

Talking Points for Master Calendar Hearing

Lead: [REDACTED] A [REDACTED] [REDACTED] [REDACTED]
Rider: [REDACTED] A [REDACTED] [REDACTED] [REDACTED]

MCH Date: Tuesday, February 26, 2019 @ 8:30am
Location: Arlington Immigration Court
1901 S. Bell Street, Courtroom _____
Arlington, VA 22202

IJ:
TA:

Timeline:

- [REDACTED] Lead Respondent DOB, (Place of Birth), Honduras
- [REDACTED] Child's DOB, (Place of Birth), Honduras
 - o Child Respondent's Name
- [REDACTED] – Date, manner, and place of entry into U.S., fleeing persecution
- [REDACTED] – Date of First MCH
 - o [REDACTED] and [REDACTED] attend pro se
 - o Given more time to find atty
- [REDACTED] – I-589 filed at court window
 - o Child Respondent included on this application
- _____ – One Year Filing Deadline Date
- _____ – Second MCH Date
 - o With atty

At MCH:

- Provide IJ and DHS copy of E-28s (already submitted when filed I-589, but can submit again)
 - o For [REDACTED]
 - o For [REDACTED] (who has been excused)
- Need to enter pleadings for both Lead and Rider:
 - o Admit allegations 1, 2, 4, and 5
 - o Request that DHS amend allegation 3 to read that Ms. [REDACTED] and her [REDACTED] entered through [REDACTED] TX
 - o Concede the charges
 - o Decline to designate a country of removal
- Both Ms. [REDACTED] and her [REDACTED] have filed for asylum
 - o Filed app at the window on [REDACTED], 2018
 - Have copies of filing stamp
 - Still exploring the facts and conducting research on country conditions
 - Potential psg: Honduran women viewed as property by their husbands;
 - But we reserve the right to add or amend the psg(s) at the individual hearing
 - o Ready to be scheduled for ICH
 - o Request a Spanish interpreter for the ICH
 - o Request a full three hours for the ICH
 - o Confirm whether IJ wants minor daughter present at ICH

If asked to articulate particular social group prior to individual calendar hearing being scheduled:

- *Matter of W-Y-C & H-O-B*, 27 I&N 189 (BIA 2018) only requires that PSGs be articulated prior to appeal, not prior to the scheduling of an individual hearing
- In many instances, it is taking several years for respondents to be scheduled for individual hearings, and with the law governing PSG claims constantly in flux, it would violate the applicant's right to due process to be locked into one PSG when another may be a better option by the time of the individual hearing.
- Likewise, new facts tend to be revealed the longer an attorney works with a client and the more she is able to gain the client's trust.
- IJs are required to take testimony on all potential claims for protection. *Matter of Fefe*, 20 I&N Dec. 116 (BIA 1989).
- For these reasons, we decline to articulate a psg at this time as counsel continues to work with Ms. [REDACTED] and new facts continue to be revealed. Justice, fairness, and due process demand that Ms. [REDACTED] be provided the opportunity to develop the record through documentary and testimonial evidence before being locked into a particular psg.

Notes: