

Nos. 22-674 and 22-884

In the Supreme Court of the United States

MORIS ESMELIS CAMPOS-CHAVES, PETITIONER

v.

MERRICK B. GARLAND, ATTORNEY GENERAL

MERRICK B. GARLAND, ATTORNEY GENERAL,
PETITIONER

v.

VARINDER SINGH AND RAUL DANIEL MENDEZ-COLÍN

JOINT APPENDIX

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PETITIONS FOR CERTIORARI FILED: JAN. 18, 2023 and FEB.. 9, 2023
CERTIORARI GRANTED: JUNE 30, 2023

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NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, VARINDER
FILE: A209-393-493

DATE: Nov. 26, 2018

TO:
SINGH, VARINDER
2610 QUEENS LANE
DYER, IN 46311

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on Dec. 12, 2018 at 9:00 AM at:

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

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 IMPERIAL, CA 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.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE

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

DATE: November 26, 2018

BY: COURT STAFF MM N3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

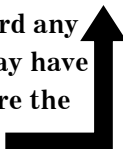
RE: SINGH, VARINDER
FILE: A209-393-493

DATE: Oct. 29, 2018

TO:
SINGH, VARINDER
2610 QUEENS LANE
DYER, IN 46311

Please take notice that the above captioned case has been scheduled for a **MASTER** hearing before the Immigration Court on **Nov 26, 2018 at 1:00 P.M.** at:

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

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

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 IMPERIAL, CA 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.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE

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

DATE: 10/31/18

BY: COURT STAFF *[Signature]* V3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, VARINDER
FILE: A209-393-493

DATE: Dec. 6, 2016

TO:
SINGH, VARINDER
2610 QUEENS LANE
DYER, IN 46311

Please take notice that the above captioned case has been scheduled for a **MASTER** hearing before the Immigration Court on **Jan 29, 2021 at 08:00 A.M.** at:

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

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 IMPERIAL, CA 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.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE

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

DATE: 12/6/16

BY: COURT STAFF [Signature] V3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No: 209 393 493

In the Matter of:

Respondent: SIGNH, Varinder
currently residing at:

c/o DHS-IRDF MTC 1572 Gateway Road, Calexico, CA
92231

(Number, street, city and ZIP code)

+1 (760) 618-7200

(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 India and a citizen of India;
- 3. You arrived in the United States at or near CALEXICO, CA, on or about October 19, 2016;

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:

EOIR, IRDF MTC 1572 Gateway Road, Calexico, CA
92231

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

on TBD at TBD
(Date) (Time)

to show why you should not be removed from the United

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 your local DHS office, listed on the internet at <http://www.ice.gov/contract/ero>, as directed by DHS and required by statute and regulation.

Immigration regulations at 8 CFR 1241.1 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 Immigration and Nationality Act.

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 of Respondent)

Before:

(Signature and Title of Immigration Officer)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on 12/01/2016, in the following manner and in compliance with section 239(a)(1) 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 Punjabi 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)

[signature] Deportation Officer
(Signature and Title of officer)

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Jul 23, 2002

TO:

STENDER, CHRISTOPHER J. ESQ.
STENDER & LARKIN
255 E. OSBORN, STE. 102
PHOENIX, AZ 85012

Please take notice that the above captioned case has been scheduled for a INDIVIDUAL hearing before the Immigration Court on Sep 15, 2003 at 9:00 A.M. at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (M) PERSONAL SERVICE (P)

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: 7/23/02

BY: COURT STAFF *Signature*
V3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: May 28, 2002

TO:

STENDER, CHRISTOPHER J. ESQ.
STENDER & LARKIN
255 E. OSBORN, STE. 102
PHOENIX, AZ 85012

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on 23 July 2002 at 1 pm at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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

WBM

LIMITATIONS ON DISCRETIONARY RELIEF
FOR FAILURE TO APPEAR

- (X) 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 after the date of entry of the final order of removal.

- () 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 language he/she understands by the Immigration Judge.

Date: May 28, 2002
Immigration Judge: _____ or
Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (M) PERSONAL SERVICE (P)

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: 5/28/02

BY: COURT STAFF [*Signature*] _____

Attachments: EOIR-33 EOIR-28
 Legal Services List Other V6

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Apr 23, 2002

TO:

STENDER, CHRISTOPHER J. ESQ.
STENDER & LARKIN
255 E. OSBORN, STE. 102
PHOENIX, AZ 85012

Please take notice that the above captioned case has been scheduled for a INDIVIDUAL hearing before the Immigration Court on May 28, 2002 at 1:00 P.M. at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 attor-

ney 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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: APR 23 2002

BY: COURT STAFF I. GARCIA
V3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

ICG

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Apr 3, 2002

TO:

STENDER, CHRISTOPHER J. ESQ.
STENDER & LARKIN
255 E. OSBORN, STE. 102
PHOENIX, AZ 85012

Please take notice that the above captioned case has been scheduled for a INDIVIDUAL hearing before the Immigration Court on Apr 23, 2002 at 1:00 P.M. at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 attor-

ney 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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Jan 15, 2002

TO:

MENDEZ-COLÍN, RAUL /STENDER
DANIEL
5602 S. WILSON
BUCKEYE, AZ 85326

Please take notice that the above captioned case has been scheduled for a ~~Master~~ Individual hearing before the Immigration Court on 2nd April 2002 at 1 pm at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 attor-

ney 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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662

WBM

LIMITATIONS ON DISCRETIONARY RELIEF
FOR FAILURE TO APPEAR

- (X) 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 after the date of entry of the final order of removal.

- () 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 language he/she understands by the Immigration Judge.

Date: May 28, 2002

Immigration Judge: _____ or

Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (M) PERSONAL SERVICE (P)

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: 1-15-02

BY: COURT STAFF [Signature]

Attachments: EOIR-33 EOIR-28
 Legal Services List Other V6

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Nov 6, 2001

TO:

MENDEZ-COLÍN, RAUL DANIEL
5602 S. WILSON
BUCKEYE, AZ 85326

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on Jan-15-2002 at 1:00 pm at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662.

WBM

LIMITATIONS ON DISCRETIONARY RELIEF
FOR FAILURE TO APPEAR

- (X) 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 after the date of entry of the final order of removal.

- () 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 language he/she understands by the Immigration Judge.

Date: May 28, 2002

Immigration Judge: _____ or

Court Clerk: [Signature]

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (M) PERSONAL SERVICE (P)

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: 11-6-01

BY: COURT STAFF [Signature]

Attachments: EOIR-33 EOIR-28
 Legal Services List Other V6

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

RE: MENDEZ-COLÍN, RAUL DANIEL
FILE: A90-835-140

DATE: Oct 5, 2001

TO:

MENDEZ-COLÍN, RAUL DANIEL
5602 S. WILSON
BUCKEYE, AZ 85326

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Nov 6, 2001 at 9:00 A.M. at:

200 E. MITCHELL DR., SUITE 200
PHOENIX, AZ 85012

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 rep-

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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE (P)

TO: ALIEN ALIEN c/o Custodial Officer
 ALIEN's ATT/REP INS

DATE: 10-5-01

BY: COURT STAFF *[Signature]* _____

V3

Attachments: EOIR-33 EOIR-28
 Legal Services List Other

IJM

U.S. Department of Justice
Immigration and Naturalization
Service

Notice to Appear

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

File No: A90 835 140

In the Matter of:

Respondent: MENDEZ-COLÍN, Raul Daniel

AKA: None known

currently residing at:

5602 S. Wilson Buckeye, Az 85326

(Number, street, city and ZIP code)

(623) 939-0808

(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 Service alleges that you:

- A. You are not a citizen or national of the United States.
- B. You are a native of Mexico and a citizen of Mexico;
- C. On August 25, 2001, you applied for admission

into the United States through the San Luis, Arizona port of entry vehicle lane by verbally claiming to be a United States citizen.

- D. On or about August 25, 2001, you knowingly encouraged, induced, assisted, abetted and aided Matilde Zayas-Torres and Iris Gabriela Soto-Zayas, aliens, to enter or try to enter the United States at or near San Lui POE, in violation of law.

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)(E)(i) of the Immigration and Nationality Act, as amended, in that you are an alien who at any time knowingly has encouraged, induced, assisted, abetted, or aided any alien to enter or try to enter the United States in violation of law.

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:

EOIR OFFICE OF THE IMMIGRATION JUDGE,

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 INS, 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 INS.

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 of Respondent)

Before:

Immigration Inspector

(Signature and Title of Immigration Officer)

Date: 08/26/2001

Certificate of Service

This Notice To Appear was served on the respondent by me on 12/01/2016, in the following manner and in compliance with section 239(a)(1) of the Act.

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

The alien was provided oral notice in the English and 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)

[signature] Immigration Inspector

(Signature and Title of officer)

NOTICE OF HEARING
IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
800 DOLOROSA STREET—SUITE 300
SAN ANTONIO, TX 78207

RE: CAMPOS-CHAVES, MORIS ESMELIS
FILE: A98-793-655

DATE: May 24, 2005

TO:
CAMPOS-CHAVES, MORIS ESMELIS
1122 PROGRESSO DR
HOUSTON, TX 77038

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Sep 20, 2005 at 9:00 A.M. at:

800 DOLOROSA STREET—SUITE 300,
COURTROOM # 3
SAN ANTONIO, TX 78207

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 Immigration and Naturalization Service 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 Immigration and Naturalization Service 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 PHOENIX, AZ 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 703-305-1662. *YOU MUST BRING PHOTO IDENTIFIATION TO ENTER THE BUILDING.*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL (M) PERSONAL SERVICE (P)

TO: [M] ALIEN [] ALIEN c/o Custodial Officer
[] ALIEN's ATT/REP [P] INS

DATE: 5/24/05

BY: COURT STAFF [Signature]
V3

Attachments: [X] EOIR-33 [] EOIR-28
[X] Legal Services List [] Other

KG5

U.S. Department of Justice
Immigration and Naturalization
Service

Notice to Appear

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

File No: A098 793 655

In the Matter of:

Respondent: Moris Esmelis CAMPOS-Chaves

currently residing at:

1122 Progresso Dr. Houston Texas 77038

(Number, street, city and ZIP code)

(281) 260-7753

(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 Service alleges that you:

See Continuation Page Made a Part Hereof

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:

See Continuation Page Made a Part Hereof

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:

800 Dolorosa Street Suite 300 San Antonio TEXAS
US 78207
(Complete Address of Immigration Court, including Room Number, if any)

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

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

[Signature] LAURO VIDAL JR SUPERVISORY
BORDER PATROL AGENT
(Signature and Title of Issuing Officer)

Date: January 27, 2005 Laredo, Texas
(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 INS, 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 INS.

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 of Respondent)

Before:

(Signature and Title of Immigration Officer)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on **January 27, 2005**, in the following manner and in compliance with section 239(a)(1) 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 _____ 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)
<u>[signature] BRADLEY SHAVER BORDER PATROL AGENT</u>
(Signature and Title of officer)

U.S. Department of Justice
 Immigration and Naturalization Service **Continuation for**
Form I-862

Alien's Name	File Number	Date
Moris Esmelis CAMPOS- Chaves	Case No: LRN0501000651 A098 793 655	January 27, 2005

The Service alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR;
3. You arrived in the United States at or near Laredo, Texas, on or about January 24, 2005;
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.

Signature

Title

LAURO VIDAL JR

[Signature]

SUPERVISORY BORDER
PATROL AGENT

AFFIDAVIT

STATE OF TEXAS §

§

COUNTY OF HARRIS §

“My name is Moris Esmelis Campos Chaves and I am over the age of 18. I am competent to make this affidavit. The facts stated in this affidavit are true and correct to the best of my knowledge.”

“I entered the United States in 2008 and I have been in the United States since then. Immigration officials gave me a Notice to Appear that did not contain the time and date of a hearing. I was ordered removed in my absence on September 20, 2005. I spoke with attorneys after the order but they told me there was nothing I could do to fix my case.”

“I have two United States citizen children: Andy and Alisson. Andy is thirteen years old and Alisson is eight years old. I am a gardener and I make about \$20,000 a year. My wife does not work and is a stay at home mom. My family depends on me for financial and emotional support.”

“If I had to leave for El Salvador, I definitely could not find any job there, so I could not provide for my children even if I worked because what little money I could make over there would not be enough to take care of their expenses here in the United States.”

“If my children had to come with me to El Salvador, the situation would become even worse because they are all terrified of the extreme levels of violence and crime over there. They have never even been to El Salvador.

They would definitely be targeted and harmed because of the fact that they are American.”

“If I was able to remain here I would be able to take care of my family. I will be able to continue being a productive member of my society and continue caring for my children. I believe that the new Supreme Court decision that just came out will allow me to do this.”

“If I am able to stay in the United States I could work and be a productive member of society. I believe that the new Supreme Court decision that just came out regarding an ineffective Notice to Appear will allow me to seek relief I am eligible for.”

“My attorney advised me on August 27, 2018 that my NTA was defective under *Pereira v. Sessions* because I did not receive proper statutory notice. Therefore, I am requesting that the Court reopen my case for lack of notice due to my improper NTA.”

“I swear under the penalty of perjury that the above is true and correct to the best of my knowledge and belief.”

FURTHER THE AFFIANT SAYETH NOT

[Signature]
Moris Esmelis Campos Chaves

SWORN AND SUBSCRIBED to me, the undersigned authority, on this the 6 day of Sept, 2018.

[Signature]
Notary Public in and for the
State of Texas
My Commission Expires:
8/9/2020

[NOTARY SEAL]

April 11, 2019

U.S. Department of Justice
San Francisco Immigration Court
2409 La Brucherie Road
Imperial, California 92251

Re: AFFIDAVIT FROM VARINDER SINGH

I, VARINDER SINGH, declare under the penalty of perjury that the following statements are correct to the best of my knowledge.

I am writing this affidavit in support of my motion to reopen in absentia order rendered by the Honorable Judge on December 12, 2018. I am humbly asking the Honorable Judge to reopen my case because I did not receive the hearing notice at the address I provided to the court. The attorney I retained to represent me also neglected to enter his appearance in immigration court and therefore he also did not receive the hearing notice. I believe that my failure to appear for my hearing was due to exceptional circumstances.

My name is Varinder Singh and I am a 34-year old native and citizen of India. I come from Punjab located in the north-western part of the country. I belong to the Sikh religious community in India. I am a supporter of the Shiromani Akali Dal Amristar (“Mann Party”) which supports creation of a separate Sikh homeland in India called the “Khalistan” through political process. The Mann Party does not believe or engages in violence for political purposes. I support the Mann Party because over the years Sikhs have suffered a lot of injustices in India. The Bhartiya

Janata Party (“Janata Party”) which is currently in power is a Hindu fundamentalist party and it does not protect the rights of the other religious groups in India. I was forced to live India because my life was in grave danger at the hands of the Akali Dal Badal (“Badal Party”), another political party in India. The Badal Party is currently in alliance with the Janata Party. I will provide details about my asylum claim at my reopened hearing. For now, I am only focusing on the reasons for not appearing in court.

I entered the United States without inspection near Calexico, California on October 19, 2016. I was immediately apprehended by U.S. patrol agents and taken into custody. I was referred to an asylum officer after I indicated my fear of returning to India. I was placed in removal proceedings on November 30, 2016, and I on December 2, 2016, I was released upon payment of a \$1,500 immigration bond. This bond was paid by a family friend named Jagjit Singh (“Jagjit”) who lives in India and his address is 2610 Queens Lane, Dyer, Indiana 46311.

After I was released from immigration custody, I travelled to Indiana to live with Jagjit and his family. Jagjit has two homes; one is located at 2610 Queens Lane, Dyer, Indiana 46311, and the other home is located at 742 Gostlin Street, Hammond, Indiana 46327. I resided at the home in Hammond, Indiana, but my mailing address was Dyer, Indiana because according to Jagjit it was the more reliable mailing address.

I stayed in Indiana at Jagjit’s house from December 8, 2016 until December 6, 2018. While I was in Indiana, Jagjit told me to consult with an attorney in Jackson

Heights, New York by the name of Gurpatwant Pannun (“Mr. Pannun”) about my immigration case.

On March 7, 2017, I consulted with Mr. Pannun at his office in Jackson Heights, New York. Mr. Pannun told me the he would transfer my case from California to Chicago because it was the closest immigration court from my place of residence in Indiana. Mr. Pannun ask for \$8,500 for his legal services which included, filing my asylum application, changing venue to Chicago, and representation in the immigration court. I paid \$2,500 to Mr. Pannun that same day and paid him another \$2,500 when my work permit application was granted about 10 months later. I remember Mr. Pannun specifically telling me my hearing date at the Imperial Immigration Court was sometime in 2021, and therefore I did not have worry too much about transferring my case immediately. He assured me that he would file a motion for change of venue as soon as possible. I returned to Indiana the following day.

Several months went by and I did not hear anything from the immigration court. The only document I received was a fingerprinting notice in May 2017, with respect to the asylum application which was lodge on my behalf by Mr. Pannun. I contacted Mr. Pannun’s office several times to inquire about my court date and was repeatedly told that my case was scheduled for a hearing sometime in 2021 and therefore my case was not being transferred fast enough.

In December 2017, I received my work-permit which allowed me to start working in the United States. I immediately started working at Jagjit’s gas station in Indiana. I worked at that gas station until late November 2018. After that I decided to move to

Fresno, California because one of my friends told that I could obtain a class A license for a driving a truck more easily in California. Jagit gave me his blessing because he knew that I needed a better paying job.

On December 10, 2018, I moved to Fresno, California to live with one of my friends, Tajinder Pal Singh, who is a truck driver. I am currently residing with Tajinder at 2264 North Marks Avenue # 112, Fresno, California 93722.

On February 14, 2019, I received a phone call from one of Jagit's workers that Jagjit had received some mail from the Immigration Court. I was told that there were three letters. I asked the worker to open the envelopes immediately and tell me what was written. I was told that one of the letters stated that I was deported from the United States. I was shocked and requested that the letters be mailed to me as soon as possible.

On February 16, 2019, I received a mail packet that Jagit had sent me from Indiana. The packet contained the three opened envelopes sent by the Imperial Immigration Court. I was surprised to learn that the two hearing notices dated October 29, 2018, and November 26, 2018, were delivered to the Dyer, Indiana address when I was still residing there. For some reason, Jagjit did not inform me, when I was still in Indiana, that the Imperial Immigration Court had directed me to appear for a master calendar hearing on December 12, 2018. I had also assumed that any hearing notice sent by the Immigration Court would go to Mr. Pannan's office since he was my attorney.

The following day, I called Mr. Pannan's office in Jackson Heights, New York. When I asked Mr. Pannan

why I had been ordered deported, he told me that there must be some mistake because my hearing was originally scheduled for a date in 2021. He asked me to take a photo of the Immigration Judge's order and email him as soon as possible. I immediately emailed him the order. Mr. Punnan called me that same day and informed me that he needed an additional \$5,000 to reopen my case. I told Mr. Punnan that I did not have that much money. I had already paid him \$5,000 and I still owed him an additional \$3,500 for the legal services. Mr. Punnan told me he needed the \$5,000 amount immediately for reopening my case. I requested Mr. Punnan to put me on some payment plan since I could not afford to pay him such a large amount at once. Mr. Punnan told me that he could not help me under the circumstances because my case was too complicated and required a lot of work. He told me that he would not represent him unless I gave him \$5,000 immediately.

I became desperate after Mr. Punnan refused to take my case. I did know who to turn to for help. Someone recommended that I contact my present Attorney, Mr. Saad Ahmad, in Fremont, California, for help. I met Mr. Ahmad at his office in Fremont on March 20, 2019. Mr. Ahmad agreed to represent me in reopening my case. He gave a payment plan to pay his legal fees. Otherwise, I would not have been able to afford him.

I am humbly asking the Honorable Judge to reopen my case because I was not trying to evade the law by not coming to court. I had every reason to come to court for my hearing on December 12, 2018. The hearing notice was sent to the correct address but the person whose house I was living in did not forward me the mail. I am glad that I was at least able to learn of the

Honorable Judge's decision and to file this motion to
reopen.

Sincerely,

[Signature]

Varinder Singh
2264 North Marks Avenue #112
Fresno, California 93722