-Chavez to expedite decision.
01/25/2019	15	MOTION filed by Ms. Sufen Hilf for Augusto Niz-Chavez for <i>EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER DURING THE PENDENCY OF EMERGENCY MOTION FOR STAY OF REMOVAL</i>
01/25/2019	16	ORDER filed: the motion to expedite and the motion for a stay of removal pending review are

<u>Date</u>	<u>#</u>	<u>Docket Text</u>
		GRANTED [4] [5] [15] [14], Damon J. Keith, Raymond M. Kethledge and Amul R. Thapar, Circuit Judges.
01/28/2019	17	ADMINISTRATIVE RECORD filed. Number of Pages: 426  * * *
04/25/2019	22	PETITIONER BRIEF filed by Ms. Sufen Hilf for Augusto Niz-Chavez. Argument Request: requested.  * * *
06/26/2019	25	RESPONDENT BRIEF filed by Ms. Jennifer Bowen for William P. Barr Argument Request: not requested.  * * *
07/16/2019	27	REPLY BRIEF filed by Attorney Ms. Sufen Hilf for Petitioner Augusto Niz-Chavez  * * *
08/19/2019	29	CAUSE SUBMITTED on briefs to panel consisting of Judges Cole, Merritt and Larsen.

<u>Date</u>	<u>#</u>	<u>Docket Text</u>
10/24/2019	30	OPINION filed: DENIED. Decision not for publication. R. Guy Cole, Jr., Chief Judge (AUTHORING); Gilbert S. Merritt, and Joan L. Larsen, Circuit Judges.
11/25/2019	31	MOTION filed by Ms. Sufen Hilf for Augusto Niz-Chavez to stay mandate.
11/26/2019	32	ORDER filed GRANTING motion to stay mandate [31] pending a petition for writ of certiorari filed by Ms. Sufen Hilf. R. Guy Cole, Jr., Chief Circuit Judge; Gilbert S. Merritt and Joan L. Larsen, Circuit Judges.
01/13/2020	33	U.S. Supreme Court notice filed regarding a petition for a writ of certiorari filed by Petitioner Augusto Niz- Chavez. Supreme Court Case No: 19-863, 01/09/2020.
06/08/2020	34	U.S. Supreme Court letter filed granting the petition for a writ of certiorari [33] filed by Augusto Niz-Chavez.. Supreme Court Case No: 19-863, 06/08/2020.

**U.S. Department of Homeland Security  
Notice to Appear**

---

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID:345911051      FINS #:1148327997  
DOB: [MM/DD]/1990

File No: A205 000 967  
Event No:DTS1303000016

In the Matter of:

Respondent: AGUSTO NIZ-CHAVEZ  
AKA: SUAREZ-PAGAN, DIONIS FELIX TI  
currently residing at:

5913 LONYO ST. #2 DETROIT, MICHIGAN,  
UNITED STATES 48210

(Number, street, city and ZIP code)

[tel. no.]

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;



2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. You arrived in the United States at or near an unknown place, on or about an unknown date;
4. You were not then admitted or paroled after Inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to:

8CFR 208.30(f)(2)

8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

477 Michigan Avenue, Suite 440 Detroit MI US  
48226

*(Complete Address of Immigration Court, including Room Number, if any)*

on a date to be set at a time to be set to show why  
*(Date)* *(Time)*

you should not be removed from the United States based on the charge(s) set forth above.

MARK R. HOLLOWAY [*signature*] ACTING PATROL AGENT IN CHARGE  
(*Signature and Title of Issuing Officer*)

Date: March 26, 2013    DETROIT, MICHIGAN  
(City and State)

**See reverse for important information**

### Notice to Respondent

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any

witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final Order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final,

unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

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### **Request for Prompt Hearing**

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

[signature]  
(Signature of Respondent)

Before:

[signature]  
(Signature and Title of Immigration Officer)

Date: 3/26/2013

## Certificate of Service

This Notice To Appear was served on the respondent by me on March 26, 2013, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person
- by certified mail, returned receipt requested
- by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[signature]

(Signature of Respondent if Personally Served)

Jamere Bufford Border Patrol Agent

(Signature and Title of officer)

12

NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: May 29, 2013

TO:

NIZ-CHAVEZ, AGUSTO  
5867 CECIL ST  
DETROIT, MI 48210

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jun 25, 2013 at 08:30 A.M. at:

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing. Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1)

You may be taken into custody by the Department of Homeland Security and held for further action, OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE



PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (X)                      PERSONAL SERVICE (P)

TO:

ALIEN                       ALIEN c/o Custodial Officer

ALIEN's ATT/REP     DHS

DATE: 3-29-13            BY: COURT STAFF [*signature*]

Attachments:

EOIR-33                                       EOIR-28

Legal Services List                       Other



JUDGE FOR THE RECORD

This is an initial removal hearing in A 205 000 967 on June 25, 2013. Robert Newberry presiding. Jonathan Goulding for the Government. Grace is our interpreter.

JUDGE TO MR. NIZ

Sir, give me your full and complete name, please.

MR. NIZ TO JUDGE

Agusto Niz-Chavez.

JUDGE TO MR. NIZ

You speak Spanish?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

Is that your best language, sir?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

Now, you live at 5867 Cecil Street?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

And do you want Mr. Mann to be your lawyer?

MR. NIZ TO JUDGE

I'm sorry?

JUDGE TO MR. NIZ

Do you want Mr. Mann, this gentleman seated next to you, to be your lawyer, to speak for you?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. MANN

Mr. Mann, the first exhibit is the March 26th, Notice to Appear. Do you concede its proper service and waive reading?

MR. MANN TO JUDGE

Yes, Your Honor.

JUDGE TO MR. MANN

And the pleadings?

MR. MANN TO JUDGE

We admit the allegations and decline to name.

JUDGE TO MR. MANN

You concede removability?

MR. MANN TO JUDGE

Yes, Your Honor.

JUDGE TO MR. MANN

And you decline to designate.

JUDGE FOR THE RECORD

So the Court will designate Guatemala.

JUDGE TO MR. MANN

What forms of relief?

MR. MANN TO JUDGE

Withholding of removal, Your Honor, CAT, and voluntary departure in the alternative.

JUDGE TO MR. MANN

And have you prepared the application?

MR. MANN TO JUDGE

Not yet, Your Honor. If the Court will indulge me 60 days, I will appreciate it.

JUDGE TO MR. MANN

Now, you didn't mention asylum. I assume you concede it would be too late?

MR. MANN TO JUDGE

That's correct, Your Honor.

JUDGE TO MR. MANN

I'd like to do this at a master. 60 days would be August 26th. The nearest—well, is that right? Wait one minute. How does August 27th, at 9:30?

MR. MANN TO JUDGE

Sounds excellent, Your Honor.

JUDGE TO MR. MANN

Okay. Make sure you comply with the biometrics by that time.

MR. MANN TO JUDGE

Understood, Your Honor.

JUDGE TO MR. MANN

Failure to file and failure to comply with biometrics will be deemed abandoned. And you'll apprise him of the consequences of not being here?

MR. MANN TO JUDGE

Yes, Your Honor.

JUDGE TO MR. MANN

Okay. Good.

MR. MANN TO JUDGE

Thank you very much.

JUDGE TO MR. MANN

Have a good day, sir.

MR. MANN TO JUDGE

Thank you.

CLERK TO JUDGE

601.

JUDGE TO CLERK

You've got [indiscernible].

HEARING CONTINUED

NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: JUNE 25, 2013

TO: *Attorney MANN*

NIZ-CHAVEZ, AGUSTO  
5867 CECIL ST  
DETROIT, MI 48210

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on Aug 27, 2013 at 9:30 at

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

**BIOMETRIC COMPLIANCE  
INFORMATION PROVIDED**

Send to Src. Ctr. by: 8-27-13

*WH  
Application*

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Department of Homeland Security and held for further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE



COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 240-314-1500.

LIMITATIONS ON DISCRETIONARY RELIEF  
FOR FAILURE TO APPEAR

- ( ) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ( ) 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.

- ( ) 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period. specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

\*\*the term “exceptional circumstances” refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a





JUDGE FOR THE RECORD

This is a continuation of case ending in 967 on August 27, 2013. Robert Newberry presiding. Jonathan Goulding for the Government. Bella is our interpreter.

JUDGE TO MR. NIZ

Sir, give me your full name, please.

MR. NIZ TO JUDGE

Agusto Niz-Chavez.

JUDGE TO MR. NIZ

Do you speak Spanish, sir?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

And do you live at 5867 Cecil?

MR. NIZ TO JUDGE

That is so.

JUDGE TO MR. NIZ

And do you want Mr. Mays to be your lawyer?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. MAYS

Mr. Mays, he's seeking withholding?

MR. MAYS TO JUDGE

Yes, Judge.

JUDGE TO MR. MAYS

And he concedes that the application is untimely?

MR. MAYS TO JUDGE

It is untimely. Yes, Judge.

JUDGE TO MR. MAYS

Now, I have an E-28 from George Mann. Do you have an E-28 here with this packet?

MR. MAYS TO JUDGE

No. Should I file it online, or do you want the Court—

JUDGE TO MR. MAYS

No. You're going to have to do it on paper now.

MR. MAYS TO JUDGE

On paper now? Okay.

JUDGE TO MR. MAYS

Yes, unfortunately. You're going to be the primary counsel, right?

MR. MAYS TO JUDGE

I will be.

JUDGE TO MR. MAYS

Yes.

JUDGE TO MR. NIZ

Sir, your lawyer has given me an application for withholding of removal.

Have you gone over this application, line by line and word for word, using what you believe to be a competent interpreter?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

Is there anything in this application that you'd like to change or correct before you sign it under oath?

MR. NIZ TO JUDGE

No.

JUDGE TO MR. NIZ

Sir, on the front page of the application it indicates that you not only are fluent in Spanish, but you also speak Mam. Your best language is Spanish?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

So we'll have the interpreter at your hearing. All right. Now, sir, unless there's something you'd like to change, correct, fix, or update, why don't you come here, and I'll have you sign your application.

MR. NIZ TO JUDGE

Okay.

MR. MAYS TO JUDGE

Judge, there is one thing, just a scribbler's error that he's not—I don't believe he's fluent in English, and it's marked that he is fluent in English.

JUDGE TO MR. NIZ

Sir, are you fluent in English?

MR. NIZ TO JUDGE

A little bit.

JUDGE TO MR. NIZ

Okay. But this says you're fluent in English. Do you want me to change that to you're not so good in English?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

All right. I'll go ahead and change that, then.

MR. MAYS TO JUDGE

Okay.

JUDGE TO MR. NIZ

Why don't you come here, then, and I'll have you sign your application?

Come on over here. Please raise your right hand. Do you swear or affirm you know the entire contents of this application, and it's all true and correct to the best of your knowledge and belief?

MR. NIZ TO JUDGE

Yes, I swear.

JUDGE TO MR. NIZ

All right. Sir, if you'll sign right there. Thank you, sir. You can have a seat back by your lawyer.

JUDGE TO MR. MAYS

Mr. Mays, how many hours do we need for this?

MR. MAYS TO JUDGE

I think three-and-a-half hours should be sufficient, Judge.



JUDGE TO MR. MAYS

Okay.

CLERK TO JUDGE

February 24th, 2016, at 8:30.

JUDGE TO CLERK

2016?

CLERK TO JUDGE

Yes.

JUDGE TO MR. MAYS

All right. Since it's so far in the future, we'll make the call-up date a month earlier, January 24th, 2016. We'll have a Spanish interpreter.

JUDGE TO MR. NIZ

All right, sir. We're going to have a hearing on your application on February 24th, 2016, at 8:30 in the morning. Now, make sure that you're here, because if you're not you'll get deported for not being here, unless your failure to be here is caused by an exceptional circumstance beyond your control and no less severe than your serious illness. And if you're deported because you're not here, you'd be ineligible for 10 years for voluntary departure, cancellation of removal, and change or adjustment of Immigration status. Do you understand?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

All right. We'll see you next time, sir.

MR. NIZ TO JUDGE

I have a question. What time is the next appointment?

JUDGE TO MR. NIZ

It's 8:30 in the morning.

MR. NIZ TO JUDGE

Okay. Thank you very much.

JUDGE TO MR. NIZ

It's not until 2016, February 24th.

MR. NIZ TO JUDGE

Thank you very much.

JUDGE TO MR. NIZ

You're welcome, sir.

HEARING CONTINUED

NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: AUG 27, 2013

TO: *Attorney MAZE*

MANN, GEORGE P.  
33505 W. 14 MILE RD, SUITE 20  
FARMINGTON HILLS, MI 48331

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on Feb 24, 2016 at 8:30 at

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Department of Homeland Security and held for-further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE

COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 240-314-1500.

LIMITATIONS ON DISCRETIONARY RELIEF  
FOR FAILURE TO APPEAR

- ( ) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ( ) 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.

- ( ) 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

\*\*the term “exceptional circumstances” refers to circumstances such . as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal-as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a



U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
DETROIT, MI

MAZE, BRADLEY  
33505 W. 14 MILE RD, SUITE 20  
FARMINGTON HILLS, MI 48331

FILE: A205-000-967

DATE: Feb. 10, 2015

Notice of Hearing

RE: NIZ-CHAVEZ, AGUSTO

This notice is to inform you that the hearing in your case currently scheduled for Feb 24, 2016, AT 08:30 A.M. has been cancelled.

Your case has been rescheduled for a hearing on November 29, 2019. This hearing date is set as an administrative measure to ensure the appropriate docketing and tracking of your case. Your hearing will most likely be rescheduled at a later time. If your hearing is rescheduled, you will receive notice of the new date and time of your hearing.

If you change your address or telephone number, you must notify the Immigration Court of your new address or telephone number within five days of the change. To change your address or telephone number, you must provide the Immigration Court in DETROIT the attached Form EOIR-33/IC with your current address and telephone number.

The Form EOIR-33/IC can also be obtained from the DETROIT Immigration Court and is available on the



Executive Office for Immigration Review's website at [www.justice.gov/eoir](http://www.justice.gov/eoir). Correspondence from the Immigration Court, including hearing notices, will be sent to the most recent address you have provided. If you do not appear at a hearing, you may be ordered deported in your absence.

If you are the attorney or representative of record, it is your responsibility to advise your client of this information.

For information regarding the status of your case, call toll free 1-800-898-7180.

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CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (X)                      PERSONAL SERVICE (P)

TO:

[ ] ALIEN                      [ ] ALIEN c/o Custodial Officer  
[X] ALIEN's ATT/REP      [X] DHS

DATE: 2-10-15              BY: COURT STAFF DGL

Attachments:

[ ] EOIR-33                      [ ] EOIR-28  
[ ] Legal Services List              [ ] Other

NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: Sep 21, 2016

Attention: Your hearing has  
been rescheduled. Disregard any  
notice you may have received  
before the above date



TO: MAZE, BRADLEY  
33505 W. 14 MILE RD, SUITE 20  
FARMINGTON HILLS, MI 48331

Please take notice that the above captioned case has  
been scheduled for a MASTER hearing before the Im-  
migration Court on Jun 14, 2017 at 8:30 A.M. at

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no  
expense to the Government, by an attorney or other  
individual who is authorized and qualified to repre-  
sent persons before an Immigration Court. Your hear-  
ing date has not been scheduled earlier than 10 days  
from the date of service of the Notice to Appear in or-  
der to permit you the opportunity to obtain an attor-  
ney or representative. If you wish to be represented,  
your attorney or representative must appear with you

at the hearing prepared to proceed. You can request an , earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE





JUDGE FOR THE RECORD

These are continued removal proceedings in the matter of Augusto Niz-Chavez, A 205 000 967. Today's date is June 14, 2017. Hearing location, Detroit, Michigan. David H. Paruch presiding. Michael Alzane (phonetic sp.) is here for the Government. Bradley Mays for respondent. Respondent is present in person as is our staff interpreter, Grace Murza (phonetic sp.) who's providing the Spanish language interpretation.

JUDGE TO MR. NIZ

Sir, what is your full name?

MR. NIZ TO JUDGE

Agusto Niz-Chavez.

JUDGE TO MR. NIZ

And, sir, where do you live today?

MR. NIZ TO JUDGE

It's 5870 Cecil.

JUDGE TO MR. NIZ

5870 or 5867?

MR. NIZ TO JUDGE

No, it's 70.

JUDGE TO MR. NIZ

All right. 5870. Let's just make a change in that. Cecil Street in Detroit?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

Is Spanish the language you speak and understand best, sir?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

And is Mr. Mays your attorney, and can he speak for you today?

MR. NIZ TO JUDGE

Yes.

JUDGE TO MR. NIZ

Let me talk to the attorneys for a few minutes.

JUDGE FOR THE RECORD

The Notice to Appear is dated March 26th, 2013. Judge Newberry marked it as the first exhibit. Factual allegations admitted. Removability conceded. Guatemala designated if removal should become necessary. We also have a 589 in the file. It was executed before Judge Newberry on August 27, 2013, but was not stamped in on that date. I'll stamp it in.

MR. MAYS TO JUDGE

I have a stamp on my copy.

JUDGE TO MR. MAYS

I think they stamped your copy, but they didn't stamp the Court copy.

JUDGE FOR THE RECORD

I'll mark that as Exhibit 2 for identification, and there are some support materials with it. The case was then set for an individual hearing in February

2016. Due to lack of resources, the case went to November 2019, and, then, is back before the Court now that we have some additional resources.

JUDGE TO MR. MAYS

Mr. Mays, how much hearing time will we need?

MR. MAYS TO JUDGE

I think a morning should suffice, Your Honor.

JUDGE TO MR. MAYS

Okay. Now, I see that at one point Judge Newberry had noted the possibility of a cancellation, or was that just—I—

MR. MAYS TO JUDGE

That may have been asserted at a master hearing.

JUDGE TO MR. MAYS

Yes. But I think, at this point, it's just—

MR. MAYS TO JUDGE

Yes.

JUDGE TO MR. MAYS

—the 589, correct?

MR. MAYS TO JUDGE

He's not eligible, I don't—I'm pretty sure. Yes.

JUDGE TO MR. MAYS

Okay. Does it matter to you whether it's morning or afternoon, Mr. Mays?

MR. MAYS TO JUDGE

No, Your Honor.



CLERK TO JUDGE

4-21-2022 at 8:30.

JUDGE TO MR. MAYS

April 21, 2022, at 8:30 for the individual hearing.  
March 21, 2022, call-up for exhibit and witness lists.

JUDGE TO MR. NIZ

All right, sir. You have to come back in almost five years. That will be on April 21, 2022, at 8:30 in the morning. If you don't come on that day, I have to order you removed to Guatemala in your absence, so it's very important that you do come on that day. A month earlier, your attorney and the Government Attorney have to give to me a list of the witnesses for your case and any additional documents. Your attorney won't be able to do his job completely unless you stay in touch and make sure he has any additional information that will help your case. So be sure you stay in touch with your attorney. But you have to come back to court on April 21, 2022, unless your attorney tells you that the date is changed to a different date. Okay, sir?

MR. NIZ TO JUDGE

Agreed.

JUDGE TO MR. MAYS

Mr. Mays, anything further in this matter?

MR. MAYS TO JUDGE

Nothing further from the respondent. Thank you, Judge.

JUDGE TO MR. ALZANE

Mr. Alzane?

MR. ALZANE TO JUDGE

Nothing from the Government, Your Honor.

JUDGE FOR THE RECORD

We stand adjourned.

HEARING CONTINUED

NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: Jun 14, 2017

TO: MAZE, BRADLEY  
33505 W. 14 MILE RD, SUITE 20  
FARMINGTON HILLS, MI 48331

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on 4-21-22 at 8:30 A at

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

*Call-up*  
3-21-22

ALL APPLICATIONS FOR RELIEF ARE DUE  
ON THE HEARING DATE INDICATED.  
IF REQUIRED MATERIALS, FAILURE  
Y WILL RESULT IN THE  
MEN THE RELIEF SOUGHT.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Department of Homeland Security and held for further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal, and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE

COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 240-314-1500.

LIMITATIONS ON DISCRETIONARY RELIEF  
FOR FAILURE TO APPEAR

- ( ) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing, other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ( ) 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.

- ( ) 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period' specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

\*\*the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling, circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a



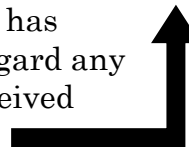
NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

**Hearing Will Be  
Conducted By  
VIDEO CONFERENCE**

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: Jun 21, 2017

Attention: Your hearing has  
been rescheduled. Disregard any  
notice you may have received  
before the above date



TO: MAZE, BRADLEY  
33505 W. 14 MILE RD, SUITE 20  
FARMINGTON HILLS, MI 48331

Please take notice that the above captioned case has  
been scheduled for a INDIVIDUAL hearing before the  
Immigration Court on Aug 22, 2017 at 1:00 P.M. at:

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be-represented in these proceedings, at no  
expense to the Government, by an attorney or other  
individual who is authorized and qualified to repre-  
sent persons before an Immigration Court. Your hear-  
ing date has not been scheduled earlier than 10 days  
from the date of service-of the Notice to Appear in



order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear, at your-hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE-CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS



NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: Jul 31, 2017

TO: George P.Mann & Assoc., P.C.  
Mann, George Peter  
33505 W. 14 Mile Rd., Ste 20  
Farmington Hills, MI 48331

Please take notice that the above captioned case has been scheduled for a **INDIVIDUAL** hearing before the Immigration Court on **Sep 13, 2017 at 08:30 A.M.**, **at:**

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED



NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: Sep 13, 2017

TO: George P. Mann & Assoc., P.C.  
Mann, George Peter  
33505 W. 14 Mile Rd., Ste 20  
Farmington Hills, MI 48331

Please take notice that the above captioned case has been scheduled for a INDIVIDUAL hearing before the Immigration Court on Oct 2, 2017 at 10:00 A.M. at:

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the

following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE

PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL  (M)      PERSONAL SERVICE (P)

TO:

ALIEN       ALIEN c/o Custodial Officer  
 ALIEN's ATT/REP     DHS

DATE: 9/13/2017 BY: COURT STAFF [*signature*]

Attachments:

EOIR-33       EOIR-28  
 Legal Services List     Other



NOTICE OF HEARING  
IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

RE: NIZ-CHAVEZ, AGUSTO  
FILE: A205-000-967

DATE: 10/12/17

TO: George P. Mann & Assoc., P.C.  
Mann, George Peter  
33505 W. 14 Mile Rd., Ste 20  
Farmington Hills, MI 48331

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on Nov 8, 2017 at 1:00 P.M. at

477 MICHIGAN AVENUE, SUITE 440  
DETROIT, MI 48226

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Department of Homeland Security and held for further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT DETROIT, MI THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE

COURT, INCLUDING HEARING NOTICES, WILL BE SENT; TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

LIMITATIONS ON DISCRETIONARY RELIEF  
FOR FAILURE TO APPEAR

- (✓) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ( ) 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period

of ten (10) years from the date of your scheduled hearing.

- ( ) 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the . Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

\*\* the term “exceptional circumstances” refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

**A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:**

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.



**CHASS**  
**Community Health And Social Services Center**  
Southwest Center  
5635 W. Fort St.  
Detroit, MI 48209  
t 313.849.3920 f 313.849.0824  
www.chasscenter.org

12/18/2018

Regarding: [A.] Niz-Chavez

DOB: [DD/MM]/2014

Address: 5870 Cecil St,  
Detroit, MI 48210

To Whom It May Concern:

This letter is to verify that Ms. [A.] Niz-Chavez is a patient of Community Health and Social Services (CHASS) Center receiving medical services at our Southwest Center. Ms. [A.] Niz-Chavez has been a patient of CHASS since 09/15/2014. Ms. [A.] Niz-Chavez was referred for speech therapy due to concerns regarding developmental and speech delays by her primary care provider. She currently receives speech language therapy at Henry Ford secondary to a diagnosis of Mixed Receptive-Expressive Language Disorder. She was first evaluated by Dr. D. Kaminske on 08/15/2017.

Any additional questions or concerns may be directed to our office at 313-849-3920,

Sincerely,

[signature]

[C.F.], LLMSW

Behavioral Health Specialist

**MATRIX HUMAN SERVICES**  
*"Touching Hearts, Changing Lives"*

*Established 1906*

Matrix Head Start  
1100 Woodbridge  
Detroit, Michigan 48207  
p 313.962.5255

Date: September 11, 2018

Address: 5690 Cecil St.  
Detroit, MI 48210  
(313) 897-3310

RE: [A.] Niz-Chavez

To Whom It May Concern:

This letter is to inform you that [A.] Niz-Chavez is currently enrolled in the 2018-2019 program year with Matrix Head Start. [A.] attends the Cecil Center located at the above address, and this is [A.]'s second year with the program. The child's parents [I.C.R.] and Augusto Niz-Chavez have expressed concerns in regards to developmental delays in the child. Specifically, delays in speech and language, As a result [A.] is currently in the process to receive services for speech and language with Matrix Head Start. [A.]'s parents also informed us that the child is receiving services for speech and language through Henry Ford Speech Pathology Center. Attached to this letter are the child observations done by certified speech pathologists at her school, teacher concerns and pre-referrals. Also attached are documentation of the services child receives at Henry Ford.

Moving forward this school year our primary goal for the child is to complete an Individual Education Plan (IEP) for speech and language.

Thank You,

[signature]

[D.L.], Family Advocate



**HENRY FORD HEALTH SYSTEM**

December 15, 2017

Guardian of [A.] Niz Chavez  
5870 Cecil  
Detroit MI 48210

Patient: [A.] Niz Chavez  
MRN: []  
Date of Birth: [MM/DD]/2014  
Date of Visit: [MM/DD]/2017

To Whom it May Concern:

[A.] Niz Chavez has been followed in our eye clinic with an eye muscle problem called left Brown's Syndrome. [A.] manifests a face turn to the right to compensated for this problem. She should be allow to use her face turn when viewing learning material. Brown syndrome does not cause developmental delay or learning disabilities.

If there are further questions, I can be reached at [tel. no.].

Sincerely,

[signature]  
[P.D.], MD

HFMC DETC OPHTHALMOLOGY  
2799 W. Grand Blvd.  
Detroit MI 48202  
Dept: [tel. no.]  
Dept Fax: [fax. no.]

**Children's Hospital of Michigan**

Detroit Medical Center/Wayne State University

3901 Beaubien  
Detroit, MI 48201-2186

12/14/18

To whomsoever it concerns,

Baby [I.Y.] NIZ-CHAVEZ was born at 32 weeks & 1 day of gestational age. She is currently 28 days old (37 weeks 3 days corrected gestational age), & admitted to Children's Hospital of Michigan, Detroit NICU dept for RSV Bronchiolitis. She is currently requiring NIPPV (higher respiratory support) & only can be done in NICU. So she needs to remain admitted to NICU for it.

Baby's parents are as following:

Father: AGUSTO NIZ CHAVEZ

Mother: [I.E.C.R.]

Please contact CHM NICU for further questions.

Dr. [P.D.] [*signature*]

*St. Francis D'Assisi ~ St. Hedwig Parish*  
3245 Junction St. Detroit MI 48210  
Phone: [tel. no.] Fax: [fax. no.]

December 18, 2018

Department of Immigration and Naturalization

To whom it may concern,

This letter is to affirm that Augusto Niz Chavez registered parishioners of St. Francis D'Assisi - St. Hedwig Parish. He attends mass regularly and is an active members of our Community and is a minister leader of The Good Pastor. If you have any questions or concerns please contact the rectory at [tel. no.].

God bless you.

Sincerely,

[signature]

Reverend [B.C.]

*Parish Pastor*

*St Francis D'Assisi ~ St. Hedwig Parish*

Phone: [tel. no.]

Dec 21, 2018

To whom this may concern,

My name is [F.C.], I have known Augusto Niz-Chavez since 2008. We have worked together for the past years. He is a hard working person at the job he currently holds. Augusto Is a good loving Father that provides for his family as much as he can. Every sense I have known him and worked together always never tries to miss work unless he really needs to. Especially sense he is the only one in his family working at the moment.

If you have any questions or concerns please feel free to reach me at [tel. no.]

[*signature*]

[F.C.]

TRADUCCIONES LOURDES  
TRANSLATION & NOTARY SERVICE  
1938 CAMPBELL ST. DETROIT, MI 46209  
\* PHONE [tel. no.] \* FAX [fax. no.]  
ENGLISH EXACT TRANSLATION

12-17-18

I, [S.L.] give testimony that I know Mr. Augusto Niz Chavez and his family Mrs. [I.C.R.]. I met them on the year 2007 in the church St. Hedwig, which was the name of church before, now it's called St. Francis D'Assisi - St. Hedwig. I used to go to mass to meetings and they would go also. After they had their son, [J.A.] Niz Chavez, then their daughter, [A.R.] Niz Chavez, and now their other daughter, [I.] Niz Chavez. Even though we all attend the same church and we share together so I testify that he is a responsible person with his family. He fights for them in order to support them every day. In the time that I shared with him he is a respectful and kind person of good feelings.

Signature of [S.L.]

Certificate of Translator's Competence

I, [V.D.], hereby certify that the above is accurate translation from Spanish to English language, and I am fluent in Spanish render the translation.

*[signature]*

1938 Campbell St. Detroit, MI 48209

State of Michigan}  
County of Wayne}

In Witness whereof I here unto subscribe my signature and affix my seal this day of Monday, December 18<sup>th</sup>, 2018.

*[signature]*  
Notary Public

[L.A.]  
Notary Public - State of Michigan  
County of Wayne  
My Commission Expires Dec 6, 2021  
Acting in the County of Wayne