



File No.
ICE:
FBI: ██████████
SID: ██████████
SWIS# ██████████
Date: 06/11/2008

MCDC RECORDS 1120 SW 3 RD AVE RM 201 Portland, Oregon 97204 TEL: (503)-988-4673 FAX: (503) 988-5354	From: (INS office address) U.S. Department of Homeland Security Immigration & Customs Enforcement 511 NW Broadway Portland, OR 97209
ATTN: CUSTODY MONITORING	

Name of alien: ██████████

Date of birth: 06/21/1977 Nationality: MEXICO Sex: MALE

You are advised that the action noted below has been taken by the Immigration and Customs Enforcement concerning the above-name inmate at your institution:

INVESTIGATION HAS BEEN INITIATED TO DETERMINE WHETHER THIS PERSON IS SUBJECT TO REMOVAL FROM THE U.S.
 A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on

(Date)
 A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____
(Date)

Deportation or removal from the United States has been ordered.

If it is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive.

Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify INS by calling _____, 503-326-3302, during business hours or _____ after hours in an emergency.

"NOTIFY THIS OFFICE IMMEDIATELY WHEN SUBJECT IS MOVED OR BECOMES AN EXCLUSIVE ICE PRISONER. ICE WILL NOT TAKE CUSTODY OR INCUR JAIL COSTS UNTIL NOTIFIED BY FAX THAT SUBJECT IS OURS AND HAS BEEN RELEASED INTO OUR CUSTODY."

NOTIFY THIS OFFICE OF THE TIME OF RELEASE AT LEAST 30 DAYS PRIOR TO RELEASE OR AS FAR IN ADVANCE AS POSSIBLE.

NOTIFY THIS OFFICE IN THE EVENT OF THE INMATE'S DEATH OR TRANSFER TO ANOTHER INSTITUTION.

Please cancel the detainer previously placed by this Service on _____

MICHAEL T. LOUIE
(Signature of ICE official)

Immigration Enforcement Agent
(Title of ICE official)

Receipt acknowledged: _____
Date of latest conviction: _____ Latest conviction charge: _____
Estimated release date: _____

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U.S. Immigration and Customs Enforcement

FY07

Accomplishments

U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security (DHS), has achieved extraordinary results in its mission to ensure a safer, more secure America. Fiscal year 2007 (FY07) marked a break-out year for the agency as ICE set new enforcement records and launched several new initiatives to better fulfill its law enforcement mission. As a result, ICE can point to an unparalleled record of success in the last fiscal year.

The following is a selection of law enforcement and homeland security milestones ICE achieved in FY07.

Streamlining and Enhancing Immigration Enforcement

- ICE implemented a comprehensive interior enforcement strategy focused on more efficiently processing apprehended illegal aliens and reducing the numbers of criminal and fugitive aliens in the United States. In FY07, ICE removed a record 276,912 illegal aliens, including voluntary removals, from the United States.
- Under the Secure Border Initiative, ICE decreased processing time for aliens in expedited removal cases—from apprehension to removal—to approximately 19 days. This was accomplished by bringing greater efficiency to the immigration removal process through expanded detention capacity, greater use of expedited removal authority and increased use of the Justice Prisoner and Alien Transportation System (JPATS) for repatriating illegal aliens to their countries of origin.
- For the first time, ICE's Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) Center made it possible to identify and screen criminal aliens incarcerated in federal prisons nationwide to ensure they are processed for removal from the United States upon the completion of their sentences. Launched in fiscal year 2006, the DEPORT Center was screening criminal aliens at all 114 federal prison facilities by the end of FY07, with 11,292 charging documents issued in FY07 to criminal aliens housed in federal prisons.
- ICE's Criminal Alien Program, which screens aliens in prison to ensure that they are removed from the United States upon the completion of their sentences, initiated removal proceedings against 164,296 criminal aliens.
- ICE targeted the infrastructure that supports the business of illegal immigration, including document and immigration benefit fraud, launching six new Document and Benefit Fraud Task Forces in cities nationwide. In FY07, ICE initiated a total of 1,309 document and benefit fraud investigations leading to a record 1,531 arrests and 1,178 convictions.



**U.S. Immigration
and Customs
Enforcement**

Targeting Fugitive Aliens

- In the last two years, ICE quadrupled the number of Fugitive Operations Teams (FOTs): special teams dedicated to identifying, locating and arresting fugitive aliens. These teams have increased from 18 in FY05 to 50 in FY06 and 75 in FY07. As a result, ICE eliminated more than 100,000 fugitive alien cases in FY07 and reduced the backlog of fugitive cases for the first time in history.
- ICE's Fugitive Operations Support Center (FOSC), a nationwide clearinghouse for information on fugitive cases, continued to make the processing of data on fugitive cases more effective. In FY07, the FOSC resolved more than 73,000 open fugitive cases, allowing ICE to target those fugitives who are still at large.

Strengthening Worksite Enforcement

- ICE's more aggressive worksite enforcement strategy targeted the "jobs magnet" that attracts illegal aliens seeking employment in the U.S. In FY07, ICE dramatically increased penalties against employers whose hiring processes violate the law, securing fines and judgments of more than \$30 million while making 863 criminal arrests and 4,077 administrative arrests.
- The ICE Mutual Agreement between Government and Employers (IMAGE) program, announced in FY06 as a voluntary initiative to help employers ensure they are complying with hiring laws, welcomed nine charter members in FY07. For the future, ICE will be working to expand the program by recruiting business leaders from a wide range of industries that are typically susceptible to high levels of unauthorized employment.

Tracking and Arresting Visa Violators

- ICE investigators worked to ensure compliance with the nation's immigration laws among student and exchange visitors and other non-immigrant visitors to the United States. Thanks to data obtained from the Student and Exchange Visitor Information System (SEVIS), the electronic system for managing student and exchange student visas, ICE arrested 1,558 high-risk non-immigrant status violators in FY07.
- The SEVIS program continued to ensure integrity in the system for administering student and exchange student visas, with more than 917,647 non-immigrant students and visitors from nations

around the world registered, along with 126,837 of their dependents.

Targeting Financial Crime and Export Violations

- ICE investigated and dismantled the schemes that criminal and terrorist organizations use to earn, move and store illicit funding for their operations. In FY07, ICE launched 3,069 financial investigations, resulting in significant increases in arrests.
- ICE's Cornerstone initiative developed working partnerships and information-sharing strategies with private industry to target exploitation of U.S. financial systems by criminal organizations. In FY07, Cornerstone liaisons conducted more than 1,250 outreach presentations to over 20,500 industry representatives.
- ICE's Shield America program continues to achieve new successes in intercepting illegal exports of weapons, military equipment and sensitive technology, significantly increasing results over the previous fiscal year. In FY07, ICE made 188 arrests and secured 127 convictions in these national security investigations.
- ICE worked with international partners in law enforcement to target money laundering, bulk cash smuggling and cross-border trade fraud. In FY07, ICE Trade Transparency Units (TTUs) provided case support and coordination in transnational investigations and ICE agents provided training in combating cash smuggling schemes to more than 700 international partners. A new TTU was established in Paraguay, the fourth South American nation to host an TTU.
- ICE's Operation Firewall, targeting criminal organizations involved in bulk cash smuggling over international borders, led to the seizure of more than \$49.5 million in U.S. currency and financial instruments along with 142 arrests. Since its launch in 2005, Operation Firewall has realized seizures of more than \$100 million and 260 arrests.
- ICE's intellectual property rights investigations continued to combat the flow of counterfeit goods and products. In FY07, ICE made 235 arrests and secured 117 convictions in intellectual property rights fraud cases.
- ICE targeted the flow of precious cultural and historical artifacts across international borders

and repatriated seized artifacts to their countries of origin. In FY07, ICE launched 51 cultural property investigations and made 15 seizures of high-value items.

- A new ICE initiative targeted unlicensed money services businesses that illegally transfer funds. In FY07, ICE investigations yielded 39 arrests, 30 convictions and seizures of more than \$7.9 million.

Stemming the Flow of Illegal Drugs

- ICE continued efforts to combat drug smuggling organizations, resulting in significant seizures in FY07. ICE investigations led to seizures of 241,967 pounds of cocaine, 4,331 pounds of heroin, 2,731 pounds of methamphetamine and 1.3 million pounds of marijuana. Additionally, ICE drug investigations led to 8,920 arrests and 5,539 convictions of individuals associated with narcotic violations.
- ICE leads the "Tunnel Task Force" for investigations of cross-border tunnels used by criminal organizations to smuggle narcotics and other goods into the United States from Mexico. Since 2003, 26 tunnels have been discovered in the San Diego area alone.

Combating Human Trafficking

- ICE turned its combined legal authorities on the dangerous human traffickers who exploit the vulnerable, implementing a new Trafficking in Persons strategy in FY07 to emphasize investigation and prosecution of traffickers while providing services to assist trafficking victims. In FY07, ICE human trafficking investigations led to 164 arrests and 91 convictions.

Targeting Transnational Gangs and Sexual Predators

- ICE's Operation Community Shield anti-gang initiative targeted violent transnational gangs, with results bolstered by an enforcement surge in the summer of 2007. In FY07, ICE arrested a record 3,302 gang members and associates in cities nationwide.
- ICE's Operation Predator targeted sexual predators who prey on children, and arrests in the four-year old program topped 10,000 in June 2007, with more than 5,500 having been removed from the United States.

Securing Federal Facilities

- ICE's Federal Protective Service (FPS) was given lead responsibility for securing government facilities under the National Infrastructure Protection Plan. In FY07, ICE launched a major mission refinement effort for FPS to focus on enhancing security at government facilities, with a greater emphasis on risk-based security planning.
- ICE's FPS security and law enforcement officers provided services at approximately 9,000 federal facilities nationwide. In FY07, ICE personnel were responsible for approximately 3,000 citations and arrests and intercepted roughly 760,000 prohibited items, including knives and firearms, from being brought into federal facilities.

Enhancing Intelligence Gathering and Analysis

- ICE completed a reorganization of intelligence functions to better serve the agency's national security and immigration enforcement mission, including the establishment of an International Intelligence Unit to support foreign operations and a new National Initiatives Support Unit to consolidate intelligence services such as geospatial analysis, document exploitation and visual analysis.

Working with Law Enforcement Partners

- ICE expanded its partnerships with state and local law enforcement agencies in a force multiplier approach to fighting criminal activity. In FY07, the ICE ACCESS program was launched as a collaborative effort to identify key crime-fighting needs and to develop solution action plans.
- ICE expanded the 287(g) program used to train state and local officers in limited immigration enforcement duties. In FY07, ICE trained 426 state and local officers under the program, bringing the total to 597 officers trained in 33 departments nationwide.
- ICE's Law Enforcement Support Center (LESC) continued to serve as the national point of contact for providing immigration status and identity information on suspects detained by federal, state and local officers in the field. In FY07, the LESL responded to a record 728,243 requests for information from law enforcement officials.

- ICE's Forensic Document Laboratory (FDL) continued to provide analysis and training to a wide variety of agencies in the effort to combat travel and identity document fraud. In FY07, FDL trained 3,810 federal, state and local officials in document analysis techniques and responded to 4,382 requests for analysis from the field.
- ICE increased its commitment to securing the border by boosting the number of Border Enforcement Security Task Forces (BEST). These task forces seek to address cross-border violence through shared intelligence and coordinated law enforcement operations. In FY07, the task forces were responsible for 526 criminal arrests and 1,093 administrative arrests, along with seizures of \$2.5 million in cash and significant amounts of narcotics and weapons.
- ICE launched the Web-based Electronic Travel Document (eTD) program that enables the electronic transfer of travel document and identity information between ICE and participating foreign governments. Since its launch in January 2007 over 27,710 travel documents have been issued, and both costs and time for issuance, transportation, shipping, and detention and removal have been reduced. The program is slated for expansion in fiscal year 2008.

Aggressive Litigation and Prosecution

- ICE's team of attorneys provided legal support and training while representing the agency in administrative and federal courts. In FY07, ICE attorneys participated in the completion of 365,851 cases before immigration courts, including 323,845 removal cases.

Improved Management and Mission Support

- ICE continued to improve management and mission support functions. Among the achievements in these fields, the agency increased its workforce by more than 10 percent, enhanced information technology systems, expanded training and development opportunities, and improved contracting and acquisitions management.
- ICE's improved financial management under a multi-year financial action plan launched in the previous fiscal year led to the agency receiving the DHS Award of Excellence in FY07 as ICE strengthened internal controls, auditability of financial records and oversight.
- The ICE Freedom of Information Act (FOIA) Office, facing a significant backlog of FOIA requests, succeeded in reducing the backlog by 97 percent, earning praise from DHS leadership and demonstrating the agency's commitment to openness and transparency.



**U.S. Immigration
and Customs
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Report Suspicious Activity:
1-866-DHS-2-ICE
1-866-347-2423
www.ice.gov



U.S. Immigration
and Customs
Enforcement

Fact Sheets

Law Enforcement Support Center has record-breaking year

The Law Enforcement Support Center (LESC), a national enforcement operations facility administered by U.S. Immigration and Customs Enforcement (ICE), has just completed a record-breaking year.

The LESC is the Department of Homeland Security single national point of contact that provides timely immigration status and identity information and real-time assistance to local, state and federal law enforcement agencies on aliens suspected, arrested or convicted of criminal activity.

Located in Williston, Vermont, the LESC operates 24 hours a day, 7 days a week, 365 days a year. The primary users of the LESC are state and local law enforcement officers seeking information about aliens encountered in the course of their daily enforcement activities. The LESC also receives queries from federal, state and local correctional and court systems seeking information about individuals in custody or encountered elsewhere in the criminal justice system. Law enforcement officers have immediate access to alien records entered with the National Crime Information Center (NCIC) and immigration information from every alien file maintained by DHS – approximately 100 million records – by using the formatted Immigration Alien Query (IAQ) screen incorporated within each state's law enforcement communications system.

Significant FY2007 accomplishments:

- The number of requests for information sent to the LESC increased from 4,000 in FY1996 to 728,243 in FY2007, setting a new record for assistance to other law enforcement agencies. (FY2006 – 661,448) (Total FY2005 – 676,502) (Total FY2004 – 667,453) (Total FY2003 – 594,352)
- During FY2007, special agents at the LESC set a new record of 20,330 for the number of detainees placed on foreign nationals wanted by ICE for criminal and immigration violations. (FY2006 – 14,803) (FY2005 – 12,331) (FY2004 – 15,555)
- Technicians at the LESC also set a new record for the number of ICE records entered into the NCIC database. The records of more than 250,000 previously deported aggravated felons, immigration fugitives and wanted criminals are in the NCIC system.
- Special agents at the LESC confirmed 9,473 NCIC hits during FY 2007, a new record. Immigration detainees are placed on all NCIC hit confirmations. (FY2006 – 6,642) (Total FY2005 – 6,292) (Total FY2004 – 6,122)

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Some LESL accomplishments since DHS and ICE were created in March 2003 include:

- Over the past four fiscal years, the LESL has responded to a combined total of 2,733,646 electronic queries.
- In FY2007, queries have been received from nearly 12,000 distinct ORIs (electronic addresses) representing law enforcement agencies in all 50 states, the District of Columbia, two U.S. Territories and Canada.
- Since November 2004, the LESL has received 413,669 telephone calls on its dedicated law enforcement lines from law enforcement officers around the country seeking ICE information or assistance.
- The ICE Special Agents assigned to the LESL have lodged 63,028 ICE immigration detainers against criminal and wanted aliens over the last four fiscal years; 28,529 of those detainers were placed on criminals or fugitives who were NCIC hits.
- The LESL has received more than 365,800 calls on the ICE tip-line, 1-866-DHS-2ICE, since October 2003.
- Nearly 50 percent of the daily 1-866-DHS-2ICE calls have been identified as viable leads and sent electronically to ICE field offices for action or investigation within 24 to 48 hours of the call.

In addition to providing immigration and identity information on suspected criminal aliens, the LESL offers other vital services, including:

- **National Crime Information Center (NCIC)** – The LESL administers and controls all ICE criminal and administrative records in this nationwide law enforcement consortium and criminal database. The LESL has entered 188,638 new ICE records in NCIC since March 2003. There are now over 250,000 ICE records in NCIC.
- **Investigative Services** – The LESL provides support to a host of ongoing ICE and multi-agency enforcement initiatives. Working in concert with ICE field units, task forces, and other local, state and federal investigators, the LESL provides comprehensive database and other enforcement support before, during and after enforcement operations.
- **Special Response Tasks** – The LESL is the central point of contact for a number of special information requests. For example, the LESL conducts “Brady checks” for the FBI's National Instant Criminal Background Check System (NICS), screening the immigration status of foreign-born, non-citizen firearm permit applicants before authorizing purchase or possession of a weapon. Since March 2003, the LESL has performed 255,870 Brady checks for the FBI. The LESL also provides daily assistance to the U.S. Secret Service (USSS) by assisting in the screening of persons seeking to visit or work on the White House grounds. The LESL has helped USSS screen 172,341 individuals since January 2004.
- **Law Enforcement Training** – To help the law enforcement community make better use of information the LESL provides, the center offers an on-site training and outreach program that provides instruction on how to access LESL information and on ICE's role and responsibilities. ICE 287(g) training includes an LESL training module presented by an LESL officer.
- **ICE Tip Line, 1-866-DHS-2ICE** – The LESL maintains an around-the-clock toll-free tip line for the public to report suspicious activity to ICE. Tip line callers provide information concerning a broad array of ICE investigative interests, including criminal and administrative immigration violations, child pornography, sex tourism, commercial and intellectual property crimes, contraband, smuggling, financial crimes, human trafficking/smuggling, identity and benefits fraud and national security threats.

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(FROM THE OREGONIAN ON OREGONLIVE.COM)

Deportations up 40 percent in Pacific Northwest

7/11/2008, 6:43 p.m. PDT

By MANUEL VALDES

The Associated Press

SEATTLE (AP) — Deportations from Washington, Oregon and Alaska have spiked by nearly 40 percent, U.S. Immigration and Customs Enforcement officials said Friday.

Immigration officials said the number of illegal aliens deported from those three states was 7,345 for the first nine months of the fiscal year. That number was up from 5,256 for the same period last year.

If the monthly average continues, the agency is on pace for a record-breaking year in the region, said Nejl Clark, field office director for ICE detention and removal operations in Seattle.

Officials credit the increase in part to expansion of the Criminal Alien Program, in which immigration officers hone in on illegal aliens with criminal records and work with local law enforcement to process them. Those deportations increased by 26 percent in the same period. Of the more than 7,300 deported, more than 2,000 had prior criminal convictions.

"If you think of ICE's mission being public safety, the Criminal Alien Program really goes at the heart of that," agency spokeswoman Lori Dankers said.

The number of immigration officers visiting jails throughout the three states has increased.

"I think the message from this is if you're committing crime and you're foreign born, you're going to be found and be removed," Clark said.

Immigration investigations and work-site raids have also helped increase deportations, Clark added.

Last month, 32 illegal aliens were arrested at a manufacturing plant in Arlington, Wash., that supplies parts for commercial and military aircraft, including some made by Boeing. In 2007, 51 people were arrested at a United Parcel Service warehouse in Auburn, Wash., and more than 165 workers were detained at a Del Monte processing plant in Portland, Ore.

The latest numbers reflect the continuing crackdown on illegal immigration by ICE and other federal agencies. Nationwide, the number of deportations in the period increased from 210,000 to more than 234,000, about an 11 percent increase.

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Between June 2007 and June 2008, nearly 6,000 people have been added to the Criminal Alien Program in Washington. That means ICE will monitor those who are in jail and deport them after the sentence is served. More than 4,500 people were added in Oregon.

ICE officials said they did not have specific breakdowns of the number of aliens convicted of felonies rather than less-serious misdemeanors.

Pramila Jayapal, executive director of OneAmerica, a Seattle-based immigrant advocate group, said the increase in deportation makes her worry about the protection of due process rights.

A surge in deportations, Jayapal said, means more overcrowding and medical risks for illegal immigrants at detention centers.

"The whole thing requires a call on Congress to stop the surge of deportation until we can make sure we can protect the rights of people that are being picked up," Jayapal said.

OneAmerica is scheduled to release a report next week that alleges human rights have been violated at the detention center in Tacoma, which serves the Northwest.

Backers of illegal immigration enforcement said the increase in deportations is a good sign, but they add that more penalties are needed for employers who hire illegal immigrants.

"Immigration authorities are out looking, that serves as discouragement for people coming here in the first place," said Ira Mehlman, a spokesman for the Federation for American Immigration Reform.

Nationally, Mexico remains the leading country of origin for deported illegal immigrants, followed by Honduras and Guatemala.

AUGUST 7, 2008, 7:45 A.M. ET

The GEO Group Announces 545-Bed Expansion of the 1,030-Bed Northwest Detention Center in Tacoma, Washington

BOCA RATON, Fla.--(BUSINESS WIRE)--August 07, 2008--

The GEO Group, Inc. (NYSE:GEO) ("GEO") announced today plans for a 545-bed expansion of the 1,030-bed Northwest Detention Center (the "Center") located in Tacoma, Washington. The expansion of the company-owned Center, which currently houses immigration detainees, will increase the Center's total capacity to 1,575 beds.

GEO expects the 545-bed expansion to cost approximately \$40.0 million and to be completed in September 2009. GEO expects that the expanded Center will help meet the increased demand for detention bed space by federal, state, and local government agencies around the country.

George C. Zoley, Chairman of the Board, Chief Executive Officer and Founder of GEO, said, "We are moving forward with a 545-bed expansion of the company-owned Northwest Detention Center in Tacoma, Washington. We believe that this important expansion will continue to position GEO to help meet the increased demand for correctional and detention beds by federal, state, and local government agencies throughout the United States."

The GEO Group, Inc. ("GEO") is a world leader in the delivery of correctional, detention, and residential treatment services to federal, state, and local government agencies around the globe. GEO offers a turnkey approach that includes design, construction, financing, and operations. GEO represents government clients in the United States, Australia, South Africa, and the United Kingdom. GEO's worldwide operations include the management and/or ownership of 66 correctional and residential treatment facilities with a total design capacity of approximately 62,000 beds, including projects under development.

This press release contains forward-looking statements regarding future events and future performance of GEO that involve risks and uncertainties that could materially affect actual results, including statements regarding estimated earnings, revenues and costs and our ability to maintain growth and strengthen contract relationships. Factors that could cause actual results to vary from current expectations and forward-looking statements contained in this press release include, but are not limited to: (1) GEO's ability to complete the expansion of the Northwest Detention Center as scheduled; (2) GEO's ability to successfully pursue further growth and continue to enhance shareholder value; (3) GEO's ability to access the capital markets in the future on satisfactory terms or at all; (4) risks associated with GEO's ability to control operating costs associated with contract start-ups; (5) GEO's ability to timely open facilities as planned, profitably manage such facilities and successfully integrate such facilities into GEO's operations without substantial costs; (6) GEO's ability to win management contracts for which it has submitted proposals and to retain existing management contracts; (7) GEO's ability to obtain future financing on acceptable terms; (8) GEO's ability to sustain company-wide occupancy rates at its facilities; and (9) other factors contained in GEO's Securities and Exchange Commission filings, including the forms 10-K, 10-Q and 8-K reports.

CONTACT: The GEO Group, Inc., Boca Raton Pablo E. Paez, Director, Corporate Relations, 866-301-4436 SOURCE: The GEO Group, Inc. Copyright Business Wire 2008

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The Sunday Oregonian (Portland, Oregon)

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Sunrise Edition

Local News; Pg. B01

746 words

More arrests end in deportation

KATE TAYLOR, The Oregonian

SUMMARY: Tighter screening after a Clackamas County slaying helps Oregon flag more criminals living in the U.S. illegally

More arrests end in deportation

Teen's death

makes police

more aware

KATE TAYLOR

The number of foreign-born criminals referred to immigration authorities soared in Oregon over the past year, spurred by increased enforcement and the case of an illegal immigrant who slipped through the cracks and murdered a 15-year-old girl.

U.S. Immigration and Customs Enforcement deported 7,345 people from Oregon, Washington and Alaska during the first nine months of the current federal fiscal year, which ends Sept 30.

That's a 40 percent jump from the 5,256 people deported over the same period in 2007, according to Lorie Dankers, spokeswoman for ICE's Northwest region.

Dankers --who attributes the increase to expanded federal funding as well as heightened vigilance among local law enforcement --said she couldn't isolate Oregon figures because her agency tracks illegal immigrants regionally and by country of origin.

Throughout Oregon, however, police, district attorneys, sheriff's officers and others say their screening systems are tighter and better coordinated with federal immigration efforts. With the aid of special training in some cases and with varied methods, approaches and resources, they say they're helping nab more people who commit crimes while living here illegally.

In the Portland area, Clackamas, Washington and Multnomah counties now flag all foreign-born inmates, resulting in the referral of hundreds of people to immigration authorities every month.

A wake-up call

Alejandro Emeterio Rivera Gamboa pleaded guilty last week in Clackamas County Circuit Court to killing 15-year-old Dani Countryman in the early morning of July 28, 2007. Nine months before the girl's death, authorities missed a chance to expel Rivera Gamboa when he pleaded guilty to drunken driving and disclosed that he was not a U.S. citizen.

Within weeks of Countryman's death, Clackamas County began screening suspects and criminals at each step of the law-and-order process --jail, prosecution, probation --and over the past year nearly doubled the number of referrals to immigration authorities. In August 2007, the sheriff's

office made 33 reports to ICE; last month, the number was 64.

"The (Countryman) case played a role in our awareness," said Clackamas County Deputy District Attorney Greg Horner. "It exposed, if not a loophole, an area that frankly we had missed."

As in some other counties, Clackamas County now has an immigration agent with a desk near the jail, said Lt. Lee Eby, Clackamas County jail spokesman.

"We work side by side," Eby said. "It makes sense, since we take in a lot of information when we process someone here. There are often red flags that pop up, and when they pop up, we let (the immigration officer) know about it."

Marion and Washington counties also saw their numbers rise after adopting a comprehensive approach to identify possible illegal immigrants.

"We ask every single person who walks through the door (of the jail) if they are foreign-born," said Lt. Sheila Lorance of the Marion County Sheriff's Office. In 2007, the jail identified 3,423 foreign-born inmates, about one out of every six people booked into the jail.

Sgt. Dave Thompson of the Washington County Sheriff's Office said identifying suspected illegal immigrants is now "just a simple equation --if someone's born outside of the country (when they make contact with Washington County law enforcement), they're reported to ICE."

Better cooperation

In June 2007, ICE asked local law enforcement agencies to start notifying the agency about every possible illegal immigrant who came through the system. The agency's beefed-up Criminal Alien Program --funded this fiscal year at \$178 million --came with more officers and better technology to track illegal immigrants.

Raul Ramirez, executive director of the Oregon State Sheriffs' Association, said he sees "enhanced awareness" and "solid" cooperation throughout law enforcement.

Before 2007, "ICE was pretty inconsistent about responding to calls, and they were also inconsistent about coming to pick people up," Thompson said. "Now, they've really stepped up, and they're doing a good job."

Clackamas County jail officials agree.

"ICE took a big step forward," said Lt. Lee Eby, spokesman for the Clackamas County jail. "It's been dramatic in helping us be more effective."

Kate Taylor: 503-294-5918; katetaylor@news.oregonian.com

September 24, 2008

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WASHINGTON COUNTY SHERIFF'S OFFICE
"Conservators of the Peace"

Sheriff Rob Gordon



Undersheriff David Hepp

Inmate tranfers from our agency to ICE

2004 102

01/2004	12
02/2004	8
03/2004	11
04/2004	8
05/2004	10
06/2004	4
07/2004	6
08/2004	12
09/2004	10
10/2004	9
11/2004	4
12/2004	8

2005 179

01/2005	3
02/2005	8
03/2005	16
04/2005	11
05/2005	10
06/2005	14
07/2005	18
08/2005	10
09/2005	14
10/2005	22
11/2005	20
12/2005	33

2006 256

01/2006	24
02/2006	39
03/2006	30
04/2006	15
05/2006	27
06/2006	13
07/2006	13

215 SW Adams Avenue, MS #32 • Hillsboro, OR 97123-3874
phone 503-846-2700 • fax 503-846-2604
www.co.washington.or.us/sheriff

WASHINGTON COUNTY SHERIFF'S OFFICE
"Conservators of the Peace"

Sheriff Rob Gordon



Undersheriff David Hepp

08/2006	19
09/2006	18
10/2006	18
11/2006	15
12/2006	25
2007	611
01/2007	25
02/2007	23
03/2007	19
04/2007	32
05/2007	21
06/2007	34
07/2007	38
08/2007	76
09/2007	101
10/2007	74
11/2007	91
12/2007	77

2008	620
01/2008	82
02/2008	59
03/2008	66
04/2008	66
05/2008	55
06/2008	81
07/2008	74
08/2008	84
09/2008	53

This information provided by Sgt. Tristan Sundsted, Washington County Jail Administration

215 SW Adams Avenue, MS #32 • Hillsboro, OR 97123-3874
phone 503-846-2700 • fax 503-846-2604
www.co.washington.or.us/sheriff

Transfers to ICE by month, 2004 through July 2008

YEAR	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
2004	18	21	24	13	19	32	19	27	34	25	28	24	284
2005	22	27	16	19	28	20	13	17	20	22	14	21	239
2006	29	23	28	29	30	30	23	23	12	13	14	18	272
2007	20	18	19	27	16	13	27	31	25	15	17	14	242
2008	14	11	21	18	25	23	32						

22

Jg/10/08

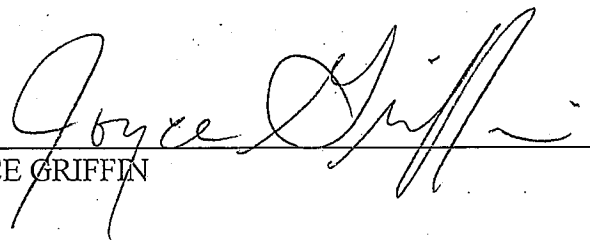
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DECLARATION OF AUTHENTICITY

I, Joyce Griffin, do declare and attest to the following:

1. I am the Manager of Corrections Records for the Multnomah County Sheriffs Office.
2. The attached report titled, "Transfers to ICE by Month 2004 to 2008", is a true and correct summary of the data maintained by MCSO of the number of ICE transfers made from MCSO jails for the years 2004-2008.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ALONG WITH THE ATTACHED DATA IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.


JOYCE GRIFFIN

1 Brian Patrick Conry, P.C.
2 OSB #82224
3 534 SW Third Ave., Suite 711
4 Portland, Oregon 97204
5 (503) 274-4430
6 Fax: (503) 274-0414
7 defendlife@earthlink.net

8 IN THE SUPREME COURT OF THE STATE OF OREGON

9 Jose Antonio Gonzalez Verduzco)
10 Petitioner- Appellant,)

11 v.)

12 STATE OF OREGON,)
13 Defendant-Respondent.)

14 Yamhill County Circuit Court
15 Case No. CV060029

16 Appellate Court No. A132780
17 Supreme Ct Case No. S056500

18 **AFFADAVIT OF FIONA**
19 **GLADSTONE**

20 I, Fiona Gladstone, after first being duly sworn, do hereby depose and swear that the
21 following is true:

22 I am a graduate of Reed College in Portland, OR. I have been a paralegal at the Law
23 Office of Brian Patrick Conry, PC for approximately 7 months.

24 I obtained records from Lieutenant Graves at the NORCOR (Northern Oregon Regional
25 Corrections Facility) jail located in The Dalles, Oregon by fax on October 23, 2008, regarding
26 the detainees held under immigration charging documents at the NORCOR jail facility. The data
sent to me was a list of all inmates who were detained by the immigration authorities at the
NORCOR jail from 2004 to 2008. Each page of the list contains 41 inmate names. The entire
document provided to me includes 64 pages full of inmate names and a 65th page of five inmate
names totaling 2, 629 inmate names.

I spoke with Lieutenant Graves on the morning of October 24th, 2008 to clarify the
process by which these detainees arrive at the NORCOR jail. He explained to me that NORCOR

1 has a contract with ICE (Immigration and Customs Enforcement) such that ICE uses the facility
2 as an immigration detention facility. Lt. Graves stated to me about the inmates on the list he gave
3 me, "Generally, they all have criminal records." He further stated that they are criminal aliens
4 who are either going through deportation proceedings or who are being held temporarily before
5 they are actually deported ("flown out of the country"). He mentioned that they all have
6 immigration charging documents against them that would prevent their release from custody. He
7 stated that a lot of the detainees are brought in by ICE from State Penitentiary to be temporarily
8 held in ICE custody before being deported or while fighting their deportation.

9 From my hand-counting the names on this document, the total amount of inmates held by
10 ICE each year at the NORCOR jail facility from 2004 through the present year are the following:

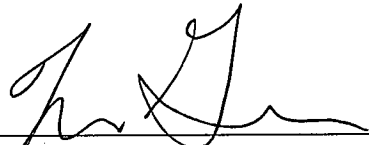
11 Year	Amount of inmates transferred to ICE Custody
12 2004	943
13 2005	140
14 2006	354
15 2007	484
16 2008	708
17 Total:	2,629

18 I have counted these inmates and attest to the truthfulness of these numbers being a
19 reasonably accurate reflection of the 65 page document presented to me by the NORCOR
20 Lieutenant Rick Graves.
21

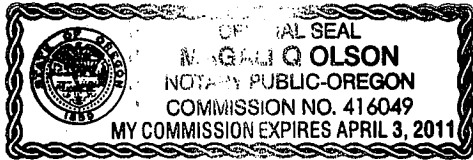
22 I verified that the names on the list were inmates held in immigration (ICE) custody by
23 discussing the report on October 23rd, 2008 with Sergeant Mary Savaiinaea of the NORCOR jail.
24
25
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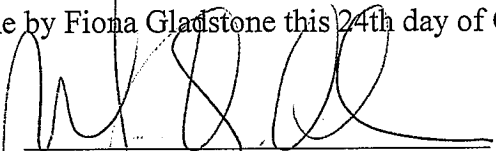
(25)

1 DATED: October 24, 2008

2
3 
4 Fiona Gladstone
5 Legal Assistant

6 SUBSCRIBED AND SWORN to before me by Fiona Gladstone this 24th day of October, 2008.



10
11 
12 Notary Public
13 State of Oregon
14 County of Multnomah



U.S. Department of Justice
Immigration and Naturalization Service

HQOPP 50/4

Office of the Commissioner

425 I Street NW
Washington, DC 20536

NOV 17 2000

MEMORANDUM TO REGIONAL DIRECTORS
DISTRICT DIRECTORS
CHIEF PATROL AGENTS
REGIONAL AND DISTRICT COUNSEL

FROM:

Doris Meissner
Commissioner
Immigration and Naturalization Service

SUBJECT: Exercising Prosecutorial Discretion

Since the 1996 amendments to the Immigration and Nationality Act (INA) which limited the authority of immigration judges to provide relief from removal in many cases, there has been increased attention to the scope and exercise of the Immigration and Naturalization Service's (INS or the Service) prosecutorial discretion. This memorandum describes the principles with which INS exercises prosecutorial discretion and the process to be followed in making and monitoring discretionary decisions. Service officers are not only authorized by law but expected to exercise discretion in a judicious manner at all stages of the enforcement process—from planning investigations to enforcing final orders—subject to their chains of command and to the particular responsibilities and authority applicable to their specific position. In exercising this discretion, officers must take into account the principles described below in order to promote the efficient and effective enforcement of the immigration laws and the interests of justice.

More specific guidance geared to exercising discretion in particular program areas already exists in some instances,¹ and other program-specific guidance will follow separately.

¹ For example, standards and procedures for placing an alien in deferred action status are provided in the Standard Operating Procedures for Enforcement Officers: Arrest, Detention, Processing, and Removal (Standard Operating Procedures), Part X. This memorandum is intended to provide general principles, and does not replace any previous specific guidance provided about particular INS actions, such as "Supplemental Guidelines on the Use of Cooperating Individuals and Confidential Informants Following the Enactment of IIRIRA," dated December 29, 1997. This memorandum is not intended to address every situation in which the exercise of prosecutorial discretion may be appropriate. If INS personnel in the exercise of their duties recognize apparent conflict between any of their specific policy requirements and these general guidelines, they are encouraged to bring the matter to their supervisor's attention, and any conflict between policies should be raised through the appropriate chain of command for resolution.

Careful design of enforcement operations is a key element in the INS' exercise of prosecutorial discretion. Managers should consider not simply whether a particular effort is legally supportable, but whether it best advances the INS' goals, compared with other possible uses of those resources. As a general matter, investigations that are specifically focused to identify aliens who represent a high priority for removal should be favored over investigations which, by their nature, will identify a broader variety of removable aliens. Even an operation that is designed based on high-priority criteria, however, may still identify individual aliens who warrant a favorable exercise of prosecutorial discretion.⁶

Initiating and Pursuing Proceedings

Aliens who are subject to removal may come to the Service's attention in a variety of ways. For example, some aliens are identified as a result of INS investigations, while others are identified when they apply for immigration benefits or seek admission at a port-of-entry. While the context in which the INS encounters an alien may, as a practical matter, affect the Service's options, it does not change the underlying principle that the INS has discretion and should exercise that discretion appropriately given the circumstances of the case.

Even when an immigration officer has reason to believe that an alien is removable and that there is sufficient evidence to obtain a final order of removal, it may be appropriate to decline to proceed with that case. This is true even when an alien is removable based on his or her criminal history and when the alien—if served with an NTA—would be subject to mandatory detention. The INS may exercise its discretion throughout the enforcement process. Thus, the INS can choose whether to issue an NTA, whether to cancel an NTA prior to filing with the immigration court or move for dismissal in immigration court (under 8 CFR 239.2), whether to detain (for those aliens not subject to mandatory detention), whether to offer an alternative to removal such as voluntary departure or withdrawal of an application for admission, and whether to stay an order of deportation.

The decision to exercise any of these options or other alternatives in a particular case requires an individualized determination, based on the facts and the law. As a general matter, it is better to exercise favorable discretion as early in the process as possible, once the relevant facts have been determined, in order to conserve the Service's resources and in recognition of the alien's interest in avoiding unnecessary legal proceedings. However, there is often a conflict

⁶ For example, operations in county jails are designed to identify and remove criminal aliens, a high priority for the Service. Nonetheless, an investigator working at a county jail and his or her supervisor should still consider whether the exercise of prosecutorial discretion would be appropriate in individual cases.

between making decisions as soon as possible, and making them based on evaluating as many relevant, credible facts as possible. Developing an extensive factual record prior to making a charging decision may itself consume INS resources in a way that negates any saving from forgoing a removal proceeding.

Generally, adjudicators may have a better opportunity to develop a credible factual record at an earlier stage than investigative or other enforcement personnel. It is simply not practicable to require officers at the arrest stage to develop a full investigative record on the equities of each case (particularly since the alien file may not yet be available to the charging office), and this memorandum does not require such an analysis. Rather, what is needed is knowledge that the INS is not legally required to institute proceedings in every case, openness to that possibility in appropriate cases, development of facts relevant to the factors discussed below to the extent that it is reasonably possible to do so under the circumstances and in the timeframe that decisions must be made, and implementation of any decision to exercise prosecutorial discretion.

There is no precise formula for identifying which cases warrant a favorable exercise of discretion. Factors that should be taken into account in deciding whether to exercise prosecutorial discretion include, but are not limited to, the following:

- Immigration status: Lawful permanent residents generally warrant greater consideration. However, other removable aliens may also warrant the favorable exercise of discretion, depending on all the relevant circumstances.
- Length of residence in the United States: The longer an alien has lived in the United States, particularly in legal status, the more this factor may be considered a positive equity.
- Criminal history: Officers should take into account the nature and severity of any criminal conduct, as well as the time elapsed since the offense occurred and evidence of rehabilitation. It is appropriate to take into account the actual sentence or fine that was imposed, as an indicator of the seriousness attributed to the conduct by the court. Other factors relevant to assessing criminal history include the alien's age at the time the crime was committed and whether or not he or she is a repeat offender.
- Humanitarian concerns: Relevant humanitarian concerns include, but are not limited to, family ties in the United States; medical conditions affecting the alien or the alien's family; the fact that an alien entered the United States at a very young age; ties to one's home country (e.g., whether the alien speaks the language or has relatives in the home country); extreme youth or advanced age; and home country conditions.
- Immigration history: Aliens without a past history of violating the immigration laws (particularly violations such as reentering after removal, failing to appear at hearing, or resisting arrest that show heightened disregard for the legal process) warrant favorable consideration to a greater extent than those with such a history. The seriousness of any such violations should also be taken into account.

- Likelihood of ultimately removing the alien: Whether a removal proceeding would have a reasonable likelihood of ultimately achieving its intended effect, in light of the case circumstances such as the alien's nationality, is a factor that should be considered.
- Likelihood of achieving enforcement goal by other means: In many cases, the alien's departure from the United States may be achieved more expeditiously and economically by means other than removal, such as voluntary return, withdrawal of an application for admission, or voluntary departure.
- Whether the alien is eligible or is likely to become eligible for other relief: Although not determinative on its own, it is relevant to consider whether there is a legal avenue for the alien to regularize his or her status if not removed from the United States. The fact that the Service cannot confer complete or permanent relief, however, does not mean that discretion should not be exercised favorably if warranted by other factors.
- Effect of action on future admissibility: The effect an action such as removal may have on an alien can vary—for example, a time-limited as opposed to an indefinite bar to future admissibility—and these effects may be considered.
- Current or past cooperation with law enforcement authorities: Current or past cooperation with the INS or other law enforcement authorities, such as the U.S. Attorneys, the Department of Labor, or National Labor Relations Board, among others, weighs in favor of discretion.
- Honorable U.S. military service: Military service with an honorable discharge should be considered as a favorable factor. See Standard Operating Procedures Part V.D.8 (issuing an NTA against current or former member of armed forces requires advance approval of Regional Director).
- Community attention: Expressions of opinion, in favor of or in opposition to removal, may be considered, particularly for relevant facts or perspectives on the case that may not have been known to or considered by the INS. Public opinion or publicity (including media or congressional attention) should not, however, be used to justify a decision that cannot be supported on other grounds. Public and professional responsibility will sometimes require the choice of an unpopular course.
- Resources available to the INS: As in planning operations, the resources available to the INS to take enforcement action in the case, compared with other uses of the resources to fulfill national or regional priorities, are an appropriate factor to consider, but it should not be determinative. For example, when prosecutorial discretion should be favorably exercised under these factors in a particular case, that decision should prevail even if there is detention space available.

Obviously, not all of the factors will be applicable to every case, and in any particular case one factor may deserve more weight than it might in another case. There may be other factors, not on the list above, that are appropriate to consider. The decision should be based on the totality of the circumstances, not on any one factor considered in isolation. General guidance such as this cannot provide a "bright line" test that may easily be applied to determine the "right" answer in every case. In many cases, minds reasonably can differ, different factors may point in different directions, and there is no clearly "right" answer. Choosing a course of action in difficult

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cases must be an exercise of judgment by the responsible officer based on his or her experience, good sense, and consideration of the relevant factors to the best of his or her ability.

There are factors that may not be considered. Impermissible factors include:

- An individual's race, religion, sex, national origin, or political association, activities or beliefs;⁷
- The officer's own personal feelings regarding the individual; or
- The possible effect of the decision on the officer's own professional or personal circumstances.

In many cases, the procedural posture of the case, and the state of the factual record, will affect the ability of the INS to use prosecutorial discretion. For example, since the INS cannot admit an inadmissible alien to the United States unless a waiver is available, in many cases the INS' options are more limited in the admission context at a port-of-entry than in the deportation context.

Similarly, the INS may consider the range of options and information likely to be available at a later time. For example, an officer called upon to make a charging decision may reasonably determine that he or she does not have a sufficient, credible factual record upon which to base a favorable exercise of prosecutorial discretion not to put the alien in proceedings, that the record cannot be developed in the timeframe in which the decision must be made, that a more informed prosecutorial decision likely could be made at a later time during the course of proceedings, and that if the alien is not served with an NTA now, it will be difficult or impossible to do so later.

Such decisions must be made, however, with due regard for the principles of these guidelines, and in light of the other factors discussed here. For example, if there is no relief available to the alien in a removal proceeding and the alien is subject to mandatory detention if

⁷ This general guidance on factors that should not be relied upon in making a decision whether to enforce the law against an individual is not intended to prohibit their consideration to the extent they are directly relevant to an alien's status under the immigration laws or eligibility for a benefit. For example, religion and political beliefs are often directly relevant in asylum cases and need to be assessed as part of a prosecutorial determination regarding the strength of the case, but it would be improper for an INS officer to treat aliens differently based on his personal opinion about a religion or belief. Political activities may be relevant to a ground of removal on national security or terrorism grounds. An alien's nationality often directly affects his or her eligibility for adjustment or other relief, the likelihood that he or she can be removed, or the availability of prosecutorial options such as voluntary return, and may be considered to the extent these concerns are pertinent.

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

In the Matter of:

File No A18 981 720

Respondent: Robyn Wilder AKA Robyn Wenholz, Sid No. 7434915 currently residing at:

C/o Shutter Creek Correctional Inst., 2000 Shutters Landing Rd., North Bend, OR 97459

(Number, street, city state and ZIP code)

(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 deportable for the reasons stated below.

The Service alleges that you:

- 1. You are not a citizen or national of the United States;
- 2. You are a native of Australia and a citizen of Australia.
- 3. You entered the United States at or near Honolulu, HI on or about February 10, 1970 as a Lawful Permanent Resident.
- 4. On March 7, 1988 you were convicted in the Circuit Court of Multnomah County, State of Oregon, for the offense of Count 1 - Theft in the First Degree and Count 3 - Forgery in the First Degree in violation of ORS 164.005 and 165.013. Case No. 87-09-35283.
- 5. On October 29, 1999 you were convicted in the Circuit Court of Marion County, State of Oregon for the offense of Aggravated Theft I, in violation of ORS 164.057. Case No 99C46653

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:

Section 237(a)(2)(A)(ii) of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct.

- 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: 8 CFR 208.30(f)(2) 8 CFR 235.3(b)(5)(iv)

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

(Complete address of immigration court, including room number, if any)

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

(Date)

(Time)

[Signature]
(Signature and title of issuing officer)

Date: August 29, 2000

Portland, Oregon
(City and state)

See reverse for important information

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U.S. DEPARTMENT OF JUSTICE
IMMIGRATION COURT
1220 SW THIRD AVENUE, SUITE 218
PORTLAND, OR 97204

In the Matter of:

Robyn Wilker

Case No.: A. 18, 981, 720

Docket: Portland, OR

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that the respondent is subject to removal on the charge(s) in the Notice to Appear.

Respondent has made no application for relief from removal.

It is HEREBY ORDERED that the respondent be removed from the United States to Australia on the charge(s) contained in the Notice to Appear.

It is FURTHER ORDERED that if the afore named country advises the Attorney General that it is unwilling to accept the respondent into its territory or fails to advise the Attorney General within thirty days following original inquiry whether it will or will not accept respondent into its territory, respondent shall be removed to _____.

If you fail to appear for removal at the time and place ordered by the INS, other than because of exceptional circumstances beyond your control (such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances), you will not be eligible for the following forms of relief for a period of ten (10) years after the date you were required to appear for removal:

- (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.

Date: 1/23/01

Michael J. Smith
Immigration Judge

Appeal: WAIVED (A/T/R)

Appeal Due By:

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: 1/23/01 By: COURT STAFF RCM
Attachments: EOIR-33 EOIR-28 Legal Service List Other

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Warning to Alien Ordered Removed or Deported

File No: A18-981-720
Date: January 24, 2001

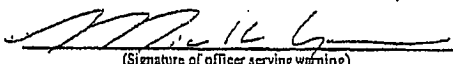
Alien's full name: Robyn WILDER

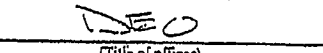
In accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act), you are prohibited from entering, attempting to enter, or being in the United States:

- For a period of 5 years from the date of your departure from the United States because you have been found deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated upon your arrival in the United States as a returning lawful permanent resident.
- For a period of 10 years from the date of your departure from the United States because you have been found:
- deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
 - inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated as a result of your having been present in the United States without admission or parole.
 - deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
 - deportable under section 237 of the Act and ordered removed from the United States in accordance with section 238 of the Act by a judge of a United States district court, or a magistrate of a United States magistrate court.
- For a period of 20 years from the date of your departure from the United States because, after having been previously excluded, deported, or removed from the United States, you have been found:
- inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
 - deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
 - deportable under section 237 of the Act and ordered removed from the United States in proceedings under section 238 of the Act.
 - deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
 - to have reentered the United States illegally and have had the prior order reinstated under section 241(a)(5) of the Act.
- At any time because you have been found inadmissible or excludable under section 212 of the Act, or deportable under section 241 or 237 of the Act, and ordered deported or removed from the United States, and you have been convicted of a crime designated as an aggravated felony.

After your removal has been effected you must request and obtain permission from the Attorney General to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or office of the United States Immigration and Naturalization Service. Refer to the above file number when requesting forms or information.

WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States during the period in which he or she is barred from so doing without the Attorney General's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to \$250,000.


(Signature of officer serving warning)


(Title of officer)

Portland, Oregon
(Location of INS office)
Form I-294 (6-1-97)N

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I UNDERSTAND THAT I MAY NOT BE REMOVED FROM THE UNITED STATES SOONER THAN 72 HOURS AFTER SERVICE OF THE FINAL ORDER OF REMOVAL IN MY CASE. I KNOWINGLY AND VOLUNTARILY REQUEST TO WAIVE THIS 72 HOUR PERIOD AND BE DEPORTED FROM THE UNITED STATES AS SOON AS POSSIBLE.

Rolyn Wilder DATE 2-01-01
SIGNATURE OF SUBJECT

[Signature] DATE 2/01/01
SIGNATURE OF OFFICER

ATTORNEY OF RECORD (IF APPLICABLE) TELEPHONICALLY NOTIFIED OF ALIEN'S REQUEST FOR WAIVER ON _____ DATE _____

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1 BRIAN PATRICK CONRY, P.C.
2 OSB #82224
3 534 SW Third Ave., Suite 711
4 Portland, Oregon 97204
5 (503) 274-4430
6 FAX: (503) 274-0414
7 defendlife@earthlink.net

ENTERED

APR 27 2007

Marion County Circuit Court

STATE OF OREGON
Marion County Circuit Courts
APR 26 2007
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

8 ROBYN DENISE WILDER)
9 Petitioner,)

) Post-Conviction
) Case No. 05C19577

10 .v.)

) Marion County
) Case No. 99C46653

11)
12 STATE OF OREGON)
13 Respondent.)

GENERAL JUDGEMENT

14 This case came before the above entitled court on May 15, 2006, before the Honorable
15 Joseph C. Guimond for a Post-Conviction Relief Hearing. Following that session, the PCR court
16 accepted further factual submissions of the parties up until March 27, 2007, at which time the
17 record was fully submitted by the parties. The Petitioner appearing by counsel, Brian Patrick
18 Conry, and Defendant State of Oregon appearing by Susan Gerber, AAG State of Oregon; based
19 on the arguments of counsel, and the records and files herein and the Court being fully advised in
20 the premises;

21
22 THE COURT HEREBY FINDS that inasmuch as Petitioner's constitutional rights were
23 violated in the prior proceedings, in that criminal defense counsel admits that she did not
24 consider her client's immigration status before the entry of the guilty plea and only learned that
25 her client was not a US citizen from the pre-sentence investigative report. Petitioner has been
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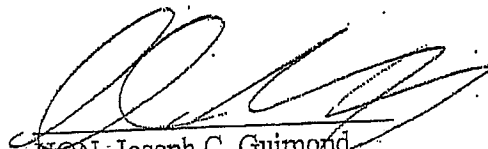
deported as a result of her conviction. Criminal defense counsel's representation of the petitioner fell below constitutionally accepted standards.

Accordingly, based upon Article 1 §11 of the Oregon Constitution (adequate assistance of counsel clause), and the Sixth (effective assistance of counsel clause) and Fourteenth Amendments of the United States Constitution;

IT IS THEREFORE ADJUDGED, that the Petition for Post-Conviction Relief challenging Petitioner's conviction for Aggravated Theft in the First Degree, Case Number 05C19577, Circuit Court for Marion County, is hereby granted due to the constitutionally ineffective assistance of criminal defense counsel, Suzanne Taylor.

It is THEREFORE ORDERED that Petitioner's Petition for Post-Conviction Relief is hereby GRANTED and her conviction in Marion County Circuit Court Case Number 99C46653 is hereby VACATED.

DATED this 26 day of April, 2007


HON. Joseph C. Guimond
Circuit Court Judge

SUBMITTED BY: Brian Patrick Conry, OSB # 82224
534 SW Third Ave #711, Portland, OR 97204

(37)

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1 BRIAN PATRICK CONRY, P.C.
2 OSB #82224
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4 Portland, Oregon 97204
5 (503) 274-4430
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7 defendlife@earthlink.net

Jun 4/07 001#20965 P00-DC
MTR-Reopen \$110.00

8 UNITED STATES DEPARTMENT OF JUSTICE
9 EXECUTIVE OFFICE OF IMMIGRATION REVIEW
10 PORTLAND, OREGON
11 OFFICE OF THE IMMIGRATION JUDGE

		A 18 981 720
In re)	
WILDER, Robyn Denise,	)	MOTION TO REOPEN REMOVAL
	)	PROCEEDINGS AND TO ORDER
Respondent	)	THE DHS TO ALLOW THE RETURN OF
	)	ROBYN DENISE WILDER TO THE UNITED
	)	STATES IN LPR STATUS; ALTERNATE
	)	REQUEST TO TERMINATE THE
	)	DEPORTATION PROCEEDINGS AGAINST THE
	)	RESPONDENT AFTER REOPENING AND
	)	ORDER TO ALLOW HER RETURN TO THE
	)	UNITED STATES

12 1. INTRODUCTION

13 Comes now, Respondent by and through her attorney of record and pursuant to 8 CFR
14 1003.23(b)(1), hereby moves this court for an order reopening this proceeding, and after re-
15 opening, for an order allowing Ms. Wilder to return to the United States and reinstating her status
16 as a Legal Permanent Resident of the United States of America. Respondent is not in custody.
17 Reopening should be allowed by the Immigration Judge in the interests of justice because Ms.
18 Wilder was removed from the United States based upon an unconstitutionally obtained
19 conviction which has since been set aside. *Wiedersperg v. INS*, 896 F.2d 1179 (9th Cir 1990),
20 held that if a conviction is vacated the basis for the deportation order is mooted and that the
21

1 wrongfully deported should be returned to the United States. It is upon this basis that the
2 Respondent seeks to reopen her proceedings, and obtain an order from this court ordering that
3 she can return to the United States in her former legal permanent resident status, as required by
4 the *Wiedersperg* case. Ms. Wilder was removed to Australia where she remains at the time this
5 motion is being filed.

6 The Motion to Reopen is based on new facts and changed circumstances which have
7 arisen after the Order of Removal. The Motion to Terminate Removal Proceedings is filed
8 pursuant to 8 CFR 1003.14; it is based upon the vacation of the conviction which served as the
9 only grounds for the Order of Removal. The conviction upon which the deportation order
10 depended was vacated based upon the Oregon Constitution, Article I, Section 11 Adequate
11 Assistance Clause as well as based upon the Sixth Amendment of the United States Constitution
12 Effective Assistance of Counsel clause.
13

14 Pursuant to 8 CFR § 1003.23(b)(1)(i), the Respondent herein states that at the time that
15 this motion is filed, there is no other judicial proceeding pending regarding the validity of the
16 removal order underlying this motion.
17

18 This motion is filed in duplicate, with the appropriate fee receipt, including a proper
19 Certificate of Service and is accompanied by a completed BOIR 28 thereby meeting the
20 remaining filing requirements set forth at 8 CFR § 1003.23(b).

21 This motion to reopen states new facts that will be proven at a hearing if this case is
22 reopened, and is supported by material evidence that was not available and could not have been
23 discovered or presented at the former hearing.

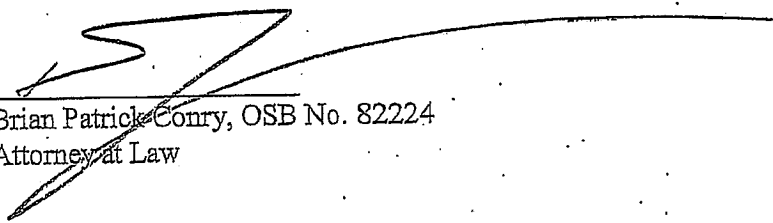
24 "Where an alien is seeking previously unavailable relief and has not had an
25 opportunity to present her application before the Immigration Judge, the Board
26 will look to whether the alien has proffered sufficient evidence to indicate that
there is a reasonable likelihood of success on the merits so as to make it

1 4. CONCLUSION

2 Respondent was a long time legal permanent resident. She had been a permanent resident
3 in the United State for approximately thirty years prior to being deported. Her deportation was
4 based upon an aggravated felony conviction that has since been set aside. The unconstitutionally
5 obtained conviction was caused by ineffective assistance of counsel. Therefore, this Court should
6 order respondent readmitted to the United States and restored to her legal permanent resident
7 status. The proceeding against Ms. Wilder should be terminated because now that the former
8 aggravated felony conviction has been vacated she has only a single CMT as the prior Theft and
9 Forgery convictions arise out of the same transaction and are a single conviction for immigration
10 purposes.
11

12
13 DATED: June 4, 2007.

14 Respectfully Submitted,

15 
16 Brian Patrick Conry, OSB No. 82224
17 Attorney at Law
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U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of:

ROBYN WILDER
RESPONDENT

Case No.: A18-981-720

Docket: PORTLAND OR
IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

After considering the facts and circumstances of this case and as there is no opposition from the parties, it is HEREBY ORDERED that these proceedings be dismissed pursuant to 8 CFR § 239.2(a)(7) and § 1239.2(c).

Michael A. Bennett
Immigration Judge

Date: July 31, 2007

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: 7/31/07 BY: COURT STAFF Ni2
Attachments: EOIR-33 EOIR-28 Legal Services List Other

Dismissal

41

INA 101(a)(43) The term "aggravated felony" means-

(A) murder, rape, or sexual abuse of a minor;

(B) illicit trafficking in controlled substance (as described in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$10,000;

(E) an offense described in-

(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment at least 1 year;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment at least 1 year;

(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations, or an offense described in section 1084 (if it is the second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of 1 year imprisonment or more may be imposed;

(K) an offense that-

(i) relates to the owning, controlling, managing, or supervising of a prostitution business;
or

(ii) is described in section 2421, 2422, 2423, of Title 18, United States Code (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

(iii) is described in any of sections 1581-1585 or 1588-1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

(L) an offense described in-

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code;

(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents); or

(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents);

(M) an offense that-

(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000; or

(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds \$10,000;

(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act;

(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;

(P) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment is at least 12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act;

(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more; and

(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;

(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;

(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and

(U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph.

Sec. 212. [8 U.S.C. 1182] (2) Criminal and related grounds.-

(A) Conviction of certain crimes.-

(i) In general.-Except as provided in clause (ii), any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of-

(I) a crime involving moral turpitude (other than a purely political offense or an attempt or conspiracy to commit such a crime), or

(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), is inadmissible.

(ii) Exception.-Clause (i)(I) shall not apply to an alien who committed only one crime if-

(I) the crime was committed when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime) more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States, or

(II) the maximum penalty possible for the crime of which the alien was convicted (or which the alien admits having committed or of which the acts that the alien admits having committed constituted the essential elements) did not exceed imprisonment for one year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment in excess of 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple criminal convictions.-Any alien convicted of 2 or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement were 5 years or more is inadmissible.

INA 236(a) and 236(c)

(a) Arrest, Detention, and Release.-On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States ...

(c) Detention of Criminal Aliens.-

(1) Custody.-The Attorney General shall take into custody any alien who-

(A) is inadmissible by reason of having committed any offense covered in section 212(a)(2),

(B) is deportable by reason of having committed any offense covered in section 237(a)(2)(A)(ii) (A)(iii), (B), (C), or (D),

(C) is deportable under section 237(a)(2)(A)(i) on the basis of an offense for which the alien has been sentence to a term of imprisonment of at least 1 year, or

(D) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B), when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) Release.-The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of title 18, United States Code, that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

INA 240A(a) Cancellation of Removal for Certain Permanent Residents.-The Attorney General may cancel removal in the case of an alien who is inadmissible or deportable from the United States if the alien-

- (1) has been an alien lawfully admitted for permanent residence for not less than 5 years,
- (2) has resided in the United States continuously for 7 years after having been admitted in any status, and
- (3) has not been convicted of any aggravated felony.

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.-

(1) IN GENERAL.-The Attorney General 2/ may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien-

(A) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application;

(B) has been a person of good moral character during such period;

(C) has not been convicted of an offense under section 212(a)(2), 237(a)(2), or 237(a)(3), subject to paragraph (5) 2a/ 5/; and

(D) establishes that removal would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

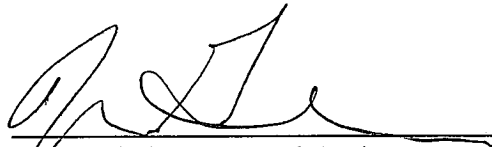
CERTIFICATE OF SERVICE

I, Fiona Gladstone, certify that I directed the original and twelve copies of the AMENDED PETITION FOR REVIEW OF PETITIONER-APPELLANT to be filed with the State Court Administrator's Office, Supreme Court Building, Records Section, at 1163 State Street, Salem, Oregon 97301, on October 24, 2008.

I further certify that I directed the AMENDED PETITION FOR REVIEW OF PETITIONER-APPELLANT enclosed herein to be served upon Hardy Myers, Mary H. Williams and Carolyn Alexander #98173, Assistant Attorney General on October 24, 2008, by causing to be mailed two copies via first class mail, postage pre-paid in an envelope addressed to:

HARDY MYERS #64077
Attorney General
MARY H. WILLIAMS #91124
Solicitor General
CAROLYN ALEXANDER #98173
Assistant Attorney General
Department of Justice
1162 Court Street, Suite 400
Salem, OR 97301-4096

Respectfully Submitted,



Fiona Gladstone Legal Assistant
BRIAN PATRICK CONRY, PC