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Escape Interview

Case Scenario Analysis Report as of 2009-09-21T01:06:11+0000. The accuracy of this report depends in large part on the completeness and accuracy of your responses during the interview. Also, **Immigrare** may not yet have processed recent changes in the law.

Summary

- The person may face immigration removal charges.
- The person is not facing criminal prosecution.
- Authorities may initiate removal proceedings.
- The person could be detained by immigration officials.
- The person appears to be eligible for benefits or relief from removal.

Removal Charges

- INA section 237(a)(1)(B), Present in violation of law: The alien is removable from the United States because the alien is present in the United States in violation of the Immigration and Nationality Act or any other law of the United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has expired or been revoked under INA section 221(i). *For reference, see [INA section 237(a)(1)(B)].*
- INA section 237(a)(1)(C)(i), Nonimmigrant status violators: The alien is removable from the United States because the alien has been admitted as a nonimmigrant and failed to maintain the conditions of the nonimmigrant status under which admitted or to which it was changed under INA section 248. *For reference, see [18 PA 2701(a)(1), 8 CFR 214.1(g), INA section 237(a)(1)(C)(i)].*

Deferral for Prosecution

(none)

Removal Proceedings

- Removal proceedings before an Immigration Judge under section 240. *For reference, see [INA section 237(a)(1)(B), INA section 237(a)(1)(C), INA section 240].*

Administrative Removal (Aggravated Felony)

(none)

Detention

- Detention *For reference, see [8 CFR 236.1(b)(1), INA section 236(a), INA section 237(a)(1)(B), INA section 237(a)(1)(C)].*

Available Relief or Benefits

- Adjustment - a family based visa must be available and an application (I-485) must be filed. *For reference, see [INA section 212(h), INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 245, INA section 245(a), INA section 245(a)(2), INA section 245(a)(3), INA section 245(c)(1), INA section 245(c)(3), INA section 245(c)(5), INA section 245(c)(6), INA section 245(c)(7), INA section*

245(c)(8), INA section 245(d)].

- Asylum - based on fear of persecution. *For reference, see [8 CFR 208.4(a)(2), 8 CFR 208.4(a)(3), 8 CFR 208.4(a)(4), INA Section 208(a)(2)(D), INA section 101(a)(42)(A), INA section 208, INA section 208(a)(2)(A), INA section 208(a)(2)(B), INA section 208(a)(2)(C), INA section 208(a)(2)(D), INA section 208(b)(1)(A), INA section 208(b)(2)(A)(i), INA section 208(b)(2)(A)(ii), INA section 208(b)(2)(A)(iii), INA section 208(b)(2)(A)(iv), INA section 208(b)(2)(A)(v), INA section 208(b)(2)(A)(vi), INA section 208(b)(2)(B)(i), INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i)].*
- Withholding of Removal - based on a fear of persecution. *For reference, see [INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 241, INA section 241(b)(3)(A), INA section 241(b)(3)(B), INA section 241(b)(3)(B)(i), INA section 241(b)(3)(B)(ii), INA section 241(b)(3)(B)(iii), INA section 241(b)(3)(B)(iv)].*
- Withholding of Removal under the Convention Against Torture. *For reference, see [8 CFR 208.16(c)(3), 8 CFR 208.16(d)(2), 8 CFR 208.18, INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 241(b)(3)(B), INA section 241(b)(3)(B)(i), INA section 241(b)(3)(B)(ii), INA section 241(b)(3)(B)(iii), INA section 241(b)(3)(B)(iv)].*
- Cancellation of Removal for non-lawful permanent residents. *For reference, see [INA section 101(f)(1), INA section 101(f)(3), INA section 101(f)(4), INA section 101(f)(5), INA section 101(f)(6), INA section 101(f)(7), INA section 101(f)(8), INA section 101(f)(9), INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 240A(b)(1), INA section 240A(b)(1)(A), INA section 240A(b)(1)(B), INA section 240A(b)(1)(D), INA section 240A(c)(1), INA section 240A(c)(2), INA section 240A(c)(3), INA section 240A(c)(5), INA section 240A(c)(6)].*
- Registry. *For reference, see [8 CFR 249.2(a), INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 249, INA section 249(a), INA section 249(b)].*
- Voluntary Departure (120 days maximum) - before or at the beginning of removal proceedings. *For reference, see [INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 240B(a)(1)].*
- Voluntary Departure (60 days maximum) - at the conclusion of removal proceedings. *For reference, see [8 CFR 1240.26(c)(1)(i), 8 CFR 1240.26(c)(1)(ii), INA section 101(f)(1), INA section 101(f)(3), INA section 101(f)(4), INA section 101(f)(5), INA section 101(f)(6), INA section 101(f)(7), INA section 101(f)(8), INA section 101(f)(9), INA section 237(a)(1)(B), INA section 237(a)(1)(C)(i), INA section 240B(a)(1), INA section 240B(b)(1), INA section 240B(b)(1)(A), INA section 240B(b)(1)(B)].*

Unavailable Relief or Benefits
(none)

Case scenario feedback of questions and answers.

Encounter place: *Interior*

Encounter date: *2009-09-21*

Status at encounter: *Non-Immigrant*

Birth date: *1940-05-12*

Naturalization date:

Birth place: *Colombia*

Citizenship:

Colombia

USA entry date, status at entry, USA departure date:

1970-02-14, Non-Immigrant,

Has the person complied with all appropriate nonimmigrant registration, fingerprinting, and photographing requirements? *No answer*

Has the person requested and been granted a visa extension? *No answer*

Is the person a principal visa holder employed in the U.S.? *No answer*

Is the person a dependent visa holder employed in the U.S.? *No answer*

Is the person a principal visa holder employed outside their visa scope in the U.S.? *No answer*

Is the person in school? *No answer*

Has the person exceeded their optional practical training period, if such a period is permitted? *No answer*

Visa type or admission code: *B-2: temporary visitor for pleasure*

Crime code, commission date, conviction date, sentence time, notes:

18 PA 2701(a)(1) Simple assault., 1985-01-18, 1986-03-26, 3 months,

Immigration consequences questions:

- Has the alien's nonimmigrant visa or admission authorization expired or been revoked under INA section 221(i), or is the alien present in the United States in violation of the

Immigration and Nationality Act or any other law of the United States? *(Yes)*

- Has the alien been admitted as a nonimmigrant and failed to maintain the conditions of the nonimmigrant status under which admitted or to which it was changed under INA section 248? *(Yes)*
- Has the alien been convicted of a crime involving moral turpitude, committed within five years after the date of admission, and for which a sentence of one year or longer may be imposed? *(No)*
- Has the alien been convicted of a crime involving moral turpitude, committed within ten years after the date of admission (in the case of an alien provided lawful permanent resident status under INA section 245(j)), and for which a sentence of one year or longer may be imposed? *(No)*
- Has the alien, at any time after admission, been convicted of two or more crimes involving moral turpitude, not arising out of a single scheme of criminal misconduct? *(No)*
- Has the alien been convicted of an aggravated felony at any time after admission? *(No)*
- Has the alien been convicted of high speed flight from an immigration checkpoint, in violation of Title 18 United States Code section 758? *(No)*
- Has the alien been convicted of failure to register as a sex offender, in violation of Title 18 United States Code section 2250? *(No)*
- Has the alien, at any time after admission, been convicted of a violation of (or attempt or conspiracy) any law or regulation of a State, the United States or a foreign country relating to a controlled substance (as defined in the Controlled Substances Act (Title 21 United States Code section 802)), other than a single offense involving possession for one's own use of thirty grams or less of marijuana? *(No)*
- Has the alien been convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying or attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of Title 18 United States Code) in violation of any law? *(No)*
- Has the alien at any time been convicted (the judgment on such conviction becoming final) of, or has been so convicted of a conspiracy or attempt to violate any offense under chapter 37 (relating to espionage), chapter 105 (relating to sabotage), or chapter 15 (relating to treason and sedition) of Title 18, United States Code, for which a term of five years or more may be imposed? *(No)*
- Has the alien at any time been convicted (the judgment on such conviction becoming final) of, or has been so convicted of a conspiracy or attempt to violate any offense under section 871 or 960 of Title 18, United States Code? *(No)*
- Has the alien at any time been convicted (the judgment on such conviction becoming final) of, or has been so convicted of a conspiracy or attempt to violate a violation of any provision of the Military Selective Service Act (Title 50 United States Code App. section 451 et seq.) or the Trading With the Enemy Act (Title 50 United States Code App. section 1 et seq.)? *(No)*
- Has the alien at any time been convicted (the judgment on such conviction becoming final) of, or has been so convicted of a conspiracy or attempt to violate a violation of section 215 or 278 of the Immigration and Nationality Act? *(No)*
- Has the alien, at any time after admission, been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment? *(No)*

Relief and waiver questions:

- Is the person an immediate relative (spouse, child, or parent) of a United States citizen? *(Yes)*
- Is the person the beneficiary of a family-based visa petition (I-130)? *(Yes)*
- Is the person working without authorization? *(No)*
- Does the person have a fear of persecution in his or her own country on account of race, religion, nationality, membership in particular social group, or political opinion? *(Yes)*
- Is the person afraid of being tortured in the home country if returned there? *(Yes)*

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