APPENDIX A

SAMPLE REQUESTS TO DE-ESCALATE CONDITIONS OF SUPERVISION

(FOR SUBMISSION TO ICE)

These requests are not a substitute for independent legal advice supplied by a lawyer familiar with a client's case. They are not intended as, nor do they constitute, legal advice. DO NOT TREAT THESE SAMPLE REQUESTS AS LEGAL ADVICE.







Field Office Director
Baltimore Field Office
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

RE: Request for Ankle Monitor Removal
Dear Field Office Director,
We are writing to respectfully request the de-escalation of supervision with the timely removal of his ankle monitor because it causes him emotional and physical distress, affects his ability to access lawful employment, and is unnecessary.
has worn the ankle monitor since September 2022, when he was released after more than five years of ICE detention. He should be relieved from the obligation of wearing the electronic monitoring device because he is neither a flight risk nor a danger to the community. Moreover, his continuous compliance with his other supervision obligations already fulfills the purpose of the ankle monitor.
I. The ankle monitor should be removed because is not a flight risk.
has a fixed address at and a reliable phone number, which is His family ties to Maryland include his aunt, with whom he resides, and other aunts, uncles, and cousins living nearby. has an Employment Authorization Document (EAD) and is lawfully employed in Maryland.
has been fighting his immigration case for almost six years. He has every incentive to continue to participate in proceedings and appear in court. His case is currently at the BIA or appeal, and no briefing schedule has been set yet. It could be many more months or years before his case is finally resolved and continuing to require the ankle monitor during that process would be unreasonable.
Moreover, the ankle monitor is unnecessary to assure that continues to reside in Maryland and appear in court because he already has other reporting obligations that confirm his location. At least once a month he is ordered to stay home to receive the phone call "visit" from ISAP, and about once a month he is ordered to remain at home during a mandated curfew. On severa occasions when ISAP did not conduct the visit or call as scheduled, went above and beyond his reporting obligations and engaged counsel to contact ISAP and reschedule. More than once he was mandated to come to the ISAP Baltimore office the same or next day due to his GPS monitor malfunctioning, which he diligently did both times. He has fully complied with all these requirements and will continue to do so because, as he says, he respects the law and ICE's supervision systems.
Given these facts and all his other reporting obligations, is not a flight risk, and the ankle monitor is not necessary.
¹ Unless otherwise noted, all statements and facts from come from TAB A: Declaration of

II. The ankle monitor should be removed because is neither a threat to the community nor a threat to national security.

has no criminal convictions. His one arrest, in 2017, involved nonviolent offenses relating to his homelessness and all charges were later dismissed. *See TAB B*. He is focused on working to support himself and spends the little time when he is not working resting at home. does not present a threat to public safety or to national security, and so the ankle monitor is also unnecessary on these grounds.

III. The ankle monitor should be removed because it causes emotional and physical distress and impacts his employment.

reports significant anxiety stemming from the ankle monitor. Primarily, he worries that he will suffer a serious injury while on the job, since he works in construction and the ankle monitor prevents him from properly securing his required footwear. What's more, he regularly trips because of the bulky device. He also indicates that when he is charging the ankle monitor, it becomes extremely hot and his skin very itchy, provoking fears that this will lead to health complications.

finds himself fixating on what will happen to him if he is unable to work because of an injury or health complication. Additionally, worries that the presence of the ankle monitor will cause employers to fire him or decline to hire him. His history of housing insecurity and experience with homelessness prior to being detained amplifies these anxieties and compounds his emotional distress. He reports feeling desperate and that what he most yearns for is freedom of movement of the affected ankle to give him peace of mind.

IV. Conclusion

For these reasons, we respectfully request the timely removal of his ankle monitor. has demonstrated full compliance with his other reporting alternatives, and he intends to continue to comply in the future. Those alternative reporting requirements in which he already participates make the ankle monitor unnecessary.

Thank you for your consideration of this request and please do not hesitate to contact us. Sincerely,

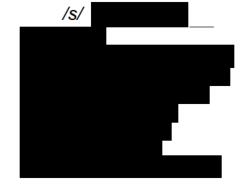
/s/ Austin Rose

Austin Rose, Esq. | Senior Attorney | CAIR Coalition Immigration Impact Lab | He/him

Capital Area Immigrants' Rights (CAIR) Coalition 1025 Connecticut Ave NW, Suite 701

Washington, DC 20036 Phone: 202-788-2509 Fax: 202-331-3341

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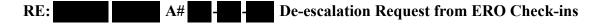
ENCLOSURES

TAB A	Declaration of
TAB B	Criminal Dispositions
TAB C	Employment Authorization Document Copy
TAB D	Social Security Card
TAB E	Form G-28



Sent via email and FedEx

Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Boston Field Office
1000 District Avenue
Burlington, MA 01803



Dear Non-Detained Unit:

On behalf of Mr. ("Mr. "), A# Just Futures Law respectfully requests that the ERO Boston Field Office ("ERO") favorably exercise prosecutorial discretion by removing Mr. from ERO check-ins, or in the alternative, assign him the minimum level of ERO check-ins such as one annual or once every two-year check-ins.

We believe taking our client off of ERO check-ins is warranted given the medical and humanitarian considerations set forth below. Moreover, Mr. does not fall within ERO's enforcement priorities, does not have a final order of removal, and does not have any criminal conviction.

This request for a favorable exercise of prosecutorial discretion is made based on the September 30, 2021, memorandum issued by Secretary Alejandro Mayorkas, which became effective on November 29, 2021 ("the Mayorkas memo").¹ ERO's authority for prosecutorial discretion extends throughout the entirety of the removal process, and at each stage ERO may decide whether or not to pursue any action.² The memo bases its guidance in the principle that the Department will be prioritizing its enforcement resources in a more selective way: "The fact an

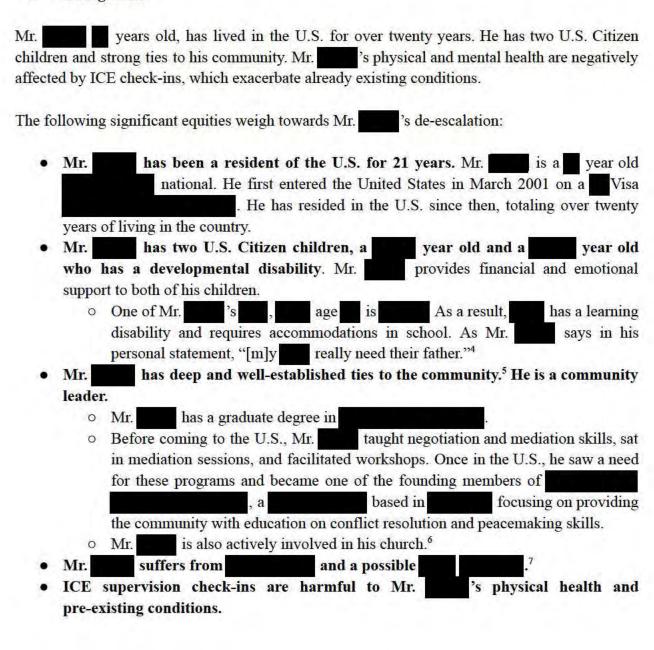
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¹ Secretary Alejandro N. Mayorkas, Guidelines for the Enforcement of Civil Immigration Law, https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf.

² *Id.*, p. 2 ("[E]nforcement discretion extends throughout the entire removal process, and at each stage of it the executive has the discretion to not pursue it.").

individual is a removable noncitizen therefore should not alone be the basis of an enforcement action against them. We will use our discretion and focus our enforcement resources in a more targeted way."³

I. Background



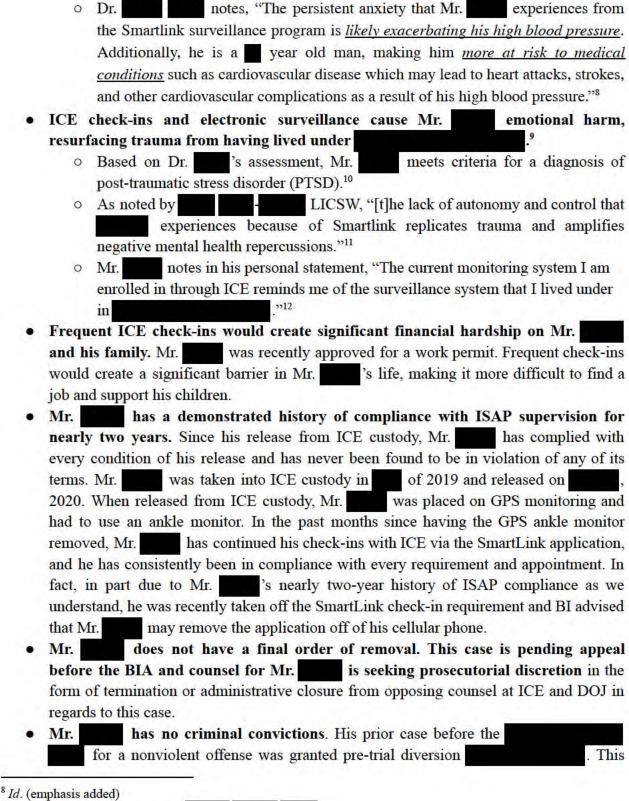
³ Id.

⁴ Exhibit B, Personal Statement of Mr.

⁵ Exhibit C, Letters of Support from Rev. Rev. and

⁶ Id. See also Exhibit C, Letter of Support from

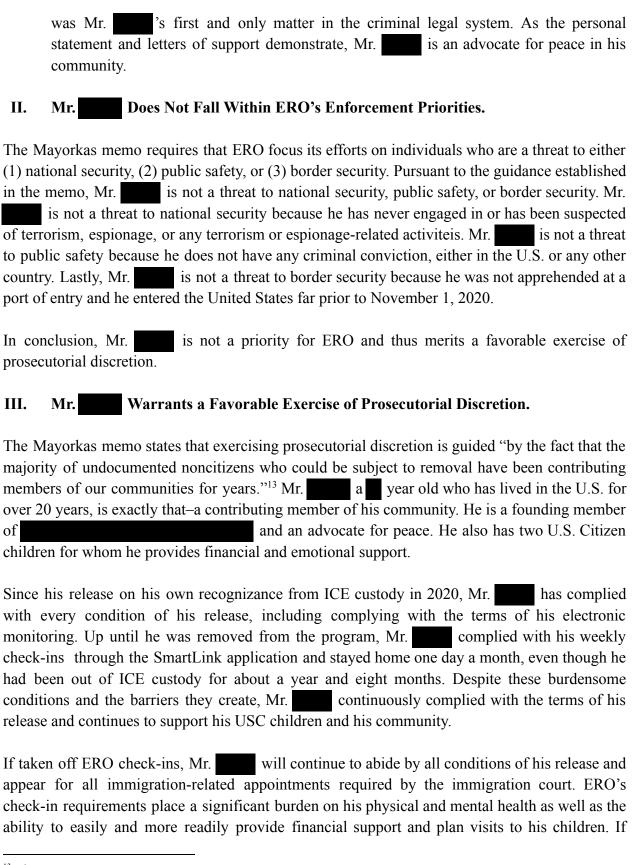
⁷ Exhibit C, Letter from MD.



⁹ Exhibit B, Personal Statement of

¹⁰ Exhibit C, Letter from MD. 11 Exhibit C, Letter from LICSW.

¹² Exhibit B, Personal Statement of

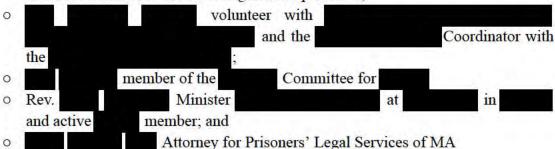


¹³ *Id*.

taken off check-ins, Mr. will be able to more seamlessly contribute to his family and his community, just as he has for the last 20+ years living in the U.S.

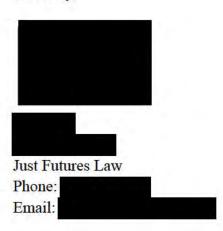
Attached to this letter, please find the following exhibits:

- A. A fully executed G-28;
- B. A personal statement from Mr.
- C. Letters of support from the following individuals:
 - o Dr. MD diagnosing Mr. with PTSD and noting his pre-existing physical and mental health conditions;
 - LICSW confirming symptoms of PTSD and noting physical and emotional stress due to immigration supervision;



For the foregoing reasons, including the positive equities listed above and the fact he has complied with every check-in requirement since his release from custody, Mr. merits a favorable exercise of prosecutorial discretion and should be taken off ERO check-ins. Per the guidance issued in the 2017 ATD Handbook, we expect to receive your response in 2 business days. Please do not hesitate to reach out should you have any questions regarding the contents of this request.

Sincerely,



¹⁴ Alternatives to Detention Handbook - Intensive Supervision Appearance Program, Document Number: 11305, p. 18-19, August 16, 2017.