

COMPLETED

DPS

Department of Homeland Security
U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

OMB No. 1615-0040
I-765, Application for
Employment Authorization

Do not write in this block.

APPROVED

Remarks	Action Block	Fee Stamp
A# 137-342	SEP 01 2006 002544	SEP 1/06 001#18632 P00-SP I-765 FWGI \$0.00

Applicant is filing under §274a.12 D

Application Approved. Employment Authorized /-Extended (Circle One) until 12/1/06 (Date).
9/1/06 (Date).

Subject to the following conditions:

Application Denied.

Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).

Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for:

Permission to accept employment.

Replacement (of lost employment authorization document).

Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle)
Abu-Zubaidah Hesham M

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)
7733 SE 92AVE N

(Town or City) (State/Country) (ZIP Code)
Portland OR 97266

4. Country of Citizenship/Nationality
NA

5. Place of Birth (Town or City) (State/Province) (Country)
Riadan Jude Arab

6. Date of Birth (mm/dd/yyyy) 7. Gender
4-28-76 Male Female

8. Marital Status Married Single Divorced Widowed

9. Social Security Number (Include all numbers you have ever used) (if any)
354-94-5066

10. Alien Registration Number (A-Number) or I-94 Number (if any)
A078737342

11. Have you ever before applied for employment authorization from USCIS?
 Yes (If yes, complete below) No

Which USCIS Office? Portland OR Date(s)

Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (mm/dd/yyyy)
1998

13. Place of Last Entry into the U.S.
New York

14. Manner of Last Entry (Visitor, Student, etc.)
FI

15. Current Immigration Status (Visitor, Student, etc.)
NA

16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).

Eligibility under 8 CFR 274a.12
() (D) ()

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature [Signature] Telephone Number (503) 788-3037 Date 9-1-06

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address Signature Date

Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned

CIMIDN
COMMAND:

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - ID # SEARCH/ID PLAY

09/01/06
11:05:14

ID # (A/AA/AB/C/DA): A78737342
(DL/FB/FP/I/PP/SS/TD)

A#: 078737342

DOB: 04281976

LAST: ABU ZUBAIDAH

FIRST: HESHAM

MIDDLE: MOHAMED

ALIASES:

, HESHAM M

NATZ DATE:

COURT:

LOCATION:

SEX: M POE: POO COB: SAUDI DOE: 00000000

FCO: POO COA: F1 COC: JORDA

FATHER: MOHAMED

PFCO: SFCO: DFO: 11072000 BIN:

MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:

EADS-X

PASSPORT #:

FBI #: 649415TB4

DRIVER LIC:

(b)(7)(e)

FINGER CD#:

OVER-KEY ID# TO DISPLAY NEW PERSON, PRESS ENTER. CLEAR EXIT PF1 NEXT CONS A#
PF2 PRIOR CONS A# PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY
PF9 EAD PF11 EOIR

Pros Done
9/28/05

**UNCLASSIFIED
FOR OFFICIAL
USE ONLY**

RCPT NBR: MSC-05-320-16159 A-NBR: A 007-873-742 REFERENCE NBR:
 OWNED BY: MSC RECEIVED DATE: 08/14/2005
 NAME: ABU ZUBAIDAH HESHAM
 STREET: 7733 SE 92ND AVE N
 CITY: PORTLAND STATE: OR ZIP: 97266 PHONE: 503-788-3037
 CITZSHP: UNKNO COB: SAUDI DOB: 04281976 SEX: M
 MAR STAT: M SSN NBR: 354-94-5066 I94 NBR:
 DATE ARR: 01011998 POE: MANNER LAST ENTRY: CURRENT STATUS:
 ABC MEMBER: N PHOTO ATTACHED(Y/N): Y
 ELIGIBILITY: 274A.12(C)(18) PROV CODE: MULTIPLE(Y/N): N NONE(Y/N): N

(ENTER DATES AS MMDDCCYY)

EMPLOYMENT START DATE: ISSUE CODE:
 EXPIRATION DATE: OFFICER ID: CARD ISSUE/DENIAL DATE:
 NAME ON CARD: DENIAL CODE:
 SERIAL NBR:

DC998001 UPDATE NOT ALLOWED - RECEIPT OWNED BY MSC
 PF4 PF6 PF8 PF9 PF10 PF11 PF12
 PRIOR MENU MAIN MENU LOGOFF REMIT REP/ATTY STATUS PRINT CARD

**UNCLASSIFIED
 FOR OFFICIAL
 USE ONLY**

RECEIPT DATE: 08/14/2005

RECEIPT NUMBER: MSC-05-320-16159

ACTION CODE	ACTION DATE	USER ID
AA RECEIVED	08182005	MSCLKBOX
IAA RECEIPT NOTICE SENT	08182005	MSCLKBOX
KE DATA CHANGE	09302005	MSCBRU01

PRESS PF4 OR "ENTER" TO RETURN TO PREVIOUS SCREEN

PF1	PF2	PF4	PF6	PF7	PF8	PF11
PG FWD	PG BACK	RETURN	MAIN MENU	CODES	LOGOFF	AUDIT

**UNCLASSIFIED
FOR OFFICIAL
USE ONLY**

(b)(7)(c)

(b)(7)(e)

Record of IBIS Query (ROIQ)

(b)(6)

(b)(7)(c)

A-Number or Receipt Number:

(b)(7)(e)

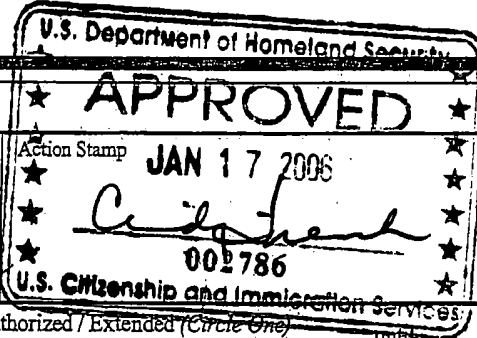
#	Last Name, First Name	DOB			
1	ABU ZUBAIDAH, HESHAM	4/28/76			
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	2nd Check			
	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D	3rd Check			<input type="checkbox"/>
		2nd Check			
	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D	3rd Check			<input type="checkbox"/>
		2nd Check			
	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D	3rd Check			<input type="checkbox"/>
		2nd Check			
	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D	3rd Check			<input type="checkbox"/>
		2nd Check			
	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D	3rd Check			<input type="checkbox"/>

Properly annotate IBIS results on the ROIQ:
 *Include the date of query in the the appropriate box (NO MATCH, DNR or RELATES).
 *Include the initials or identifying number of the USCIS personnel conducting the query in the same box as the date.
 *If the hit was a RELATES and a resolution memo was completed, check the Resolution Memo Completed Box in the last column.

NO MATCH - No information found in IBIS
 DNR - Information found in IBIS but does not relate to the subject
 RELATES - Information found in IBIS that relates to the subject, case referred for resolution.

A = Applicant P = Petitioner
 B = Beneficiary D = Derivative/Household Member

Do Not Write in This Block.



Remarks Intern
A# 78737 342
Applicant is filing under §274a.12 D

Action Stamp JAN 17 2006
Fee Stamp
Jan17/06 001#05639
I-765 FWGI

POD-CF
\$0.00

Application Approved. Employment Authorized / Extended (Circle One) 1/17/06 (Date).
4/16/06 (Date).
Subject to the following conditions:
 Application Denied.
 Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
 Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for:
 Permission to accept employment.
 Replacement (of lost employment authorization document).
 Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle)
Abu-Zubaidah Hesham M
2. Other Names Used (Include Maiden Name)
3. Address in the United States (Number and Street) (Apt. Number)
7733 SE 92nd Ave N
(Town or City) (State/Country) (ZIP Code)
Portland OR 97266
4. Country of Citizenship/Nationality
N/A
5. Place of Birth (Town or City) (State/Province) (Country)
Riyadh Saudi Arabia
6. Date of Birth 4/28/76 7. Gender Male Female
8. Marital Status Married Single
 Widowed Divorced
9. Social Security Number (Include all Numbers you have ever used) (if any)
354-94-5060
10. Alien Registration Number (A-Number) or I-94 Number (if any)
A007873742 78 737 342

11. Have you ever before applied for employment authorization from USCIS?
 Yes (If yes, complete below) No
Which USCIS Office? POD Date(s)
Results (Granted or Denied - attach all documentation)
Granted
12. Date of Last Entry into the U.S. (Month/Day/Year)
1998
13. Place of Last Entry into the U.S.
NY, NY
14. Manner of Last Entry (Visitor, Student, etc.)
Student
15. Current Immigration Status (Visitor, Student, etc.)
16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).
Eligibility under 8 CFR 274a.12
() (D) ()

COMPLETED

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature [Signature] Telephone Number (53) 788-3037 Date 1/17/06

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address Signature Date

Initial Receipt	Resubmitted	Relocated			Completed	
		Rec'd	Sent	Approved	Denied	Returned

CIMIDN
COMMAND:

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - ID # SEARCH/ DISPLAY

01/17/06
17:04:05

ID # (A/AA/AB/C/DA): A78737342
(DL/FB/FP/I/PP/SS/TD)

A#: 078737342

DOB: 04281976

LAST: ABU ZUBAIDAH

FIRST: HESHAM

MIDDLE: MOHAMED

ALIASES:

, HESHAM M

NATZ DATE:

COURT:

LOCATION:

SEX: M POE: POO COB: SAUDI DOE: 00000000

FCO: POO COA: F1 COC: JORDA

FATHER: MOHAMED

PFCO: SFCO: DFO: 11072000 BIN:

MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:

EADS-X

PASSPORT #:

FBI #: 649415TB4

(b)(7)(e)

DRIVER LIC:

FINGER CD#:

OVER-KEY ID# TO DISPLAY NEW PERSON, PRESS ENTER. CLEAR EXIT PF1 NEXT CONS A#
PF2 PRIOR CONS A# PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY
PF9 EAD PF11 EOIR

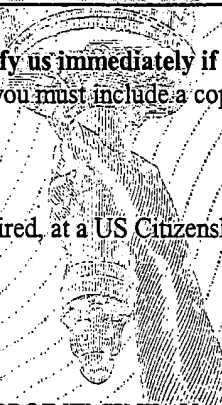


Receipt Number: MSC-05-320-16159		Case Type: I-765 - Application for Employment Authorization Document	
Received Date: August 14, 2005	Priority Date:	Applicant: A007873742 ABU ZUBAIDAH, HESHAM	
Notice Date: August 18, 2005	Page 1 OF 1	ASC Code: 2	

HESHAM ABU ZUBAIDAH
7733 SE 92ND AVE N
PORTLAND OR 97266

Notice Type: Receipt Notice
Amount Received: \$175.00

The above application has been received. **Please notify us immediately if any of the above information is incorrect.** If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.



BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

PLEASE NOTE-

USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.
Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at www.USCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U. S. Citizenship and Immigration Services
P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



(b)(7)(c) (b)(7)(e)

Record of IBIS Query (ROIQ)

A-Number or Receipt Number:

78737342

Form Type:

I-765

(b)(7)(c)

No.	NAME (person/business)	DOB	Batch Number/Date	IBIS OK	IBIS DNR	IBIS Ref.
1	ABUZUBAIDAH, Hesham	4/28/76				
CATEGORY <input checked="" type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		M <input checked="" type="checkbox"/> F <input type="checkbox"/>	[Redacted]			
[Redacted]		2nd Check →	[Redacted]			
[Redacted]		3rd Check →	[Redacted]			
2						
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		M <input type="checkbox"/> F <input type="checkbox"/>				
[Redacted]		2nd Check →				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check →				
3						
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		M <input type="checkbox"/> F <input type="checkbox"/>				
[Redacted]		2nd Check →				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check →				
4						
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		M <input type="checkbox"/> F <input type="checkbox"/>	UNCLASSIFIED FOR OFFICIAL USE ONLY			
[Redacted]		2nd Check →				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check →				
5						
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		M <input type="checkbox"/> F <input type="checkbox"/>				
[Redacted]		2nd Check →				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check →				

A-Applicant P-Petitioner M-Male
 B-Beneficiary D-Derivative/
 Household Member F-Female

IBIS OK-No match for search criteria listed
 IBIS_DNR-Match exists but does not relate to queried subject
 IBIS REF-Case referred for resolution of positive result(s)

Alien's Name:	File Number:	Date:
ABU-ZUBAIDAH, Hesham Mohamed Hussain	A78-737-342	04/11/03

[Signature]
Alien's Signature



RIGHT INDEX PRINT



Alien's Address
c/o Sayad Zinab (friend)
3730 SE 64th
Portland, OR 97206

Alien's Telephone Number (if any)
503-358-8713 (C)

EAD expires 7/6/05

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES
04/11/03 subject released on an O/S this date. ECG. Next report date 05/08/03.		
Reported 5/8/03	Poo/PS	Next report date 6/5/03
Reported 6/5/03	Poo/PS	Next report date 7/3/03
Reported 7/3/03	Poo/PS	Next report date 8/7/03
Reported 8/7/03	Poo/PS	Next report date 9/4/03
Reported 9/4/03	Poo/PS	Next report date 10/2/03
Reported 10/2/03	Poo/PS	Next report date 11/6/03
Reported 11/6/03	Poo/PS	Next report date 12/4/03
Reported 12/4/03	Poo/PS	Next report date 1/8/04 <i>officer 2A</i>
Reported 01/09/04	Poo/LA	Next report date 02/05/04
Reported 2/5/04	Poo/PS	Next report date 3/4/04
Reported 3/4/04	Poo/PS	Next report date 4/11/04
Reported 4/1/04	Poo/PDaniels	Next report date 7/11/04
Put on phone call in system - call in 4/4/04, 5/4/04 + 6/4/04		
Reported 7/1/04	Poo/PDaniels	Next report date 10/7/04
call in 7/4/04, 8/4/04, 9/4/04 + 10/4/04		
Reported 10/7/04	Poo/PDaniels	Next report date 1/6/05
call in 11/4/04, 12/4/04 + 1/4/05		
Reported 1/6/05	Poo/PDaniels	Next report date 4/7/05
call in 2/4/05, 3/4/05 + 4/4/05		
Reported 4/7/05	Poo/PDaniels	Next report date 7/7/05

Signature

Title
Deportation Officer

[Signature]
voice template

call in 5/4/05, 6/4/05 + 7/4/05

File No: A78-737-342

Date: 04/11/03

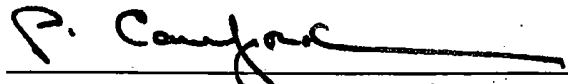
Name: Hesham Mohamed Hussain ABU-ZUBAIDAH

on August 1, 2002, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside The State of Oregon for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the ^{1st} 2nd Thursday of each month to this Service office at: Detention and Removal Office, Room 463, 511 NW Broadway, Portland, OR 97209; telephone: 503-326-4165 unless you are granted written permission to report on another date.
7:30 Am - 4:30pm
- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

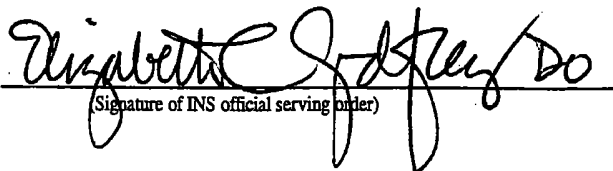


(Signature of INS official)

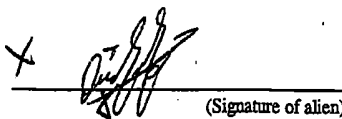
Phillip Crawford, Interim District Director, Enforcement
(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.



(Signature of INS official serving order)



(Signature of alien)

4/11/03

Date

TELEPHONIC REPORTING INFORMATION and AGREEMENT

Date: 5/6/05
To: Hesham Abu-zubaidah

As an enrollee in the Immigration and Customs Enforcement (ICE) Office of Detention & Removals (DRO) Voice Reporting program, you are required to report into the automated monitoring system monthly.

The day you are required to report in appears on this information sheet. You are required to call into the system from phone number 503 788 3257, unless pre-authorized by your DHS officer. Failure to report at the pre-determined time or call from an unapproved phone number could result in a sanction determined by your officer.

TELEPHONIC REPORTING PROCEDURES


The MSR system is an automated telephone reporting system. You are

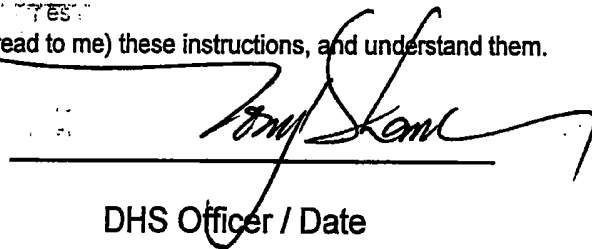
1. required to call the system monthly.
2. Call the MSR System at 1-800-838-7002
3. The system will ask you for your Department ID number. Enter your Department ID Number: 64#
4. Press 1 for enrollee.
5. Enter your Enrollee ID number (A number): 78-737-3427#
6. The system will ask you to respond to a series of questions: press 1 for yes or 2 for no.
7. If you respond with a 1, the system will ask you for your new information. Speak clearly your new information into the telephone handset.
8. After speaking your new information, press the # sign on your telephone.
9. The system will then proceed to the next question.
10. Once the system completes the questions, the system may make an announcement.
11. After completion of any announcement, you may hang up the phone.

TELEPHONIC REPORTING AGREEMENT

1. I agree not to have the call block feature on the line that I will be using during my voice reporting program.
2. I agree to report any phone problems (outages) to my DHS officer as soon as they are known.
3. I agree to keep a working telephone number during the entire term of the voice-reporting program.
4. I understand and agree that all telephone calls from the monitoring center to my residence will be tape-recorded by the monitoring center contractor.

I acknowledge that I have read (or have had read to me) these instructions, and understand them.


Participant Signature / Date


DHS Officer / Date

SpeakerID Enrollment

Dial 800-838-7002

Must call from Home phone

System plays Welcome Message

"Hello, this is the Minimum Supervision Reporting System"

System prompt for language:

"Press 1 for English, marks numero dos para Espanol"

Enter language choice: 1 = English or 2 = Spanish

Phone # 503 788-3257

System prompts for Department Number

"Please enter your Department number followed by the # key"

Enter Department Number: 64 #

System prompts for Caller Type:

"Press 1 if you are an enrollee, press 2 if you are an officer"

Enter caller type - 1 or 2

System prompts for ID number

"Please enter your Enrollee Identification Number followed by the # key"

Enter Enrollee ID: 78-737-342 #

System plays enrollment start message:

"Enrollment process beginning; after the beep, please repeat...."

System plays 12 sets of numbered pairs, repeat them as played

System plays a template message:

"Creating template, please wait....."

System plays completion message:

"Enrollment Successful"

System plays template verify message:

"Template verification beginning"

System plays 2 sets of numbered pairs, repeat then after beep:

Next check IN:

System plays verify end message:

"Verification complete"

7/7/05

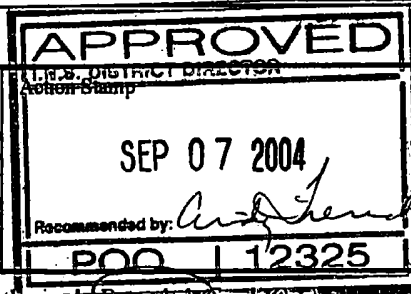
System plays end of session message:

"Session completed, thank you. You may hang up now"

Call in dates: 5/4/05, 6/4/05 & 7/4/05

Application for Employment Authorization

Do Not Write in This Block:



Remarks *order of supervision*
A# 78 737 342
Applicant is filing under §274a.12 C18

Fee Stamp
Sep 7/04 001#09538 POI-CF
I-765 FWGI \$0.00

Application Approved. Employment Authorized (Extended) (Circle One) until 9/7/04 (Date).
7/6/05 (Date).
Subject to the following conditions:
 Application Denied.
 Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
 Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for:
 Permission to accept employment.
 Replacement (of lost employment authorization document).
 Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle)
Abu Zubaidah - Hesham M
2. Other Names Used (Include Maiden Name)
3. Address in the United States (Number and Street) (Apt. Number)
7733 SE 92nd * N
(Town or City) (State/Country) (ZIP Code)
Portland / OR 97233
4. Country of Citizenship/Nationality
N/A
5. Place of Birth (Town or City) (State/Province) (Country)
4-28-76 Rebda Sudan Arabi
6. Date of Birth 7. Sex
4-28-76 Male Female
8. Marital Status Married Single
 Widowed Divorced
9. Social Security Number (Include all Numbers you have ever used) (if any)
354-94-5066
10. Alien Registration Number (A-Number) or I-94 Number (if any)
A78-737-342

11. Have you ever before applied for employment authorization from INS?
 Yes (If yes, complete below) No
Which INS Office? Portland / OR Date(s) 2001
Results (Granted or Denied - attach all documentation)
12. Date of Last Entry into the U.S. (Month/Day/Year)
1998
13. Place of Last Entry into the U.S.
Atlanta
14. Manner of Last Entry (Visitor, Student, etc.)
Student
15. Current Immigration Status (Visitor, Student, etc.)
16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.)
Eligibility under 8 CFR 274a.12
(C) (18) (1)

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature *[Signature]* Telephone Number (503) 788-32-57 Date 9/7/04

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Abu Zubaidah Hesham Address _____ Signature _____ Date _____

Initial Receipt	Resubmitted	Relocated		Completed		
		Rec'd	Sent	Approved	Denied	Returned

CIMIDN
COMMAND:

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - ID # SEARCH/ID DISPLAY

09/07/04
14:31:25

ID # (A/AA/AB/C/DA): A78737342
(DL/FB/FP/I/PP/SS/TD)

A#: 078737342

DOB: 04281976

LAST: ABU ZUBAIDAH
FIRST: HESHAM
MIDDLE: MOHAMED
ALIASES:

, HESHAM M

NATZ DATE:
COURT:
LOCATION:

SEX: M POE: POO COB: JORDA DOE: 00000000
FCO: POO COA: F1 COC: JORDA
PFCO: SFCO: DFO: 11072000 BIN:

FATHER: MOHAMED
MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:
PASSPORT #:

EADS-X

FBI #: 649415TB4

(b)(7)(e)

DRIVER LIC:
FINGER CD#:

OVER-KEY ID NUMBER TO DISPLAY NEW PERSON. PRESS ENTER.

CLEAR EXIT PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY PF9 EAD
PF10 REQUIRES A SPECIAL SECURITY CLASS. PF10 NAILS PF11 EOIR

USDHS
PORTLAND
RETAIN THIS RECEIPT

207 MR
11:46AM May 21/04
00-0000 001 F00-CL
#07123

A # 78737342
Last Name ABU-ZUBAIDAH
First Name HESHAM

I-765 \$175.00
Check \$175.00

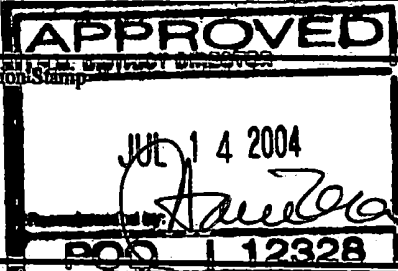
Official
Document

(b)(7)(c)

(b)(7)(e)

Application for Employment Authz

Do Not Write in This Block.



Remarks: D&R and INV

A# 78737342

Applicant is filing under §274a.12 D

Action Stamp: JUL 14 2004
[Signature]
POB 12328

Fee Stamp: 07/14/04 JUL 14/04 001#08314 09/13/04 I-765 FWGI

Application Approved. Employment Authorized/Extended (Circle One) until 07/14/04 09/13/04

Subject to the following conditions:

- Application Denied.
- Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
- Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

- I am applying for:
- Permission to accept employment.
 - Replacement (of lost employment authorization document).
 - Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle)
abu Zubaidah Hesham M

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)
7733 SE 92 4N4
(Town or City) (State/Country) (ZIP Code)
Portland OR 972

4. Country of Citizenship/Nationality
Sudan ARIBIA

5. Place of Birth (Town or City) (State/Province) (Country)
Rayhah sudan ARIBIA

6. Date of Birth 4-28-76 7. Sex Male Female

8. Marital Status Married Single Widowed Divorced

9. Social Security Number (Include all Numbers you have ever used) (if any)
354-94-5066

10. Alien Registration Number (A-Number) or I-94 Number (if any)
A078737342

11. Have you ever before applied for employment authorization from INS?
 Yes (if yes, complete below) No

Which INS Office? Portland-OR Date(s)

Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (Month/Day/Year)
1998

13. Place of Last Entry into the U.S.
NEW YORK

14. Manner of Last Entry (Visitor, Student, etc.)
199 Student + Vi STUDENT

15. Current Immigration Status (Visitor, Student, etc.)
c

16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).
Eligibility under 8 CFR 274a.12
() (D) () ()

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature [Signature] Telephone Number (503)-788-3257 Date 7.14.04

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address Signature Date

Initial Receipt	Resubmitted	Relocated			Completed	
		Rec'd	Sent	Approved	Denied	Returned

(b)(7)(c) (b)(7)(e)

Record of IBIS Query (ROI)

(b)(7)(c)

(b)(7)(e)

A-Number or
Receipt Number:

A78737342

Form Type:

I 765

No.	NAME (person/business)	DOB	Batch Number/Date	IBIS OK	IBIS DNR	IBIS Ref
1	ABU ZUBAIDAH	04/28/77				
CATEGORY <input checked="" type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D <input checked="" type="checkbox"/> Resolution Memorandum completed			M <input checked="" type="checkbox"/> F <input type="checkbox"/> 2nd Check → 3rd Check →			
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Resolution Memorandum completed			M <input type="checkbox"/> F <input type="checkbox"/> 2nd Check → 3rd Check →			
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Resolution Memorandum completed			M <input type="checkbox"/> F <input type="checkbox"/> 2nd Check → 3rd Check →			
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Resolution Memorandum completed			M <input type="checkbox"/> F <input type="checkbox"/> 2nd Check → 3rd Check →			
CATEGORY <input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Resolution Memorandum completed			M <input type="checkbox"/> F <input type="checkbox"/> 2nd Check → 3rd Check →			

A - Applicant
 B - Beneficiary
 P - Petitioner
 D - Derivative/
 Household Member
 M - Male
 F - Female

IBIS OK - No match for search criteria listed
IBIS DNR - Match exists but does not relate to queried subject
IBIS REF - Case referred for resolution of positive result(s)

CIMIDN
COMMAND:

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - ID # SEARCH DISPLAY

07/14/04
13:18:27

ID # (A/AA/AB/C/DA): A78737342

A#: 078737342

DOB: 04281976

(DL/FB/FP/I/PP/SS/TD)

LAST: ABU ZUBAIDAH

FIRST: HESHAM

MIDDLE: MOHAMED

ALIASES:

, HESHAM M

NATZ DATE:

COURT:

LOCATION:

SEX: M

POE: POO

COB: JORDA

DOE: 00000000

FCO: POO

COA: F1

COC: JORDA

FATHER: MOHAMED

PFCO:

SFCO:

DFO: 11072000

BIN:

MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:

EADS-X

PASSPORT #:

FBI #: 649415TB4

DRIVER LIC:

(b)(7)(e)

FINGER CD#:

OVER-KEY ID NUMBER TO DISPLAY NEW PERSON. PRESS ENTER.

CLEAR EXIT PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY PF9 EAD
PF10 REQUIRES A SPECIAL SECURITY CLASS. PF10 NAILS PF11 EOIR

Application for Employment Authorization

Do Not Write in This Block.

Remarks <i>Order of Supervision</i>	Action Stamp APPROVED MAY 14 2003 <i>Kathleen Baker</i>	Fee Stamp May 14/03 001#00801 I-765 \$120.00
A# <i>18 737 342</i>	Applicant is filing under §274a.12 <i>C18</i>	
<input checked="" type="checkbox"/> Application Approved. Employment Authorized (Circle One)		(Date) <u>05-14-03</u> (Date) <u>05-13-04</u>
Subject to the following conditions: <input type="checkbox"/> Application Denied. <input type="checkbox"/> Failed to establish eligibility under 8 CFR 274a.12 (a) or (c). <input type="checkbox"/> Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)		<i>1815</i>

I am applying for:

- Permission to accept employment.
- Replacement (of lost employment authorization document). (b)(7)(e)
- Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle)
Abu Zubaidah Hesham M

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)
3730 SE 64 AVE
(Town or City) (State/Country) (ZIP Code)
Portland OR 97206

4. Country of Citizenship/Nationality
Stateless

5. Place of Birth (Town or City) (State/Province) (Country)
Riyadh Saudi Arabia

6. Date of Birth
4-28-76

7. Sex
 Male Female

8. Marital Status
 Married Single
 Widowed Divorced

9. Social Security Number (Include all Numbers you have ever used) (if any)
354-94-5066

10. Alien Registration Number (A-Number) or I-94 Number (if any)
A. 78 737 342

11. Have you ever before applied for employment authorization from INS?
 Yes (if yes, complete below) No

Which INS Office? *SII NE Bradley* Date(s)

Results (Granted or Denied - attach all documentation)
Granted

12. Date of Last Entry into the U.S. (Month/Day/Year)

13. Place of Last Entry into the U.S.
New York

14. Manner of Last Entry (Visitor, Student, etc.)
Student

15. Current Immigration Status (Visitor, Student, etc.)

16. Go to Part 2 of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).
Eligibility under 8 CFR 274a.12
(C)(1)(8)

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the Instructions in Part 2 and have identified the appropriate eligibility category in Block 16.

Signature *[Signature]* Telephone Number Date *05-14-03*

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Address Signature Date

Initial Receipt	Resubmitted	Relocated			Completed	
		Rec'd	Sent	Approved	Denied	Returned
				<i>05-14-03</i>		

XX

P008032260014

8078737342

ABU ZUBAIDAH MUSAH-N.

SIGNATURE

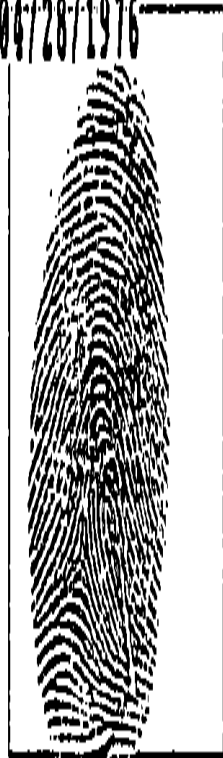
[Handwritten signature]

05/14/2003 05/13/2004 04/28/1976

274A.12(C)(09)

8088

ISSUED: 05/14/2003



Form 1-765 CARD (1-23-91)

ID # (A/AA/AB/C/DA): A78737342 A#: 078737342 DOB: 04281976

(DL/FB/FP/I/PP/SS/TD)

LAST: ABU ZUBAIDAH

FIRST: HESHAM

MIDDLE: MOHAMED

ALIASES:

, HESHAM M

NATZ DATE:

COURT:

LOCATION:

SEX: M POE: POO COB: JORDA DOE: 00000000
FCO: POO COA: PEN COC: JORDA FTI: 12232002 FATHER: MOHAMED
PFCO: SFCO: DFO: 11072000 BIN: MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:

EADS-X

PASSPORT #:

FBI #: 649415TB4

(b)(7)(e)

DRIVER LIC:

FINGER CD#:

OVER-KEY ID NUMBER TO DISPLAY NEW PERSON. PRESS ENTER.

CLEAR EXIT PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY PF9 EAD
PF10 REQUIRES A SPECIAL SECURITY CLASS. PF10 NAILS PF11 EOIR

U.S. Department of Homeland Security
Immigration and Custom Enforcement

April 8, 2002

Office of the District Director for Enforcement
511 NW Broadway
Portland, Oregon 97209

Hesham Mohamed Hussain ABU-ZUBAIDAH
c/o ICE
511 NW Broadway
Portland, OR 97209

Please refer to File: A78 737 342

Decision of Post Order Custody Review - Release

You are currently detained in the custody of the Immigration and Naturalization Service (INS). To date, the INS has been unable to remove you from the United States as ordered on August 1, 2002.

Upon review of your case, the INS has concluded that you may be released from INS custody pending your removal from the United States. This release does not affect the foregoing order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly, and by which you must abide. A violation of one of more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond, which you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer will verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations who may be willing to assist you upon release.

It is particularly important that you keep the INS advised of your address at all times. We will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. You are required by law to cooperate in that effort. If we are successful in obtaining those documents, you will be required to surrender to the INS for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.



Signature of District Director/Designated Representative

APR 10 2003

Date

Print Name, Title and Location: Phillip Crawford, Interim District Director, Enforcement Portland, OR

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I Elizabeth Godfrey, Deportation Officer,
Name of INS Officer Title
certify that I served Hesham Mohamed Hussain ABU-ZUBAIDAH with a copy of
Name of detainee 04/11/03
this document at POO District Office on 04/09/03, at 9:12 AM
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of INS Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____
Institution Date

(X) cc: Attorney of Record or Designated Representative: Tilman Hasche, Esq.
(X) cc: A-File A78 737 342

File No: A78-737-342

Date: 04/11/03

Name: Hesham Mohamed Hussain ABU-ZUBAIDAH

on August 1, 2002, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside The State of Oregon for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the 1st 2nd Thursday of each month to this Service office at: Detention and Removal Office, Room 463, 511 NW Broadway, Portland, OR 97209; telephone: 503-326-4165 unless you are granted written permission to report on another date.
7:30 Am - 4:30 Pm
- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

P. Crawford
(Signature of INS official)

Phillip Crawford, Interim District Director, Enforcement
(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Elizabeth J. [Signature]
(Signature of INS official serving order)

[Signature]
(Signature of alien)

4/11/03
Date

Section I: General Guidelines for IBIS Queries, Continued

Record of IBIS Query (ROIQ)

(b)(7)(c) (b)(7)(e)

A-Number or Receipt Number:

A 78-737-342

Form Type:

I-765

No.	NAME (person/business)	DOB				
1	Abu-Zubaidan, Hesham N.	4/28/76				
CATEGORY		M <input checked="" type="checkbox"/> F <input type="checkbox"/>				
<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		2nd Check→				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check→				
CATEGORY		M <input type="checkbox"/> F <input type="checkbox"/>				
<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		2nd Check→				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check→				
CATEGORY		M <input type="checkbox"/> F <input type="checkbox"/>				
<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		2nd Check→				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check→				
CATEGORY		M <input type="checkbox"/> F <input type="checkbox"/>				
<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> B <input type="checkbox"/> D		2nd Check→				
<input type="checkbox"/> Resolution Memorandum completed		3rd Check→				

A-Applicant
 B-Beneficiary
 P-Petitioner
 D-Derivative/
 Household Member

M-Male
 F-Female

IBIS OK-No match for search criteria listed
 IBIS DNR-Match exists but does not relate to queried subject
 IBIS REF-Case referred for resolution of positive result(s)

File No: A78-737-342
Date: 04/11/03

Name: Hesham Mohamed Hussain ABU-ZUBAIDAH

on August 1, 2002, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

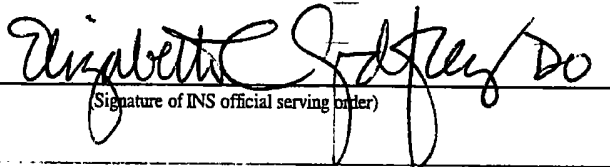
- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside The State of Oregon for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the 2nd Thursday of each month to this Service office at: Detention and Removal Office, Room 463, 511 NW Broadway, Portland, OR 97209; telephone: 503-326-4165 unless you are granted written permission to report on another date.
- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(h)
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

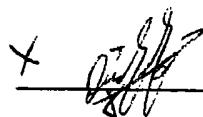

(Signature of INS official)

Phillip Crawford, Interim District Director, Enforcement
(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.


(Signature of INS official serving order)


(Signature of alien)

4/11/03
Date

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form:

I-220B

Alien's Name :	File Number:	Date
ABU-ZUBAIDAH, Hesham Mohamed Hussain	A78-737-342	04/11/03

x *[Handwritten Signature]*

Alien's Signature



Alien's Address

c/o Sayad Zinab (friend)
3730 SE 64th
Portland, OR 97206

RIGHT INDEX PRINT



Alien's Telephone Number (if any)

503-358-8713 (C)

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES
04/11/03		subject released on an O/S this date. ECG. Next report date 05/08/03.

Signature	Title
<i>[Handwritten Signature]</i>	Deportation Officer

File No: A78-737-342

Date: 04/11/03

Name: Hesham Mohamed Hussain ABU-ZUBAIDAH

That you do not associate with known gang members, criminal associates, or be associated with any such activity.

That you register in a substance abuse program within 14 days and provide the INS with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

That you register in a sexual deviancy counseling program within 14 days and provide the INS with written proof of such within 30 days. You must provide the INS with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.

That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the INS with written proof of such within 10 days.

That you do not commit any crimes while on this Order of Supervision.

That you report to any parole or probation officer as required within 5 business days and provide the INS with written verification of the officers name, address, telephone number, and reporting requirements.

That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.

That you provide the INS with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.

That you provide the INS with written responses from the Embassy or Consulate regarding your request.

Any violation of the above conditions may result in revocation of your employment authorization document.

Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.

Other: See Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)

Name: ABU-ZUBAIDAH, Hesham Mohamed Hussain	District Office: POO	File #: A78-737-342
--	--------------------------------	-------------------------------

Section 243(a) of the Immigration and Nationality Act, as amended, provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who--

- (A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,
- (B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,
- (C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or
- (D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action the Immigration and Naturalization Service may take to obtain a travel document for your departure or to remove you will *NOT* relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of that period of time if the alien refuses, during the detention period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final: 08/01/02	Ordered Removed under Section: Section 237(a)(1)(C)(i)
--------------------------------------	--

Record of Service
(Check method used)

(X)

Record of Personal Service

Served By: (Print Name and Title of Officer)

Date:

Elizabeth C. Godfrey, Deportation Officer

04/11/03

Officer's Signature:
Elizabeth C. Godfrey

Location of Service:
Portland, OR District Office

Served On: (Alien's Signature)


X *[Signature]*

Date:

04/11/03

<input type="checkbox"/> ()	Warning administered in Court (Copy of order attached)	Record of Personal Service (Cont)
------------------------------	--	--

<input type="checkbox"/> ()	Certified Mail Service	Fingerprint of Alien (Specify finger used)
------------------------------	-------------------------------	---

<p>Attach certified mail receipts here.</p>	<p>(Right Index Fingerprint)</p> 
--	--

Name:	District Office:	File #:
ABU-ZUBAIDAH, Hesham Mohamed Hussain	POO	A78-737-342

Section 243(b) of the Immigration and Nationality Act, as amended, provides, in part, that:

An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3)* or knowingly give false information in response to an inquiry under such section shall be fined not more than \$1000 or imprisoned for not more than one year, or both.

* Section 241(a)(3) of the Immigration and Nationality Act, as amended, provides, in part, that:

If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—

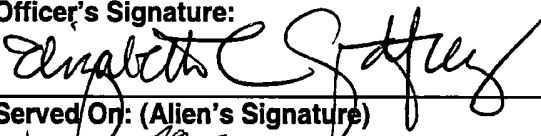
- (A) to appear before an immigration officer periodically for identification;
- (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;
- (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
- (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

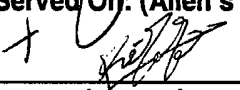
Date Order Final:	Ordered Removed under Section:
08/01/02	Section 237(a)(1)(C)(i)

Record of Service
(Check method used)

Record of Personal Service

Served By: (Print Name and Title of Officer)	Date:
Elizabeth C. Godfrey, Deportation Officer	04/11/03

Officer's Signature:	Location of Service:
	Portland, OR District Office

Served On: (Alien's Signature)	Date:
	4/11/03

Certified Mail Service Fingerprint of Alien (Specify finger used)

Attach certified mail receipts here.

(Right Index Fingerprint)



U.S. Department of Homeland Security
Immigration and Custom Enforcement

April 8, 2002

Office of the District Director for Enforcement
511 NW Broadway
Portland, Oregon 97209

Hesham Mohamed Hussain ABU-ZUBAIDAH
c/o ICE
511 NW Broadway
Portland, OR 97209

Please refer to File: A78 737 342

Decision of Post Order Custody Review - Release

You are currently detained in the custody of the Immigration and Naturalization Service (INS). To date, the INS has been unable to remove you from the United States as ordered on August 1, 2002.

Upon review of your case, the INS has concluded that you may be released from INS custody pending your removal from the United States. This release does not affect the foregoing order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly, and by which you must abide. A violation of one of more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond, which you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer will verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations who may be willing to assist you upon release.

It is particularly important that you keep the INS advised of your address at all times. We will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. You are required by law to cooperate in that effort. If we are successful in obtaining those documents, you will be required to surrender to the INS for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.



Signature of District Director/Designated Representative

APR 10 2003

Date

Print Name, Title and Location: Phillip Crawford, Interim District Director, Enforcement Portland, OR

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I Elizabeth Godfrey, Deportation Officer,
Name of INS Officer Title
 certify that I served Hesham Mohamed Hussain ABU-ZUBAIDAH with a copy of
Name of detainee
 this document at POO District Office on 04/11/03, at 9:12 AM
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
 _____, at _____, on _____,
Title Institution Date
 _____ with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of INS Officer Title
 that I served _____ and the custodian _____,
Name of detainee Name of Official
 with a copy of this document by certified mail at _____ on _____
Institution Date

(X) cc: Attorney of Record or Designated Representative: Tilman Hasche, Esq.
 (X) cc: A-File A78 737 342

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

April 8, 2003

Via Facsimile

Department of Homeland Security
Attn: Elizabeth Godfrey
Detention & Removal
511 NW Broadway
Portland, OR 97209

L. LESLIE BUSH*
DAGMAR BUTTE
TILMAN HASCHE*
JAMES L. LANE
LAURA I. MAZEL
GRETEL M. NESS†
RICHARD J. PARKER**

RE: Hesham ABU-ZUBAIDAH/File No. A78 737 342

Dear Ms. Godfrey,

Per my telephone conversation with you last week regarding the File Custody Review of Hesham Mohamed Abu Zubaidah scheduled for today, April 8, 2003, below please find the relevant information my office was able to gather from Mr. Abu Zubaidah's U.S. citizen wife, Rosalee.

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

<http://www.pbl.net>

The release of Mr. Abu Zubaidah would allow him to be reunited with his wife, Rosalee, and their two infant U.S. citizen children, ages 1 and 2 ½ years old. Currently, Mrs. Abu Zubaidah has sole responsibility in raising and caring for their two young children, which has been an extreme hardship for her and her two daughters. To help take care of her children, Mrs. Abu Zubaidah has had no other choice but to use the assistance of the government by way of food stamps. Mrs. Abu Zubaidah stated that her children need their father to be present in their lives to help raise them just like she had a father in her life. The last time Mrs. Abu Zubaidah was able to see her husband was January 3, 2003 before the Immigration Service moved him from being held in the St. Helens facility to The Dalles' facility.

Upon Mr. Abu Zubaidah's release, he may potentially begin working at Franz Bakery, where he has previously worked with his father-in-law who is a supervisor there. At the same time, he is also interested in pursuing a career in auto mechanics and plan on taking courses at a vocational school to further his knowledge and ability in this area.

We ask for Mr. Abu Zubaidah's release so that he can rejoin his wife and two young children so that he may fulfill his role as husband and father to them and resume providing for his family both financially and otherwise.

Sincerely,
PARKER BUSH & LANE P.C.

Tilman Hasche
th@pbl.net

TH:gmn

1400 SW FIFTH AVENUE SUITE 670, PORTLAND, OREGON 97201-5538
PHONE (503) 241-1320 TOLL-FREE (800) 949-9448 VANCOUVER (360) 690-8423 FAX (503) 323-9058



U.S. Department of Justice
Immigration and Naturalization Service

March 13, 2003

511 NW Broadway
Portland, Oregon 97209

Hesham Mohamed ABU-ZUBAIDAH
c/o NORCOR
211 Webber
The Dalles, OR 97058-3507

Refer to File No. A78 737 342

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241 (a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS District Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about: (April 8, 2003). The District Director may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal history and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States; and
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translation must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The District Director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: Elizabeth Godfrey, Deportation Officer
511 NW Broadway
Portland, Oregon 97209

METHOD OF SERVICE

I certify that this form was provided to the alien by: (Hand)
(X) cc: Attorney of Record or Designated Representative: Timan Hasche, Esq
(X) cc: A-file: A78 737 342

(Institution Mail)

Signature of Officer

Elizabeth C. Godfrey
Print Name of Officer

03/13/2003
Date

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Received by (Please Print Clearly)
RAYMOND S. GARCIA

B. Date of Delivery

C. Signature

Raymond S. Garcia

- Agent
- Addressee

D. Is delivery address different from item 1? Yes

No

If YES, enter delivery address below:

No

1. Article Addressed to:

Hesham Mohamed ABU-
 ZUBAIDAH
 c/o NORCOR
 211 Webber Road
 The Dalles, OR 97058-
 3507

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

7000 0520 0012 1919 1464

03-19-03

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U.S. Department of Justice
Immigration & Naturalization Service
511 N.W. Broadway
Portland, Oregon 97209

2003 MAR 18 PM 2:06

RECEIVED
INS
PORTLAND, OR

A78 737 342 / DRO / POOR / [Signature]

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

4941 6161 0100 0250 0002



Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Hesham Mohamed ABU-ZUBAIDAH

Street, Apt. No.; or PO Box No.

90 NARCOR 211 Webber Road

City, State, ZIP+4

The Dalles, OR 97058-3507

(b)(5)

(b)(5)

(b)(5)

(b)(5)



U.S. Department of Justice

Civil Division

Telephone: (202) 616-6691

LSW:ACV:dmd
39-61-390

RECEIVED
INS
PORTLAND, OR

2003 FEB 14 PM 1:17

Washington, D.C. 20530

FEB 10 2003

Mr. Owen B. Cooper
General Counsel
Immigration and Naturalization Service
425 Eye Street, N. W.
Room 6100
Washington, D. C. 20536

Re: Hesham Abu-Zubaidah v. John Ashcroft,
No. 02-72807 (9th Cir.) A78 737 342

Dear Mr. Cooper:

On January 8, 2003, the United States Court of Appeals for the Ninth Circuit granted petitioner's motion for voluntary dismissal of the petition for review in the above-captioned case. All pending motions are denied as moot. Enclosed is a copy of the Court's order.

A certified copy of this order was sent to the agency and will act as the mandate. The district counsel for the relevant district should contact the Office of the Clerk, Ninth Circuit (415) 556-9800, to ascertain that the mandate was issued. As of that date, the Service can proceed with whatever steps are appropriate in this case.

Sincerely,

ANN CARROLL VARNON
Attorney
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044

Enclosure

cc: ~~William B. Odencrantz, Regional Counsel, INS~~
~~Thomas L. Day, District Counsel, INS~~

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 08 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HESHAM ABU-ZUBAIDAH,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-72807

INS No. A78-737-342

ORDER

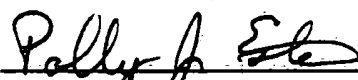
Petitioner's motion for voluntary dismissal of this petition for review is granted. This petition for review is dismissed. See Fed. R. App. P. 42(b).

All pending motions are denied as moot.

The certified copy of this order sent to the agency shall constitute the mandate.

For the Court,

HUSSEY KEENER MCCONNELL
DRUCKER FRASER ANDRE
DOUGHTERY TAYLOR GORDEN
ADKINS-BLANCH W.EVANS


Polly J. Estes
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

S:\MOATT\Clrkords\01.03\pe\02-72807.wpd

Varnon | 39-61-390
Hogan

U.S. Department of Justice
Civil Division
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

Official Business

Penalty for Private Use \$300

THOMAS L. DAY
OFFICE OF THE DISTRICT COUNSEL
IMMIGRATION & NATURALIZATION SERVICE
FEDERAL OFFICE BUILDING
511 N.W. BROADWAY
PORTLAND, OR 97209

U.S. OFFICIAL MAIL

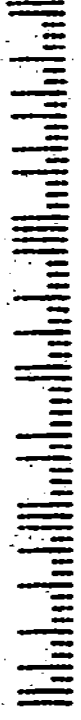
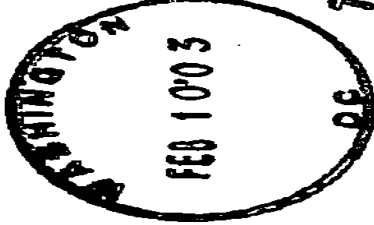
PENALTY
FOR
PRIVATE
USE \$300

PB METER

7250929

U.S. POSTAGE

0.37



97209+3410 06

RECEIVED
JAN 13 2003
DISTRICT COUNSEL, POO

700

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 08 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HESHAM ABU-ZUBAIDAH,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-72807

INS No. A78-737-342

ORDER

OFFICE OF THE
DISTRICT COUNSEL
SAN FRANCISCO, CA.

JAN 9 10 53 AM '03

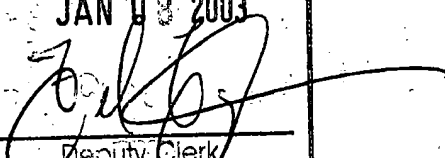
US IMM. NATZ. SVC.

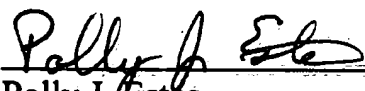
Petitioner's motion for voluntary dismissal of this petition for review is granted. This petition for review is dismissed. See Fed. R. App. P. 42(b).

All pending motions are denied as moot.

The certified copy of this order sent to the agency shall constitute the mandate.

For the Court,

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST
JAN 08 2003
by: 
Deputy Clerk


Polly J. Estes
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

Dit 90 Day Review 700

RECEIVED
JAN 13 2003
DISTRICT COUNSEL, POO

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 08 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HESHAM ABU-ZUBAIDAH,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-72807

INS No. A78-737-342

ORDER

OFFICE OF THE
DISTRICT COUNSEL
SAN FRANCISCO, CA.

JAN 9 10 53 AM '03

US IMM. NATZ. SVC.

Petitioner's motion for voluntary dismissal of this petition for review is granted. This petition for review is dismissed. See Fed. R. App. P. 42(b).

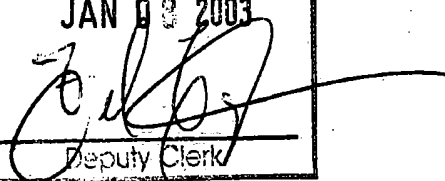
All pending motions are denied as moot.

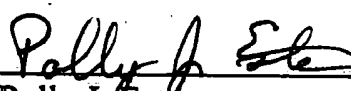
The certified copy of this order sent to the agency shall constitute the mandate.

For the Court,

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

JAN 08 2003

by: 
Deputy Clerk


Polly J. Estes
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

January 15, 2003

BY PERSONAL DELIVERY

Scott Cihlar, Assist. District Director
Detention & Removal
Immigration & Naturalization Service
511 NW Broadway
Portland OR 97209

L. LESLIE BUSH
DAGMAR BUTTE
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
GRETEL M. NESS†
RICHARD J. PARKER*

Re: Hesham ABU-ZUBAIDAH/ File No. A078 737 342

Dear Mr. Cihlar:

We are the attorneys of record for Mr. Hesham Mohamed Abu-Zubaidah. Mr. Abu-Zubaidah is subject of an Order of Removal dated March 27, 2002 and affirmed by the Board of Immigration Appeals on August 1, 2002. Until recently, that Order was subject to a Petition for Review filed with the U.S. Court of Appeals for the Ninth Circuit by Mr. Abu-Zubaidah. On January 8, 2003, the Ninth Circuit granted Mr. Abu-Zubaidah's motion to dismiss his Petition. As such, the Order directing Mr. Abu-Zubaidah's removal is now administratively final. By our calculation, the 90 "removal period" under INA 241(a)(1)(A) started running on January 8th and will expired on Tuesday, April 8, 2003.

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

<http://www.pbl.net>

Mr. Abu-Zubaidah is a stateless Palestinian with a criminal history in the United States. It is therefore not likely that any country will issue him a travel document. As we have in other cases before you, we will nonetheless send out requests for travel documents. We will submit those and any replies to you, together with other evidence supporting Mr. Abu-Zubaidah's release, in advance of your initial file review during the 90-day removal period.

If we can be of further assistance, please contact us at your earliest convenience.

Sincerely yours,
PARKER, BUSH & LANE, P.C.
Tilman Hasche
Tilman Hasche, OSB #84243

cc: Hesham Mohamed Abu-Zubaidah
file: 6795-24 (ABU-ZABAIDAH)

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JAN 08 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HESHAM ABU-ZUBAIDAH,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-72807

INS No. A78-737-342

ORDER

Petitioner's motion for voluntary dismissal of this petition for review is granted. This petition for review is dismissed. *See* Fed. R. App. P. 42(b).

All pending motions are denied as moot.

The certified copy of this order sent to the agency shall constitute the mandate.

For the Court,



Polly J. Estes

Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

S:\MOATT\Clrkords\01.03\pe\02-72807.wpd

RECEIVED

JAN 13 2002

PARKER BUSH & LANE
ATTORNEYS

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

January 3, 2003

CM/RRR #7002 0860 0004 8670 2642

Scott Cihlar, Assist. District Director
Detention & Removal
Immigration & Naturalization Service
511 NW Broadway
Portland OR 97209

Re: Hesham ABU-ZUBAIDAH/ File No. A78 737 342

Dear Mr. Cihlar:

Please take note that effective immediately I am the attorney of record before the Service for Hesham Mohamed Abu-Zubaidah. Heretofore, Mr. Abu-Zubaidah has been represented by attorney Steven L. Kay, who until October 4, 2002, was an associate with our office. After Mr. Kay left our office and went out on his own, Mr. Abu-Zubaidah decided to have me and this office represent him in the future. Mr. Kay is aware of this and has no opposition to our taking over the representation.

As you may be aware, we recently filed a motion to dismiss Mr. Abu-Zubaidah's Petition for Review to the Ninth Circuit Court of Appeals. If and when the appeal is dismissed, the clock will begin to run on the statutory 90-day "removal period", during which time we will submit evidence and argument for the release from custody of Mr. Abu-Zubaidah. In the meantime, please provide me with notice of any matters of which, as Mr. Abu-Zubaidah's counsel, you are required by law to notify me.

Thank you for your courtesies.

Sincerely yours,
Tilman Hasche
PARKER, BUSH & LANE, P.C.
Tilman Hasche, OSB #84243

cc: Tom Day, INS District Counsel, Portland OR
Steven L. Kay, Esq.
Hesham Mohamed Abu-Zubaidah

file: 6795-24 (ABU-ZABAIDAH)

1400 SW FIFTH AVENUE SUITE 670, PORTLAND, OREGON 97201-5538
PHONE (503) 241-1320 TOLL-FREE (800) 949-9448 VANCOUVER (360) 690-8423 FAX (503) 323-9058

RECEIVED
INS/ADM. OR
PORTLAND, OR
2003 JAN -6 AM 11:02

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

<http://www.pbl.net>

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: Hesham Mohamed ABU-ZUBAIDAH, a stateless Palestinian with no residence outside the U.S., Husband & Father of U.S.C.'s	Date 12/24/2002
	File No. A#078-737-342

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM MOHAMED ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input checked="" type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 COLUMBIA COUNTY JAIL, 901 PORT AVENUE ST. HELENS OR 97051		
Name	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code)		

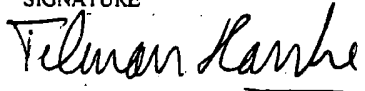
Check applicable item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON & WASHINGTON SUPREME COURTS and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law. Name of Court

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

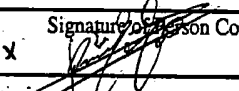
3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. *(If you check this item, also check item 1 or 2 whichever is appropriate.)*

4. Others (Explain fully.)
TILMAN HASCHE - OSB #84243 & WSBA #14792
JAMES L. LANE - OSB #83268
GRETEL M. NESS - OSB #98134
LAURA J. MAZEL - OSB #89406
DAGMAR BUTTE - #91228
RICHARD J. PARKER - OSB #80094

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 SW FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) TILMAN HASCHE, OSB#84243 / WSBA #14792	TELEPHONE NUMBER 503 644-5552 FAX 503 323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
TILMAN HASCHE / PARKER, BUSH & LANE, P.C.
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ALL IMMIGRATION MATTERS

Name of Person Consenting Hesham Mohamed ABU-ZUBAIDAH	Signature of Person Consenting 	Date 12/26/02
---	---	-------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

PARKER

BUSH & LANE

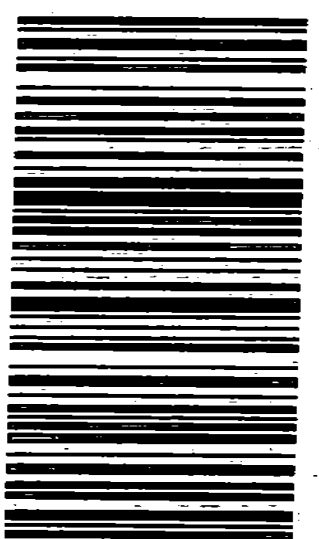
ATTORNEYS, P.C.

1400 SW Fifth Avenue, Suite 670

Portland, Oregon 97201 - 5538

Forwarding and

Address Correction Requested



7002 0860 0004 8670 2642



U.S. POSTAGE

1770

PB5514234

0084 \$04.420 JAN 03 2003

4861 MAILED FROM ZIP CODE

97201

CM/RRR #7002 0860 0004 8670 2642

Scott Cihlar, Assist. District Director

Detention & Removal

Immigration & Naturalization Service

511 NW Broadway

Portland OR 97209

Lilly 6

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

RECEIVED
JAN 06 2003
DISTRICT COUNSEL, POO

January 3, 2003

CM/RRR #7002 0860 0004 8670 2642

COPY

Scott Cihlar, Assist. District Director
Detention & Removal
Immigration & Naturalization Service
511 NW Broadway
Portland OR 97209

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†

Re: Hesham ABU-ZUBAIDAH/ File No. A78 737 342

Dear Mr. Cihlar:

Please take note that effective immediately I am the attorney of record before the Service for Hesham Mohamed Abu-Zubaidah. Heretofore, Mr. Abu-Zubaidah has been represented by attorney Steven L. Kay, who until October 4, 2002, was an associate with our office. After Mr. Kay left our office and went out on his own, Mr. Abu-Zubaidah decided to have me and this office represent him in the future. Mr. Kay is aware of this and has no opposition to our taking over the representation.

As you may be aware, we recently filed a motion to dismiss Mr. Abu-Zubaidah's Petition for Review to the Ninth Circuit Court of Appeals. If and when the appeal is dismissed, the clock will begin to run on the statutory 90-day "removal period", during which time we will submit evidence and argument for the release from custody of Mr. Abu-Zubaidah. In the meantime, please provide me with notice of any matters of which, as Mr. Abu-Zubaidah's counsel, you are required by law to notify me.

Thank you for your courtesies.

Sincerely yours,
PARKER, BUSH & LANE, P.C.
Tilman Hasche
Tilman Hasche, OSB #84243

cc: Tom Day, INS District Counsel, Portland OR
Steven L. Kay, Esq.
Hesham Mohamed Abu-Zubaidah

file: 6795-24 (ABU-ZABAIDAH)

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: Hesham Mohamed ABU-ZUBAIDAH, a stateless Palestinian with no residence outside the U.S., Husband & Father of U.S.C.'s	Date 12/24/2002
	File No. A#078-737-342

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM MOHAMED ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input checked="" type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 COLUMBIA COUNTY JAIL, 901 PORT AVENUE ST. HELENS OR 97051		
Name	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code)		

Check applicable item(s) below:

<input checked="" type="checkbox"/> 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia OREGON & WASHINGTON SUPREME COURTS and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
<input type="checkbox"/> 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
<input type="checkbox"/> 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
<input checked="" type="checkbox"/> 4. Others (Explain fully.) TILMAN HASCHE - OSB #84243 & WSBA #14792 JAMES L. LANE - OSB #83268 GRETEL M. NESS - OSB #98134 LAURA J. MAZEL - OSB #89406 DAGMAR BUTTE #91228 RICHARD J. PARKER - OSB #80094

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 SW FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) TILMAN HASCHE, OSB#84243 / WSBA #14792	TELEPHONE NUMBER 503 644-5552 FAX 503 323-9058

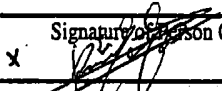
PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

TILMAN HASCHE / PARKER, BUSH & LANE, P.C.

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

ALL IMMIGRATION MATTERS

Name of Person Consenting Hesham Mohamed ABU-ZUBAIDAH	Signature of Person Consenting 	Date 12/26/02
---	---	-------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

COPY

Lilly 6
RECEIVED
DEC 30 2002
DISTRICT COUNSEL, POO

December 19, 2002

BY FEDERAL EXPRESS

Clerk of the Court
Ninth Circuit Court of Appeals
95 7th Street
San Francisco, CA 94103

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

RE: PETITION FOR REVIEW

Case Name: Hesham ABU-ZUBAIDAH v. ASHCROFT

Case No: 02-72807

* Admitted in
Oregon and
Washington

Dear Clerk:

† Admitted in
Oregon and
New York

Enclosed please find the following documents for filing and consideration by the Court (original and four copies):

Motion to Dismiss and Objection to Respondents' Third Motion to Extend Time to File Administrative Record.

<http://www.pbl.net>

Certificate of Service. showing service on the Respondents

Thank you for your kind attention to this matter. Should any additional information be required, please contact my office directly.

Sincerely yours,
PARKER, BUSH & LANE, P.C.



Tilman Hasche, OSB #84243

Tilman Hasche, OSB #84243
PARKER, BUSH & LANE, PC
1400 SW Fifth Avenue, Suite 670
Portland, Oregon 97201
Phone: (503) 241-1320 / Fax: (503) 323-9058
email: th@pbl.net / slk@pbl.net

DETAINED ALIEN

Of Attorney s for Petitioner

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Hesham ABU-ZUBAIDAH,	)	Case No. 02-72707
)	
Petitioner,	)	INS File No. A #078- 737-342
)	
v.	)	MOTION TO DISMISS APPEAL; &
)	
John ASHCROFT, Attorney General;	)	OBJECTION TO GOVERNMENT'S
And U.S. IMMIGRATION &	)	THIRD MOTION FOR EXTENSION OF
NATURALIZATION SERVICE;	)	TIME TO FILE ADMINISTRATIVE
	)	RECORD
Respondents.)	
<hr/>		

MOTION TO DISMISS APPEAL

Petitioner, Hesham Abu-Zubaidah, a stateless Palestinian married to a U.S. citizen and father of two infant, U.S. citizen children, hereby moves the Court to dismiss his Petition for Review filed August 30, 2002. Petitioner desires to rejoin his family at the earliest moment. He considers that the best chance to realize that desire is for him to cease and desist from seeking review of the decisions of the Board of Immigration Appeals and Immigration Judge, even though he believes that those decisions were unfair and unjust and failed to follow the law.

1 - MOTION TO DISMISS APPEAL; OBJECTION TO GOVERNMENT'S THIRD MOTION FOR EXTENSION OF TIME FOR FILING ADMINISTRATIVE RECORD

As a stateless Palestinian, the chances of the Immigration and Naturalization Service being able to remove him to another state is remote. Inasmuch as he is not a danger to the community or a flight risk, accepting the finality of the Board's decision, however wrong it may be, will put his case in a posture where he has a realistic chance of being released and allowed to return to his U.S. citizen family within a foreseeable time frame. See Zadvydas v. Davis, 533 US 678 (2001); 8 CFR § 241.4. Contrarily, even if he prevails before this court, the likelihood of Petitioner's ultimately securing legal status in this country is only slim, for he would have to obtain approval of an Application to Adjust Status under 8 USC § 1255, which is a remedy granted only in the discretion of the Attorney General. Given the facts of his case, given that, through no fault of his own, he is a brother of a notorious, internationally wanted, Al-Quaeda terrorist, the chance of such a favorable exercise of discretion in his case is too remote to risk spending further months and years in detention while the Government makes ponderous progress in locating and duplicating its administrative file in this case.

OBJECTION TO RESPONDENTS' THIRD MOTION FOR EXTENSION

OFTIME TO PRODUCE ADMINISTRATIVE RECORD

The Government has given no legally sufficient reason to explain why it has failed to date to produce the administrative record. Every additional month that Respondents fail to submit the underlying record is another month that the Petitioner has to spend in custody, away from his family, and at the cost of the taxpayer. This is nothing less than a form of preventive detention by subterfuge. As such Respondent's Third Motion for Extension of Time to File Administrative Record should be DENIED.

WHEREFORE, Petitioner Hesham Abu-Zubaidah moves to dismiss his Petition for Review and, further, objects to Respondents' Third Motion for Extension of Time to file Administrative Record.

At Portland, Oregon this 19th day of December, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.



Tilman Hasche, OSB #84243
Of Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Tilman Hasche, hereby certify that I have served the enclosed documents:

Letter dated December 19, 2002
Motion to Dismiss Petition and Objection to Government's Third Motion
for Extension of Time to File Administrative Record

regarding Hesham Abu-Zubaidah on the following persons:

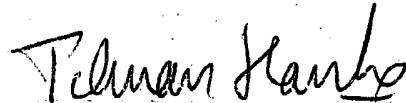
Thomas L. Day, Esq.
Office of the District Counsel, USINS By Certified Mail, return receipt requested
PO Box 3361
Portland OR 97208-3361

John S. Hogan, Esq. By Federal Express
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
PO Box 878 Ben Franklin Station
Washington DC 20044

Steven L. Kay, Esq. By First Class Mail
Capriotti & Associates
PO Box 2792
Portland OR 97208

Hesham Abu-Zubaidah By First Class Mail
c/o Columbia County Jail
901 Port Avenue
St. Helens OR 97051

by sending to the above-listed persons a true copy thereof in a sealed envelope to the above-referenced address via the form of mail service indicated, on this 19th day of December, 2002.



TILMAN HASCHE, OSB #84243
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, #670
Portland OR 97201
Tel. (503) 241-1320 / Fax (503) 323-9058
e-mail: th@pbl.net

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of:
ABU-ZUBAIDAH, HESHAM

Case No.: A78-737-342

Docket: PORTLAND DETENTION CENTER

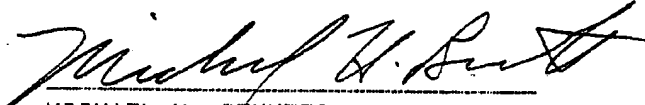
RESPONDENT

IN REMOVAL PROCEEDINGS

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 234 and having considered the representations of the Immigration and Naturalization Service and the respondent, it is HEREBY ORDERED that:

**"No bond jurisdiction due to a
Final Administrative Order."**



MICHAEL H. BENNETT

Immigration Judge

Date: Nov 18 2002

Appeal: ~~RESERVED (A/I/R)~~ Waived
Appeal Due By:

by both *NZ*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN'S ATT/REP INS
DATE: 11-20-02 BY: COURT STAFF NZ
Attachments: EOIR-33 EOIR-28 Legal Services List Other



Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Date of this notice: 08/01/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Lori Scialabba
Acting Chairman

Enclosure

Panel Members:
HESS, FRED

EXHIBIT 1
PAGE 1 of 2

WALKERA

Falls Church, Virginia 22041

File: A78-737-342 - PORTLAND

Date: AUG 01 2002

In re: ABU-ZUBAIDAH, HESHAM

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: STEVEN L. KAY

ON BEHALF OF SERVICE: Jeanne Foden-Vencil, Assistant District Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. See 8 C.F.R. § 3.1(a)(7).


FOR THE BOARD

EXHIBIT 1
PAGE 2 of 2



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Date of this notice: 03/28/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Very Truly Yours.

Lori Scialabba
Acting Chairman

Enclosure

Panel Members:

HURWITZ, GERALD S.

DYERTA

Falls Church, Virginia 22041

File: A78 737 342 - Portland, OR

Date: MAR 28 2002

In re: HESHAM ABU-ZUBAIDAH

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Steven L. Kay, Esquire

IN REMOVAL PROCEEDINGS

The respondent has filed an interlocutory appeal from an Immigration Judge's decision denying a motion to dismiss two charges of removability. To avoid piecemeal review of the myriad of questions which may arise in the course of exclusion and deportation proceedings, this Board does not ordinarily entertain interlocutory appeals. *See Matter of Ruiz-Campuzano*, 17 I&N Dec. 108 (BIA 1979); *Matter of Ku*, 15 I&N Dec. 712 (BIA 1976); *Matter of Sacco*, 15 I&N Dec. 109 (BIA 1974). The same is equally true in removal proceedings. We have, however, on occasion ruled on the merits of interlocutory appeals where we deemed it necessary to address important jurisdictional questions regarding the administration of the immigration laws, or to correct recurring problems in the handling of cases by Immigration Judges. *See, e.g., Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991), and cases cited therein; *Matter of Dobre*, 20 I&N Dec. 188 (BIA 1990). We do not find that the circumstances of this case present a recurring problem involving a significant issue in the administration of the immigration laws which could not be considered on appeal during the regular course of proceedings.

IT IS THEREFORE ORDERED that the record be returned to the Immigration Court without further action.



FOR THE BOARD

IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of

Case No.: A78-737-342

ABU-ZUBAIDAH, HESHAM
Respondent

IN REMOVAL PROCEEDINGS

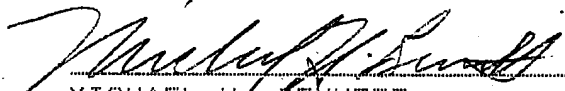
ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 3-27-02.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative _____
- Respondent's application for voluntary departure was denied and respondent was ordered removed to Saudi Arabia alternative to _____
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____
- Respondent's application for asylum was () granted () denied () withdrawn.
- Respondent's application for withholding of removal was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.
- Respondent's application for adjustment of status under section 245 of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: 3-27-02
Appeal: Waived/Reserved
INS Resp.

Appeal Due By: 4-26-02


MICHAEL H. BENNETT
Immigration Judge

ALIEN NUMBER: 78-737-

ALIEN NAME: ABU-ZUBAIDAH, HE

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: 7-27-02 BY: COURT STAFF [Signature]
Attachments: EOIR-33 EOIR-28 Legal Services List Other

cancel

STEVEN KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, Suite 670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058

Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE

In the Matter of)	
	)	File No. A078 737 342
Hesham ABU-ZUBAIDAH)	
	)	In Removal Proceedings
Respondent)	
	)	Trial Date: 03/27/2002 @ 1:00 p.m.
	)	ARABIC INTERPRETER
	)	REQUESTED

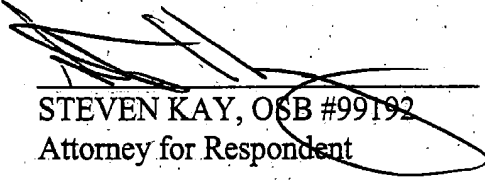
SUPPLEMENT TO PREHEARING STATEMENT

Attached please find Rosalee Abu-Zubaidah's medical records, evidencing her history of emotional instability and attention deficit disorder.

Pages 1-37: Rosalee Abu-Zubaidah's medical records.

DATED: March 27, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.



STEVEN KAY, OSB #99192
Attorney for Respondent

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

STEVEN KAY, OSB #99192
 PARKER, BUSH & LANE, P.C.
 1400 SW Fifth Avenue, Suite 670
 Portland, OR 97201
 tel. (503) 241-1320 / fax (503) 323-9058

Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE OF IMMIGRATION REVIEW
 OFFICE OF THE IMMIGRATION JUDGE

In the Matter of)	
	)	File No. A078 737 342
Hesham ABU-ZUBAIDAH)	
	)	In Removal Proceedings
Respondent)	
	)	Trial Date: 03/27/2002 @ 1:00 p.m.
	)	ARABIC INTERPRETER
	)	REQUESTED

Table of Contents

Pages	
1-9	Prehearing Statement
10	Form I-601
11-17	Form I-864 by Rosalee Abu-Zubaidah
18-22	Tax Returns, 1999, 2000, 2001, Rosalee Abu-Zubaidah
23-28	Form I-864 by Paul Andrews
29	Form W-2 for 2001 for Paul Andrews
30-37	Nautica Abu-Zubaidah's Medical Records
38-40	Letter by Respondent, Hesham Abu-Zubaidah

STEVEN KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, Suite 670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058

Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE

In the Matter of)	
	)	File No. A078 737 342
Hesham ABU-ZUBAIDAH)	
	)	In Removal Proceedings
Respondent)	
	)	Trial Date: 03/27/2002 @ 1:00 p.m.
	)	ARABIC INTERPRETER
	)	REQUESTED

PREHEARING STATEMENT

Respondent, Hesham ABU-ZUBAIDAH, respectfully submits this Prehearing Statement and attached exhibits in support of his previously filed Application to Adjust Status (Form I-485) and Application for Waiver of Ground of Inadmissibility (Form I-601) (filed herewith). This matter is scheduled for trial before Hon. Michael H. Bennett, Immigration Judge, on March 27, 2002 @ 1:00 p.m.

INTRODUCTION AND STATEMENT OF ISSUES

Respondent is a stateless 25-year old Palestinian, formerly resident in Saudi Arabia. He is a resident of the State of Oregon, having entered the United States on or about July 26, 1998, in F-1 status. He is the husband of Rosalee Abu-Zubaidah, a 22-year old citizen of the United States, and he is the father of Nautica Abu-Zubaidah, born to Hesham and Rosalee on September 5, 2000. As of this date, Rosalee is pregnant with the couple's second child. Respondent has conceded that he is subject to deportation based on the charges appearing on the Notice to Appear dated October 4, 2001, i.e., as an alien removable under INA 237(a)(1)(C)(i), in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, he failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted.

Respondent has also been charged with removability under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii) on account of his convictions for misdemeanor Harassment under ORS 166.065 and misdemeanor Assault IV- Domestic violence under ORS

163.160. Respondent **does not** concede removability under INA s. 237(a)(2)(E)(i) or INA s. 237(a)(2)(A)(iii).

Respondent filed a motion to dismiss the charges under INA s. 237(a)(2)(E)(i) INA s. 237(a)(2)(A)(iii) with the Executive Office of Immigration Review in Portland, Oregon on February 19, 2002. A hearing on the motion was held on February 25, 2002. The Immigration Judge denied the motion to dismiss at this hearing. Respondent, through undersigned counsel, filed an interlocutory appeal from the Immigration Judge's denial of the motion to dismiss to the Board of Immigration Appeals on March 12, 2002. Respondent does not seek a stay of proceedings pending the decision of the Board of Immigration Appeals.

On March 8, 2002, the Immigration and Naturalization Service approved Mrs. Abu-Zubaidah's I-130 petition on behalf of Respondent.

Respondent is seeking relief from deportation by way of adjustment of status under *INA § 245* and a waiver of inadmissibility under *INA § 212(h)(1)(B)*¹.

STATEMENT OF FACTS

ELIGIBILITY FOR ADJUSTMENT. Respondent is spouse of Rosalee Abu-Zubaidah, a U.S. citizen by birth. He is also the father of Nautica Abu-Zubaidah, a United States citizen by birth. By the time of hearing or shortly thereafter, Respondent will be the father of a second United States citizen child. He is the beneficiary of an approved alien relative petition filed by his wife. Inasmuch as he is an immediate relative, the petition is current, rendering Respondent eligible to apply for adjustment of status.

KEY ISSUES. The central issues in the case are: (1) whether Mrs. Abu-Zubaidah and the couple's two extremely young children will suffer extreme hardship if Respondent is not granted relief from deportation by way of adjustment; and (2) whether Respondent merits the favorable discretion of this court for that benefit. As the evidence submitted and testimony to be adduced will show, while there are many mitigating circumstances in Respondent's case, he has made serious mistakes in his young life. In

¹ INA § 212(h) provides in relevant part:

"The Attorney General may, in his discretion, waive the application of...[INA § 212(a)(2)(A)(i)(I)]...if

"(1)...

"(B) in the case of an immigrant who is the spouse, parent, son, or daughter of a citizen of the United States or an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Attorney General that the alien's denial of admission would result in **extreme hardship to the United States citizen or lawfully resident spouse, parent, son or daughter** of such alien; AND

"(2) the Attorney General, in his discretion, and pursuant to such terms, conditions and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa, for admission to the United States, or adjustment of status." [Emphasis in bold and capital letters added.]

short, this is not an easy case, and neither Respondent nor his family, who will be devastated if he is deported, pretend otherwise.

THE APPLICABLE STANDARD

ADJUSTMENT OF STATUS GENERALLY. An alien applying for adjustment of status under *INA § 245* bears the burden of proving that he meets the statutory requirements for eligibility. *Rashtabadi v. INS*, 23 F.3d 1562, 1567 (9th Cir. 1994); *Kim v. Meese*, 810 F.2d 1494 (9th Cir. 1993).

“Even if the alien succeeds in making the required showing of eligibility, however, the [adjudicator’s] decision to grant an adjustment of status is purely discretionary. Adjustment of status is an extraordinary remedy to be granted only in meritorious cases, and the alien has the burden of persuading the [adjudicator] to exercise [its] discretion favorably. Every adjustment of status, therefore, is predicated on both a showing of eligibility and a favorable exercise of discretion.”

Id. at 1497. Where, as here, the alien requires an *INA 212(h)(1)(B)* waiver, a finding of extreme hardship to qualifying family members is a prerequisite for application of discretionary factors. *Shoostary v. INS*, 39 F.3d 1049 (9th Cir. 1994).

EXTREME HARDSHIP. “Extreme hardship” requires a finding of significant actual or potential injury to a qualifying party. *Hassan v. INS*, 927 F.2d 465 (9th Cir. 1991); *Matter of Ngai*, 19 I&N Dec. 245 (BIA 1984).

“Common results of the bar [to admissibility], such as separation, financial difficulties, etc. in themselves are insufficient to warrant approval of an application unless combined with more extreme impacts. *Matter of Shaughnessy*, 12 I&N Dec. 810 (BIA 1968); *Matter of W-*, 9 I&N Dec. 1 (BIA 1960).”

In the context of the *INA § 212(h)(1)(B)* waiver, the Ninth Circuit has held that the existence of family ties in the United States is the most important factor in determining hardship. *U.S. v. Arrieta*, 224 F.3d 1076 (9th Cir. 2000), citing *Gutierrez-Centeno v. INS*, 99 F.3d 1529 (9th Cir. 1996); *Contreras-Buenfil v. INS*, 712 F.2d 401, 403 (9th Cir. 1983). Contrasting the facts in *Arrieta* with those in *United States v. Arce-Hernandez*, 163 F.3d 559 (9th Cir. 1998), where the court had found insufficient evidence of hardship, the Ninth Circuit noted:

“The hardships at issue in *Arce-Hernandez*...were the economic hardship posed by the bread-winner’s deportation, and the problems related to the family’s moving. Nothing in *Arce-Hernandez* indicates that there was any testimony concerning other severe harm that might befall the family...for example, the specific hardship caused by family separation. *Arce-Hernandez* simply stands for the proposition that economic hardship caused by the deportation of a family’s primary bread-winner, combined with the difficulties of relocating, do not, standing alone, constitute extreme hardship necessary to justify relief. Under that

case, something more is required to remove the case from the 'typical' hardship category.

"The existence of family ties in the United States is the most important factor in determining hardship...As in *Arce-Hernandez*, the record in this case shows that Mr. Arrieta provides his family with significant financial support. But unlike *Arce-Hernandez*, Mr. Arrieta provided evidence of extreme hardship to his family extending well beyond deprivation of such support. He provided an affidavit from his mother documenting the critical role Mr. Arrieta played in raising his younger siblings. Mr. Arrieta's mother was in very poor health, and she was raising two citizen children. His mother documented the essential assistance Mr. Arrieta provided in helping to raise those children, especially when she was medically unable to do so. She also documented the severe sense of personal loss she felt when Mr. Arrieta was deported. Mr. Arrieta was not a spouse, but a son and a brother. It was evident from the record that the effect of deportation would be separation rather than relocation. The record also showed that Mr. Arrieta's hardship would cause serious non-economic hardships to the family, in addition to the 'typical' financial hardship found in *Arce-Hernandez*.

"Of particular importance is the evidence Mr. Arrieta produced of the effect that separation from him would have on his immediate family members, as to whom he provided essential emotional and other non-economic familial support. We have previously explained that 'preservation of family unity' may be a central factor in an extreme hardship determination. See *Cerrillo-Perez v. INS*, 809 F.2d 1419, 1423 (9th Cir. 1987). We based this determination not only on United States' international human rights commitments but on '[t]he importance and centrality of the family in American life [which] is firmly established in both our traditions and in our jurisprudence.' *Id.*" [Emphasis in bold added.]

Arrieta, 224 F. 3d at 1081-1082. *Cf. Jara-Navarrete v. INS*, 813 F.2d 1340, 1343-44 (9th Cir. 1986) ("cursory" analysis of applicant's family and community ties in assessing extreme hardship is an abuse of discretion).

The Ninth Circuit has stated that in construing "extreme hardship" for purposes of INA § 212(h)(1)(B) courts may look to caselaw interpreting "extreme hardship" in the context of suspension of deportation under former INA § 244(a)(1). *Hassan v. INS*, 927 F.2d 465, 467 (9th Cir. 1991). Deportation can have unique and far-reaching psychological consequences on the qualifying U.S. citizen and permanent resident relatives left behind as well as on the alien. Thus, in *Tukhowinich v. INS*, 64 F.3d 460 (9th Cir. 1995), a suspension of deportation case, the Ninth Circuit found that the alien lived in order to support her undocumented family here and abroad and that the loss of this sole provider role, which would result from her deportation, would cause her extreme hardship. In *Bastidas v. INS*, 609 F.2d 101 (3rd Cir. 1979) the Third Circuit found that a single father's deportation would cause both him and his U.S. citizen child from a dissolved relationship extreme hardship because they would not be able to

maintain the close, ongoing relationship after his removal. See also *Cerillo-Perez v. INS*, 809 F.2d 1419 (9th Cir. 1985) (importance of adequately considering hardship to each qualifying family member); *Ravancho v. INS*, 658 F. 2d 169 (3rd Cir. 1981) (need to consider psychological or psychiatric information).

In the suspension context, the Board of Immigration Appeals has emphasized that

“Extreme hardship is not a definable term of fixed and inflexible meaning, and the elements to establish extreme hardship are dependent on the facts and circumstances of each case. See *Matter of Chumpitazi*, 16 I&N Dec. 629 (BIA 1978); *Matter of Kim*, 15 I&N Dec. 88 (BIA 1974); *Matter of Sangster*, 11 I&N Dec. 309 (BIA 1965).”

In *Ngai, supra*, for example, the Board declined to find hardship because the applicant, who was inadmissible on account of a conviction in Hong Kong for fraud in arranging sham marriages for the purpose of facilitating immigration to the United States, had lived apart from her husband, the petitioning relative, for over 28 years; the couple had no plans of reuniting if she were admitted to the U.S.; she had been self-supporting during all of that time; he had adult children in the U.S. able to help support him; and the other claims of hardship were either grossly overstated or unsupported in the record.

In the suspension of deportation context, the Board has delineated the following factors as relevant to the issue of extreme hardship:

- the length of the alien's presence in the United States over the minimum required for him to qualify for suspension relief;
- the alien's age, both at entry and at the time of application for relief;
- the presence of lawful permanent resident or U.S. citizen family ties to this country;
- the conditions in the country or countries to which the alien is returnable and the extent of the alien's ties to such countries;
- the financial impact of departure from this country;
- significant issues of health, particularly when tied to an unavailability of suitable medical care in the country of return; and
- the possibility of other means of adjustment of status or future entry into this country.

In re Pilch, Int. Dec. 3298 (BIA 1996), citing *Matter of Anderson*, 16 I&N Dec. 596 (BIA 1978).

As when applying discretionary factors, courts must exercise care in cross application from one form of relief to another. Cf. *In re Mendez*, Int. Dec. 3272 (BIA 1996) (use of discretionary factor balancing test enunciated in *Matter of Marin*, 16 I&N Dec. 581 (BIA 1978) for determining eligibility for *INA § 212(c)* relief is appropriate to inform exercise of discretion under *INA § 212(h)(1)(B)* even though “[f]or the most part, it is prudent to avoid cross application, as between different types of relief, of particular

principles or standards for the exercise of discretion".) Such prudence is particularly appropriate in the *INA § 212(h)(1)(B)* context inasmuch as the only qualifying hardship here is that to the alien's parent(s), spouse, or child(ren), whereas, in the suspension context, hardship to the alien applicant, himself, is also an essential and qualifying consideration. Adapted to the *INA § 212(h)(1)(B)* context, the above factors apply to the case at bar as follows:

- Respondent has lived in the United States since July, 1998. Since April 1999, he has been residing in Oregon.
- Respondent's wife and child(ren), live in the U.S., all in Portland, Oregon. Respondent's other immediate family members, including his parents, live in Saudi Arabia.
- Respondent's wife and child(ren) are U.S. citizens.
- Respondent had long sought to leave Saudi Arabia due to his disagreement with the religious and political atmosphere which dominates life in the country. He not only has no desire to return to Saudi Arabia, where he was whipped by the authorities for driving with an unmarried female friend during prayers, but it cannot be determined if he could return to Saudi Arabia. He had legal resident status in Saudi Arabia, which may now be expired. He does not possess citizenship of any country.
- Respondents' immediate and extended family in the United States are extremely distraught at the prospect of his being deported because of the effect his deportation would have on his wife and children. Mrs. Abu-Zubaidah has a history of emotional and behavioral problems which have been exacerbated since Respondent's detention and would likely become extremely serious should she be deprived of her husband. Additionally, Mrs. Abu-Zubaidah does not believe that she could take care of her children and would have to give them up.
- Respondent, if deported, will not be able to maintain contact with his daughter, Nautica, to whom he is devoted, and will not be able to contribute to her and her sister's support.
- If Respondent is deported, he will, as an aggravated felon, never be allowed to return to the United States,

In sum, this court needs to consider and weigh all relevant factors, individually and cumulatively, in making the extreme hardship determination. *Watkins v. INS*, 63 F.3d 844 (9th Cir. 1985).

EXERCISE OF DISCRETION. As noted above, the discretionary factors applicable in the *INA § 212(c)* context may serve as a general guide when adjudicating an *INA § 212(h)(1)(B)* waiver. *In re Mendez, supra*. Applying the test enunciated in *Matter of Marin, supra*, the court must balance the adverse factors evidencing the alien's undesirability as a permanent resident against the social and humane considerations presented on his behalf to determine whether the grant of relief in the exercise of discretion appears to be in the best interest of this country.

On the positive side, the factors to be considered include:

- family ties in the United States;
- residence of long duration;
- evidence of hardship to the Respondent and to family if he is deported;
- military service, if any;
- employment history;
- existence of property or business ties; and
- if a criminal record exists, proof of rehabilitation.

By definition, in an *INA 212(h)(1)(B)* situation, the exercise of discretion necessarily involves already one adverse factor, namely, the alien's criminal conviction rendering him inadmissible and in need of the waiver. Under the *Marin* balancing test the negative factors to be considered are

- the nature and underlying circumstances of the inadmissibility ground at issue;
- the presence of additional significant violation of U.S. immigration laws;
- where there is a criminal record, its nature, recency, and seriousness; and
- the presence of other evidence indicative of bad moral character or undesirability as a permanent resident.

"[T]he Immigration Judge is required to balance the equities and adverse matters to determine whether discretion should be favorably exercised. The basis for the Immigration Judge's decision must be enunciated in his opinion... The equities that the applicant or section *212(h)(1)(B)* relief must bring forward to establish that he merits a favorable exercise of administrative discretion will depend in each case on the nature and circumstances of the ground of exclusion sought to be waived and on the presence of an additional adverse matters, and as the negative factors grow more serious, it becomes incumbent upon the applicant to introduce additional offsetting favorable evidence.

"The underlying significance of the adverse and favorable factors is also to be taken into account. For example, if the alien has relatives in the United States, the quality of their relationship must be considered in determining the weight to be awarded this equity... [I]f the alien has a history of employment, it is important to consider the type of employment and its length and stability. Further, when looking at the length of the alien's presence in the United States, the nature of his presence during this period must be evaluated. For example, a period of residency marked by a term of imprisonment diminishes the significance of the period of residency."

In re Mendez, supra.

One of the factors considered when, as here, there is a criminal record, is evidence of rehabilitation. *In re Arreguin*, Int. Dec. 3247 (BIA 1995). In *Arreguin*, the Board held that the respondent from Mexico, a long-term permanent resident seeking *an INA §*

212(c) waiver, who had been convicted of importation of 78.5 kilos of marijuana and was still serving her sentence at the time of her deportation hearing, was not precluded from showing efforts at rehabilitation. In granting relief, the court considered her apparent acceptance of responsibility for her crime, the criminal court's reduction in her sentence, her use of the time in prison to obtain her General Equivalency Diploma (GED) and to attend other programs to find some evidence of rehabilitation. The court also considered her long residence, U.S. citizen children, and an offer of full-time employment on release from prison.

Here, it is conceded that the nature and underlying circumstances of the ground of deportation are serious. His violation of his student status coupled with his convictions for misdemeanor Assault IV and misdemeanor Harassment are serious matters. Nevertheless, on balance the positive outweigh the negative equities in Respondent's case. Aside from his strong and extensive family ties in the U.S., relative youth, and the extreme hardship to his family which would flow from his deportation, Respondent is very remorseful about his crimes. He has concrete career plans for his life on the outside. He is committed to being a good father to his daughters as well as a responsible and caring husband to his wife. He is determined to prove to his family, his community, and his adopted country that he can overcome the mistakes of his past and be a leader, rather than a drag on society. His situation merits the Court's favorable discretion to grant relief from deportation in the form of adjustment of status.

In support of his applications, Respondent intends to rely on testimony from the following:

WITNESSES

1. RESPONDENT, HESHAM ABU-ZUBAIDAH, will testify about his life, the criminal activity that has brought him before this court, his efforts at reformation, and his hopes for the future if he is allowed to remain in this country.
2. ROSALIND ANDREWS, Respondent's mother-in-law, will testify about her daughter Rosalee Abu-Zubaidah's history of instability and her hope that Respondent and Rosalee can be reunited so as to provide for mutual emotional stability and for the children.
3. PATRICIA NAYLOR, Rosalee Abu-Zubaidah's maternal aunt with whom the latter lived as a teenager, will testify about Rosalee's emotional history and the positive impact Respondent has had on her life.
4. ROSALEE ABU-ZUBAIDAH will testify as to her relationship with Respondent, Respondent's role as husband and father, that she and her children will be completely devastated if Respondent is deported, that she would probably lose her home and children. She will also testify as to her daughter's devotion to her father, her history of rage and fabrications, her fabrication of statements given to the INS and the FBI following Respondent's arrest for domestic violence, her and Respondent's relationship

with Christina Hodge and the circumstances leading to Respondent's harassment conviction.

EXHIBITS

NEW EXHIBITS NOT PREVIOUSLY SUBMITTED TO THE IMMIGRATION COURT:

1. Form I-601
2. Form I-864 and tax returns by Rosalee Abu-Zubaidah
3. Form I-864 and Form W-2 by co-sponsor Paul Andrews
4. Nautica Abu-Zubaidah's medical records, evidencing her diagnosis with Estropial and Optic Atropy
5. Letter to the Court from Respondent

CONCLUSION

Respondent prays the Court to allow him to remain in the United States with his family, to give him an opportunity to show that he can make a contribution to his community, and to assume his role as a guide, support, and loving spouse to his wife and parent to his children.

DATED: March 22, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.



STEVEN KAY, OSB #99192
Attorney for Respondent

DO NOT WRITE IN THIS BLOCK

- Fee Stamp
- | | |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> 212 (a) (1) | <input type="checkbox"/> 212 (a) (10) |
| <input type="checkbox"/> 212 (a) (3) | <input type="checkbox"/> 212 (a) (12) |
| <input type="checkbox"/> 212 (a) (6) | <input type="checkbox"/> 212 (a) (19) |
| <input type="checkbox"/> 212 (a) (9) | <input type="checkbox"/> 212 (a) (23) |

A. Information about applicant -

1. Family Name(Surname in CAPS) (First) (Middle)
ABU-ZUBAIDAH HESHAM MOHAMED

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND, #2

3.(Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND, OREGON 97230

4. Date of Birth (month/Day/Year) 5.I&N File Number
04/28/1976 A- NONE

6. City of Birth 7. Country of Birth
RIVAH K.S.A.

8. Date of visa application 9. Visa applied for at:

10. Applicant was declared inadmissible to the United States for the following reasons: (List acts, convictions, or physical or mental conditions. If applicant has active or suspected tuberculosis, the reverse of this page must be fully completed.)

MR. ABU-ZUBAIDAH MAY BE INADMISSABLE UNDER
INA 212(a)(2)(A)(i)(I) FOR HIS CONVICTIONS
FOR ASSAULT IV - DOMESTIC VIOLENCE

AND HARASSMENT.

11. Applicant was previously in the United States, as follows:

City & State	From(Date)	To(Date)	I&NS Status
<u>CHICAGO, IL</u>	<u>7/26/98</u>	<u>9/25/01</u>	<u>F-1</u>

12. Social Security Number

354-94-5066

B. Information about relative, through whom applicant claims eligibility for a waiver -

1. Family Name(Surname in CAPS) (First) (Middle)
ABU-ZUBAIDAH ROSALEE MARIE

2. Address(Number and Street) (Apartment Number)
1801 NE 162ND, #2

3. (Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND, OREGON 97230

4. Relationship to applicant 5. INS Status
SPOUSE USC

C. Information about applicant's other relatives in the U.S. (List only U.S. citizens and permanent residents)

1. Family Name(Surname in CAPS) (First) (Middle)
ABU-ZUBAIDAH NAUTICA

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND, #2

3.(Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND, OREGON 97230

4. Relationship to applicant 5. INS Status
DAUGHTER USC

1. Family Name(Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3.(Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. INS Status

1. Family Name(Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3.(Town or City) (State/Country) (ZIP/Postal Code)

4. Relationship to applicant 5. INS Status

Signature (of applicant or petitioning relative)

Rosalee M. Abu-Zubaidah 3/11/02
Relationship to applicant Date

Spouse

Signature (of person preparing application, if not the applicant or petitioning relative) I declare that this document was prepared by me at the request of the applicant, or petitioning relative, and is based on all information of which I have any knowledge.

Signature

Address

Date

1400 SW FIFTH AVE, #670, PORTLAND, OR 97201

Initial receipt	Resubmitted	Relocated		Completed		
		Received	Sent	Approved	Denied	Returned

START HERE - Please Type or Print

Part 1. Information on Sponsor (You)

Last Name ABU-ZUBAIDAH		First Name ROSALEE		Middle Name MARIE	
Mailing Address (Street Number and Name) 1801 NE 162ND				Apt/Suite Number #2	
City PORTLAND				State or Province OREGON	
Country U.S.A..				Zip/Postal Code 97230	Telephone Number 503-254-7169

Place of Residence if different from above (Street Number and Name)		Apt/Suite Number		FOR AGENCY USE ONLY	
City		State or Province			
Country (b)(6)	Zip/Postal Code	Telephone Number			
				This Affidavit <input type="checkbox"/> Meets <input type="checkbox"/> Does not meet Requirements of Section 213A Receipt	

Part 2. Basis for Filing Affidavit of Support

- I am filing this affidavit of support because (check one):
- a. I filed/am filing the alien relative petition.
 - b. I filed/am filing an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
 - c. I have ownership interest of at least 5% of _____ (name of entity which filed visa petition) which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
 - d. I am a joint sponsor willing to accept the legal obligations with any other sponsor(s).

Officer's Signature _____

Location _____

Date _____

Part 3. Information on the Immigrant(s) You Are Sponsoring

Last Name ABU-ZUBAIDAH		First Name HESHAM		Middle Name MOHAMED	
Date of Birth (Month, Day, Year) 04/28/1976		Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Social Security Number (If any) 354-94-5066	
Country of Citizenship PALESTINIAN NATIONAL			A-Number (If any) A78 737 342		
Current Address (Street Number and Name) 1801 NE 162ND			Apt/Suite Number #2		City PORTLAND
State/Province OREGON		Country U.S.A.		Zip/Postal Code 97230	Telephone Number 503-254-7169

List any spouse and/or children immigrating with the immigrant named above in this Part: (Use additional sheet of paper if necessary.)

Name	Relationship to Sponsored Immigrant			Date of Birth			A-Number (If any)	Social Security Number (If any)
	Spouse	Son	Daughter	Mo.	Day	Yr.		
NONE								

Part 4: Eligibility to Sponsor

To be a sponsor you must be U.S. citizen or national or lawful permanent resident. If you are not the petitioning relative, you must provide proof of status. To prove status, U.S. citizens or nationals must attach a copy of a document proving status, such as a U.S. passport, birth certificate, or certificate of naturalization, and lawful permanent residents must attach a copy of both sides of their Alien Registration Card (Form I-551).

The determination of your eligibility to sponsor an immigrant will be based on an evaluation of your demonstrated ability to maintain an annual income at or above 125 percent of the Federal poverty line (100 percent if you are a petitioner sponsoring your spouse or child and you are on active duty in the U.S. Armed Forces). The assessment of your ability to maintain an adequate income will include your current employment, household size, and household income as shown on the Federal income tax returns for the 3 most recent tax years. Assets that are readily converted to cash and that can be made available for the support of sponsored immigrants if necessary, including any such assets of the immigrant(s) you are sponsoring, may also be considered.

The greatest weight in determining eligibility will be placed on current employment and household income. If a petitioner is unable to demonstrate ability to meet the stated income and asset requirements, a joint sponsor who can meet the income and asset requirements is needed. Failure to provide adequate evidence of income and/or assets or an affidavit of support completed by a joint sponsor will result in denial of the immigrant's application for an immigrant visa or adjustment to permanent resident status.

A. Sponsor's Employment (b)(6)

I am:

B. Use of Benefits

Have you or anyone related to you by birth, marriage, or adoption living in your household or listed as a dependent on your most recent income tax return received any type of means-tested public benefit in the past 3 years?

Yes No *(If yes, provide details, including programs and dates, on a separate sheet of paper)*

C. Sponsor's Household Size

1. Number of persons (related to you by birth, marriage, or adoption) living in your residence, including yourself. *(Do NOT include persons being sponsored in this affidavit.)*
2. Number of immigrants being sponsored in this affidavit *(Include all persons in Part 3.)*
3. Number of immigrants NOT living in your household whom you are still obligated to support under a previously signed affidavit of support using Form I-864.
4. Number of persons who are otherwise dependent on you, as claimed in your tax return for the most recent tax year.
5. Total household size. *(Add lines 1 through 4.)*

Number

(b)(6)

Total

List persons below who are included in lines 1 or 3 for whom you previously have submitted INS Form I-864, *if your support obligation has not terminated.*

(If additional space is needed, use additional paper)

Name	A-Number	Date Affidavit of Support Signed	Relationship

D. Sponsor's Annual Household Income

Enter total unadjusted income from your Federal income tax return for the most recent tax year below. If you last filed a joint income tax return but are using only your own income to qualify, list total earnings from your W-2 Forms, or, if necessary to reach the required income for your household size, include income from other sources listed on your tax return. If your individual income does not meet the income requirement for your household size, you may also list total income for anyone related to you by birth, marriage, or adoption currently living with you in your residence if they have lived in your residence for the previous 6 months, or any person shown as a dependent on your Federal income tax return for the most recent tax year, even if not living in the household. For their income to be considered, household members or dependents must be willing to make their income available for support of the sponsored immigrant(s) and to complete and sign Form I-864A, Contract Between Sponsor and Household Member. A sponsored immigrant/household member only need complete Form I-864A if his or her income will be used to determine your ability to support a spouse and/or children immigrating with him or her.

You must attach evidence of current employment and copies of income tax returns as filed with the IRS for the most recent 3 tax years for yourself and all persons whose income is listed below. See "Required Evidence" in Instructions. Income from all 3 years will be considered in determining your ability to support the immigrant(s) you are sponsoring.

- I filed a single/separate tax return for the most recent tax year.
I filed a joint return for the most recent tax year which includes only my own income.
[X] I filed a joint return for the most recent tax year which includes income for my spouse and myself.
I am submitting documentation of my individual income (Form W-2 and 1099).
I am qualifying using my spouse's income; my spouse is submitting a Form I-864A.

Indicate most recent tax year

Sponsor's individual income

or

Sponsor and spouse's combined income

(If joint tax return filed; spouse must submit Form I-864A.)

Income of other qualifying persons.

(List names; include spouse if applicable.

Each person must complete Form I-864A.)

Three horizontal lines for entering names of other qualifying persons.

Total Household Income

Large empty rectangular box for entering income information.

(b)(6)

Explain on separate sheet of paper if you or any of the above listed individuals are submitting Federal income tax returns for fewer than 3 years, or if other explanation of income, employment, or evidence is necessary.

E. Determination of Eligibility Based on Income

- [X] I am subject to the 125 percent of poverty line requirement for sponsors.
I am subject to the 100 percent of poverty line requirement for sponsors on active duty in the U.S. Armed Forces sponsoring their spouse or child.
Sponsor's total household size, from Part 4.C., line 5 3
Minimum income requirement from the Poverty Guidelines chart for the year of 2000 is \$ 18,287 for this household size. (year)

If you are currently employed and your household income for your household size is equal to or greater than the applicable poverty line requirement (from line E.3.), you do not need to list assets (Part 4.F. and 5) or have a joint sponsor (Part 6) unless you are requested to do so by a Consular or Immigration Officer. You may skip to Part 7, Use of the Affidavit of Support to Overcome Public Charge Ground of Admissibility. Otherwise, you should continue with Part 4.F.

Part 4. Eligibility to Sponsor

(Continued)

F. Sponsor's Assets and Liabilities

Your assets and those of your qualifying household members and dependents may be used to demonstrate ability to maintain an income at or above 125 percent (or 100 percent, if applicable) of the poverty line *if* they are available for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year. The household member, other than the immigrant(s) you are sponsoring, must complete and sign Form I-864A, Contract Between Sponsor and Household Member. List the cash value of each asset *after* any debts or liens are subtracted. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of each asset listed, including any liens and liabilities related to each asset listed. See "Evidence of Assets" in Instructions.

Type of Asset	Cash Value of Assets (Subtract any debts)
Saving deposits	\$
Stocks, bonds, certificates of deposit	\$
Life insurance cash value	\$
Real estate	\$
Other (<i>specify</i>)	\$
Total Cash Value of Assets	\$

(b)(6)

Part 5. Immigrant's Assets and Offsetting Liabilities

The sponsored immigrant's assets may also be used in support of your ability to maintain income at or above 125 percent of the poverty line *if* the assets are or will be available in the United States for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year.

The sponsored immigrant should provide information on his or her assets in a format similar to part 4.F. above. Supporting evidence must be attached to establish location, ownership, and value of each asset listed, including any liens and liabilities for each asset listed. See "Evidence of Assets" in Instructions.

Part 6. Joint Sponsors

If household income and assets do not meet the appropriate poverty line for your household size, a joint sponsor is required. There may be more than one joint sponsor, but each joint sponsor must individually meet the 125 percent of poverty line requirement based on his or her household income and/or assets, including any assets of the sponsored immigrant. By submitting a separate Affidavit of Support under Section 213A of the Act (Form I-864), a joint sponsor accepts joint responsibility with the petitioner for the sponsored immigrant(s) until they become U.S. citizens, can be credited with 40 quarters of work, leave the United States permanently, or die.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Ground of Inadmissibility

Section 212(a)(4)(C) of the Immigration and Nationality Act provides that an alien seeking permanent residence as an immediate relative (including an orphan), as a family-sponsored immigrant, or as an alien who will accompany or follow to join another alien is considered to be likely to become a public charge and is inadmissible to the United States unless a sponsor submits a legally enforceable affidavit of support on behalf of the alien. Section 212(a)(4)(D) imposes the same requirement on employment-based immigrant, and those aliens who accompany or follow to join the employment-based immigrant, if the employment-based immigrant will be employed by a relative, or by a firm in which a relative owns a significant interest. Separate affidavits of support are required for family members at the time they immigrate if they are not included on this affidavit of support or do not apply for an immigrant visa or adjustment of status within 6 months of the date this affidavit of support is originally signed. The sponsor must provide the sponsored immigrant(s) whatever support is necessary to maintain them at an income that is at least 125 percent of the Federal poverty guidelines.

I submit this affidavit of support in consideration of the sponsored immigrant(s) not being found inadmissible to the United States under section 212(a)(4)(C) (or 212(a)(4)(D) for an employment-based immigrant) and to enable the sponsored immigrant(s) to overcome this ground of inadmissibility. I agree to provide the sponsored immigrant(s) whatever support is necessary to maintain the sponsored immigrant(s) at an income that is at least 125 percent of the Federal poverty guidelines. I understand that my obligation will continue until my death or the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die.

Notice of Change of Address.

Sponsors are required to provide written notice of any change of address within 30 days of the change in address until the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die. To comply with this requirement, the sponsor must complete INS Form I-865. Failure to give this notice may subject the sponsor to the civil penalty established under section 213A(d)(2) which ranges from \$250 to \$2,000, unless the failure to report occurred with the knowledge that the sponsored immigrant(s) had received means-tested public benefits, in which case the penalty ranges from \$2,000 to \$5,000.

If my address changes for any reason before my obligations under this affidavit of support terminate, I will complete and file INS Form I-865, Sponsor's Notice of Change of Address, Within 30 days of the change of address. I understand that failure to give this notice may subject me to civil penalties.

Means-tested Public Benefit Prohibitions and Exceptions.

Under section 403(a) of Public Law 104-193 (Welfare Reform Act), aliens lawfully admitted for permanent residence in the United States, with certain exceptions, are ineligible for most Federally-funded means-tested public benefits during their first 5 years in the United States. This provision does not apply to public benefits specified in section 403(c) of the Welfare Reform Act or to State public benefits, including emergency Medicaid; short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

Consideration of Sponsor's Income in Determining Eligibility for Benefits.

If a permanent resident alien is no longer statutorily barred from a Federally-funded means-tested public benefit program and applies for such a benefit, the income and resources of the sponsor and the sponsor's spouse will be considered (or deemed) to be the income and resources of the sponsored immigrant in determining the immigrant's eligibility for Federal means-tested public benefits. Any State or local government may also choose to consider (or deem) the income and resources of the sponsor and the sponsor's spouse to be the income and resources of the immigrant for the purposes of determining eligibility for their means-tested public benefits. The attribution of the income and resources of the sponsor and the sponsor's spouse to the immigrant will continue until the immigrant becomes a U.S. citizen or has worked or can be credited with 40 qualifying quarters of work, provided that the immigrant or the worker crediting the quarters to the immigrant has not received any Federal means-tested public benefit during any creditable quarter for any period after December 31, 1996.

I understand that, under section 213A of the Immigration and Nationality Act (the Act), as amended, this affidavit of support constitutes a contract between me and the U.S. Government. This contract is designed to protect the United States Government, and State and local government agencies or private entities that provide means-tested public benefits, from having to pay benefits to or on behalf of the sponsored immigrant(s), for as long as I am obligated to support them under this affidavit of support. I understand that the sponsored immigrants, or any Federal, State, local, or private entity that pays any means-tested benefit to or on behalf of the sponsored immigrant(s), are entitled to sue me if I fail to meet my obligations under this affidavit of support, as defined by section 213A and INS regulations.

Civil Action to Enforce.

If the immigrant on whose behalf this affidavit of support is executed receives any Federal, State, or local means-tested public benefit before this obligation terminates, the Federal, State, or local agency or private entity may request reimbursement from the sponsor who signed this affidavit. If the sponsor fails to honor the request for reimbursement, the agency may sue the sponsor in any U.S. District Court or any State court with jurisdiction of civil actions for breach of contract. INS will provide names, addresses, and Social Security account numbers of sponsors to benefit-providing agencies for this purpose. Sponsors may also be liable for paying the costs of collection, including legal fees.

WAC

15

Part 7. Use of the Affidavit of Support to Overcome Public Charge Grounds (Continued)

I acknowledge that section 213A(a)(1)(B) of the Act grants the sponsored immigrant(s) and any Federal, State, local, or private agency that pays any means-tested public benefit to or on behalf of the sponsored immigrant(s) standing to sue me for failing to meet my obligations under this affidavit of support. I agree to submit to the personal jurisdiction of any court of the United States or of any State, territory, or possession of the United States if the court has subject matter jurisdiction of a civil lawsuit to enforce this affidavit of support. I agree that no lawsuit to enforce this affidavit of support shall be barred by any statute of limitations that might otherwise apply, so long as the plaintiff initiates the civil lawsuit no later than ten (10) years after the date on which a sponsored immigrant last received any means-tested public benefits.

Collection of Judgment.

I acknowledge that a plaintiff may seek specific performance of my support obligation. Furthermore, any money judgment against me based on this affidavit of support may be collected through the use of a judgment lien under 28 U.S.C. 3201, a writ of execution under 28 U.S.C. 3203, a judicial installment payment order under 28 U.S.C. 3204, garnishment under 28 U.S.C. 3205, or through the use of any corresponding remedy under State law. I may also be held liable for costs of collection, including attorney fees.

Concluding Provisions.

I, _____, certify under penalty of perjury under the laws of the United States that:

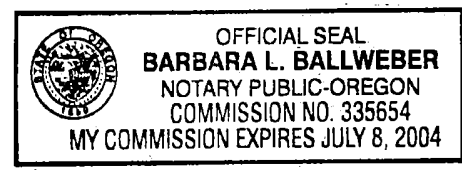
- (a) I know the contents of this affidavit of support signed by me;
- (b) All the statements in this affidavit of support are true and correct;
- (c) I make this affidavit of support for the consideration stated in Part 7, freely, and without any mental reservation or purpose of evasion;
- (d) Income tax returns submitted in support of this affidavit are true copies of the returns filed with the Internal Revenue Service; and
- (e) Any other evidence submitted is true and correct.

Rosalee M. Abu-Zubaidah
(Sponsor's Signature)

2/6/02
(Date)

Subscribed and sworn to (or affirmed) before me this
6th day of Feb., 2002
(Month) (Year)
at Portland OR

My commission expires on 7-8-04
Barbara L. Ballweber
(Signature of Notary Public or Officer Administering Oath)
Notary Public
(Title)



Part 8. If someone other than the sponsor prepared this affidavit of support, that person must complete the following:

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request, and that this affidavit of support is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Telephone Number
	STEVEN L. KAY		503-241-1320
Firm Name and Address			
PARKER, BUSH & LANE, P.C. 1400 SW FIFTH AVE, #670, PORTLAND, OR 97201			

Addendum to I-864, Part 4, Page 2. Use of Benefits



(b)(6)

Form 1040A

Department of the Treasury - Internal Revenue Service U.S. Individual Income Tax Return

2001

IRS Use Only - Do not write or staple in this space.

Label

(See page 19.)

Use the IRS label. Otherwise, please print or type.

LABEL HERE

ROSALEE M ABU ZUBAIDAH HESHAM M ABU ZUBAIDAH 2934 NE 61ST PORTLAND, OR 97213

OMB No. 1545-0085

Your social security number

542-23-1376

Spouse's social security number

354-94-5066

Important! You must enter your SSN(s) above.

Presidential Election Campaign

(See page 20.)

Note. Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund?

You Spouse

Yes No Yes No

Filing status

- 1 Single
2 Married filing joint return (even if only one had income)
3 Married filing separate return. Enter spouse's social security number above and full name here.

Check only one box.

- 4 Head of household (with qualifying person). (See page 21.) If the qualifying person is a child but not your dependent, enter this child's name here.
5 Qualifying widow(er) with dependent child (year spouse died).

Exemptions

6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a.

b Spouse

c Dependents:

Table with columns: (1) First name, Last name, (2) Dependent's social security number, (3) Dependent's relationship to you, (4) If qual. child for child tax credit. Row 1: NAUTICA ABU ZUBAIDAH, 540-59-3895, DAUGHTER, X.

No. of boxes checked on 6a and 6b: 2

No. of your children on 6c who:

lived with you: 1
did not live with you due to divorce or separation (see page 24):

Dependents on 6c not entered above:

Add numbers entered on lines above: 3

Income

Attach Form(s) W-2 here. Also attach Form(s) 1099-R if tax was withheld.

7 Wages, salaries, tips. 7 15,687.

8a Taxable interest. Attach Schedule 1 if required. 8a

b Tax-exempt interest. Do not include on line 8a. 8b

9 Ordinary dividends. Attach Schedule 1 if required. 9

10 Capital gain distributions (see page 25). 10

11a Total IRA distributions. 11a 11b Taxable amount (see page 25). 11b

12a Total pensions and annuities. 12a 12b Taxable amount (see page 26). 12b

13 Unemployment compensation, qualified state tuition program earnings, and Alaska Permanent Fund dividends. 13 1,209.

14a Social security benefits. 14a 14b Taxable amount (see page 28). 14b

15 Add lines 7 through 14b (far right column). This is your total income. 15 16,896.

Adjusted gross income

16 IRA deduction (see page 28). 16

17 Student loan interest deduction (see page 31). 17

18 Add lines 16 and 17. These are your total adjustments. 18

19 Subtract line 18 from line 15. This is your adjusted gross income. 19 16,896.

KBA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 53.

Form 1040A (2001)

Form 1040A (2001) ROSALEE M & HESHAM M ABU ZUBAIDAH

542-23-1376 Page 2

Tax, credits, and payments

20 Enter the amount from line 19 (adjusted gross income). 20 16,896.

21a Check [] You were 65 or older [] Blind [] Spouse was 65 or older [] Blind Enter number of boxes checked ▶ 21a []

b If you are married filing separately and your spouse itemizes deductions, see page 32 and check here. ▶ 21b []

Standard Deduction for —

• People who checked any box on line 21a or 21b or who can be claimed as a dependent, see page 33.

• All others:

Single, \$4,550

Head of household, \$6,650

Married filing jointly or Qualifying widow (er), \$7,600

Married filing separately, \$3,800

22 Enter your standard deduction (see left margin). 22 7,600.

23 Subtract line 22 from line 20. If line 22 is more than line 20, enter -0-. 23 9,296.

24 Multiply \$2,900 by the total number of exemptions claimed on line 6d. 24 8,700.

25 Subtract line 24 from line 23. If line 24 is more than line 23, enter -0-. This is your taxable income. ▶ 25 596.

26 Tax, including any alternative minimum tax (see page 33). 26 88.

27 Credit for child and dependent care expenses. Attach Schedule 2. 27

28 Credit for the elderly or the disabled. Attach Schedule 3. 28

29 Education credits. Attach Form 8863. 29

30 Rate reduction credit. See the worksheet on page 36. 30 30.

31 Child tax credit (see page 36). 31 58.

32 Adoption credit. Attach Form 8839. 32

33 Add lines 27 through 32. These are your total credits. 33 88.

34 Subtract line 33 from line 26. If line 33 is more than line 26, enter -0-. 34 0.

35 Advance earned income credit payments from Form(s) W-2. 35

36 Add lines 34 and 35. This is your total tax. ▶ 36 0.

37 Federal income tax withheld from Forms W-2 and 1099. 37 682.

38 2001 estimated tax payments and amount applied from 2000 return. 38

39a Earned income credit (EIC). 39a 1,823.

b Nontaxable earned income. 39b

40 Additional child tax credit. Attach Form 8812. 40 542.

41 Add lines 37, 38, 39a, and 40. These are your total payments. ▶ 41 3,047.

42 If line 41 is more than line 36, subtract line 36 from line 41. This is the amount you overpaid. 42 3,047.

43a Amount of line 42 you want refunded to you. ▶ 43a 3,047.

b Routing number [] ▶ c Type: [] Checking [] Savings

d Account number []

44 Amount of line 42 you want applied to your 2002 estimated tax. 44

Refund

Direct deposit? See page 47 and fill in 43b, 43c, and 43d.

Amount you owe

45 Amount you owe. Subtract line 41 from line 36. For details on how to pay, see page 48. ▶ 45

46 Estimated tax penalty (see page 48). 46

Third party designee

Do you want to allow another person to discuss this return with the IRS? (see page 49)? [] Yes. Complete the following. [] No Designee's name ▶ Phone no. ▶ Personal identification number (PIN) ▶

Sign here

Joint return? See page 20. Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than the taxpayer) is based on all information of which the preparer has any knowledge.

Your signature [] Date [] Your occupation UNEMPLOYED Daytime phone number [] Spouse's signature, if a joint return, both must sign. [] Date [] Spouse's occupation UNEMPLOYED

Paid preparer's use only

Preparer's signature [] Date 2/22/2002 Check if self-employed [] Preparer's SSN or PTIN P00263537 Firm's name (or yours if self-employed), address, and ZIP code H R BLOCK 2444C PORTLAND 103, OR 97232-0000 EIN 93-0586660 Phone no. (503) 231-8888

KBA

Form 1040 Department of the Treasury - Internal Revenue Service U.S. Individual Income Tax Return 2000 (99) IRS Use Only - Do not write or staple in this space.

Label For the year Jan. 1- Dec. 31, 2000, or other tax year beginning 2000, ending 20 OMB No. 1545-0074

(See instructions on page 19.) Use the IRS label. Otherwise, please print or type.

ROSALEE M ABU ZUBAIDAH HESHAM M ABU ZUBAIDAH 2934 NE 61ST PORTLAND, OR 97213

Your social security number 542-23-1376 Spouse's social security number 354-94-5066

Important! You must enter your SSN(s) above.

Presidential Election Campaign Note. Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund? Yes X No Yes X No

Filing Status 1 Single 2 X Married filing jointly (even if only one has income) 3 Married filing separate return. Enter spouse's full name. 4 Head of household with qualifying person. 5 Qualifying widow(er) with dependent child.

Exemptions 6a X Yourself. 6b X Spouse. No. of boxes checked on 6a and 6b 2

Table with columns: (1) First name, Last name, (2) Dependent's social security number, (3) Dependent's relationship to you, (4) If qual. child for child tax cr. Includes entry for NAUTICA ABU ZUBAIDAH, 540-59-3895, DAUGHTER.

d Total number of exemptions claimed 3

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2 8,695.

Table for income items 8a through 22. Includes items like Taxable interest, Ordinary dividends, Taxable refunds, Alimony received, Business income, Capital gain, etc.

Table for Adjusted Gross Income items 23 through 33. Includes items like IRA deduction, Student loan interest deduction, Medical savings account deduction, etc.

Tax and Credits	34	Amount from line 33 (adjusted gross income)	34	8,695.
	35a	Check if: <input type="checkbox"/> You were 65 or older. <input type="checkbox"/> Blind; <input type="checkbox"/> Spouse was 65 or older. <input type="checkbox"/> Blind. Add the number of boxes checked above and enter the total here ▷ 35a		
	b	If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see page 31 and check here ▷ 35b		
	36	Enter your itemized deductions from Schedule A, line 28, or standard deduction shown on the left. But see page 31 to find your standard deduction if you checked any box on line 35a or 35b or if someone can claim you as a dependent.	36	7,350.
	37	Subtract line 36 from line 34.	37	1,345.
	38	If line 34 is \$96,700 or less, multiply \$2,800 by the total number of exemptions claimed on line 6d. If line 34 is over \$96,700, see the worksheet on page 32 for the amount to enter.	38	8,400.
	39	Taxable income. Subtract line 38 from line 37. Enter the result on line 39, enter -0-	39	0.
	40	Tax. Check if any tax is from: <input type="checkbox"/> Form(s) 9814 <input type="checkbox"/> Form 4972	40	0.
	41	Alternative minimum tax. Attach Form 6251	41	
	42	Add lines 40 and 41 ▷	42	0.
	43	Foreign tax credit. Attach Form 2290 if required.	43	
	44	Credit for child and dependent care expenses. Attach Form 2441.	44	
	45	Credit for the elderly or the disabled. Attach Schedule R.	45	
	46	Education credits. Attach Form 8863.	46	
	47	Child tax credit (see page 36).	47	
	48	Adoption credit. Attach Form 8839.	48	
	49	Other. Check if from: a <input type="checkbox"/> Form 3800 b <input type="checkbox"/> Form 8396 c <input type="checkbox"/> Form 8801 d <input type="checkbox"/> Form (specify)		
	50	Add lines 43 through 49.	50	
	51	Subtract line 50 from line 42. If line 50 is zero or a fraction, enter -0- ▷	51	0.
Other Taxes	52	Self-employment tax. Attach Schedule SE.	52	
	53	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137.	53	
	54	Tax on IRAs, other retirement plans, and MSAs. Attach Form 5329 if required.	54	
	55	Advance earned income credit payments from Form(s) W-2.	55	
	56	Household employment taxes. Attach Schedule H.	56	
	57	Add lines 51 through 56. This is your total tax ▷	57	0.
Payments	58	Federal income tax withheld from Forms W-2 and 1099	58	512.
	59	2000 estimated tax payments & amount applied from 1999 return	59	
	60a	Earned income credit (EIC) ▷		353.
	b	Nontaxable earned income amount and type ▷		
	61	Excess social security and RRTA tax withheld (see page 50)		
	62	Additional child tax credit. Attach Form 8812	62	
	63	Amount paid with request for extension to file (see page 50)	63	
	64	Other payments. Check if from a <input type="checkbox"/> Form 2439 b <input type="checkbox"/> Form 4136 ▷	64	
	65	Add lines 58, 59, 60a, and 61 through 64. Total payments ▷	65	2,865.
Refund	66	If line 65 is more than line 57, subtract line 57 from line 65. This is the amount you overpaid.	66	2,865.
	67a	Amount of line 66 you want refunded to you ▷	67a	2,865.
	b	Routing number <u>031100254</u> <input checked="" type="checkbox"/> Types <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d	Account number <u>90047935422397</u>		
	68	Amount of line 66 you want applied to your 2001 estimated tax ▷		
Amount You Owe	69	If line 57 is more than line 65, subtract line 65 from line 57. This is the amount you owe. For details on how to pay, see page 51 ▷	69	
	70	Estimated tax penalty. Also include on line 69	70	

Standard Deduction for Most People
 Single: \$4,400
 Head of household: \$6,450
 Married filing jointly or Qualifying widow(er): \$7,350
 Married filing separately: \$3,675

If you have a qualifying child, attach Schedule EIC.

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 19. Keep a copy for your records.	Your signature For Info Only-Do not file	Date	Your occupation CLERICAL	Daytime phone number
	Spouse's signature. If a joint return, both must sign. For Info Only-Do not file	Date	Spouse's occupation CASHIER	May IRS discuss this return with the preparer shown below? <input type="checkbox"/> Yes <input type="checkbox"/> No
Paid Preparer's Use Only	Preparer's signature <i>Rosalie M. Rose</i>	Date 2/6/01	Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN
	Firm's name (or yours if self-employed), address and ZIP code H R BLOCK 403 2444C PORTLAND, OR 97232-0000			EIN 93-0586660 Phone no. (503) 231-8888



Do Not Mail



Department of the Treasury Internal Revenue Service

TeleFile Tax Record

OMB No. 1545-1277

1999

99096

1-800-829-5166

Your Customer Service Number

03271979

Date of birth for name shown first

ROSALEE M ANDREWS
2934 NE 61ST AVE
PORTLAND OR 97213-3926

Your Social Security Number

542231376

Choose a good research number

NOTE: You will be asked for your Social Security number, year, date of birth, and marital status.

If ANY of the preprinted information above is not correct, you CANNOT use TeleFile.

1 Fill in Lines A Through D See instructions on page 6.



A Do you want \$3 to go to the Presidential Election Campaign Fund (see page 9)?
If a joint return, does your spouse want \$3 to go to this fund? (Checking "Yes" will not change your tax or reduce your refund.)

B Can your parents (or someone else) claim you on their 1999 tax return?
If a joint return, can your spouse be claimed as a dependent on another person's 1999 tax return?

C Taxable interest
If over \$400, you cannot use TeleFile.

D Unemployment compensation, qualified state tuition program earnings, and Alaska Permanent Fund dividends

Want Your Refund Directly Deposited, or the Amount You Owe Automatically Withdrawn?
Fill in lines E, F, G, and, if applicable, H.

E Routing number

F Type of account: 1 - checking, 2 - savings

G Account number

H Date you want amount you owe withdrawn from your account: 2000

(No later than April 17, 2000)

2 Call Toll Free 24 Hours a Day



Before you call, make sure you have all your W-2s from all jobs you had in 1999. TeleFile will tell you the amounts to enter below. You may need them to prepare your state income tax return.

1-800-829-5166

I Federal Adjusted Gross Income: 8440

J Federal Standard Deduction and Exemption Amount: 4,300.00

K Federal Taxable Income and Tax: 1,390.00

L Federal Earned Income Credit, if any: 0

M Amount of Your Refund Or Amount You Owe. Payments must be made by April 17, 2000. Amount of Your Refund: 639.00

Declaration you (and spouse if married) must make:

Under penalties of perjury, I declare that to the best of my knowledge and belief, the return information provided is true and correct, and includes all amounts and sources of income I received during the tax year.

Do Not Mail Tax Record



N Stay on the line until TeleFile tells you your return has been accepted and gives you a 10-digit confirmation number. After you finish the call, attach your W-2(s) and any 1099(s) to the Tax Record and keep it for your records.

Confirmation Number: 2093137699

Date of Call: 4/2/2000

The IRS considers this Tax Record, including the confirmation number, to be the record of information used to file your tax return.

START HERE - Please Type or Print

Part 1. Information on Sponsor (You)

Last Name ANDREWS	First Name PAUL	(b)(6)	Middle Name
-----------------------------	---------------------------	--------	-------------

Please of Residence if different from above (Street Number and Name, Apt/Suite Number)

FOR AGENCY USE ONLY	
This Affidavit	Receipt
<input type="checkbox"/> Meets	
<input type="checkbox"/> Does not meet	
Requirements of Section 213A	
Officer's Signature	
Location	
Date	

Part 2. Basis for Filing Affidavit of Support

- I am filing this affidavit of support because (check one):
- a. I filed/am filing the alien relative petition.
 - b. I filed/am filing an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
 - c. I have ownership interest of at least 5% of _____ (name of entity which filed visa petition) which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship)
 - d. I am a joint sponsor willing to accept the legal obligations with any other sponsor(s).

Part 3. Information on the Immigrant(s) You Are Sponsoring

Last Name ABU-ZUBAIDAH	First Name HESHAM	Middle Name MOHAMED
Date of Birth (Month, Day, Year) 04/28/1976	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Social Security Number (If any) 354-94-5066
Country of Citizenship PALESTINE	A-Number (If any) A78-737-342	
Current Address (Street Number and Name) 1801 NE 162ND	Apt/Suite Number #2	City PORTLAND
State/Province OREGON	Country U.S.A.	Zip/Postal Code 97230
Telephone Number		

List any spouse and/or children immigrating with the immigrant named above in this Part: (Use additional sheet of paper if necessary.)

Name	Relationship to Sponsored Immigrant			Date of Birth			A-Number (If any)	Social Security Number (If any)
	Spouse	Son	Daughter	Mo.	Day	Yr.		
NONE								

DAB

Part 4. Eligibility to Sponsor

To be a sponsor you must be U.S. citizen or national or lawful permanent resident. If you are not the petitioning relative, you must provide proof of status. To prove status, U.S. citizens or nationals must attach a copy of a document proving status, such as a U.S. passport, birth certificate, or certificate of naturalization, and lawful permanent residents must attach a copy of both sides of their Alien Registration Card (Form I-551).

The determination of your eligibility to sponsor an immigrant will be based on an evaluation of your demonstrated ability to maintain an annual income at or above 125 percent of the Federal poverty line (100 percent if you are a petitioner sponsoring your spouse or child and you are on active duty in the U.S. Armed Forces). The assessment of your ability to maintain an adequate income will include your current employment, household size, and household income as shown on the Federal income tax returns for the 3 most recent tax years. Assets that are readily converted to cash and that can be made available for the support of sponsored immigrants if necessary, including any such assets of the immigrant(s) you are sponsoring, may also be considered.

The greatest weight in determining eligibility will be placed on current employment and household income. If a petitioner is unable to demonstrate ability to meet the stated income and asset requirements, a joint sponsor who can meet the income and asset requirements is needed. Failure to provide adequate evidence of income and/or assets or an affidavit of support completed by a joint sponsor will result in denial of the immigrant's application for an immigrant visa or adjustment to permanent resident status.

(b)(6)

A. Sponsor's Employment

B. Use of Benefits

Have you or anyone related to you by birth, marriage, or adoption living in your household or listed as a dependent on your most recent income tax return received any type of means-tested public benefit in the past 3 years?

Yes No (If yes, provide details, including programs and dates, on a separate sheet of paper)

(b)(6)

C. Sponsor's Household Size

1. Number of persons (related to you by birth, marriage, or adoption) living in your residence, including yourself. (Do NOT include persons being sponsored in this affidavit.)
2. Number of immigrants being sponsored in this affidavit (Include all persons in Part 3.)
3. Number of immigrants NOT living in your household whom you are still obligated to support under a previously signed affidavit of support using Form I-864.
4. Number of persons who are otherwise dependent on you, as claimed in your tax return for the most recent tax year.
5. Total household size. (Add lines 1 through 4.)

Number

Total

List persons below who are included in lines 1 or 3 for whom you previously have submitted INS Form I-864, if your support obligation has not terminated.

(If additional space is needed, use additional paper)

Name	A-Number	Date Affidavit of Support Signed	Relationship

D. Sponsor's Annual Household Income

Enter total unadjusted income from your Federal income tax return for the most recent tax year below. If you last filed a joint income tax return but are using only your own income to qualify, list total earnings from your W-2 Forms, or, if necessary to reach the required income for your household size, include income from other sources listed on your tax return. If your individual income does not meet the income requirement for your household size, you may also list total income for anyone related to you by birth, marriage, or adoption currently living with you in your residence if they have lived in your residence for the previous 6 months, or any person shown as a dependent on your Federal income tax return for the most recent tax year, even if not living in the household. For their income to be considered, household members or dependents must be willing to make their income available for support of the sponsored immigrant(s) and to complete and sign Form I-864A, Contract Between Sponsor and Household Member. A sponsored immigrant/household member only need complete Form I-864A if his or her income will be used to determine your ability to support a spouse and/or children immigrating with him or her.

You must attach evidence of current employment and copies of income tax returns as filed with the IRS for the most recent 3 tax years for yourself and all persons whose income is listed below. See "Required Evidence" in Instructions. Income from all 3 years will be considered in determining your ability to support the immigrant(s) you are sponsoring.

- I filed a single/separate tax return for the most recent tax year.
I filed a joint return for the most recent tax year which includes only my own income.
[X] I filed a joint return for the most recent tax year which includes income for my spouse and myself.
[X] I am submitting documentation of my individual income (Form W-2 and 1099).
I am qualifying using my spouse's income; my spouse is submitting a Form I-864A.

Indicate most recent tax year

Sponsor's individual income

or

Sponsor and spouse's combined income (If joint tax return filed; spouse must submit Form I-864A.)

Income of other qualifying persons. (List names; include spouse if applicable. Each person must complete Form I-864A.)

Three horizontal lines for listing names of other qualifying persons.

Total Household Income

Large empty rectangular box for providing tax return documentation.

(b)(6)

Explain on separate sheet of paper if you or any of the above listed individuals are submitting Federal income tax returns for fewer than 3 years, or if other explanation of income, employment, or evidence is necessary.

E. Determination of Eligibility Based on Income

- 1. [X] I am subject to the 125 percent of poverty line requirement for sponsors.
I am subject to the 100 percent of poverty line requirement for sponsors on active duty in the U.S. Armed Forces sponsoring their spouse or child.
2. Sponsor's total household size, from Part 4.C., line 5 4
3. Minimum income requirement from the Poverty Guidelines chart for the year of 2001 is \$ 22,062 for this household size. (year)

If you are currently employed and your household income for your household size is equal to or greater than the applicable poverty line requirement (from line E.3.), you do not need to list assets (Part 4.F. and 5) or have a joint sponsor (Part 6) unless you are requested to do so by a Consular or Immigration Officer. You may skip to Part 7, Use of the Affidavit of Support to Overcome Public Charge Ground of Admissibility. Otherwise, you should continue with Part 4.F.

Part 4. Eligibility to Sponsor (Continued)

F. Sponsor's Assets and Liabilities

Your assets and those of your qualifying household members and dependents may be used to demonstrate ability to maintain an income at or above 125 percent (or 100 percent, if applicable) of the poverty line if they are available for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year. The household member, other than the immigrant(s) you are sponsoring, must complete and sign Form I-864A, Contract Between Sponsor and Household Member. List the cash value of each asset after any debts or liens are subtracted. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of each asset listed, including any liens and liabilities related to each asset listed. See "Evidence of Assets" in Instructions.

Type of Asset	Cash Value of Assets (Subtract any debts)
Saving deposits	\$
Stocks, bonds, certificates of deposit	\$
Life insurance cash value	\$
Real estate	\$
Other (specify)	\$
Total Cash Value of Assets	\$

(b)(6)

Part 5. Immigrant's Assets and Offsetting Liabilities

The sponsored immigrant's assets may also be used in support of your ability to maintain income at or above 125 percent of the poverty line if the assets are or will be available in the United States for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year.

The sponsored immigrant should provide information on his or her assets in a format similar to part 4.F. above. Supporting evidence must be attached to establish location, ownership, and value of each asset listed, including any liens and liabilities for each asset listed. See "Evidence of Assets" in Instructions.

Part 6. Joint Sponsors

If household income and assets do not meet the appropriate poverty line for your household size, a joint sponsor is required. There may be more than one joint sponsor, but each joint sponsor must individually meet the 125 percent of poverty line requirement based on his or her household income and/or assets, including any assets of the sponsored immigrant. By submitting a separate Affidavit of Support under Section 213A of the Act (Form I-864), a joint sponsor accepts joint responsibility with the petitioner for the sponsored immigrant(s) until they become U.S. citizens, can be credited with 40 quarters of work, leave the United States permanently, or die.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Ground of Inadmissibility

Section 212(a)(4)(C) of the Immigration and Nationality Act provides that an alien seeking permanent residence as an immediate relative (including an orphan), as a family-sponsored immigrant, or as an alien who will accompany or follow to join another alien is considered to be likely to become a public charge and is inadmissible to the United States unless a sponsor submits a legally enforceable affidavit of support on behalf of the alien. Section 212(a)(4)(D) imposes the same requirement on employment-based immigrant, and those aliens who accompany or follow to join the employment-based immigrant, if the employment-based immigrant will be employed by a relative, or by a firm in which a relative owns a significant interest. Separate affidavits of support are required for family members at the time they immigrate if they are not included on this affidavit of support or do not apply for an immigrant visa or adjustment of status within 6 months of the date this affidavit of support is originally signed. The sponsor must provide the sponsored immigrant(s) whatever support is necessary to maintain them at an income that is at least 125 percent of the Federal poverty guidelines.

I submit this affidavit of support in consideration of the sponsored immigrant(s) not being found inadmissible to the United States under section 212(a)(4)(C) (or 212(a)(4)(D) for an employment-based immigrant) and to enable the sponsored immigrant(s) to overcome this ground of inadmissibility. I agree to provide the sponsored immigrant(s) whatever support is necessary to maintain the sponsored immigrant(s) at an income that is at least 125 percent of the Federal poverty guidelines. I understand that my obligation will continue until my death or the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die.

Notice of Change of Address.

Sponsors are required to provide written notice of any change of address within 30 days of the change in address until the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die. To comply with this requirement, the sponsor must complete INS Form I-865. Failure to give this notice may subject the sponsor to the civil penalty established under section 213A(d)(2) which ranges from \$250 to \$2,000, unless the failure to report occurred with the knowledge that the sponsored immigrant(s) had received means-tested public benefits, in which case the penalty ranges from \$2,000 to \$5,000.

If my address changes for any reason before my obligations under this affidavit of support terminate, I will complete and file INS Form I-865, Sponsor's Notice of Change of Address, Within 30 days of the change of address. I understand that failure to give this notice may subject me to civil penalties.

Means-tested Public Benefit Prohibitions and Exceptions.

Under section 403(a) of Public Law 104-193 (Welfare Reform Act), aliens lawfully admitted for permanent residence in the United States, with certain exceptions, are ineligible for most Federally-funded means-tested public benefits during their first 5 years in the United States. This provision does not apply to public benefits specified in section 403(c) of the Welfare Reform Act or to State public benefits, including emergency Medicaid; short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

Consideration of Sponsor's Income in Determining Eligibility for Benefits.

If a permanent resident alien is no longer statutorily barred from a Federally-funded means-tested public benefit program and applies for such a benefit, the income and resources of the sponsor and the sponsor's spouse will be considered (or deemed) to be the income and resources of the sponsored immigrant in determining the immigrant's eligibility for Federal means-tested public benefits. Any State or local government may also choose to consider (or deem) the income and resources of the sponsor and the sponsor's spouse to be the income and resources of the immigrant for the purposes of determining eligibility for their means-tested public benefits. The attribution of the income and resources of the sponsor and the sponsor's spouse to the immigrant will continue until the immigrant becomes a U.S. citizen or has worked or can be credited with 40 qualifying quarters of work, provided that the immigrant or the worker crediting the quarters to the immigrant has not received any Federal means-tested public benefit during any creditable quarter for any period after December 31, 1996.

I understand that, under section 213A of the Immigration and Nationality Act (the Act), as amended, this affidavit of support constitutes a contract between me and the U.S. Government. This contract is designed to protect the United States Government, and State and local government agencies or private entities that provide means-tested public benefits, from having to pay benefits to or on behalf of the sponsored immigrant(s), for as long as I am obligated to support them under this affidavit of support. I understand that the sponsored immigrants, or any Federal, State, local, or private entity that pays any means-tested benefit to or on behalf of the sponsored immigrant(s), are entitled to sue me if I fail to meet my obligations under this affidavit of support, as defined by section 213A and INS regulations.

Civil Action to Enforce.

If the immigrant on whose behalf this affidavit of support is executed receives any Federal, State, or local means-tested public benefit before this obligation terminates, the Federal, State, or local agency or private entity may request reimbursement from the sponsor who signed this affidavit. If the sponsor fails to honor the request for reimbursement, the agency may sue the sponsor in any U.S. District Court or any State court with jurisdiction of civil actions for breach of contract. INS will provide names, addresses, and Social Security account numbers of sponsors to benefit-providing agencies for this purpose. Sponsors may also be liable for paying the costs of collection, including legal fees.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Grounds (Continued)

I acknowledge that section 213A(a)(1)(B) of the Act grants the sponsored immigrant(s) and any Federal, State, local, or private agency that pays any means-tested public benefit to or on behalf of the sponsored immigrant(s) standing to sue me for failing to meet my obligations under this affidavit of support. I agree to submit to the personal jurisdiction of any court of the United States or of any State, territory, or possession of the United States if the court has subject matter jurisdiction of a civil lawsuit to enforce this affidavit of support. I agree that no lawsuit to enforce this affidavit of support shall be barred by any statute of limitations that might otherwise apply, so long as the plaintiff initiates the civil lawsuit no later than ten (10) years after the date on which a sponsored immigrant last received any means-tested public benefits.

Collection of Judgment.

I acknowledge that a plaintiff may seek specific performance of my support obligation. Furthermore, any money judgment against me based on this affidavit of support may be collected through the use of a judgment lien under 28 U.S.C. 3201, a writ of execution under 28 U.S.C. 3203, a judicial installment payment order under 28 U.S.C. 3204, garnishment under 28 U.S.C. 3205, or through the use of any corresponding remedy under State law. I may also be held liable for costs of collection, including attorney fees.

Concluding Provisions.

I, PAUL ANDREWS, certify under penalty of perjury under the laws of the United States that:

- (a) I know the contents of this affidavit of support signed by me;
- (b) All the statements in this affidavit of support are true and correct;
- (c) I make this affidavit of support for the consideration stated in Part 7, freely, and without any mental reservation or purpose of evasion;
- (d) Income tax returns submitted in support of this affidavit are true copies of the returns filed with the Internal Revenue Service; and
- (e) Any other evidence submitted is true and correct.

Paul Andrews
(Sponsor's Signature)

3/22/02
(Date)

Subscribed and sworn to (or affirmed) before me this

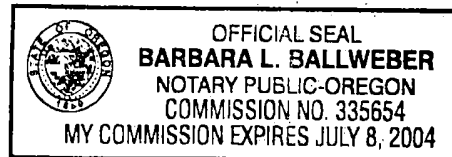
22nd day of March, 2002
(Month) (Year)

at Portland OR.

My commission expires on 7-8-04

Barbara L. Ballweber
(Signature of Notary Public or Officer Administering Oath)

Notary Public
(Title)



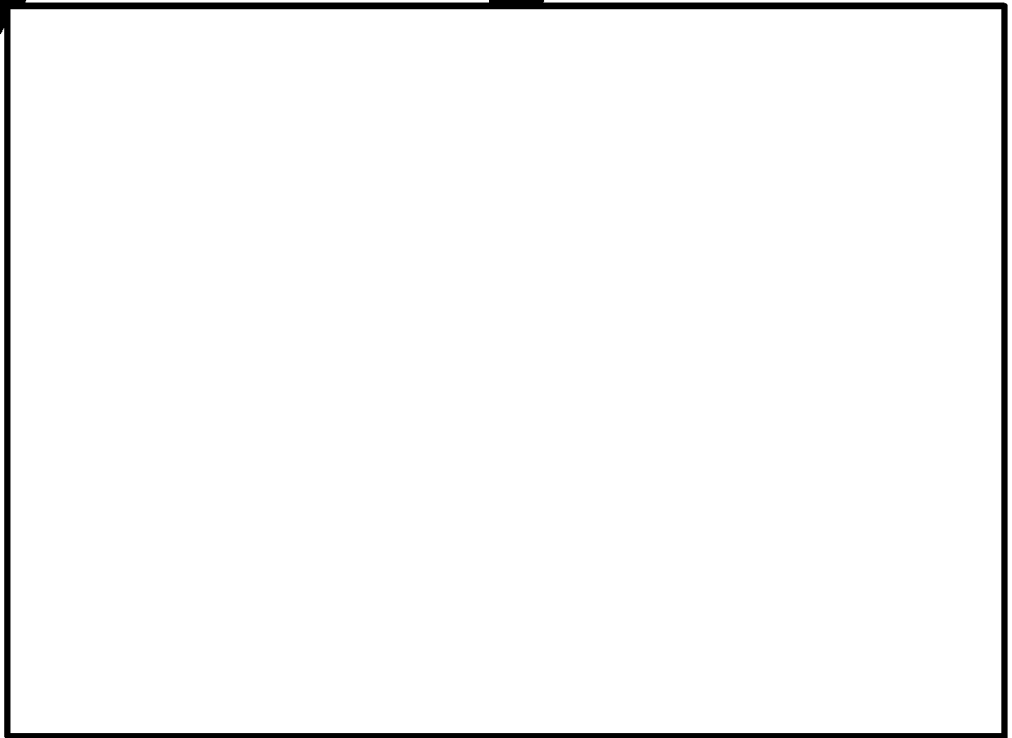
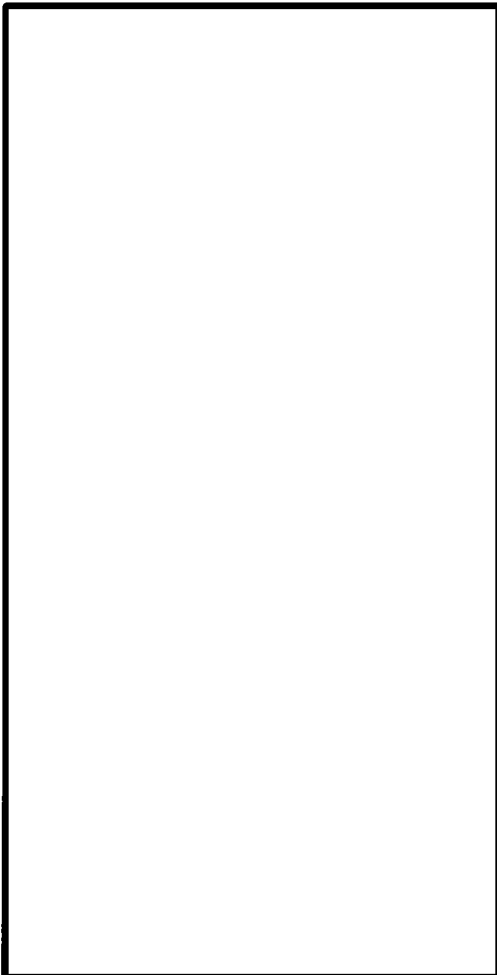
Part 8. If someone other than the sponsor prepared this affidavit of support, that person must complete the following:

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request, and that this affidavit of support is based on all information of which I have knowledge.

Signature <u><i>Steven L. Kay</i></u>	Print Your Name STEVEN L. KAY	Date <u>3/22/02</u>	Daytime Telephone Number 503-241-1320
Firm Name and Address PARKER, BUSH & LANE, P.C. 1400 SW FIFTH AVE, #670, PORTLAND, OR 97201			

(b)(6)

2001 W-2 and EARNINGS SUMMARY



PAUL ANDREWS



Employee Reference Copy
W-2 Wage and Tax Statement **2001**
OMB No. 1545-0008
Copy C for employee's records

© 2001 AUTOMATIC DATA PROCESSING, INC.



~~Doc~~ Federal Filing Copy
W-2 Wage and Tax Statement **2001**
OMB No. 1545-0008
Copy B to be filed with employee's FEDERAL Income Tax Return

State Filing Copy
W-2 Wage and Tax Statement **2001**
OMB No. 1545-0008
Copy 2 to be filed with employee's STATE Income Tax Return

City or Local Filing Copy
W-2 Wage and Tax Statement **2001**
OMB No. 1545-0008
Copy 2 to be filed with employee's CITY or LOCAL Income Tax Return

(b)(6)



Oregon Health Sciences University
Hospitals and Clinics

OPHTHALMOLOGY PROGRESS SHEET

33482183

01 62 25 04
400-ZUBAIDAH, NAUTICA
09 05 2000
450 402
MED MFG ONY-CASE OREGON

14 months

MAR 28 2001

DN - Hyperopia - OD

Flu Amblyopia OD

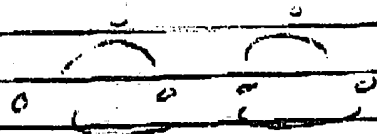
* In the unable to patch
child with one eye

M.E. - 4/01 O.H.S.U.

Room status, endocrine work-up
was normal

infectious - mild under weight

✓ 115 cc cm
6.5 m.



No obs. AHT

In the expecting record check
mark for

Small & RET

LOS good

P. 3 & APD
13

Sup XI 10:25

M.A.H.
and

POOR V.A. OD

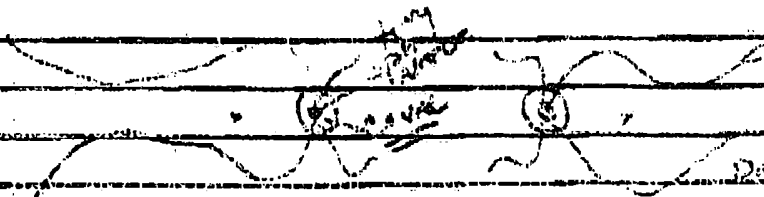
R - +2.75 +1.50 @ 90 very uncooperative

L - +2.50 +0.75 @ 90

SC-1-01

BU

Ophthalmology Progress Sheet



Asked many questions about + myom
 will never grow back
 will vision go to normal later

Ret. exam
 part 1/20
 4/15

REVIEWED - optic nerve very underdeveloped
 possible slight supranuclear atrophy

Mem write to path
 unable to extract glasses -
 (trying i. sunglasses)

REVIEWED
 via program from OD
 possible supranuclear atrophy
 Reason for not seeing
 Reason for seeing glasses.

A) Optic N. Hypoplasia OD
 Retinorectal cist + MRE Done
 Perhaps -

#P) Path OS 1-2" / day
 Safety glasses w. justice (more safe than will not wear)
 Retinal 4-h. another signal

[Handwritten signature]

[Handwritten mark]

Patient Information**Patient Name:** ABU-ZUBAIDAH, NAUTICA**Patient ID:** 1822504**Patient Sex:** F**Date of Birth:** 20000905**Status:****Pregnancy Status:** Unknown**Medical Alerts:** N/A**Contrast Allergies:** 2000**Study Information****Accession Number:** i554163**Referring Physician:** OLSEN, THOMAS E**Reason For Study:**

N299+ LBS:

R. ESOTROPAI AND OPTIC ATROPY

Study Date: 11-Jun-01**Study Time:** 11:00:00 AM**Requesting physician:** OLSEN, THOMAS E**Study Description:** M BRAIN 5SEQ WO**Procedure code:** MD5-**Procedure description:** M BRAIN 5SEQ WO**Resource Name:** MRI**Modality:** MR**Report information****Report Status:** APPROVED**Diagnostic Code:** N/A

Impression:**IMPRESSION:**

1. Hypoplastic optic nerves. Since the patient's cavum septum pellucidum is present, the findings does not relate septo optic dysplasia.
2. Sphenoid sinus disease.

END OF IMPRESSION:**Interpretation Date:** 15-Jun-01**Interpretation Time:** 1:48:00 PM**Interpretation transcribed:****MRI OF THE BRAIN:** 06/11/2001 Dictated 06/11/2001**COMPARISON:** None.**HISTORY:** Nine-month-old female with right eye esotropia.**PROCEDURE:** The following sequences were obtained: 1. Sagittal T1. 2. Axial T1. 3. Axial proton density and T2. 4. Axial DWI. 5. Coronal T2. 6. Coronal SPGR.**FINDINGS:** The optic nerves are smaller than expected in size. No other associated abnormalities is seen. Specifically, the pituitary gland, midline structures, and cavum septum pellucidum are normal.

The myelination pattern is normal for age. No acute hemorrhage, infarction, or mass is seen.

The CSF spaces, visualized flow voids, mastoids and orbits are unremarkable.

There is fluid and mucosal thickening within the sphenoid sinuses.

Report Author: TJAUW, TJHIWEN**Interpretation Approver:**

BA

39
149



Laurie E. Christensen, MD
(503)494-4960 Fax:(503)494-5347

REPORT OF OPHTHALMOLOGICAL EXAMINATION

PATIENT: ~~Steve~~ Nautica Abu-Zehaidh DOB: 09-05-90

DATE OF EXAMINATION: 03-26-01 OHSU# 01-62-25-04

REFERRING PHYSICIAN: _____

PRIMARY CARE PROVIDER: Tom Olsen M.D.

VISUAL ACUITY: R ^{Very poor} Visual ; L ^{Good} Visual (F & F = fixes & follows)
_{Response Behaviour}

BOTH EYES OPEN: _____

DIAGNOSIS:

- ① Optic Nerve Hypoplasia OD - Visual prognosis uncertain
- ② Possible superimposed Amblyopia OD
- ③ RT esotropia

TREATMENT AND/OR ADVICE:

- ① Attempt patching OS up to 3 hours per day with supervision
- ② Please order endocrine evaluation (R/O pituitary insufficiency)
- ③ Please order CNS scan

FOLLOW UP RECOMMENDATIONS:

6 weeks -

THANK YOU FOR YOUR REFERRAL
Please let me know if further details (or fewer!) are needed.



Oregon Health Sciences University
Hospitals and Clinics

OPHTHALMOLOGY PROGRESS SHEET

31670667

01 62 25 04 #2
ABU-ZUBAIDAH, NAUTICA
09.05 2000 F W716
M55 W02 03 31 01
MED HMO OHP-PHP PC NON-OH

6 mo

Terri
PCP - Olsen MAR 26 2001

dx RT - crossed vision both
before OS.

Qmed
NKOT.

Parents own eye RT - Cross Va OS

PMH -

38 wks NVD. al. preg. NO lowland signs
6th 7th 19 up above NO JUNDICE

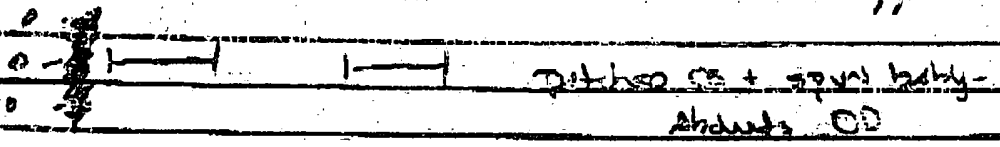
FMH: MTH, CA - Brown

within growth cones H/W/H
Rolls over by herself. Push up.

Altera. not disturbed
DID NOT TAKE CATH -
Convulsions

VA $\left\{ \begin{array}{l} \text{UR 45 UR} - \text{patch OS} \\ \text{very poor} \\ \text{ambly} \end{array} \right.$ P $\left\{ \begin{array}{l} \text{DADD} \end{array} \right.$

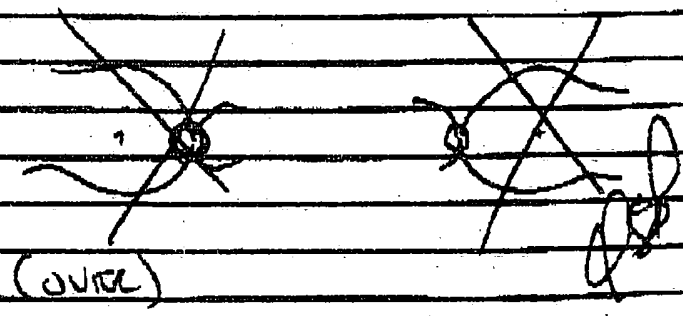
Nice ~DOAET UR ~~ambly~~ AnV



Dil 12aplo + neo c. 400

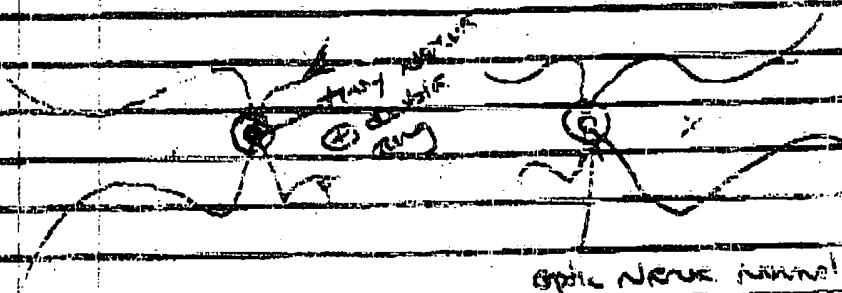
CR $\left\{ \begin{array}{l} +1.00 + 1.00 \times 180 \\ +1.00 \times 090 \end{array} \right.$

- L.H. - draw
- K-CC
- 4/C-DIQ
- T-by
- L-CC



Ophthalmology Progress Sheet

CR
 +2.75 +0.75 x 90
 +2.50 +0.50 x 90



1) Optic Nerve Hypoplasia - Discussable
 20 minutes

Visual pathway CD - anatomical (Anatomical Imbalance)
 Possible optic imposed amblyopia

2) Endocrine evaluation (Thyroid + fasting cortisol)

ONS meeting after endocrine
 Path OS up to 3 1/2 days = supervision
 Disc photos - reviewed
 Recheck VA 6 weeks

3-27-01 - phoned Dr. Tom Olson - left message
 asked that he order endocrine evaluation & scan

~~1) Letter Dr. Olson 3-28~~

CR

To: The Honorable Michele Bennett . Page 1 of 3

From: Hesham Abu Zubaidah

your Honor

I write this to you because I want to convey to you my deepest apologies for not following court room procedure; i.e., when "I tried to explain what the circumstances were concerning my plea" I did not know that once a "no contest" plea is entered, that's the end of discussion on the matter. again I am very sorry. as far as the matters at present, I can only say that I am sorry for this whole situation. For now my wife, daughter, and unborn child face a far greater sentence than I, they face growing up without both of their parents. my wife will give birth to our second child a "girl" I am told, I should have been there for the ultrasound, as I should have been there for thanksgiving, Christmas and even more so the birth of my wife and my second child, as she is to give birth in "March 14" words cannot express my sorrow for these things, and the knowledge that no matter what the circumstances, I am ultimately to blame for all of this. For it was my foolishness which set these events in motion.

Now, because of the matters at hand, I have no more money to give to my lawyer.

the few funds we have left are needed to support my family. I have always been the provider for my family and my wife is unable to work due to the pregnancy and because we have used our savings I feel that without my income my wife will be forced to request help from the state to feed and house my family. I feel so ashamed, this is not my way I am a hard worker, proud to be in this country, proud to have the chance to call America my home I am a proud man I've always earned my own way in life, never begging anyone for anything I beg of you and of this court now to allow me this opportunity to prove I would make a good citizen for this country. I beg you to consider my wife and children and their future. I am most humble in these requests please give me the opportunity to have a bail placed on this matter, so that I may go back to my job and support my family while I proceed with this case.

I have been told that my church will help on my bail if one is granted, and that I will be welcomed back at my place of employment as I have already proven myself to many that stand behind me.

I was informed last week that my

Page 3

18 month old daughter was bitten by dog,
causing 8 stitches in her Face. I dont
think this would have happend IF I
was there to watch aFter my Family.
thank you For youre Just and Faire
Consideration in this matter.

Hesham Abu Zubaidah

~~Signature~~



U.S. Department of Justice

(Handwritten initials)

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Type of Proceeding: Removal

Date of this notice: 03/13/2002

Type of Appeal: Interlocutory Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 03/13/2002 in the above-referenced case.

PLEASE NOTE:

In all future correspondence or filings with the Board, please list the name and alien registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for each family member who is included in this appeal.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the INS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was

78-737-342

sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

THOMAS L. DAY
District Counsel
JEANNE N. FODEN-VENCIL
Assistant District Counsel
P.O. Box 3361
Portland, Oregon 97208-3361
(503) 326-2059
Attorneys for the Immigration
and Naturalization Service

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon


In the Matter of:	)	IN REMOVAL PROCEEDINGS
)	
Hesham Abu-Zubaidah	)	File No: A78 737 342
)	
Respondent.)	
)	

SERVICE PRE-HEARING STATEMENT

Date of hearing: March 27, 2002

The Immigration and Naturalization Service (Service) for its pre-hearing statement submits the following:

1. List of Proposed Witnesses.
 - a. None are anticipated at this time.

2. List of Proposed Exhibits.
 - a. NTA and I-261
 - b. 1/8/02 Assault IV and Harassment conviction records (previously submitted)
 - c. Service denial of I-485, dated 9/15/01 p. 3-4
 - d. Letter from respondent's wife withdrawing I-130, dated 5/31/01 p. 5
 - e. Form I-485 submitted by respondent to Service on 8/29/00 p. 6-9
 - f. Form I-639 and attachment from civil surgeon, dated 8/8/00 p. 10-11
 - g. Portland Police Report, dated 8/9/01 p. 12-13
 - h. Portland Police Report, dated  p. 14-20

- i. Information, Arrest Warrant, and Affidavit in Support of Warrant, 10/25/01 p. 21-28
- j. Memorandum from Michael Rolince to Ronald Smith, dated 10/19/01 p. 29-30
- k. FBI Memorandum, dated 10/12/01 p. 31-35

3. Objections to Evidence Submitted by Respondent.

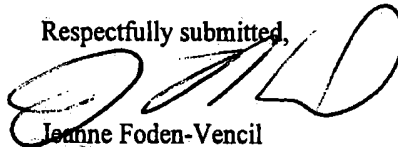
The Service objects to all evidence submitted to the Court by the Respondents, unless and until the Service has examined the offered evidence and the Service has specifically waived any objection.

4. General Comments Concerning Evidence.

The Service does not waive its right to present other evidence, or to call other witnesses, at the time of the hearing, who come to the attention of the Service in the future, as authorized by 8 U.S.C. 1252b and 8 C.F.R. 242.9; 242.14; 242.15 and 242.17(c)(4)(iv). The Service reserves the right to offer additional testimonial or documentary evidence at the hearing for rebuttal purposes. See, United States v. Givens, 767 F.2d 574 (9th Cir.), cert. den., 474 U.S. 953 (1985) [government not required to provide discovery of rebuttal evidence or witnesses]; United States v. Pace, 833 F.2d 1307 (9th Cir. 1987) [same]; United States v. Cerro, 775 F.2d 908 (7th Cir. 1985) ["... there is a serious question whether a district judge is empowered to require discovery of impeachment evidence."]. But see, Baliza v. INS, 709 F.2d 1231 (9th Cir. 1983) and Cunanen v. INS, 856 F.2d 1373 (9th Cir. 1987).

Dated: March 14, 2002

Respectfully submitted,



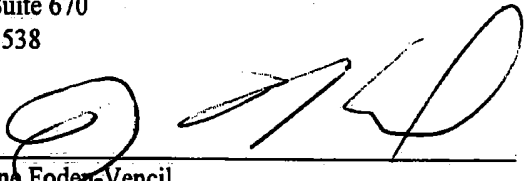
Jeanne Foden-Vencil
Assistant District Counsel

CERTIFICATE OF SERVICE

I certify that I served the foregoing INS Pre-hearing Statement on Respondent's counsel, with all of its attachments, on March 14, 2002, by sending a true copy to him/her, by regular mail, postage prepaid, to the following address:

Steven Kay
Parker Bush & Lane
1400 SW Fifth Ave., Suite 670
Portland, OR 97201-5538

Signed:



Jeanne Foden-Vencil
District Counsel's Office
Immigration & Naturalization Service
P.O. Box 3361
Portland, Oregon 97208-3361

Refer to this file number:

File: A78 737 342

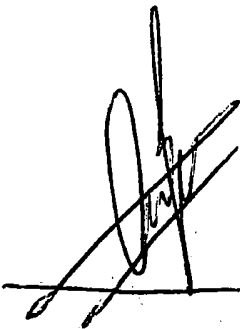
Date: 9-15-01

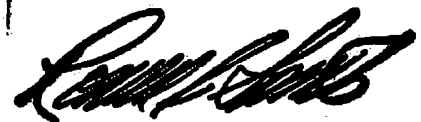
Hesham Mohamed Abu-Zubaidah
1801 NE 162nd #2.
Portland, OR 97230

Upon consideration, it is ordered that your application for status as a lawful permanent resident be denied for the following reasons:

SEE ATTACHED

A Notice to Appear will be issued by this Service and you will be scheduled for a hearing before an Immigration Judge. You may renew your application for status as a permanent resident during that hearing. If you do not desire a hearing before an Immigration Judge and are willing to depart the United States voluntarily and at your own expense, please contact the Deportation Branch of this Service at the above address. Furthermore, your employment authorization is hereby terminated pursuant to Title 8, Code of Federal Regulations, Part 274(a)(14).

X 



Ronald J. Smith
District Director
PJC

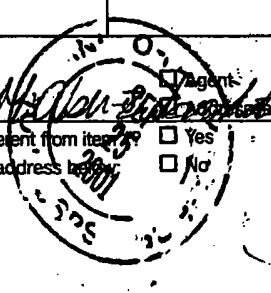
cc: Judith Kenen, Catholic Charities Immigration Services

The records of this Service reflect that you entered the United States on July 26, 1998 as an F-1 nonimmigrant student. On July 14, 2000, you married Rosalee Marie Andrews, a United States citizen. As a result, she filed Form I-130, Petition for Alien Relative on your behalf on August 29, 2000. Furthermore, you filed Form I-485, Application to Adjust Status, on the same day in order to apply for the benefits of Section 245 of the Immigration and Nationality Act, as amended (the Act).

Section 245(a) of the Act states in pertinent part:

The status of an alien . . . may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if . . . (3) an immigrant visa is immediately available to him at the time his application is filed.

On June 1, 2001, this Service received notice from your spouse that she wished to withdraw her relative petition filed on your behalf. Therefore, in the absence of any indication that you are entitled to any other status, it must be determined that you have failed to establish that an immigrant visa is immediately available to you as required by Section 245(a)(3) of the Act. Your application must be and hereby is denied as a matter of law. Furthermore, your employment authorization granted by this Service is hereby terminated, as you are no longer an applicant for permanent residence.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) B. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Hesham M. Abu-Zubaidah 1801 NE 162nd #2 Portland, OR 97230</p>	<p>C. Signature</p> <p><i>Rosalee Marie Andrews</i> <input type="checkbox"/> Agent</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below</p> 
<p>2. Article Number (Copy from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

START HERE - Please Type or Print

FOR INS USE ONLY

Part 1. Information about you.

Family Name ABU-ZUBAIDAH		Given Name Hesham	Middle Initial M.
Address - C/O			
Street Number and Name 2934 NE 61st Ave. 5829 NE MLK		Apt. # -	
City Portland		BIVOL.	
State OR	Zip Code 97213 97211		
Date of Birth (month/day/year) 04-28-1976	Country of Birth OR		
Social Security # 354-94-5066	A # (if any) n/a AX137342		
Date of Last Arrival (month/day/year) 07-26-1998	I-94 # 569090730 05		
Current INS Status none	Expires on (month/day/year) D/S		

Returned	Receipt
	#us29/00 002#03153 POC-DB I-485 \$220.00
Resubmitted	#us29/00 002#03153 POC-DB FP-Fee/FD258 \$25.00
Reloc Sent	2000 AUG 29 PM 1:25 RECEIVED INS PORTLAND, OR
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

Part 2. Application Type. (Check one)

I am applying for adjustment to permanent resident status because

- a. an immigrant petition giving me an immediately available immigrant visa number has been approved (attach a copy of the approval notice), or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application will give me an immediately available visa number if approved.
- b. My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c. I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e) (attach a copy of the fiance(e) petition approval notice and the marriage certificate).
- d. I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f. I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g. I have continuously resided in the U.S. since before January 1, 1972.
- h. Other-explain _____

Section of Law

- Sec. 209(b), INA
- Sec. 13, Act of 9/11/57
- Sec. 245, INA
- Sec. 249, INA
- Sec. 1 Act of 11/2/66
- Sec. 2 Act of 11/2/66
- Other _____

Country Chargeable

Eligibility Under Sec. 245

- Approved Visa Petition
- Dependent of Principal Alien
- Special Immigrant
- Other _____

Preference

Action Block

*Denied
 SEP 14 2001
 Pjcooley*

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever is later, and: (Check one)

- i. I am a native or citizen of Cuba and meet the description in (e), above.
- j. I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

To Be Completed by Attorney or Representative, if any

- Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 3. Processing Information

A. City/Town/Village of Birth Portland	Current occupation none
Your mother's first name Malika	Your father's first name Mohamed
Give your name exactly how it appears on your Arrival/Departure Record (Form I-94) Abu-Zubaidah, Hesham	
Place of last entry into the U.S. (City/State) Chicago, IL	In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) Student
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Nonimmigrant Visa Number 19981966820033	Consulate where Visa was issued Riyadh, K.S.A.
Date Visa was issued (month/day/year) 07-15-1998	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
	Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (give date and place of filing and final disposition):	

B. List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

Family Name Andrews	Given Name Rosalee	Middle Initial M.	Date of Birth (month/day/year) 03-27-79
Country of Birth USA	Relationship wife	A # n/a	Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name	Given Name n/a	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name of organization, location, dates of membership from and to, and the nature of the organization. If additional space is needed, use separate paper.

n/a

Part 3. Processing Information (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested?
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action?
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.?

Yes No

2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?

Yes No

3. Have you ever:
 - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future?
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally?
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?

Yes No

4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?

Yes No

5. Do you intend to engage in the U.S. in:
 - a. espionage?
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means?
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?

Yes No

6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?

Yes No

7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion?

Yes No

8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion?

Yes No

9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?

Yes No

10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?

Yes No

11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces?

Yes No

12. Have you ever been a J nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not yet complied with that requirement or obtained a waiver?

Yes No

13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child?

Yes No

14. Do you plan to practice polygamy in the U.S.?

Yes No

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)


I certify under penalty of perjury under the laws of the United States of America that this application, the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Print Your Name	Date	Daytime Phone Number
	Abu-Zubaidah, Hesham	8-14-2000	(503) 288-0296

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Phone Number
	Yelena Shtrikker	8/14/00	(503) 731-9566

Firm Name and Address: Luthera Family Services
605 SE 39th Ave. Portland, OR 97214

(Please type or print clearly)

I certify that on the date shown I examined:

1. Name (Last in CAPS)
ABU-ZUBAIDAH
(First) Hesham (Middle Initial) M
2. Address (Street number and name) (Apt. number)
2934 NE 61st
(City) (State) (ZIP Code)
Portland OR 97213

3. File number (A number)

4. Sex
 Male Female
5. Date of birth (Month/Day/Year)
4/28/76
6. Country of birth
Saudi Arabia
7. Date of examination (Month/Day/Year)
Aug-8-00

General Physical Examination: I examined specifically for evidence of the conditions listed below. My examination revealed;

No apparent defect, disease, or disability. The conditions listed below were found (check all boxes that apply).

Class A Conditions

- Chancroid Hansen's disease, infectious
- Chronic alcoholism HIV infection
- Gonorrhoea Insanity
- Granuloma inguinale Lymphogranuloma venereum

- Mental defect Psychopathic personality
- Mental retardation Sexual deviation
- Narcotic drug addiction Syphilis, infectious
- Previous occurrence of one or more attacks of insanity Tuberculosis, active

Other physical defect, disease or disability (specify below).

Class B Conditions

- Hansen's disease, not infectious Tuberculosis, not active

Examination for Tuberculosis - Tuberculin Skin Test

- Reaction _____ mm No reaction Not done

Examination for Tuberculosis - Chest X-Ray Report

- Abnormal Normal Not done

Doctor's name (please print) Date read
Al Torres, MD AUG. 11, 00

Doctor's name (please print) Date read

Serologic Test for Syphilis

- Reactive Titer (confirmatory test performed) Nonreactive

Serologic Test for HIV Antibody

- Positive (confirmed by Western blot) Negative

Test Type
RPR

Test Type
ELISA

Doctor's name (please print) Date read
Al Torres, MD Aug. 8, '00

Doctor's name (please print) Date read
Al Torres, MD Aug. 8, '00

Immunization Determination (DTP, OPV, MMR, Td-Refer to PHS Guidelines for recommendations.)

- Applicant is current for recommended age-specific immunizations. Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained.

REMARKS:

Civil Surgeon Referral for Follow-up of Medical Condition

- The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

Follow-up Information:

The alien named above has complied with the recommended health follow-up.

Doctor's name and address (please type or print clearly) Doctor's signature Date

Applicant Certification:

I certify that I understand the purpose of the medical examination, I authorize the required tests to be completed, and the information on this form refers to me.

Signature Date Aug. 8, '00

Civil Surgeon Certification:

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

Doctor's name and address (please type or print clearly) Doctor's signature Date
Al Torres, MD, Portland, OR. 97210 Aug. 8, '00

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986, Public Law 99-603.

SUPPLEMENTAL FORM TO I-693

Adjustment of Status Applicant's Documentation of Immunization

To be completed by civil surgeon only

1. Applicant Identifying Information

ABU-ZUBAIDAH

Hesham

M

Date of Birth 4/28/76

(Family)

(Personal)

(Middle)

(Month, Day, Year)

Male Female

Passport # _____

Country Saudi Arabia

2. Immunization Record

Vaccine History Transferred from a Written Record					Vaccine Given	Completed series or Fully immune (Check if YES or write date of lab test if immune)	Waiver(s) to be Requested from INS			
Blanket										
Not Medically Appropriate							Not appropriate age	Contra-indication	Insufficient time interval	Not fall (flu) season
Vaccine	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date given by Civil Surgeon Mo/Da/Yr					
DT/DTP							✓			////////
Td					Aug. 8 2000					////////
Polio (OPV/IPV)							✓			////////
Measles (or MR or MMR)					Aug. 8 2000					////////
Mumps (or MMR)					U					////////
Rubella (or MR or MMR)					((////////
Hib							✓			////////
Hepatitis B							✓			////////
Varicella						had disease				////////
Pneumococcal							✓			////////
Influenza							✓			

3. Results

- Applicant may be eligible for blanket waiver(s) as indicated above.
- Applicant will request an individual waiver based on religious or moral convictions.
- Vaccine history complete for each vaccine, all requirements met.
- Applicant does not meet immunization requirements.

4. Civil Surgeon's Identifying Information

Civil Surgeon's Name AL TORRES MD
(print or type)

Date AUG 0 8 2000

Civil Surgeon's Signature _____

PORTLAND POLICE BUREAU

CONFIDENTIAL INVESTIGATION REPORT

PAGE/OF 1/2

CRIME ANALYSIS INFORMATION 3 CODE LIMIT

CASE NO. 01 74196 REFER CASE NO. CLASSIFICATION Molest 1734 302 CLR

DATE/TIME REPORTED 080901/0206 DATE/TIME OCCURRED 080601/1600-1700 TYPE ACTIVITY PHONE-IN (P) SA (S) RADIO (R)

LOCATION OF OCCURRENCE 1801 NE 162ND AVE # 2, PDX OR INC# 0195 N

ONE SENTENCE SUMMARY OF INCIDENT (A) ALLEGES UNWANTED SEXUAL ADVANCE BY (A)

PERSONS CO-COMPLAINANT OW-OWNER WI-WITNESS BU-BUSINESS PF-PROPERTY FINDER ADDITIONAL PERSONS IN NARRATIVE? Y (N)

BUSINESS/SCHOOL ADDRESS WORK HOURS

CODE NAME CRN

HOME ADDRESS ZIP HOME PHONE

BUSINESS/SCHOOL ADDRESS WORK HOURS WORK PHONE

CODE NAME CRN SEX RACE DOB

HOME ADDRESS ZIP HOME PHONE

BUSINESS/SCHOOL ADDRESS WORK HOURS WORK PHONE

A1,B2-SUSPECTS MI-Missing RW-Runaway DK-Drunk DE-Deceased OD-Overdose AS-Attempt Suicide ME-Mental ADDITIONAL SUSPECTS OR ANOTHER INCIDENT? Y (N)

CODE NAME CRN SEX RACE DOB (A) ABU - ZUBIDAH, HESTAM M 1751976 M I 042876

AKA/MONIKER HT WT HAIR EYES IN CUSTODY WAK 508 135 BRN BRN Y (N)

ADDRESS PHONE OTHER DESCRIPTION 1801 NE 162ND AV # 2, PDX OR 254-7169

CODE NAME CRN SEX RACE DOB

AKA/MONIKER HT WT HAIR EYES IN CUSTODY

ADDRESS PHONE OTHER DESCRIPTION

VEHICLE S-Stolen R-Recovered L-Locate A-Abandoned T-Towed V-Victim's Vehicle X-Suspect Vehicle ADDITIONAL VEHICLE IN NARRATIVE? Y (N)

CODE LICENSE NO. STATE LIC YR TYPE VIN STL/NRCVD VALUE

VEH YR MAKE MODEL STYLE COLOR

DELQ PAYMENTS KEYS IN VEHICLE THEFT INSUR. PERMISSION GIVEN TRANSMISSION BODY DAMAGE Y N EXPLAIN: Y N

CHARGE/CITE NO. HOLD Y N REASON: TOWED BY/TOWED TO DEPT REQUEST PRIVATE REQUEST UNIT & PERSON NOTIFIED

O.R.S. 162.375 SECTION 212 INITIATING A FALSE REPORT. (1) A PERSON COMMITS THE CRIME OF INITIATING A FALSE REPORT IF HE KNOWINGLY INITIATES A FALSE ALARM OR REPORT WHICH IS TRANSMITTED TO A FIRE DEPARTMENT, LAW ENFORCEMENT AGENCY OR OTHER ORGANIZATION THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY (2) INITIATING A FALSE REPORT IS A CLASS C MISDEMEANOR.

I UNDERSTAND THAT I AM LIABLE FOR ALL TOWING AND STORAGE COSTS INCURRED DURING THE RECOVERY OF THIS VEHICLE. I WILL TESTIFY AS A WITNESS AGAINST THE DEFENDANT WHEN HE/SHE IS CHARGED WITH A CRIME.

RELEASED PROPERTY/VEHICLE TO THE NAMED CHILD (ADULT) IS PRESENTLY A RUNAWAY (MISSING) AND I REQUEST THAT HE/SHE BE TAKEN INTO CUSTODY FOR THEIR OWN PROTECTION.

SIGNATURE OF PERSON REPORTING THE INCIDENT

CRIME PREVENTION INFO DESIRED? IDENTIFICATION DIVISION NOTIFIED? OUTSIDE AGENCY NOTIFIED/REFERRED TO? WHICH ONE: DA'S OFFICE

REPORTING OFFICER(S) BPST PREC/DIV RLF/SHIFT ASSN/DIST SUPERVISOR'S SIGNATURE E. KOPPANG 37667 E/U M 948/9405 Sgt. Rosentreter #10495

01 74196

COPIES

- SE NE Central East North CIS FSD DVD ID Dets

JUV JQH SOSC CAT

7 8074

COMPUTER ENTRY

Person

Crime/ Prop

Book

OPR

1 110 2A 970 2B 97 3 160 4 06 5 24/18 6 97 7 120 8 97 9A 06 10A 99 11A 12A 13A 14A 15A 16A 9B 10B 11B 12B 13B 14B 15B 16B

CASE NO. 01-74196	PROPERTY NUMBER(S)	PROPERTY ID	DATE OF	SERIAL NUMBER CHECKED BY	PAGE/OF 2/2
----------------------	--------------------	-------------	---------	--------------------------	----------------

NARRATIVE—The order of appearance for additional information will be:

ITEM 1: ADDITIONAL PERSON INFO—List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.

ITEM 2: ADDITIONAL SUSPECT INFO—Report all suspect info on additional incident reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.

ITEM 3: ADDITIONAL VEHICLE INFO—List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.

ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS—Record multiple worthless documents on a multiple worthless document form and attach as additional pages. Record in the narrative the number of worthless documents written.

ITEM 5: ADDITIONAL PROPERTY—Record no more than four additional items of property in the narrative—and/or use a special report and attach as additional pages.

ITEM 6: ADDITIONAL OFFICERS—List all officers present and identify their involvement with the incident being reported.

ITEM 7: SUMMARY—A short summary is necessary if the narrative is more than one full page in length.

ITEM 8: NARRATIVE—List in chronological order all of the relevant details of the incident and/or elements of the crime or violation.

PROPERTY CODE	QTY	S-STOLEN ITEM	L-LOST BRAND	D-DAMAGED MODEL/STYLE	F-FOUND SERIAL NO.	K-SAFEKEEPING	R-RECOVERED COLOR	(ADDITIONAL PROPERTY ON SPECIAL Y N) ENGRAVINGS/PECULIARITIES	SIZE	VALUE
					(b)(7)(c)					

B										
B										
B										

POLICE BUREAU

INVESTIGATION REPORT

114

ANALYSIS INFORMATION 3 CODE LIMIT

UNIFORM COPIES 1 SE 1 NE 1 Central 1 East 1 North 1 CIS 1 PSD 1 DVD 1 TD 1 Data

50% OFF 2 DURS (5)

COMPUTER ENTRY PERSON

50% OFF

OFF Vehicle

OFF Crime

OFF Book

OFF

CASE NO. 01 75701	REF	CLASSIFICATION ASSAULT-OTHER 08,673	CLR
DATE/TIME REPORTED 08/20/2134	DATE/TIME OCCURRED 08/20/2100	TYPE ACTIVITY <input type="checkbox"/> PHONE-IN (P) <input type="checkbox"/> SI (S) <input checked="" type="checkbox"/> RADIO (R)	
LOCATION OF OCCURRENCE 1801 NE 162nd #2, Portland OR 97230			
ONE SENTENCE SUMMARY OF INCIDENT (A) Assaulted (w) when child was present.			
PERSONS CO-COMPLAINANT OW-OWNER WI-WITNESS BU-BUSINESS PF-PROPERTY FINDER ADDITIONAL PERSONS IN NARRATIVE <input checked="" type="checkbox"/> N			

1
110
2A
970
2B
97
3
140
4
06
5
03
6
97
7
970
8
97
9A
13
10A
99
11A
99
12A
17
13A
99
14A
99
15A
99
9B
10B
11B
12B
13B
14B
15B
16B

BUSINESS/SCHOOL ADDRESS (b)(7)(c)	WORK HOURS	WORK PHONE
--------------------------------------	------------	------------

BUSINESS/SCHOOL ADDRESS (b)(7)(c)	WORK HOURS	WORK PHONE
--------------------------------------	------------	------------

CODE	NAME	CRN	SEX	RACE	DOB
------	------	-----	-----	------	-----

HOME ADDRESS	ZIP	HOME PHONE
--------------	-----	------------

BUSINESS/SCHOOL ADDRESS	WORK HOURS	WORK PHONE
-------------------------	------------	------------

A1-SUSPECTS MS-Missing RW-Runaway DK-Drunk DE-Deceased OD-Overdose AS-Attempt Suicide ME-Mental ADDITIONAL SUSPECTS OR ANOTHER INCIDENT? Y () N ()					
CODE	NAME	CRN	SEX	RACE	DOB
	All Abu-Zubaidah, Hesham	75976	M	W	042876
AKA/MONIKER	HT	WT	HAIR	EYES	IN CUSTODY
	58	135	Blk	Brn	Y () N ()

ADDRESS	PHONE	OTHER DESCRIPTION
1801 NE 162nd #2, Portland OR	(503) 254-7169	

CODE	NAME	CRN	SEX	RACE	DOB
AKA/MONIKER	HT	WT	HAIR	EYES	IN CUSTODY
					Y () N ()

ADDRESS	PHONE	OTHER DESCRIPTION

VEHICLE S-Steal R-Recovered L-Lost A-Abandoned T-Towed V-Victim's Vehicle X-Suspect Vehicle ADDITIONAL VEHICLE IN NARRATIVE? Y () N ()					
BOGE	LICENSE NO.	STATE	LC YR	TYPE	VIN
VEH YR	MAKE	MODEL	STYLE	COLOR	

DELQ PAYMENTS	KEYS IN VEHICLE	THEFT INSUR.	PERMISSION GIVEN	TRANSMISSION	BODY DAMAGE
Y () N ()	Y () N ()	Y () N ()	Y () N ()	<input type="checkbox"/> STANDARD <input type="checkbox"/> AUTO	Y () N () EXPLAIN

CHARGE/CITE NO.	HOLD
	Y () N () REASON:

TOWED BY/TOWED TO	<input type="checkbox"/> DEPT REQUEST <input type="checkbox"/> PRIVATE REQUEST	UNIT & PERSON NOTIFIED

D.R.S. 102.375 SECTION 212 INITIATING A FALSE REPORT. (1) A PERSON COMMITS THE CRIME OF INITIATING A FALSE REPORT IF HE KNOWINGLY INITIATES A FALSE ALARM OR REPORT WHICH IS TRANSMITTED TO A FIRE DEPARTMENT, LAW ENFORCEMENT AGENCY OR OTHER ORGANIZATION THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY. (2) INITIATING A FALSE REPORT IS A CLASS C MISDEMEANOR.

<input type="checkbox"/> I UNDERSTAND THAT I AM LIABLE FOR ALL TOWING AND STORAGE COSTS INCURRED DURING THE RECOVERY OF THIS VEHICLE.	<input type="checkbox"/> I WILL TESTIFY AS A WITNESS AGAINST THE DEFENDANT WHEN HE/SHE IS CHARGED WITH A CRIME.
---	---

<input type="checkbox"/> RELEASED PROPERTY/VEHICLE TO	<input type="checkbox"/> THE NAMED CHILD (ADULT) IS PRESENTLY A RUNAWAY (MISSING) AND I REQUEST THAT HE/SHE BE TAKEN INTO CUSTODY FOR THEIR OWN PROTECTION.
---	---

CRIME PREVENTION INFO DESIRED? Y () N ()	IDENTIFICATION DIVISION NOTIFIED? Y () N ()	OUTSIDE AGENCY NOTIFIED/REFERRED TO? Y () N ()	WHICH ONE:
--	---	--	------------

REPORTING OFFICER(S) C. Young	BPST 40712	PRECEDV N/U	RLP/SHIFT E	ASSNDIST 526	SUPERVISOR'S SIGNATURE ST. [Signature]
----------------------------------	---------------	----------------	----------------	-----------------	---

CASE NO: 01 75701 PROPERTY REPORT NUMBER(S) PROPERTY IN QUANTITY OF SERIAL NUMBER CHECKED BY PAGE OF 2/c

NARRATIVE-The order of appearance for additional information will be:

ITEM 1: ADDITIONAL PERSON INFO-List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.

ITEM 2: ADDITIONAL SUSPECT INFO-Report all suspect info on additional incident reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the forms.

ITEM 3: ADDITIONAL VEHICLE INFO-List additional vehicles in the same fashion as reported in the vehicle section, include the identifying code.

ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS-Record multiple worthless documents on a multiple worthless document form and attach as additional pages. Record in the narrative the number of worthless documents written.

ITEM 5: ADDITIONAL PROPERTY-Record no more than four additional items of property in the narrative-and/or use a special report and attach as additional pages.

ITEM 6: ADDITIONAL OFFICERS-List all officers present and identify their involvement with the incident being reported.

ITEM 7: SUMMARY-A short summary is necessary if the narrative is more than one full page in length.

ITEM 8: NARRATIVE-List in chronological order all of the relevant details of the incident and/or elements of the crime or violation.

01 AUG 14 AM 5:05

PROPERTY CODE	QTY	B-STOLEN ITEM	L-LOST BRAND	D-DAMAGED MODEL/STYLE	F-FOUND	K-SAFEKEEPING SERIAL NO.	H-RECOVERED COLOR	I-RECOVERED ENGRAVINGS/PECULIARITIES	J-ADDITIONAL PROPERTY ON SPECIAL REPORT SIZE	Y NO VALUE
<i>6</i>	<i>8</i>									
					(b)(7)(c)					

6

8

[Large empty grid area for additional property reporting]

PORTLAND POLICE BUREAU

CONTINUATION REPORT

PAGE OF 3/4

CASE NO. 01 75701

CLASSIFICATION (b)(7)(c)

TYPE OF CONTINUATION
INCIDENT TRAFFIC ACCIDENT
CUSTODY SPECIAL

[Redacted area]

NARRATIVE-The gear of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO-List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
ITEM 2: ADDITIONAL SUSPECT INFO-Report all suspects into an additional/supplemental report. Each suspect must have coded crime analysis/descriptors. Detail in the narrative only suspects info not covered in the forms.
ITEM 3: ADDITIONAL VEHICLE INFO-List additional vehicles in the same fashion as reported in the vehicle report. Include the identification code.

ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS-Record multiple worthless documents on a multiple worthless document form and attach the additional pages. Record in the narrative the number of worthless documents written.
ITEM 5: ADDITIONAL PROPERTY-Record no more than two additional items of property in the narrative-and/or use a special report and attach the additional pages.

ITEM 6: ADDITIONAL OFFICERS-List all officers present and identify their involvement with the incident being reported.
ITEM 7: SUMMARY-A short summary is necessary if the narrative is more than one full page in length.
ITEM 8: NARRATIVE-List in chronological order all of the relevant details to the incident under headings of the crime or violation.

Table with columns ITEM and CODE. Row 1 contains '8' in ITEM and '(b)(7)(c)' in CODE. The rest of the table is empty.

REPORTING OFFICER(S)

C. Young

16

BP&T

40712

PREC/DIV

N/O

RL/SHFT

E

ASSN/DIST

52L

SUPERVISOR'S SIGNATURE

[Signature]

PORTLAND
POLICE BUREAU

CONTINUATION REPORT

PAGE OF
4/4

CASE NO. 01 75701

CLASSIFICATION (b)(7)(c)

TYPE OF CONTINUATION
 INCIDENT TRAFFIC ACCIDENT
 CUSTODY SPECIAL

CASE NO.

- NARRATIVE-The order of appearance for additional information will be:
- ITEM 1: ADDITIONAL PERSON INFO-List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
- ITEM 2: ADDITIONAL SUSPECT INFO-Report all suspect info in addition to incident reports. (Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes).
- ITEM 3: ADDITIONAL VEHICLE INFO-List additional vehicles in the same location as reported in the vehicle section. Include the identifying code.
- ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS-Record multiple worthless documents on a multiple worksheet document form and attach as additional pages. Record in the narrative the number of worthless documents written.
- ITEM 5: ADDITIONAL PROPERTY-Record no more than four additional items of property in the narrative-and/or use a special report and attach as additional pages.
- ITEM 6: ADDITIONAL OFFICERS-List all officers present and identify their involvement with the incident being reported.
- ITEM 7: SUMMARY-A short summary to accompany if the narrative is more than one full page in length.
- ITEM 8: NARRATIVE-List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.

ITEM CODE

8

(b)(7)(c)

(b)(7)(c)

SD S NY 91 30V 10
10 AUG 14 AM 5:55

17

REPORTING OFFICER(S)

C. Young

BPST

40712

PREC/OIV

NA

RLP/SHFT

E

ASSN/DIST

526

SUPERVISOR'S SIGNATURE

(b)(7)(c)

(b)(7)(c)

**In the Circuit Court of the State of Oregon
For Multnomah County**

STATE OF OREGON,

Plaintiff,

v.

HESHAM ABU-ZUBAIDAH

DOB: 04/28/1976

Defendant.

Court Nbr 01-10-37045
DA Case 1280172
Crime Report PP 01-75701
PP 01-74196

Information of District Attorney

ORS 163.160 (1)
ORS 163.375 (2)
ORS 163.415 (3)

The above-named defendant is accused by this information of the crime(s) of **COUNT 1 - FELONY ASSAULT IN THE FOURTH DEGREE, COUNT 2 - ATTEMPTED RAPE IN THE FIRST DEGREE, COUNT 3 - SEXUAL ABUSE IN THE THIRD DEGREE** committed as follows:

COUNT 1

FELONY ASSAULT IN THE FOURTH DEGREE

The said defendant, on or about August 12, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause physical injury to ROSALEE ABU-ZUBAIDAH, and the defendant's conduct was committed in the immediate presence of and witnessed by NAUTICA ABU-ZUBAIDAH, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 2

ATTEMPTED RAPE IN THE FIRST DEGREE

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, by forcible compulsion, attempt to engage in sexual intercourse with KRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 3

SEXUAL ABUSE IN THE THIRD DEGREE

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and knowingly subject KRISTINA HODGE to sexual contact, by touching her buttocks, a sexual or intimate part of KRISTINA HODGE, the said KRISTINA HODGE not consenting thereto, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

Dated at Portland, Oregon, in the county aforesaid, on OCTOBER 25, 2001 .

MCINTYRE OSB 82460

MICHAEL D. SCHUNK (67111)

District Attorney
Multnomah County, Oregon

By 
Issuing Deputy

\$50,000 + \$50,000 + \$50,000
Security Amount \$5,000 + \$20,000 + \$2,500 *HK*
Uniform Complaint *Enhanced Security Order*
10-25-01

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court acts under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor.

County of Multnomah

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR MULTNOMAH COUNTY

3 STATE OF OREGON,

Plaintiff,

NO.

Police #01-74196; #01-75701

4 v.

5 ABU-ZUBAIDAH, HESHAM

6 MW, DOB 042876

Defendant.

7 WARRANT OF ARREST

8 IN THE NAME OF THE STATE OF OREGON
9 TO ANY POLICE OFFICER IN THE STATE OF OREGON, GREETINGS:

10 Information upon oath having been this day laid before me, charging the above-named with the
11 offense of Attempted Rape I, ORS 163.375; Sexual Abuse III, ORS 163.415; and Assault IV, Domestic
12 Violence/Felony, ORS 163.160.

13 YOU ARE HEREBY COMMANDED to arrest the above-named defendant forthwith and bring
14 said defendant before me, or, in case of my absence or inability to act, before the nearest or more
15 accessible magistrate in this county, or if no magistrate is available, to deliver said defendant into custody
16 of the Jailer of this county.

17 You are hereby authorized to enter premises in which you have probable cause to believe that
18 the above-named defendant is present, without giving notice of your authority and purpose.

19 Security Amount: \$ 50,000 + \$50,000 + \$50,000

20 Issued in the above county on October 25, 2001

21 *Henry Kadon*

22 Circuit Judge for Multnomah County

23 RETURN OF SERVICE

24 The undersigned Peace Officer hereby returns that he/she has executed the within WARRANT by
25 arresting the within named defendant on _____

26 /s/ _____

Name: _____

(Type or Print)

Agency: _____

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR MULTNOMAH COUNTY

3 STATE OF OREGON,

Plaintiff,

4 v.

5 ABU-ZUBAIDAH, HESHAM
MW, DOB 042876

6 Defendant.

Court No.
DA No.
Police #01-74196; #01-75701

AFFIDAVIT
IN SUPPORT OF ARREST WARRANT
FOR VIOLATION OF ORS 163.375
ATTEMPT RAPE I; ORS 163.415 SEXUAL
ABUSE III; ORS 163.160 ASSAULT
IV/DOMESTIC VIOLENCE-FELONY

8 I, Craig W. Yost, do hereby depose and say that;

9 I am a detective with the City of Portland Police Bureau. I have been with the Police Bureau for
10 over 21 years and a detective for ten years, the last four years assigned to the Sexual Assault and Bias
11 Crimes Detail;

12 That I have been assigned to investigate Portland Police Bureau Case #01-74196, which includes
13 the crimes of Attempt Rape in the First Degree, ORS 163.375, and Sexual Abuse in the Third Degree,
14 ORS 163.415, which occurred on 080601. I have also been assigned Portland Police Bureau Case
15 #01-75701, which includes the crime of Assault in the Fourth Degree—Felony Domestic Violence, ORS
16 163.160, which occurred on 081201. Both of these cases occurred at 1801 NE 162nd Avenue, Apartment
17 #2, which is located in the City of Portland, County of Multnomah, State of Oregon;

18 That I have read Portland Police Bureau Investigation Report #01-74196, completed by Officer
19 Erik Koppang, #37667, the victim being KRISTINA HODGE, female white, date of birth 113083.
20 HODGE reported on 080901, being forced to have sexual intercourse in January, 2001, in Beaverton,
21 Oregon, with the suspect HESHAM ABU-ZUBAIDAH, male white, date of birth 042876;

22 That KRISTINA HODGE reported to Officer Koppang, #37667, that soon after she started to
23 baby-sit for ABU-ZUBAIDAH again, he began making sexual advances toward her. HODGE reported at
24 one point, ABU-ZUBAIDAH pinned her against a wall and said to her, "I'm gonna rape you, I'm gonna
25
26

County of Multnomah

1 rape you." HODGE also reported that ABU-ZUBAIDAH grabbed her butt and told her to have sex with
2 him because he was so "horny;"

3 That on 102201, at about 1:20 PM, I interviewed KRISTINA HODGE via telephone. HODGE
4 told me she used to live with HESHAM ABU-ZUBAIDAH and his wife, ROSALEE ABU-ZUBAIDAH,
5 female white, date of birth 032779. HODGE said she was going to be moving out of the country in mid-
6 January, 2001 and during the first week of January, HESHAM ABU-ZUBAIDAH picked her up one
7 evening to socialize. HODGE told me they went to an apartment (address unknown) in Beaverton,
8 Oregon, where ABU-ZUBAIDAH said a friend of his lived. HODGE told me at that location they were
9 the only two people in the apartment and they watched TV, listened to music, and smoked marijuana;

10 That KRISTINA HODGE told me after going outside to smoke a cigarette, she felt out of it, tired
11 and high. HODGE said she laid down on her back on a bed, at which time ABU-ZUBAIDAH got on top
12 of her and straddled her hips, trying to kiss her. HODGE told me she told ABU-ZUBAIDAH to stop, he
13 was married and to get off of her. HODGE said ABU-ZUBAIDAH pinned one arm over her head and
14 she tried to push him off. HODGE told me ABU-ZUBAIDAH told her, "You know you want it."
15 HODGE continued trying to push him off, telling him to stop and get off;

17 That KRISTINA HODGE told me with one arm pinned above her head, ABU-ZUBAIDAH used
18 one of his hands to remove her pants and panties. HODGE said she tried to move, but he would pin her
19 back down. HODGE said at first, she thought ABU-ZUBAIDAH was kidding, not going to do anything.
20 HODGE told me when ABU-ZUBAIDAH started to remove her pants, she got scared and she kept telling
21 him to stop, he was married and to get off. HODGE told me when ABU-ZUBAIDAH started to have
22 intercourse with her and she tried to get away, he would pin her down. HODGE said she did not know if
23 ABU-ZUBAIDAH used a condom during intercourse;

24 That KRISTINA HODGE told me she did not report this incident because she felt it was her fault
25 for meeting up with ABU-ZUBAIDAH and going over to this apartment. HODGE told me prior to this
26

County of Multnomah

1 incident, ABU-ZUBAIDAH would flirt with her and at time try to touch her. HODGE said there was no
2 prior sexual contact between ABU-ZUBAIDAH and herself;

3 That KRISTINA HODGE told me sometime after she returned to Portland, ROSALEE ABU-
4 ZUBAIDAH asked her to baby-sit for a week or so. HODGE told me ROSALEE ABU-ZUBAIDAH told
5 her she was worried that HESHAM ABU-ZUBAIDAH may give their daughter NAUTICA ABU-
6 ZUBAIDAH, female white, date of birth 090500, to a friend of his who was going back to Saudi Arabia
7 within a few days. HODGE told me she did not want to baby-sit because HESHAM ABU-ZUBAIDAH
8 would be around, but ROSALEE ABU-ZUBAIDAH told her she was afraid for her child and HESHAM
9 ABU-ZUBAIDAH would be looking for a job;

10 That KRISTINA HODGE told me, on 080601 when she exited the baby's room, HESHAM
11 ABU-ZUBAIDAH approached her and stood in her "personal space." HODGE told me HESHAM ABU-
12 ZUBAIDAH would step closer to her each time she stepped back. HODGE told me HESHAM ABU-
13 ZUBAIDAH pushed her against the wall and said, "I'm gonna rape you, I'm gonna fucking rape you;"

14 That KRISTINA HODGE told me she was extremely mad that HESHAM ABU-ZUBAIDAH
15 could say that to her. HODGE said she was doing a favor for her friend, but if HESHAM ABU-
16 ZUBAIDAH would have tried to rape her like before, she would have stabbed him. HODGE said when
17 HESHAM ABU-ZUBAIDAH backed her up towards his bedroom, she thought, "Oh no," and told him to
18 stop. HODGE said when he pushed her against the wall, she thought he was going to rape her again;

19 That KRISTINA HODGE told me after HESHAM ABU-ZUBAIDAH pushed her against the
20 wall, she was able to turn and walk into the kitchen. HODGE said she began boiling water and several
21 minutes later, HESHAM ABU-ZUBAIDAH came up and grabbed her butt. HODGE told me she told
22 HESHAM ABU-ZUBAIDAH to leave her alone and never touch her again or she would stab him.
23 HODGE said HESHAM ABU-ZUBAIDAH told her she would not stab him. HODGE said she told
24 HESHAM ABU-ZUBAIDAH she probably would not stab him, but she would throw the boiling water
25
26

County of Multnomah

1 on him and he would have to explain his injuries to his wife;

2 That KRISTINA HODGE told me within a couple days of this incident, she told ROSALEE
3 ABU-ZUBAIDAH that HESHAM ABU-ZUBAIDAH had pushed her against the wall in their apartment.
4 HODGE told me she may have told ROSALEE ABU-ZUBAIDAH that HESHAM ABU-ZUBAIDAH
5 touched her butt. HODGE told me ROSALEE ABU-ZUBAIDAH then confronted HESHAM ABU-
6 ZUBAIDAH and they got into a fight;

7 That I have read Portland Police Bureau Investigation Report #01-75701, completed by Officer
8 Carol Young, #40712, the victim being ROSALEE MARIE ABU-ZUBAIDAH, female white, date of
9 birth 032779. ROSALEE ABU-ZUBAIDAH told Officer Young on 081201, she got into an argument
10 with her husband, HESHAM ABU-ZUBAIDAH. ROSALEE ABU-ZUBAIDAH reported to Officer
11 Young she questioned HESHAM ABU-ZUBAIDAH and he struck her on her left cheek. ROSALEE
12 ABU-ZUBAIDAH said she reached up to protect herself and was holding onto a telephone which hit
13 HESHAM ABU-ZUBAIDAH on the elbow. ROSALEE ABU-ZUBAIDAH told Officer Young
14 HESHAM ABU-ZUBAIDAH then pushed her onto the floor and began to hit her on the head, neck, and
15 shoulders as she was crouched in a ball. ROSALEE ABU-ZUBAIDAH said HESHAM ABU-
16 ZUBAIDAH struck her with his closed fists;

17
18 That ROSALEE ABU-ZUBAIDAH told Officer Young their child NAUTICA ABU-
19 ZUBAIDAH, female white, date of birth 090500, was present during this assault. ROSALEE ABU-
20 ZUBAIDAH told Officer Young she was scared for her daughter NAUTICA and her unborn child.
21 ROSALEE ABU-ZUBAIDAH also reported that HESHAM ABU-ZUBAIDAH threatened to take their
22 daughter NAUTICA to Saudi Arabia forever;

23 That Officer Carol Young reported observing a red welt under the left eye of ROSALEE ABU-
24 ZUBAIDAH. On a 1-10 scale (ten being most painful), ROSALEE ABU-ZUBAIDAH rated the pain on
25 her head as a "8." Officer Young reported observing bruises and red marks on her neck and right
26

ARREST - WARR - 4

County of Multnomah

1 shoulder. ROSALEE ABU-ZUBAIDAH rated the pain to her shoulders and neck as a "6;"

2 That on 081401, ROSALEE ABU-ZUBAIDAH came to the Portland Police Bureau Identification
3 Division for the purpose of having her injuries photographed. The injuries were photographed by
4 Sergeant Criminalist John Kraus, #1314;

5 That on 102401, I viewed the photographs of the injuries to ROSALEE ABU-ZUBAIDAH,
6 which were taken by Sergeant Criminalist John Kraus. I observed red marks on her back near her right
7 shoulder and what appears to be a slightly red area near the middle of her back. I observed a light bruise
8 on her left bicep and a bruise on her left tricep. The photographs also showed a red mark on the right side
9 of her neck and a small red mark on the left side of her neck;

10 That based on the information contained in this affidavit I have probable cause to believe
11 HESHAM ABU-ZUBAIDAH, male white, date of birth 042876, committed the crimes of Attempted
12 Rape I, ORS 163.375 and Sexual Abuse III, ORS 163.415, to KRISTINA HODGE, female white, date of
13 birth 113083, at his residence 1801 NE 162nd Avenue, Apartment #2, located in the City of Portland,
14 County of Multnomah, State of Oregon;

15 That based on the information contained in this affidavit, I have probable cause to believe
16 HESHAM ABU-ZUBAIDAH, male white, date of birth 042876, committed the crime of Assault IV,
17 Domestic Violence/Felony, ORS 163.160, to ROSALEE ABU-ZUBAIDAH, female white, date of birth
18 032779, which occurred at their apartment 1801 NE 162nd Avenue, Apartment #2, located in the City of
19 Portland, County of Multnomah, State of Oregon;

20 I, therefore request an arrest warrant be issued for HESHAM ABU-ZUBAIDAH, male white,
21 date of birth 042876, for one count each of Attempted Rape I, Sexual Abuse III and Assault IV, Domestic
22 Violence/Felony.
23
24
25
26

County of Multnomah

[Signature]
Affiant

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

Subscribed and sworn to before me this 25th day of October, 2001.

@ 2:40 pm

[Signature]
Judge

March 11, 2002

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5201 LEESBURG PIKE, STE. 1300
FALLS CHURCH, VA 22041

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

re: ABU ZUBAIDAH, Hesham (A078 737 342)
INTERLOCUTORY APPEAL

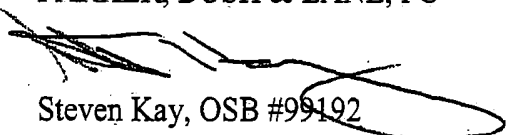
Dear Sir or Madam:

Enclosed for filing in the above referenced matter, we submit:

1. Form **EOIR-27**: Notice of Entry as Attorney before the Board of Immigration Appeals, Executive Office for Immigration Review with certification of service on Thomas Day, INS District Counsel, Portland, Oregon.
2. Form **EOIR-26**: Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge with certification of service on Thomas Day, INS District Counsel, Portland, Oregon.

If you have any questions, please contact our office.

Very truly yours,
PARKER, BUSH & LANE, PC


Steven Kay, OSB #99192

Enclosures

cc: Thomas L. Day, INS District Counsel, Portland, OR.
Rosalee Abu-Zubaidah

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

TYPE OF PROCEEDING:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Deportation | <input type="checkbox"/> Bond Redetermination | <input type="checkbox"/> Disciplinary |
| <input checked="" type="checkbox"/> Removal | <input type="checkbox"/> Motion to Reopen/Reconsider | |
| <input type="checkbox"/> Exclusion | <input type="checkbox"/> Rescission | |

DATE

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

A76-737-342

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

HESHAM M. ABU-ZUBAIDAH

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)

c/o CCSO; 901 Port Avenue ST. HELENS OREGON 97051

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:

Name(s) of Court(s)

State Bar No. (if applicable)

OREGON SUPREME COURT

OSB #99192

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

TELEPHONE NUMBER (Include Area Code)

DATE

503-241-1320

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)

ADDRESS

Check here if this is a new address.

**STEVEN L. KAY
PARKER, BUSH & LANÉ, P.C.**

**1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND OR 97201**

Certificate of Service

I **STEVEN L. KAY** (Name) mailed or delivered a copy of the foregoing on **3-11-02** (Date) to the Immigration

and Naturalization Service at **THOMAS DAY, DISTRICT COUNSEL, PO BOX 3361, PORTLAND, OR 97208-33661** (Address)

X

Signature of Attorney or Representative

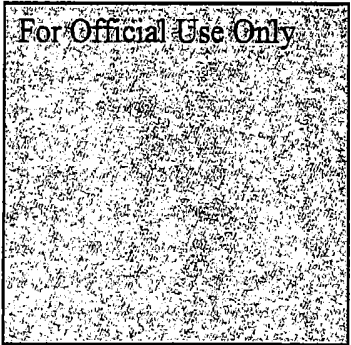
FORM EOIR-27
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):
HESHAM ABU-ZUBAIDAH A78-737-342

Interlocutory Appeal

! WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and "A" Numbers of everyone appealing the order must be written in Item #1.



2. Applicant/Respondent is currently DETAINED NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated 2/25/2002

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

! WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The Immigration Judge erred as a matter of law in denying motion to dismiss charges under INA 237(a)(2)(A)(iii) and INA 237(a)(2)(E)(i). As discussed in the attached brief in support of the motion to dismiss, revised to reflect developments since original submission, correct sentence structure, and highlight arguments, the Service is seeking the remove Respondent under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a "crime of child abuse" and that his Assault IV conviction qualifies as a "crime of domestic violence." The Service is also charging Respondent's Harassment conviction as an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii).

None of the convictions which serve as the Service's bases for removal are removable offenses under the law. The Immigration Judge held that, as applied to Respondent 1) Misdemeanor Harassment constitutes an "aggravated felony...sexual abuse of a minor; 2) Misdemeanor Assault IV constitutes a "crime of domestic violence"; 3) Misdemeanor Harassment constitutes a "crime of child abuse." These holding are in error as a matter of law.

The Immigration Judge also denied bond on grounds that, as an aggravated felony, Respondent's misdemeanor harassment conviction represents a "particularly serious crime" and therefore, ipso facto, Respondent is a danger to the community. Respondent's arguments are contained in the attached brief. Insofar as misdemeanor harassment is not an aggravated felony, the basis for the Immigration Judge's decision denying bond rests on legal error. However, Respondent does not seek review of the bond determination at this time.

Respondent wishes to move forward with his adjustment application and seek a waiver under INA section 212(h). Accordingly, he does not seek a stay of proceedings. Respondent is filing this interlocutory appeal as the issues raised herein are significant and unsettled issues in immigration law and also so that Respondent may possibly proceed with his application for adjustment without seeking a 212(h) waiver.

On this day, March 11, 2002, Respondent learned his Individual hearing will be held before the Immigration Judge in Portland, Oregon on March 27, 2002.

(Attach more sheets if necessary)

Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of) File No. A72 687 648
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

INDEX OF SUPPORTING DOCUMENTS

Pages

1-16 Respondent's (revised) motion to dismiss charges
17-18 Supplement to Respondent's motion to dismiss charges
19 Form I-261: Additional Charges of Inadmissability/Deportability
20-21 Judgments, State of Oregon v. Hesham Abu-Zubaidah, Circuit Court for
Multnomah County
22-23 Indictment, State of Oregon v. Hesham Abu-Zubaidah, Circuit Court for
Multnomah County

STEVEN L. KAY, OSB #99192
 PARKER, BUSH & LANE, P.C.
 1400 S.W. 5th Avenue, #670
 Portland, OR 97201
 tel. (503) 241-1320 / fax (503) 323-9058
 e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
 Portland, Oregon

In the Matter of	)	File No. A72 687 648
)	
Hesham ABU-ZUBAIDAH)	
)	
Respondent.)	
<hr/>)	

RESPONDENT'S (REVISED) MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(A)(iii) AND INA SECTION 237(a)(2)(E)(i)

By written motion submitted on February 19, 2002, Respondent moved to dismiss charges under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii) before the EOIR in Portland, Oregon. The motion was denied at hearing on February 25. The Immigration Judge also denied the Respondent bond on grounds of his allegedly having committed the aggravated felony of misdemeanor Harassment. As further set out herein below, the basis for the motion is that **the crimes on the basis of which the Service seeks to remove Respondent, as defined by the statute, do not qualify as removable offenses.**

While Respondent is eligible to apply for a 212(h) waiver based on extreme hardship to his USC wife and infant children, Respondent seeks dismissal of the above-entitled charges so that he may adjust his status without seeking this discretionary waiver.

FACTS

On January 8, 2002, Respondent was convicted of Harassment, a class A misdemeanor under ORS 166.065, and for Assault IV, a class A misdemeanor under ORS 163.160. The Service has charged that he is removable under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii). The Service has also charged Respondent with being removable under 237(a)(1)(C)(i) for having violated his F-1 student status, in that Respondent attended a different school than the one which sponsored his visa. Respondent does not contest this charge.

Section 237(a)(2)(E)(i) renders deportable “any alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment.” To date the Service has not specified which of Respondent’s convictions underlie which alleged grounds of removability, nor has the Service specified with which of the specific crimes under 237(a)(2)(E)(i) Respondent is being charged. For that reason alone, these charges should be dismissed.

Respondent speculates – and it is only speculation given the fatal imprecision in the Service’s charging document - that the Service may be seeking the remove Respondent under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a “crime of child abuse” and that his Assault IV conviction qualifies as a “crime of domestic violence.” Apparently, the Service is also charging Respondent’s Harassment conviction as an “aggravated felony...sexual abuse of a minor” under 237(a)(2)(A)(iii). In an attempt to overcome the lack of specificity in the Service’s “Additional Charges of Inadmissability/Deportability”, Respondent will address the applicability of his conviction for Assault IV under INA s. 237(a)(2)(A)(iii) as well.

In determining whether a given crime can serve as grounds for removal under INA s. 237, the Court must limit its inquiry to whether the inherent nature of the crime as defined by statute and interpreted by the courts qualifies it as a removable offense and not look to the facts and circumstances of the particular case. Taylor v. U.S., 495 U.S. 575 (1990).

The federal definition of crimes, rather than state labels, determines whether a given state criminal conviction constitutes a basis for removability under the INA. The Board of Immigration Appeals has consistently held that “in determining whether or not a specific offense falls within a classification described in deportation provisions under the Act, it is proper to look to the federal definition.” Matter of Batista-Hernandez, Int. Dec. 3321 (BIA 1997)(Rosenberg, concurring and dissenting, citing Matter of L-G, Int. Dec. 3254 (BIA 1995)); Matter of K-V-D, Int. Dec. 3422 (BIA 1999); United States v. Zazate-Hernandez, 133 F.3d 1194 (9th Cir. 1998); United States v. Garcia-Olmeda, 112 F.3d 399 (9th Cir. 1997). In Matter of L-G, *op.cit.*, the Board emphasized the strong policy concerns supporting use of a federal definition. The application of state law as the defining measure of which offenses constitute crimes serving as bases for removal would result in widely disparate consequences for similarly situated aliens based solely on what state they happen to be in. **Therefore, the federal definition of Respondent’s crimes determines whether the crimes are removable offenses.**

I. RESPONDENT’S CONVICTION FOR ASSAULT IV DOES NOT QUALIFY AS A CRIME OF DOMESTIC VIOLENCE UNDER INA 237(a)(2)(E)(i)

a. A state domestic violence conviction must conform to the federal statutory definition of domestic violence in INA s. 237(a)(2)(E)(i) in order to serve as a ground of removability.

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

TYPE OF PROCEEDING:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Deportation | <input type="checkbox"/> Bond Redetermination | <input type="checkbox"/> Disciplinary |
| <input checked="" type="checkbox"/> Removal | <input type="checkbox"/> Motion to Reopen/Reconsider | |
| <input type="checkbox"/> Exclusion | <input type="checkbox"/> Rescission | |

DATE

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

A78-737-342

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

HESHAM M. ABU-ZUBAIDAH

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)

c/o CCSO; 901 Port Avenue ST. HELENS OREGON 97051

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:

Name(s) of Court(s) State Bar No. (if applicable)

OREGON SUPREME COURT OSB #99192

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE EOIR ID# TELEPHONE NUMBER (Include Area Code) DATE

503-241-1320

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT) ADDRESS Check here if this is a new address.

**STEVEN L. KAY 1400 S.W. FIFTH AVENUE, SUITE 670
PARKER, BUSH & LANE, P.C. PORTLAND OR 97201**

Certificate of Service

I, **STEVEN L. KAY** (Name) mailed or delivered a copy of the foregoing on **3-11-02** (Date) to the Immigration

and Naturalization Service at **THOMAS DAY, DISTRICT COUNSEL, PO BOX 3361, PORTLAND, OR 97208-33661** (Address)

X  Signature of Attorney or Representative

OMB#1125-0005

FORM EOIR-27
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

HESHAM

M. ABU-ZUBAIDAH

3/11/07

(NOTE: The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign this form.)

APPEARANCES - An appearance shall be filed on EOIR Form-27 by the attorney or representative appearing in each case before the Board of Immigration Appeals (see 8 C.F.R. § 3.38((g))), even though the attorney or representative may have appeared in the case before the Immigration Judge or the Immigration and Naturalization Service. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. Chapter 3, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with Matter of Resales, 19 I&N Dec. 655 (1988). Further proof of authority to act in a representative capacity may be required.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 292.1(a)(5).

THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Public reporting burden for the collection of information is estimated to average 6 minutes per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding this burden estimate or any other aspect of this information collection including suggestions for reviewing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

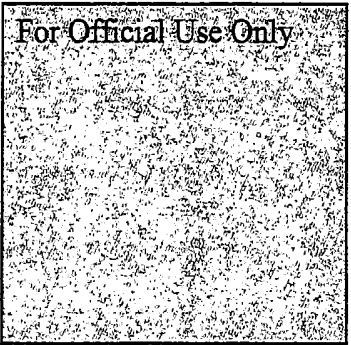
(Please attach additional sheets of paper as necessary.)

*U.S. GPO: 2000-461-076/21608

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):
HESHAM ABU-ZUBAIDAH A78-737-342

Interlocutory Appeal

WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and "A" Numbers of everyone appealing the order must be written in Item #1.



2. Applicant/Respondent is currently DETAINED NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated 2/25/2002

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The Immigration Judge erred as a matter of law in denying motion to dismiss charges under INA 237(a)(2)(A)(iii) and INA 237(a)(2)(E)(i). As discussed in the attached brief in support of the motion to dismiss, revised to reflect developments since original submission, correct sentence structure, and highlight arguments, the Service is seeking the remove Respondent under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a "crime of child abuse" and that his Assault IV conviction qualifies as a "crime of domestic violence." The Service is also charging Respondent's Harassment conviction as an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii).

None of the convictions which serve as the Service's bases for removal are removable offenses under the law. The Immigration Judge held that, as applied to Respondent 1) Misdemeanor Harassment constitutes an "aggravated felony...sexual abuse of a minor"; 2) Misdemeanor Assault IV constitutes a "crime of domestic violence"; 3) Misdemeanor Harassment constitutes a "crime of child abuse." These holding are in error as a matter of law.

The Immigration Judge also denied bond on grounds that, as an aggravated felony, Respondent's misdemeanor harassment conviction represents a "particularly serious crime" and therefore, ipso facto, Respondent is a danger to the community. Respondent's arguments are contained in the attached brief. Insofar as misdemeanor harassment is not an aggravated felony, the basis for the Immigration Judge's decision denying bond rests on legal error. However, Respondent does not seek review of the bond determination at this time.

Respondent wishes to move forward with his adjustment application and seek a waiver under INA section 212(h). Accordingly, he does not seek a stay of proceedings. Respondent is filing this interlocutory appeal as the issues raised herein are significant and unsettled issues in immigration law and also so that Respondent may possibly proceed with his application for adjustment without seeking a 212(h) waiver.

On this day, March 11, 2002, Respondent learned his Individual hearing will be held before the Immigration Judge in Portland, Oregon on March 27, 2002.

(Attach more sheets if necessary)

Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

desire oral argument before the Board of Immigration Appeals.

- 5. do
- 1 do not

file a separate written brief or statement in addition to the "Reason(s)" for

- 6. will
- 1 will not

"Appeal" written above or accompanying this form.

WARNING: Your appeal may be summarily dismissed if you indicate in Item #6 that you will file a separate written brief or statement and, within the time set for filing, you fail to file the brief or statement and do not reasonably explain such failure.

SIGN HERE

7. X

Signature of Person Appealing
(or attorney or representative)

Date

3-12-02

8.

Mailing Address of Applicant(s)/Respondent(s)

HESHAM ABU-ZUBAIDAH

(Name)

c/o CCSSO; 901 Port Avenue

(Street Address)

(Apartment or Room Number)

ST. HELENS OREGON 97051

(City, State, Zip Code)

Mailing Address of Attorney or Representative

STEVEN L. KAY
PARKER, BUSH & LANE, P.C.

(Name)

1400 S.W. FIFTH AVENUE, SUITE 670

(Street Address)

(Suite or Room Number)

PORTLAND OR 97201

(City, State, Zip Code)

9.

WARNING: An attorney or representative will not be recognized as counsel on appeal and will not receive documents or correspondence in connection with the appeal, unless he/she submits a completed Form EOIR-27.

CERTIFICATE OF SERVICE
(Must Be Completed)

I Steven Kay mailed or delivered a copy of this notice of appeal

(Name)

3-12-02

Thomas Day, District Counsel

(Date)

(Opposing Party)

P.O. BOX 3361; PORTLAND, OR 97208-3361

(Address of Opposing Party)

SIGN HERE

Signature of Person Appealing
(or attorney or representative)

Have You?

- Read all of the General Instructions
- Provided all of the requested information
- Completed this form in English
- Provided a certified English translation for all non-English attachments
- Signed the form
- Served a copy of this form and all attachments on the opposing party
- Completed and signed the Certificate of Service
- Attached the required fee or fee waiver request

A state domestic violence conviction will render a noncitizen of the United States removable for a crime of domestic violence under the Act only when the state offense conforms to the definition of crimes of domestic violence under INA s. 237(a)(2)(E)(i).

In relevant part, INA s. 237(a)(2)(E)(i) reads:

For purposes of this clause, the term “crime of domestic violence: means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse,*et.al.*

USC Title 18 section 16 defines “crime of violence” as:

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Respondent’s Assault IV conviction is not a felony, nor has the Service argued otherwise. Therefore, in order to sustain the instant ground of removability, the Service must show that ORS 163.610 conforms to the requirements of 16(a), i.e., that it has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” On the facts of this case, the Service cannot show this element, this tcharge must fail.

b. In a criminal prosecution for Assault IV under ORS 163.160, the prosecution does not need to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to sustain a conviction.

The Ninth Circuit has defined “an element of a crime” as a ‘constituent part’ of the offense which must be proved by the prosecution in every case to sustain a conviction under a given statute.” United States v. Innis, 7. F.3d 840 (9th Cir. 1993); United States

v. Sherbondy, 865 F.2d 996, 1010 (9th Cir. 1988). The Oregon statute under which the Respondent was convicted reads in relevant part as follows:

Assault in the fourth degree:

- (1) A person commits the crime of assault in the fourth degree if the person:
 - (a) Intentionally, knowingly, or recklessly causes physical injury to another; or
 - (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

As thus defined, Assault IV does not specifically require as an element the “use, attempted use, or threatened use of physical force” against another. Rather, the statute’s elementary requirements are that 1) with one of the four specified *mens rea* 2) a person causes 3) physical injury 4) to another. In the case of criminal negligence, the persons must cause physical injury to another by means of a deadly weapon.

The Oregon statute does not require that physical injury to another be accomplished by the “use, attempted use, or threatened use of physical force against the person or property of another.” For example, “D” may cause physical injury to another by pulling a chair out from under them as they sit down. While in such case “D” may be convicted of assault in Oregon, “D” has used no physical force against either a person or property, and may not be convicted of a crime of violence under 18 USC s. 16(a). The same result obtains if “D” recklessly leaves a baby unattended in a bathtub, and the baby drowns. “D” may be convicted for violating ORS 163.610 but has not committed a crime of violence. An anesthesiologist who misadministers anesthesia may cause physical injury without the use of force against the patient’s person, and a hunter may cause

physical injury to another by causing the accidental discharge of a loaded gun while cleaning it, but neither the anesthesiologist nor the hunter has engaged in conduct which rises to the level of a crime of violence under USC Title 18 section 16(a). If "P" slips on a banana peel intentionally left in her path by "D", or if "P" is hit in the eye by a champagne cork recklessly unleashed by "D", "D" has committed assault under the Oregon statute without the use of physical force against the person or property of another.

The Board of Immigration Appeals is in accord with the Oregon statute. One can cause physical injury without the use of physical force. In In re Sweetser, Int. Dec. 3390 (BIA 1999), the Board held that:

The use of physical force is an act committed by the defendant, while the risk of physical injury is a consequence of defendant's acts. Therefore although a parent who negligently leaves a young child unattended near a body of water may risk serious injury to the child, there is no risk that force will be used in the commission of the offense.

Because the prosecution is not required to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to convict someone of assault/domestic violence under ORS 163.160, a violation of this Oregon statute is not a crime of violence under 18 USC section 16(a). Therefore, Respondent's conviction for assault under ORS 163.160 does not meet the definition of "domestic violence" under INA 237(a)(2)(E)(i) and the Court should dismiss this charge.

II. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS A CRIME OF CHILD ABUSE UNDER INA 237(a)(2)(E)(i)

A. A state criminal conviction must conform to the plainly accepted definition of child abuse in order to serve as a ground of removability under INA s. 237(a)(2)(E)(i).

The above argument that the federal definition of crimes, rather than state labels, determines whether a given state criminal conviction for constitutes a basis for

removability under the INA applies to the determination whether Respondent is removable under INA s. 237(a)(2)(E)(i) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

In relevant part, INA s. 237(a)(2)(E)(i) reads:

Any alien who at any time after entry is convicted ofa crime of child abuse...is deportable.

The statute or the case law has not definitively defined what constitutes a crime of child abuse. In In Re Rodriguez-Rodriguez, Int. Dec. 3411 (BIA 1999), the Board stated:

We note that including child abuse as a ground of removal in section 237(a)(2)(E)(i) of the Act, Congress likewise did not refer to a particular statutory definition, although it did designate a statutory definition for "crime of domestic violence."

The interpretation of what constitutes a crime of child abuse under INA 237(a)(2)(E)(i) must then begin with the terms of the statute itself and if those terms, on their face, constitute a plain expression of Congressional intent, they must be given effect. Chevron, USA, Inc., v. Natural Resources Defense Council, Inc., 467 U.S. 827, 842-43 (1984).

The legislative purpose is presumed to be expressed by the ordinary meaning of the words used. INS v. Phinpathya, 464 U.S. 183, 189 (1984).

The ordinary meaning of the term "child abuse" involves the cruel or otherwise morally turpitudinous mistreatment of a minor. See Black's Law Dictionary, Sixth Edition, page 239 (1990)("Child abuse. **Any form of cruelty to a child's physical, moral or mental well-being.** Also used to describe any sexual attack which may or may not amount to rape. Such acts are criminal offenses in most states.") See also 18 USC section 3509, which defines child abuse as the "physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child."

Page 7 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

A crime of child abuse is a crime of moral turpitude. In Guererro de Nodahl v. INS, 407 F.2d 1405 (9th Circuit 1969), the Court determined the intrinsic nature of a crime of child abuse. There, the Court held that California Penal Code section 273d, making it a felony offense to “willfully inflict...upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition,” was a crime of child abuse and by definition a crime of moral turpitude. 407 F.2d at 1406-1407.

For a criminal conviction to serve as a ground of removal as a crime of child abuse under INA 237(a)(2)(E)(i), then, the crime must be a crime of moral turpitude involving the infliction or physical or mental cruelty, sexual abuse or sexual exploitation, or the negligent treatment of a child.

Harassment under ORS 166.065 is not a crime of moral turpitude, and it does not require proof by the prosecution of physical or mental cruelty, sexual abuse, or negligent treatment of a child.

b. Harassment under ORS 166.065 is not a crime of moral turpitude

A crime of moral turpitude “refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and duties owed between persons or to a society in general....Moral turpitude has been defined as an act which is *per se* morally reprehensible and intrinsically wrong, or malum in se so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude. Matter of Franklin, 20 I&N 867, 868 (BIA 1994), *aff’d* 72 F.3d 571 (8th Cir. 1995)

In determining a crime of moral turpitude, it is “the inherent nature of the crime as defined by statute and interpreted by the courts as limited and described by the record of

conviction” and not the facts and circumstances of the particular person’s case that determines whether it is a crime of moral turpitude. Matter of Short, 20 I&N Dec. 136 (BIA 1989); Goldeshtein v. INS, 8 F.3d 645 (9th Cir. 1993).

ORS 166.065 is a public order offense. It reads in relevant part as follows:¹

Harassment. (1) A person commits the crime of harassment if the person intentionally

(a) Harasses or annoys another person by:

(A) Subjecting such person to offensive physical contact...

(3) Harassment is a Class B misdemeanor

(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates subsection (1) of this section by subjecting another person to objective physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of another person.

Accordingly, to sustain a conviction under ORS 166.065(4), a person must 1)with intent to harass or annoy 2)make offensive physical contact 3)with another person’s 4)sexual or other intimate parts.

Before one can be convicted of a crime of moral turpitude, the statute in question by its terms must necessarily involve moral turpitude. Matter of Esfandiary, 16 I&N 659 (BIA 1979).

ORS 166.065 does not necessarily involve moral turpitude. To intentionally annoy or harass someone through offensive physical contact simply does not rise to the level of conduct that is “inherently base, vile, or depraved.” As a public order offense, one simply cannot assert that the conduct underlying the offense is “malum in se.”

Harassment as defined by the Oregon statute is certainly inappropriate conduct, but it is

¹ Respondent admits that he was convicted under ORS 166.065(4), insofar as his conviction is for a Class A misdemeanor. Respondent also admits that the victim of this offense was 17 years old, a minor.
Page 9 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

not morally turpitudinous conduct. As a crime of child abuse is by definition a crime involving moral turpitude, Respondent's conviction under ORS 166.065 cannot serve as a ground of removability under INA s. 237(a)(2)(E)(i).

Moreover, a violation of ORS 166.065 does not involve any of the actions found under federal definitions to constitute acts of child abuse.

i. Harassment under ORS 166.065 is not a crime involving negligent treatment of a child.

Under 18 USC section 3509, child abuse can be defined as "negligent treatment of a child." The *mens rea* specified by ORS 166.065 is "intentional." Therefore, Respondent's conviction for Harassment is not a crime of child abuse under this definition.

ii. Harassment under ORS 166.065 does not require proof of physical or mental injury or cruelty

Under 18 USC section 3509, child abuse can be defined as "the physical or mental injury of a child." Similarly, Black's Law Dictionary, *op. cit.* at page 239 defines child abuse as any form of cruelty to a child's physical, moral or mental well-being. ORS 166.065 does not require a showing of cruelty or injury of any kind to the victim in order to sustain a conviction. One who with intent to harass or annoy another person by offensively touching them in an "intimate" part of that person violates the statute. No injury need be shown. If a coworker, with the intent to annoy, offends a colleague by lightly touching him or her on the buttocks, the statute is violated, although no injury occurs. Moreover, the intent to harass or annoy is qualitatively different from the

infliction of cruelty under any *mens rea*². Accordingly, under this definition Respondent's conviction for Harassment is not a crime of child abuse.

iii. Harassment under ORS 166.065 is not a crime of sexual abuse.

To intentionally annoy or harass someone by the offensive touching of a sexual or intimate part of that person is not a crime of sexual abuse. For a crime to constitute sexual abuse, the perpetrator must possess sexual or "lewd" intent, i.e. he or she must intend to seek libidinal gratification. Baron-Medina v. U.S., 187 F.3d 1144, 1147 (9th Cir. 1999)("The use of young children for the gratification of sexual desire constitutes abuse"); U.S. v. Padilla-Reyes, 247 F.3d 1158 (11th Cir. 2001), U.S. v. Zavala-Sustaita, 214 F.3d 601, 604 (5th Cir. 2000) ("the phrase 'sexual abuse of a minor' indicates the perpetrator's intent in committing the abuse is to seek libidinal gratification."); Mugalli v. Ashcroft, 258 F.3d 52 (2nd Cir 2001); U.S. v. Martinez-Parillo (7th Circuit 2001)(finding sexual penetration to constitute abuse); In Re Rodriguez-Rodriguez, Interim Decision 3411 (BIA 1999). See also National Center on Child Abuse or Neglect, "Sexual Abuse of Children: Selected Reading 1" (1980), cited in Padilla-Reyes, op. cit. at 1163 (child sex abuse is "contacts or interactions between a child and an adult when the child is being used as an object of gratification for adult sexual needs or desires.").

It should be noted that ORS 166.065 is not defined as a sex crime under ORS 181.584 and therefore individuals convicted of Harassment do not need to register under the Oregon Sex Offender Registration Act. Moreover, the ORS contains the crime of

² "Cruel" is defined as 1: disposed to inflict pain or suffering: devoid of human feeling 2: causing or conducive to injury grief or pain" (Websters's Ninth New Collegiate Dictionary, page 311 (1987), whereas "harass" means "to annoy persistently" (Webster's at 552) and "annoy" means "to disturb or irritate" (Webster's at 88).

sexual abuse of a minor (“Sexual abuse in the third degree”) in ORS 163.415.

Respondent was not convicted of any sex crime as defined by the State of Oregon or federal law.

The intent to harass or annoy does not represent an intent to seek libidinal gratification. Because the prosecution need not prove sexual intent to sustain a conviction under ORS 166.065, Respondent’s conviction for Harassment does not meet this definition of “child abuse” under 18 USC section 3509 and therefore cannot serve as a ground for removability as a crime of child abuse under INA s. 237(a)(2)(E)(i).

As Respondent’s Harassment conviction is not a crime of child abuse under any definition of the term, this charge should be dismissed by the Court for purposes of alleged removability under INA s. 237 (a)(2)(E)(i).

III. RESPONDENT’S CONVICTION FOR ASSAULT IV/DOMESTIC VIOLENCE DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

Respondent has been charged as removable under INA s. 237(a)(2)(A)(iii) of the Act in that he has allegedly been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape, or sexual abuse of a minor. Assault IV is neither murder nor rape. Insofar as the victim of sexual abuse of a minor must be a minor, Respondent’s conviction for Assault IV cannot be considered an aggravated felony as the victim of the assault was Respondent’s wife, a 22-year-old woman at the time of the offense. Accordingly, assuming that the Service has charged Respondent as an aggravated felon for his Assault IV conviction, the Court should dismiss this charge.

IV. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

a. Respondent's conviction for Harassment does not constitute a crime of sexual abuse

The above argument that Respondent's Harassment conviction does not represent a crime of sexual abuse for purposes of 237(a)(A)(E)(i) applies to the determination whether Respondent is removable under INA s. 237(a)(2)(A)(iii) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

The aggravated felony of sexual abuse of minor plainly means the crime constituting the aggravated felony must constitute a crime of sexual abuse. Because ORS 166.065 does not meet the definition of "sexual abuse" under the law, this charge under INA s. 237(a)(2)(A)(iii) should be dismissed by the Court.

b. An aggravated felony sexual abuse of a minor must be a felony offense to serve as a ground for removal under INA 237 (a)(2)(A)(iii)

Assuming *arguendo* that Respondent is considered to have committed sexual abuse of a minor, his conviction was for a Class A misdemeanor offense. As an "aggravated felony" sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s. 237(a)(2)(A)(iii), this charge cannot be sustained.

In Matter of Crammond, 23 I&N Dec.9 (BIA 2001) ("Crammond I"), *vacated on other grounds*, 23 I&N 179 (BIA 179), the Board held that a conviction for "murder, rape, or sexual abuse of a minor" must be a felony offense in order for the crime to be considered an aggravated felony under INA s. 101(a)(43)(A). While later vacated solely on jurisdictional grounds, the Board's reasoned decision in Crammond I remains

persuasive authority for the proposition that a conviction for “murder, rape, or sexual abuse of minor must be a felony offense to serve as an “aggravated felony.”

The Board did not find a clear expression of Congressional intent in the plain language of section 101(a)(43). The Board’s plurality decision stated “The choice of term ‘aggravated felony’ as opposed to more generic terms such as ‘aggravated offense’ or ‘aggravated crime’ does suggest that Congress intended to restrict the listed offenses to felonies” despite the fact that 101(a)(43)(A) does not explicitly require the listed crimes to be felonies. Indeed, as Board Member Rosenberg, in her concurrence which was joined by Board Member Miller, stated, “aggravated felony”, by the plain meaning of the respective words, defines a subset of the broader category “felony”. Even Board Member Grant, writing for the dissent, recognizes that section 101(a)(43)(A) can be read to support reasonable competing interpretations.

Assuming that there is any doubt as to whether misdemeanor sexual abuse of a minor can constitute an “aggravated felony”, the fact that doubt should be resolved in favor of the alien in deportation proceedings compels as a conclusion that the underlying offense must be a felony, as the eight Members joining the plurality opinion and Board Members Rosenberg and Miller’s concurrence indicated. INS v. Cardoza-Fonesca, 480 U.S. 421 (1987); Costello v. INS, 376 U.S. 120 (1964); FongHaw Tan v. Phelan, 333 U.S. 6 (1948).

The majority of the Board looked to entire Act and to legislative history for guidance in determining whether or not Congress intended for misdemeanor offenses to qualify as aggravated felony under 101(a)(43)(A).

The Board plurality found in Act itself to lend support to the conclusion that Congress intended crimes of sexual abuse of a minor to be felonies in order to be considered “aggravated felonies.” The Board noted that grouping sexual abuse of a minor with murder and rape, crimes almost universally classified as felonies, led more support to a conclusion that Congress intended to cover only felony sexual abuse of minor in 101(a)(43)(A) than to the notion, expressed in the dissent and in the Seventh Circuit’s opinion in Guerrero-Perez v. INS, 242 F.3d 727 (7th Cir. 2001), *reaffirmed*, 256 F. 3d 546 (7th Cir. 2001), that the grouping of these crimes was “a fairly strong indication, albeit a limited one,” that Congress intended to include misdemeanor sexual abuse of a minor in 101(a)(43)(A). Moreover, noted the Board, lesser sexual abuses are covered by INA 237(a)(2)(E).

The Board further noted that history of the (expanding) history of the term “aggravated felony.” It found that from its introduction in the Anti-Drug Abuse Act in 1988 through the Immigration Act of 1990, the Immigration and Nationality Technical Corrections of 1994, and the legislative history of IIRIRA and the proposed amendments to section 101(a)(43)(A) at issue here, Congress consistently made reference to such crimes as felonies – and never as misdemeanors. For Board Member Fillipu, the legislative history, combined with the plain meaning of aggravated felony, proved conclusively that Congress intended that section 101(a)(43)(A) include only felony offenses.

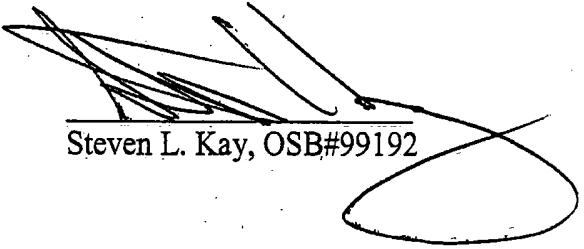
A majority of the Board, through an analysis of legislative intent and, in the plurality, invocation of the rule of lenity held that “aggravated felony” sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s.

237(a)(2)(A)(iii). It is reasonable to conclude that the Board would so hold again, as the tools of statutory construction have not changed. Moreover, the Ninth Circuit appears to support the majority opinion in Crammond I. In two unpublished decisions, Soto-Armenta v. INS, 99-71547 (July 9, 2001) and Cendejas-Sanchez v. INS, No. 00-7009 (June 25, 2001), the 9th Circuit remanded to the Board for consideration in light of the Crammond decision.

Therefore, Respondent's misdemeanor conviction for harassment is not an "aggravated felony" for purposes of 237(a)(2)(A)(iii), and this charge should be dismissed by the Court.

CONCLUSION

Respondent Hesham Abu-Zubaidah has no conviction which can serve as a ground for removal under INA 237(a)(2)(E)(i) or INA 237(a)(2)(A)(iii), as charged by the Service. Accordingly, this Court should dismiss these charges.


Steven L. Kay, OSB#99192

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Portland, Oregon

In the Matter of) File No. A72 687 648
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

**SUPPLEMENT TO RESPONDENT'S MOTION TO DISMISS CHARGES UNDER INA
INA SECTION 237(a)(2)(A)(iii)**

Respondent Hesham Abu-Zubaidah, by and through counsel, wishes to supplement his motion to dismiss the charge(s) of removability under INA Section 237 (a)(2)(A)(iii). The Ninth Circuit has recently held that an "aggravated felony" must be a felony under the traditional federal definition, e.g. an offense punishable by more than one year's imprisonment.

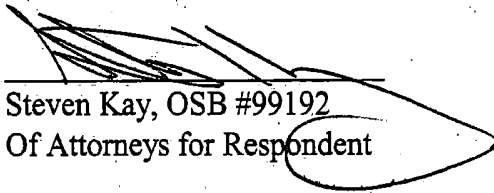
In United v. Robles-Rodriguez, 2002 WL 215595 (9th Cir., February 13, 2002), the Court, observing that there is no clear indication that Congress has abandoned its "long-established practice of using the term 'felony' to describe offenses **punishable by more than one year's imprisonment,**" Ibid. at 3, emphasis supplied, held, in the context of sentencing enhancements, that "aggravated felonies" and "felonies" are limited to offenses punishable by imprisonment for a term exceeding one year.

Respondent's convictions, for Harassment under ORS 166.065 and for Assault IV under ORS 163.610, are classified as Class A Misdemeanors. Under ORS 161.615, the **maximum** sentence for a Class A Misdemeanor is one year.

As neither of Respondent's convictions are offenses punishable for a term exceeding one year, neither conviction can serve as an "aggravated felony" as defined in INA 101(a)(43) or form a basis for removable under INA 237(a)(2)(A)(iii).

DATED: At Portland, Oregon, this 21st day of February, 2002

Respectfully submitted,
PARKER, BUSH & LANE, PC



Steven Kay, OSB #99192
Of Attorneys for Respondent

Additional Charges of Inadmissibility/Deportability

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

Deportation proceedings commenced prior to April 1, 1997 under former section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Hesham ABU-Zubaidah AKA: None Known

File No: A78-737-342 Address: C/O INS, Portland, OR 97209

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

Section 237(a)(2)(E)(i) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect or child abandonment.

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape or sexual abuse of a minor.

In support of the additional charge(s) there is submitted the following factual allegation(s) in addition to the allegations set forth in the original charging document:

5. You were on January 8, 2002, convicted in the Circuit Court of the State of Oregon, for Multnomah County, of Assault in the Fourth Degree in violation of O.R.S. 163.160.
6. The victim of the assault was Rosalee Marie Abu-Zubaidah, your wife.
7. You were on January 8, 2002, convicted in the Circuit Court of the State of Oregon, for Multnomah County, of Harassment, a class A misdemeanor in violation of O.R.S. 166.065.
8. The assault was committed by subjecting the victim to offensive physical contact by touching her buttocks, a sexual or intimate part.
9. The victim of the harassment was Christina Hodge, a person under the age of eighteen years.

01/22/02


Thomas L. Day, District Counsel

STATE OF OREGON

JUDGMENT AMENDED JUDGMENT

Other Plaintiff

CASE NO. 0110-37045

HESHAM Abu-Zubaidah Defendant

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Address/City/State/Zip: Telephone:

Defense Attorney: B SANDS Bar No. Reporter: SAILEY
District Attorney: J. McINTYRE Bar No. Cassette No.

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding

OF THE FOLLOWING OFFENSES: (1) ASST. 4-1(2) (3) (4) (5)

Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.
Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.
Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:
The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff. SIS SES

PROBATION: 3 YEARS/MONTHS BENCH FORMAL PROBATION JUDGE

B/K B/R DAYS JAIL WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY)
ACS HOURS (BY) THEFT TALK (BY) ANGER CNSL'G (NTS/SUSTAINED BY)
THEFT SCHOOL (BY) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
ALCOHOL EVAL/TRMNT (BY) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY)
NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (YEARS/MONTHS/DAYS)
HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT
NO ASSOCIATION / CONTACT WITH Christina Hodge w/o p.o. approval*
DV counseling, Hesham Abu-Zubaidah

-contact w/ wife permitted while in custody (no p.o. approval req'd)
ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE while in custody
d/m cts. 2&4

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense).**
IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:
Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ SUSP. \$ TOTAL \$ WAIVE ASSESSMENTS ASSESSMENTS
AA FEES \$ 370- RESTITUTION/COMPENSATORY FINE \$
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$

TERMS OF PAYMENT: The amount of the money judgment:
to be paid in full by; to be paid in installments of \$ per month, beginning on and pay the cash month
hereafter on that date until satisfied; to be paid per Probation Officer.

All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and distribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02 Signature of Judge Amiton
Name of Judge Typed or Printed Amiton

ENTERED JAN 08 2002 IN REGISTER BY PM

STATE OF OREGON

JUDGMENT AMENDED JUDGMENT

Other Plaintiff

CASE NO. 0110-37045

HESHAM ABU-ZUBAYDAH
v.
Defendant

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Address/City/State/Zip: _____ Telephone: _____

Defense Attorney: B. SANDS Bar No. _____ Reporter: KEITHLEY

District Attorney: J. McINTYRE Bar No. _____ Cassette No. _____

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts _____

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding _____

OF THE FOLLOWING OFFENSES: (1) _____ Count (2) _____ Count (3) ASSAULT Count (4) _____ Count (5) _____ Count

- Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.
- Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.
- Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:
The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff. SIS SES

PROBATION: 3 YEARS/MONTHS BENCH FORMAL PROBATION JUDGE _____

- B/K B/R 60 DAYS JAIL cts WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY _____)
- ACS _____ HOURS (BY _____) THEFT TALK (BY _____) ANGER CNSL'G (NTSI/SUSTAINED BY _____)
- THEFT SCHOOL (BY _____) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
- ALCOHOL EVAL/TRMNT (BY _____) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY _____)
- NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (_____ YEARS/MONTHS/DAYS)
- HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT _____
- NO ASSOCIATION / CONTACT WITH Christine Hodge

ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE
d/m cts. 2&4

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense). **
IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:
Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ _____ SUSP. \$ _____ TOTAL \$ _____ WAIVE ASSESSMENTS ASSESSMENTS \$ _____
CAA FEES \$ _____ RESTITUTION/COMPENSATORY FINE \$ _____
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$ _____

TERMS OF PAYMENT: The amount of the money judgment:
 to be paid in full by _____; to be paid in installments of \$ _____ per month, beginning on _____ and are due each month hereafter on that date until satisfied; to be paid per Probation Officer.

ENTERED
JAN 08 2002
IN REGISTER BY PM

All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany Judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and contribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02
Signature of Judge _____
Name of Judge Typed or Printed Ampton

R

In the Circuit Court of the State of Oregon
For Multnomah County

STATE OF OREGON,

Plaintiff,

v.

HESHAM ABU-ZUBAIDAH

also known as

HASSAM ABU-ZUBAIDAH

DOB: 04/28/1976

Defendant.

Court Nbr 01-10-37045
DA Case 1280172
Crime Report PP 01-75701
PP 01-74196

Indictment for Violation of

ORS 163.160 (1)
ORS 163.415 (2)
ORS 166.065 (3)
ORS 166.065 (4)

FILED
01 NOV 23 PM 2:07
4TH JUDICIAL DIST.

The above-named defendant is accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of: COUNT 1 - FELONY ASSAULT IN THE FOURTH DEGREE, COUNT 2 - SEXUAL ABUSE IN THE THIRD DEGREE, COUNT 3 - HARASSMENT, COUNT 4 - HARASSMENT committed as follows:

COUNT 1
FELONY ASSAULT IN THE FOURTH DEGREE

The said defendant, on or about August 12, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause physical injury to ROSALEE MARIE ABU-ZUBAIDAH, and the defendant's conduct was committed in the immediate presence of and witnessed by NAUTICA ABU-ZUBAIDAH a minor child of the defendant, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 2
SEXUAL ABUSE IN THE THIRD DEGREE

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and knowingly subject CHRISTINA HODGE, a person under the age of eighteen years, to sexual contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 3
HARASSMENT

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 4
HARASSMENT

ENTERED
NOV 23 2001
IN REGISTER BY SLJ

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

Dated at Portland, Oregon, in the county aforesaid, on NOVEMBER 23, 2001.

(b)(7)(c)

Witnesses

Examined Before the Grand Jury



Foreman of the Grand Jury

MICHAEL D. SCHRUNK (67111)
District Attorney
Multnomah County, Oregon

(b)(7)(c)

By *Michael D. Schrunk* Deputy

Security Amount \$50,000 + \$50,000 + \$2,500 + \$1,500

Uniform Complaint

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor. MCINTYRE OSB 82460/SLG

**PARKER
BUSH & LANE**
ATTORNEYS, PC
A PROFESSIONAL CORPORATION

RECEIVED
INS
PORTLAND, OR
2002 FEB 27 AM 10:49

February 25, 2002

U.S. Dept. of Justice
Immigration and Naturalization Service
Attn: Jeanne Foden-Vencil
Portland District Office
511 NW Broadway
Portland, OR 97209

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

Re: ABU, ZUBAIDAH, Hesham
Matter: I-130 Petition for Alien Relative (spousal)
A# 78-737-342

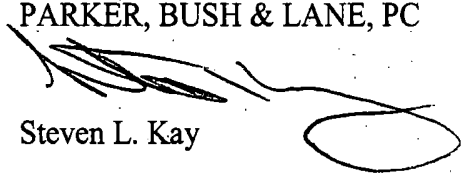
* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

Enclosed please find copies of the I-130 petition filed with the INS on
February 7, 2002.

<http://www.pbl.net>

Very truly yours,
PARKER, BUSH & LANE, PC


Steven L. Kay

SLK:tjb
Enclosures
cc: EOIR

February 7, 2002

**BENEFICIARY IN REMOVAL PROCEEDINGS
DO NOT FORWARD TO NSC**

Certified Mail Return Receipt Requested

U.S. Department of Justice
Immigration and Naturalization Service
Portland District Office
511 NW Broadway
Portland, OR 97209

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

Re: Petition for Alien Relative (Spousal)
Petitioner: ABU-ZUBAIDAH, Rosalee
Beneficiary: ABU-ZUBAIDAH, Hesham (A78-737-342)

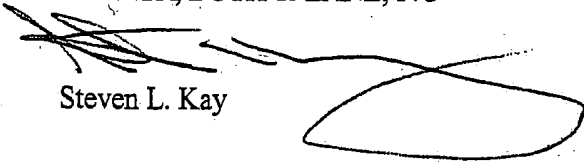
Dear Sir/Madam:

Enclosed for filing are the following:

- A. INS Forms and Filing Fee:
1. \$110 Filing Fee
 2. Form G-28: Notice of Appearance by Attorney
 3. Form I-130: Petition for Alien Relative
 4. Form G-325A - Petitioner's.
 5. Form G-325A - Beneficiary's
- B. Petitioner's Supporting Documents:
1. Birth Certificate (copy).
 2. Marriage License and certificate (copies)
 3. One (1) Color Photograph.
- C. Beneficiary's Supporting Documents:
1. One (1) Color Photograph.

All documents submitted are true copies of original documents. We are prepared to submit the originals to an immigration or consular official if requested.

Very truly yours,
PARKER, BUSH & LANE, P.C


Steven L. Kay

SLK:tjb
Enclosures

PARKER, BUSH & LANE, P.C. Portland, Oregon

28213

2/07/02 IMMIGRATION & NATURALIZATION SERVICE
I-130
6795-24 HESHAM ABU-ZUBAIDAH SLK

61
6795-24 HESH 2/07/02

110.00

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 1140 0002 3636 9E9E 2000 04TT 1001

SLK F2/7/02 6795 A mLs U S E

Postage	\$	Postmark Here
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
INS

Street, Apt. No.,
or PO Box No. **511 NW Broadway**

City, State, ZIP+ 4
Portland OR 97209

PS Form 3800, January 2001 See Reverse for Instructions

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: HESHAM ABU-ZUBAIDAH (BENEFICIARY)	Date 02/04/2002
ROSALEE ABU-ZUBAIDAH (PETITIONER)	File No. N/A

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM M. ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 1801 NE 162ND PORTLAND OREGON 97230		
Name ROSALEE ABU-ZUBAIDAH	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 1801 NE 162ND, #2 PORTLAND OREGON 97230		

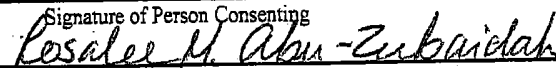
Check applicable item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON OREGON SUPREME COURT and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- 4. Others (Explain fully.)
TILMAN HASCHE, JAMES L. LANE, GRETTEL NESS AND RICHARD J. PARKER

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 S.W. FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) STEVEN L. KAY	TELEPHONE NUMBER 503-241-1320 FAX 503/323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
STEVEN L. KAY
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting ROSALEE ABU-ZUBAIDAH	Signature of Person Consenting 	Date 2/5/02
--	--	-----------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: HESHAM ABU-ZUBAIDAH (BENEFICIARY)	Date 02/04/2002
ROSALEE ABU-ZUBAIDAH (PETITIONER)	File No. N/A

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM M. ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 1801 NE 162ND PORTLAND OREGON 97230		
Name ROSALEE ABU-ZUBAIDAH	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 1801 NE 162ND, #2 PORTLAND OREGON 97230		


Check applicable item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia **OREGON OREGON SUPREME COURT** and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law. Name of Court
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. *(If you check this item, also check item 1 or 2 whichever is appropriate.)*
- 4. Others (Explain fully.)
TILMAN HASCHE, JAMES L. LANE, GRETTEL NESS AND RICHARD J. PARKER

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 S.W. FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) STEVEN L. KAY	TELEPHONE NUMBER 503-241-1320 FAX 503/323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
STEVEN L. KAY
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting HESHAM ABU-ZUBAIDAH	Signature of Person Consenting 	Date 2/6/02
---	---	-----------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY

Case ID# A# G-28 or Volag# Section of Law: <input type="checkbox"/> 201 (b) spouse <input type="checkbox"/> 203 (a)(1) <input type="checkbox"/> 201 (b) child <input type="checkbox"/> 203 (a)(2) <input type="checkbox"/> 201 (b) parent <input type="checkbox"/> 203 (a)(4) <input type="checkbox"/> 203 (a)(5) AM CON: _____	Action Stamp Remarks:	Fee Stamp Petition was filed on _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> Stateside Criteria <input type="checkbox"/> Field Investigations <input type="checkbox"/> I-485 Simultaneously <input type="checkbox"/> 204 (a)(2)(A) Resolved <input type="checkbox"/> 204 (h) Resolved
---	--	--

A. Relationship

1. The alien relative is my Husband/Wife Parent Brother/Sister Child Yes No
2. Are you related by adoption? Yes No
3. Did you gain residence through adoption? Yes No

B. Information about you

1. Name (Family Name in CAPS) (First) (Middle)
ABU-ZUBAIDAH ROSALEE MARIE

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND #2
 (Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND OREGON 97230

3. Place of Birth (Town or City) (State/Country)
PORTLAND, OREGON, USA

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
03/27/1979 Female Married Single
 Male Widowed Divorced

7. Other Names Used (including maiden name)
ROSALEE MARIE ANDREWS

8. Date and Place of Present Marriage (if married)
07/14/2000 VANCOUVER, U.S.A.

9. Social Security Number 10. Alien Registration Number (if any)
542-23-1376 NONE

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
NONE

C. Information about your alien relative

1. Name (Family Name in CAPS) (First) (Middle)
ABU-ZUBAIDAH HESHAM MOHAMED

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND #2
 (Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND OREGON 97230

3. Place of Birth (Town or City) (State/Country)
RIYADH SAUDI ARABIA

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
04/28/1976 Male Married Single
 Female Widowed Divorced

7. Other Names Used (including maiden name)
NONE

8. Date and Place of Present Marriage (if married)
07/14/2000 VANCOUVER, U.S.A.

9. Social Security Number 10. Alien Registration Number (if any)
354-94-5066 A78-737-342

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
NONE

13. If you are a U.S. citizen, complete the following:

- My citizenship was acquired through (check one)
 Birth in the U.S.
 Naturalization (Give number of certificate, date and place it was issued)
- Parents
 Have you obtained a certificate of citizenship in your own name?
 Yes No
 If "Yes", give number of certificate, date and place it was issued

14a. If you are a lawful permanent resident alien, complete the following:

Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission:

14b. Did you gain permanent residence status through marriage to a United States citizen or lawful permanent resident? Yes No

13. Has your relative ever been in the U.S.?

- Yes No

14. If your relative is currently in the U.S., complete the following: He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)

F-1

Arrival/Departure Record (I-94) Number Date Arrived (Month/Day/Year)
569090730 05 07/26/1998

Date authorized stay expired, or will expire as shown on Form I-94 or I-95

15. Name and Address of Present Employer (if any)

NONE

Date this employment began (Month/Day/Year)

16. Has your relative ever been under immigration proceedings?

- Yes No Where **POC** When **CURRENTLY**
 Exclusion Deportation Rescission Judicial Proceedings

INITIAL RECEIPT	RESUBMITTED	RELOCATED	COMPLETED			
		Rec'd	Sent	Approved	Denied	Returned

BIOGRAPHIC INFORMATION

(Family name) ABU-ZUBAIDAH	(First name) HESHAM	(Middle name) MOHAMED	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04/28/1976	NATIONALITY	FILE NUMBER A- A78-737-342
ALL OTHER NAMES USED (Including names by previous marriages) NONE			CITY AND COUNTRY OF BIRTH RIYADH SAUDI ARABIA		SOCIAL SECURITY NO. (If any) 354-94-5066	
FATHER ABU-ZUBAIDAH	FIRST NAME MOHAMED	DATE, CITY AND COUNTRY OF BIRTH (If known) PALESTIN		CITY AND COUNTRY OF RESIDENCE RIYADH K.S.A.		
MOTHER (Maiden name) MALIKA	FIRST NAME MALIKA	DATE, CITY AND COUNTRY OF BIRTH (If known) JORDAN		CITY AND COUNTRY OF RESIDENCE RIYADH K.S.A.		
HUSBAND (If none, so state) OR WIFE ANDREWS	FAMILY NAME (For wife, give maiden name) ROSALEE	FIRST NAME ROSALEE	BIRTHDATE 03/27/79	CITY & COUNTRY OF BIRTH PORTLAND U.S.A.	DATE OF MARRIAGE 07/14/2000	PLACE OF MARRIAGE VANCOUVER, U.S.A.
FORMER HUSBANDS OR WIVES (If none, so state)						
FAMILY NAME (For wife, give maiden name) NONE	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE	

APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
1801 NE 162ND	PORTLAND	OREGON	U.S.A.	09	2000	PRESENT TIME	
2934 NE 61ST AVENUE	PORTLAND	OREGON	U.S.A.	04	2000	08	2000
16124 SE ALDER STREET	PORTLAND	OREGON	U.S.A.	08	1999	04	2000
4933 N. HONTICELLO	CHICAGO	ILLINOIS	U.S.A.	07	1998	08	1999

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
	RIYADH		K.S.A.	04	1976	07	1998

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (SPECIFY)	FROM		TO	
		MONTH	YEAR	MONTH	YEAR
NONE					PRESENT TIME
FRANZ U.S. BAKERY 340 NE 11TH AVENUE, PORTLAND, OR	PRODUCTION WRK	08	2001	09	2001
PRECISION CASTPARTS	SANDER	06	2001	07	2001
FASTRIP 5829 NE UNION, PORTLAND, OR	CASHIER	02	2001	06	2001

Show below last occupation abroad if not shown above. (Include all information requested above.)

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY): I-130	SIGNATURE OF APPLICANT 	DATE 2/6/02
Are all copies legible? <input checked="" type="checkbox"/> Yes	If your native alphabet is other than roman letters, write your name in your native alphabet here:	

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name) ABU-ZUBAIDAH	(Given name) HESHAM	(Middle name) MOHAMED	(Alien registration number) A78-737-342
--	-------------------------------	---------------------------------	---



32198

Page: 1 of 1
07/17/2000 10:34A
Clark County, WA

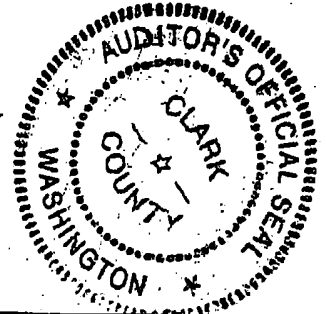


3228675

Page: 1 of 1
05/20/2000 03:11P
Clark County, WA

GREGORY A. KIMSEY, Auditor of Clark County, Washington, do hereby certify that the foregoing to be a true and correct copy of a Cert. of Marriage

Microfilm No. _____, File No. 3735198
of record in this office. WITNESS my hand and official seal
this 16 day of February, 2000.
GREGORY A. KIMSEY, Auditor, Clark County
By [Signature]
Deputy



CERTIFICATE OF MARRIAGE

Please type or print clearly in permanent black ink.

COUNTY OF LICENSE CLARK		DATE VALID JUN 23	NOT VALID AFTER AUG 22 2000
OFFICIANT - I certify the persons named below were married on			
1. DATE OF MARRIAGE (MO/DAY/YR) 07, 14, 00	2. COUNTY OF CEREMONY CLARK	3. TYPE OF CEREMONY <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Civil	4. DATE SIGNED (MO/DAY/YR) 07, 14, 00
5. OFFICIANT'S NAME (PRINT) VERNON L. SCHREIBER		6. OFFICIANT'S SIGNATURE <u>[Signature]</u>	
7. OFFICIANT'S ADDRESS (STREET, CITY, STATE & ZIP) P.O. BOX 5000 VANCOUVER, WA 98666			
GROOM			
8. GROOM'S NAME FIRST MIDDLE LAST Hesham Mohammed Abu-Zubaidah			
9. USUAL RESIDENCE ADDRESS (NUMBER AND STREET) 2934 N.E. 61st		10. DATE OF BIRTH (MO/DAY/YR) 4, 28, 76	11. BIRTH STATE (IF NOT USA GIVE COUNTRY) Saudi Arabia
12. CITY/TOWN/LOCATION Portland, Oregon 97213		13. INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	14. COUNTY Mult
15. STATE OR		16. FATHER'S NAME (FIRST/LAST) Mohammed Hussain Abu-Zubaidah	
17. BIRTH STATE (IF NOT USA GIVE COUNTRY) Jerusalem		18. MOTHER'S MAIDEN NAME (FIRST/LAST) Malacka Farhan Abu-Zubaidah	
19. BIRTH STATE (IF NOT USA GIVE COUNTRY) Jordan		20. GROOM'S SIGNATURE <u>[Signature]</u>	
21. DATE SIGNED (MO/DAY/YR) 7-14-00		BRIDE	
22. BRIDE'S NAME FIRST MIDDLE LAST Rosalee Marie Andrews			
23. MAIDEN NAME Andrews		24. USUAL RESIDENCE ADDRESS (NUMBER AND STREET) 2934 N.E. 61st	
25. DATE OF BIRTH (MO/DAY/YR) 3, 27, 79		26. BIRTH STATE (IF NOT USA GIVE COUNTRY) Oregon	
27. CITY/TOWN/LOCATION Portland, OR 97213		28. INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	29. COUNTY Mult
30. STATE OR		31. FATHER'S NAME (FIRST/LAST) Paul Douglas Andrews	
32. BIRTH STATE (IF NOT USA GIVE COUNTRY) Iowa		33. MOTHER'S MAIDEN NAME (FIRST/LAST) Rosalind Lynn Andrews	
34. BIRTH STATE (IF NOT USA GIVE COUNTRY) California		35. BRIDE'S SIGNATURE <u>[Signature]</u>	
36. DATE SIGNED (MO/DAY/YR) 7/14/00		37. WITNESS SIGNATURE <u>[Signature]</u>	
38. WITNESS SIGNATURE <u>[Signature]</u>		39. COUNTY AUDITOR'S SIGNATURE <u>[Signature]</u>	
40. DATE RECEIVED (MO/DAY/YR) JUL 17 2000			

Certificate of Marriage

STATE OF WASHINGTON,
County of CLARK } SS.

I hereby certify, that on the 14th day of JULY in the year of our Lord 2000 in the City of VANCOUVER In the County and State aforesaid, I, the undersigned, a DISTRICT COURT JUDGE by authority of a Marriage License bearing date, the 23rd day of JUNE, year of 2000, AD and issued by the Auditor of the County of Clark, State of Washington

Did join in Marital Relationship

HESHAM M. ARU-ZORIDAH of the County of MULTNOMAH State of OREGON and

ROSALIE M. ANDREWS of the County of MULTNOMAH State of OREGON with

Their mutual consent, and in the presence of Beverly A. Shickler WITNESS
Barbara D. Caldwell WITNESS

[Signature] Groom
Rosalie M. Andrews Bride

Witness my hand, at FIVE o'clock P. M.,
The 14th day of JULY month 2000 year.
Signed [Signature]

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 3/11/02

TO: KAY, STEVEN L.
PARKER, BUSH, & LANE, P.C.
1400 SW FIFTH AVE.; SUITE 670
PORTLAND, OR 97201-5538

Please take notice that the above captioned case has been scheduled for a ~~Mass~~ Individual hearing before the Immigration Court on March 27, 2002 at 1:00 p.m. at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180
GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 3-11-02
Immigration Judge: [Signature] or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP INS
DATE: 3/11/02 BY: COURT STAFF BCM
Attachments: EOIR-33 EOIR-28 Legal Services List Other

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PORTLAND, OR

In the Matter of
Abu-Zu Baidah, Hesham

File No. 78-737-342

ORDER OF PRE-HEARING STATEMENT BY THE IMMIGRATION JUDGE

Pursuant to 8 C.F.R. Section 3.21 and local operating procedure 2.C each party is directed to file not later than ten days prior to the Individual Calendar hearing the following in the form of a "Pre Hearing Statement" All cases set by agreement are expected to be presented and completed within that time.

1. A list of proposed witnesses and what they will establish.
2. A list, together with copies, of all exhibits that may be offered at hearing for any purpose whatsoever and what they will establish. No unilateral purported reservation of the obligation to comply has any effect.
3. Any party objecting to any proposed exhibit shall file the same by no later than five days prior to the Individual Calendar. Objections must be document specific. Unilateral purported general objections have no effect. Failure to timely file any such objection to any exhibit described in the Pre Hearing Statement shall be deemed to waive any objection thereto. Section 3.21 (c).
4. Application for relief for Adj. of Status ^{already} shall be filed by MB 3-11-02
alve Counsel is reminded that EOIR in Portland will not accept any fee in conjunction with said application.
5. The parties are warned that pursuant to Section 3.31 (c) the failure to timely file any document required herein shall be deemed a waiver and abandonment of any such opportunity.
6. In any case in which the Service believes it is pertinent to consider an alien's criminal record, it shall file a list of the same by the date of the Pre Hearing Statement. This shall include incident date, conviction date, name of court, and sentence actually imposed.
7. The local filing and operating procedures are incorporated by reference as though they were fully set out herein. The directive to comply therewith includes, but is not limited to, the pagination of all submissions, use of a table of contents for documents over five (5) pages in length and submissions two-hole punched at the top. Pages shall be numbered consecutively with the numbering beginning anew with each submission. Submissions should neither be tabbed, lettered or designated as exhibits.
8. Copies of any required filing shall be served upon the attorney who last appeared in this matter, or upon the person in proceedings if appearing pro se.

Date: 3/11/02

[Signature]
Immigration Judge

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 2/25/02

TO: KAY, STEVEN L.
PARKER, BUSH, & LANE, P.C.
1400 SW FIFTH AVE., SUITE 670
PORTLAND, OR 97201-5538

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on March 11, 2002 at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, below) for a period of ten (10) years after the date of entry of the final order of removal.
- 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for period of ten (10) years from the date of your scheduled hearing.
- 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

*the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 2-25-02
Immigration Judge: *M. Bennett* or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

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

DATE: 2/25/02 BY: COURT STAFF *RCW*

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

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE IMMIGRATION REVIEW
IMMIGRATION COURT
1220 S.W. THIRD AVENUE, SUITE 218
PORTLAND, OR 97204

In the Matter of:

Abu-Zubaidah, Hesham

Case No.: A 781 7371 342

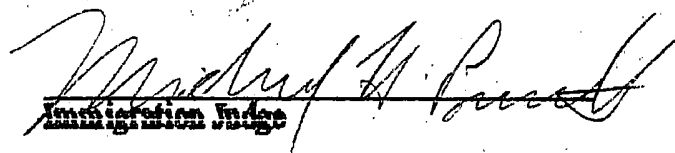
Docket: Portland, OR

RESPONDENT

IN REMOVAL PROCEEDINGS

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 242 and having considered the representations of the Immigration and Naturalization Service and the respondent, it is **HEREBY ORDERED** that: the respondent be held without bond.


Immigration Judge

Date: 2/25/02

Reserved

Appeal: ~~WAIVED~~ (A/B)

Appeal Due By: March 27, 2002

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: 2/25/02 BY: COURT STAFF RCM
Attachments: EOIR-99 EOIR-28 Legal Services List Other

IT

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: HESHAM ABU-ZUBAIDAH (BENEFICIARY)	Date 02/04/2002
ROSALEE ABU-ZUBAIDAH (PETITIONER)	File No. N/A

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM M. ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 1801 NE 162ND PORTLAND OREGON 97230		
Name ROSALEE ABU-ZUBAIDAH	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 1801 NE 162ND, #2 PORTLAND OREGON 97230		

Check applicable item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON OREGON SUPREME COURT and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- 4. Others (Explain fully.)
TILMAN HASCHE, JAMES L. LANE, GRETEL NESS AND RICHARD J. PARKER

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 S.W. FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) STEVEN L. KAY	TELEPHONE NUMBER FAX 503-241-1320 503/323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

STEVEN L. KAY

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting HESHAM ABU-ZUBAIDAH	Signature of Person Consenting 	Date 2/6/02
---	---	-----------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
511 NW Broadway, Portland, OR 97209



NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

Rosalee Marie Abu-Zubaidah
1801 NE 162nd, Apt. #2
Portland, OR 97230

NAME OF BENEFICIARY Hesham Mohamed ABU-ZUBAIDAH	
CLASSIFICATION 201(b)	FILE NO. A 783 737 342
DATE PETITION FILED 02/11/02	DATE OF APPROVAL 03/08/02

DATE: 03/08/02

The visa petition you filed has been approved. The beneficiary for whom you filed has been given the appropriate classification. Note the approval gives no assurance that the beneficiary will automatically be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Whether the beneficiary gets a visa is decided only when an application is made to a consular officer; whether the beneficiary is admitted or adjusts status in the United States is decided only when an application is made to an immigration officer.

- Your petition to classify the beneficiary as an immediate relative of a United States citizen has been forwarded to the National Visa Center located at 32 Rochester Avenue, Portsmouth, New Hampshire 03801. After processing, that office will then notify you that they have forwarded the petition to the American Consulate in Juarez. This completes all action by this Service on the petition. The United State Consulate, which is part of the Department of State, will contact the beneficiary and give instructions about getting a visa. Questions about getting a visa should be made to the United States Consul.
- If you become a naturalized citizen of the United States and an immigrant visa has not yet been issued to the beneficiary, notify this office immediately, giving the date of your naturalization. If the petition was in behalf of your son or daughter, please advise whether that person is still unmarried. This information may be helpful to the beneficiary in getting a visa faster.
- Your petition for preference classification has been forwarded to the National Visa Center located at 32 Rochester Avenue, Portsmouth, New Hampshire 03801. After processing, that office will then forward the petition to the American Consulate in . This completes all action by the Service. This Service does not issue visas in other countries. Visas are issued only by the United States Consuls who are employees of the United States Department of State. When the beneficiary's turn is reached on the visa waiting list, the United States Consul will contact the beneficiary and give instructions about getting a visa. Visas are issued according to the date the petition was filed. Questions about getting a visa should be addressed to the United States Consul.
- Your petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. You should contact the INS forms line at 1-800-870-3676 to obtain Form I-485. This form should be completed and submitted by the beneficiary within 30 days. (If the beneficiary previously submitted such an application and had it returned, it should be resubmitted within 30 days.) If the beneficiary is currently in deportation/removal proceedings, the Application for Adjustment of Status must be filed with the Executive Office of Immigration Review (EOIR) in Seattle, WA.
- The beneficiary will be informed by the Immigration Judge of the decision made on the pending Application to Become a Lawful Permanent Resident.
- The petition states that the beneficiary is in the United States and will apply to become a lawful permanent resident. The beneficiary may not apply to become a permanent resident. However, until a visa number is available, information about visa numbers may be obtained from the United States Department of State, Bureau of Consular Affairs, Washington, D.C.
- Original documents submitted in support of your petition unaccompanied by copies have been made a permanent part of the petition. Any others are being returned with this form.
- Remarks:

Very Truly Yours,

Ronald J. Smith
Acting District Director

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY

Case ID# A# G-28, pr Volag# Section of Law: <input checked="" type="checkbox"/> 201 (b) spouse <input type="checkbox"/> 203 (a)(1) <input type="checkbox"/> 201 (b) child <input type="checkbox"/> 203 (a)(2) <input type="checkbox"/> 201 (b) parent <input type="checkbox"/> 203 (a)(4) <input type="checkbox"/> <input type="checkbox"/> 203 (a)(5) AM CON: _____	Action Stamp <div style="border: 2px solid black; padding: 5px; text-align: center;"> APR 11 2002 MAR 08 2002 J.A.M. POO I </div>	Fee Stamp 2002 FEB - 8 AP Feb11/02 002#10497 POO-1F I-130 SPOUSE\$110.00 Petition was filed on _____ (priority date) <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> Stateside Criteria <input type="checkbox"/> Field Investigations <input type="checkbox"/> I-485 Simultaneously <input type="checkbox"/> 204 (a)(2)(A) Resolved <input type="checkbox"/> 204 (h) Resolved
Remarks:		

A. Relationship

1. The alien relative is my Husband/Wife Parent Brother/Sister Child Yes No

2. Are you related by adoption? Yes No

3. Did you gain residence through adoption? Yes No

B. Information about you

1. Name (Family Name in CAPS) (First) (Middle)
ABU-ZUBAIDAH ROSALEE MARIE

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND #2
 (Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND OREGON 97230

3. Place of Birth (Town or City) (State/Country)
PORTLAND, OREGON, USA

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
03/27/1979 Female Married Single
 Male Widowed Divorced

7. Other Names Used (including maiden name)
ROSALEE MARIE ANDREWS

8. Date and Place of Present Marriage (if married)
07/14/2000 VANCOUVER, U.S.A.

9. Social Security Number 10. Alien Registration Number (if any)
542-23-1376 NONE

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
NONE

C. Information about your alien relative

1. Name (Family Name in CAPS) (First) (Middle)
ABU-ZUBAIDAH HESHAM MOHAMED

2. Address (Number and Street) (Apartment Number)
1801 NE 162ND #2
 (Town or City) (State/Country) (ZIP/Postal Code)
PORTLAND OREGON 97230

3. Place of Birth (Town or City) (State/Country)
RIYADH SAUDI ARABIA

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
04/28/1976 Male Married Single
 Female Widowed Divorced

7. Other Names Used (including maiden name)
NONE

8. Date and Place of Present Marriage (if married)
07/14/2000 VANCOUVER, U.S.A.

9. Social Security Number 10. Alien Registration Number (if any)
354-94-5066 A78-737-342

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
NONE

13. If you are a U.S. citizen, complete the following:
 My citizenship was acquired through (check one)
 Birth in the U.S.
 Naturalization (Give number of certificate, date and place it was issued)

 Parents
 Have you obtained a certificate of citizenship in your own name?
 Yes No
 If "Yes", give number of certificate, date and place it was issued

13. Has your relative ever been in the U.S.? Yes No

14. If your relative is currently in the U.S., complete the following: He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)
F-1
 Arrival/Departure Record (I-94) Number Date Arrived (Month/Day/Year)
569090730 05 07/26/1998
 Date authorized stay expired, or will expire as shown on Form I-94 or I-95

14a. If you are a lawful permanent resident alien, complete the following:
 Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission:

15. Name and Address of Present Employer (if any)
NONE
 Date this employment began (Month/Day/Year)

14b. Did you gain permanent residence status through marriage to a United States citizen or lawful permanent resident? Yes

16. Has your relative ever been under immigration proceedings?
 Yes No Where **POO** When **CURRENTLY**
 Exclusion Deportation Rescission Judicial Proceedings

INITIAL R

RESUBMITTED	RELOCATED		COMPLETED		
	Rec'd	Sent	Approved	Denied	Returned

C. (continued) Information about your alien relative

16. List Husband/wife and all children of your relative (if your relative is your husband/wife, list only his or her children).

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
NAUTICA	ABU-ZUBAIDAH DAUGHTER	09/05/00	U.S.A.

17. Address in the United States where your relative intends to live

(Number and Street)	(Town or City)	(State)
1801 NE 162ND, #2	PORTLAND	OREGON

18. Your relative's address abroad

(Number and Street)	(Town or City)	(Province)	(Country)	(Phone Number)
	Riyadh		Saudi Arabia	(435 9464)

19. If your relative's native alphabet is other than Roman letters, write his or her name and address abroad in the native alphabet:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)
هشام ابوزبيدح		الرياض	المملكة العربية السعودية	السعودية

20. If filing for your husband/wife, give last address at which you both lived together:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)	From (Month) (Year)	To (Month) (Year)
	1801 NE 162ND, #2	PORTLAND	OREGON	U.S.A.	04/2000	PRESENT

21. Check the appropriate box below and give the information required for the box you checked:

- Your relative will apply for a visa abroad at the American Consulate in _____ (City) _____ (Country)
- Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at PORTLAND, OREGON (City) _____ (State) _____ (Country) If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American Consulate in RIYADH (City) _____ (Country) SAUDI ARABIA (Country)

(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated consulate.)

D. Other Information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever filed a petition for this or any other alien before? Yes No

If "Yes", give name, place and date of filing, and result.
 8/14/2000 PORTLAND, OREGON WITHDRAWN

Warning: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

Penalties: You may, by law be imprisoned for not more than five years, or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws and you may be fined up to \$10,000 or imprisoned up to five years or both, for knowingly and willfully falsifying or concealing a material fact or using any false documents in submitting this petition.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

(Signature) Rosalee Abu-Zubaidah (Date) 2/5/02 (Phone Number) 503-284-7169

Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

STEVEN L. KAY PARKER, BUSH & LANE, P.C.
 1400 SW FIFTH AVE, #670, PORTLAND, OR 97201

Print Name _____ (Address) _____ (Signature) _____ (Date) 2/5/02

G-28 ID Number OSB #99192

Volag Number _____



US DEPT OF JUSTICE
INS PORTLAND
RETAIN THIS RECEIPT

11:24AM Feb 11/02
00-0000 002 POD-WF
#10497

Receipt Copy
A # 78737342
Last Name ABU-ZUBAIDAH
First Name HESHAM

I-130 SPOUSE\$110.00
Check \$110.00

Official
Document

US DEPT OF JUSTICE
INS PORTLAND
RETAIN THIS RECEIPT

11:24AM Feb 11/02
00-0000 002 POD-WF
#10497

A # 78737342
Last Name ABU-ZUBAIDAH
First Name HESHAM

I-130 SPOUSE\$110.00
Check \$110.00

Official
Document

Label

(See page 18.)

Use the IRS label. Otherwise, please print or type.

L
A
B
E
L
H
E
R
E

ROSALEE M ABU ZUBAIDAH
HESHAM M ABU ZUBAIDAH
2934 NE 61ST
PORTLAND, OR 97213

OMB No. 1545-0045

Your social security number

542-23-1376

Spouse's social security number

354-94-5066

▲ Important! ▲
You must enter your SSN(s) above.

Presidential Election Campaign

(See page 20.)

Note. Checking "Yes" will not change your tax or reduce your refund.

Do you, or your spouse if filing a joint return, want \$3 to go to this fund?

You Yes No Spouse Yes No

Filing status

- 1 Single
- 2 Married filing joint return (even if only one had income)
- 3 Married filing separate return. Enter spouse's social security number above and full name here. ▶ _____
- 4 Head of household (with qualifying person). (See page 21.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶ _____
- 5 Qualifying widow(er) with dependent child (year spouse died ▶ _____). (See page 22.)

Exemptions

6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a. No. of boxes checked on 6a and 6b **2**

b Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if qual. child for child tax credit (see page 23)	No. of your children on 6c who:
NAUTICA	ABU ZUBAIDAH	540-59-3895	DAUGHTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> lived with you 1 <input type="checkbox"/> did not live with you due to divorce or separation (see page 24)
					Dependents on 6c not entered above

d Total number of exemptions claimed. Add numbers entered on lines above **3**

Income

Attach Form(s) W-2 here. Also attach Form(s) 1099-R if tax was withheld.

7	Wages, salaries, tips.	7	15,687.
8a	Taxable interest. Attach Schedule 1 if required.	8a	
b	Tax-exempt interest. Do not include on line 8a.	8b	
9	Ordinary dividends. Attach Schedule 1 if required.	9	
10	Capital gain distributions (see page 25).	10	
11a	Total IRA distributions. 11a	11b	Taxable amount (see page 25). 11b
12a	Total pensions and annuities. 12a	12b	Taxable amount (see page 26). 12b
13	Unemployment compensation, qualified state tuition program earnings, and Alaska Permanent Fund dividends.	13	1,209.
14a	Social security benefits. 14a	14b	Taxable amount (see page 28). 14b
15	Add lines 7 through 14b (far right column). This is your total income.	15	16,896.

Adjusted gross income

16	IRA deduction (see page 28).	16	
17	Student loan interest deduction (see page 31).	17	
18	Add lines 16 and 17. These are your total adjustments.	18	
19	Subtract line 18 from line 15. This is your adjusted gross income.	19	16,896.

KBA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 53.

Form 1040A (2001)

Tax, credits, and payments

21a Check You were 65 or older Blind } Enter number of boxes checked ▶ 21a
 if: Spouse was 65 or older Blind }
 b If you are married filing separately and your spouse itemizes deductions, see page 32 and check here. ▶ 21b

Standard Deduction for --
 • People who checked any box on line 21a or 21b or who can be claimed as a dependent, see page 33.
 • All others:
 Single, \$4,550
 Head of household, \$6,650
 Married filing jointly or Qualifying widow(er), \$7,600
 Married filing separately, \$3,800

22	Enter your standard deduction (see left margin).	22	7,600.
23	Subtract line 22 from line 20. If line 22 is more than line 20, enter -0-.	23	9,296.
24	Multiply \$2,900 by the total number of exemptions claimed on line 6d.	24	8,700.
25	Subtract line 24 from line 23. If line 24 is more than line 23, enter -0-. This is your taxable income .	▶ 25	596.
26	Tax , including any alternative minimum tax (see page 33).	26	88.
27	Credit for child and dependent care expenses. Attach Schedule 2.	27	
28	Credit for the elderly or the disabled. Attach Schedule 3.	28	
29	Education credits. Attach Form 8863.	29	
30	Rate reduction credit. See the worksheet on page 36.	30	30.
31	Child tax credit (see page 36).	31	58.
32	Adoption credit. Attach Form 8839.	32	
33	Add lines 27 through 32. These are your total credits .	33	88.
34	Subtract line 33 from line 26. If line 33 is more than line 26, enter -0-.	34	0.
35	Advance earned income credit payments from Form(s) W-2.	35	
36	Add lines 34 and 35. This is your total tax .	▶ 36	0.
37	Federal income tax withheld from Forms W-2 and 1099.	37	682.
38	2001 estimated tax payments and amount applied from 2000 return.	38	
39a	Earned income credit (EIC) .	39a	1,823.
	b Nontaxable earned income.	39b	
40	Additional child tax credit. Attach Form 8812.	40	542.
41	Add lines 37, 38, 39a, and 40. These are your total payments .	▶ 41	3,047.

If you have a qualifying child, attach Schedule EIC.

Refund

Direct deposit? See page 47 and fill in 43b, 43c, and 43d.

42	If line 41 is more than line 36, subtract line 36 from line 41. This is the amount you overpaid .	42	3,047.
43a	Amount of line 42 you want refunded to you .	▶ 43a	3,047.
	b Routing number <input type="text"/> ▶ c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d Account number <input type="text"/>		
44	Amount of line 42 you want applied to your 2002 estimated tax .	44	

Amount you owe

45	Amount you owe . Subtract line 41 from line 36. For details on how to pay, see page 48.	▶ 45	
46	Estimated tax penalty (see page 48).	46	

Third party designee

Do you want to allow another person to discuss this return with the IRS? (see page 49)? Yes. Complete the following. No
 Designee's name ▶ Phone no. ▶ Personal Identification number (PIN) ▶

Sign here

Joint return? See page 20. Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than the taxpayer) is based on all information of which the preparer has any knowledge.

Your signature	Date	Your occupation UNEMPLOYED	Daytime phone number
Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation UNEMPLOYED	

Paid preparer's use only

Preparer's signature Date 2/22/2002 Check if self-employed Preparer's SSN or PTIN P00263537
 Firm's name (or yours if self-employed), address, and ZIP code ▶ **H R BLOCK 2444C** EIN 93-0586660
PORTLAND 103, OR 97232-0000 Phone no. (503) 231-8888

KBA

on page 19.)
Use the IRS
label.
Otherwise,
please print
or type.

HESHAM M ABU ZUBAIDAH
293 NE 61ST
PORTLAND, OR 97213

542-2
Spouse's social
354-9
△ Impto
You must
your SSN

Presidential
Election Campaign
(See page 19.)

Note. Checking "Yes" will not change your tax or reduce your refund.
Do you, or your spouse if filing a joint return, want \$3 to go to this fund?

You
 Yes No

Filing Status

1	<input type="checkbox"/>	Single
2	<input checked="" type="checkbox"/>	Married filing joint return (even if only one had income)
3	<input type="checkbox"/>	Married filing separate return. Enter spouse's SSN above and full name here. ▷
4	<input type="checkbox"/>	Head of household (with qualifying person). (See page 19.) If the qualifying person is a child but not your dependent, enter this child's name here. ▷
5	<input type="checkbox"/>	Qualifying widow(er) with dependent child (year spouse died ▷). (See page 19.)

Exemptions

6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a

6b Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if qual. child for child tax cr.
NAUTICA	ABU ZUBAIDAH	540-59-3895	DAUGHTER	<input checked="" type="checkbox"/>

d Total number of exemptions claimed

Income

7 Wages, salaries, tips, etc. Attach Form(s) W-2

8a Taxable interest. Attach Schedule B if required

8b Tax-exempt interest. Do not include on line 8a.

9 Ordinary dividends. Attach Schedule B if required

10 Taxable refunds, credits, or offsets of state and local income taxes (see page 22)

11 Alimony received

12 Business income or (loss). Attach Schedule C or C-EZ

13 Capital gain or (loss). If Sch D not required, check here

14 Other gains or (losses). Attach Form 4797

15a Total IRA distributions

15b Taxable amt

16a Total pensions and annuities

16b Taxable amt

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E

18 Farm income or (loss). Attach Schedule F

19 Unemployment compensation

20a Social security benefits

20b Taxable amt

21 Other income. List type and amount (see page 25)

22 Add the amounts in the far right column for lines 7 through 21. This is your total income

Adjusted Gross Income

23 IRA deduction (see page 27)

24 Student loan interest deduction (see page 27)

25 Medical savings account deduction. Attach Form 8853

26 Moving expenses. Attach Form 3903

27 One-half of self-employment tax. Attach Schedule SE

28 Self-employed health insurance deduction (see page 29)

29 Self-employed SEP, SIMPLE, and qualified plans

30 Penalty on early withdrawal of savings

31a Alimony paid b Recipient's SSN ▷

31a

32 Add lines 23 through 31a

33 Subtract line 32 from line 22. This is your adjusted gross income

KBA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 56.

Tax and Credits

34 Amount from line 33 (adjusted gross income) **34** 8,695.

35a Check if: You were 65 or older, Blind; Spouse was 65 or older, Blind. Add the number of boxes checked above and enter the total here **35a**

b If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see page 31 and check here **35b**

36 Enter your itemized deductions from Schedule A, line 28, or standard deduction shown on the left. But see page 31 to find your standard deduction if you checked any box on line 35a or 35b or if someone can claim you as a dependent. **36** 7,350.

37 Subtract line 36 from line 34. **37** 1,345.

38 If line 34 is \$96,700 or less, multiply \$2,800 by the total number of exemptions claimed on line 6d. If line 34 is over \$96,700, see the worksheet on page 32 for the amount to enter. **38** 8,400.

39 Taxable income. Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-. **39** 0.

40 Tax. Check if any tax is from: Form(s) 9814 Form 4972 **40** 0.

41 Alternative minimum tax. Attach Form 6251 **41**

42 Add lines 40 and 41 **42** 0.

43 Foreign tax credit. Attach Form 1116 if required **43**

44 Credit for child and dependent care expenses. Attach Form 2441. **44**

45 Credit for the elderly or the disabled. Attach Schedule R **45**

46 Education credits. Attach Form 8863 **46**

47 Child tax credit (see page 36). **47**

48 Adoption credit. Attach Form 8839 **48**

49 Other. Check if from: a Form 3800 b Form 8396 c Form 8801 d Form (specify) **49**

50 Add lines 43 through 49 **50**

51 Subtract line 50 from line 42. If line 50 is more than line 42, enter -0-. **51** 0.

Standard Deduction for Most People

Single: \$4,400

Head of household: \$6,450

Married filing jointly or Qualifying widow(er): \$7,350

Married filing separately: \$3,675

Other Taxes

52 Self-employment tax. Attach Schedule SE **52**

53 Social security and Medicare tax on tip income not reported to employer. Attach Form 4137 **53**

54 Tax on IRAs, other retirement plans, and MSAs. Attach Form 5329 if required **54**

55 Advance earned income credit payments from Form(s) W-2 **55**

56 Household employment taxes. Attach Schedule H **56**

57 Add lines 51 through 56. This is your total tax **57** 0.

Payments

If you have a qualifying child, attach Schedule EIC.

58 Federal income tax withheld from Forms W-2 and 1099 **58** 512.

59 2000 estimated tax payments & amount applied from 1999 return **59**

60a Earned income credit (EIC) **60a** 2,353.

b Nontaxable earned income amount and type **60b**

61 Excess social security and RRTA tax withheld (see page 50) **61**

62 Additional child tax credit. Attach Form 8812 **62**

63 Amount paid with request for extension to file (see page 50) **63**

64 Other payments. Check if from a Form 2439 b Form 4136 **64**

65 Add lines 58, 59, 60a, and 61 through 64. Total payments **65** 2,865.

Refund

Have it directly deposited! See page 50 and fill in 67b, 67c, and 67d.

66 If line 65 is more than line 57, subtract line 57 from line 65. This is the amount you overpaid **66** 2,865.

67a Amount of line 66 you want refunded to you **67a** 2,865.

b Routing number 031100254 Checking Savings **67b**

d Account number 90047915542231376 **67d**

68 Amount of line 66 you want applied to 2001 estimated tax **68**

Amount You Owe

69 If line 57 is more than line 65, subtract line 65 from line 57. This is the amount you owe. For details on how to pay, see page 51. **69**

70 Estimated tax penalty. Also include on line 69 **70**

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 19. Keep a copy for your records.

Your signature: For Info Only-Do not file Date: Your occupation: CLERICAL Daytime phone number:

Spouse's signature: For Info Only-Do not file Date: Spouse's occupation: CASHIER May IRS discuss this return with the preparer shown below? Yes No

Paid Preparer's Use Only

Preparer's signature: Date: 2/6/01 Check if self-employed: Preparer's SSN or PTIN:

Firm's name (or yours if self-employed), address, and ZIP code: H R BLOCK 403 2444C EIN 93-0586660

PORTLAND, OR 97232-0000 Phone no. (503) 231-8888



Portland General Electric

(503)228-6322 or 1-800-542-8818
www.PortlandGeneral.com

Feeder Line Code: HK2

Account number 5-0245-6990-0 9

Previous Amount Due 111.94
Payments/Adjustments 112.00CR
Balance Forward 0.06CR
Current Charges 81.14

Service Address:
ROSALEE M ABU-ZUBAIDAH
HESHAM ABU-ZUBAIDAH
1801 NE 162 AV 2
PORTLAND OR 97230

AMOUNT DUE \$ 81.08

Due date for current bill 02/20/02

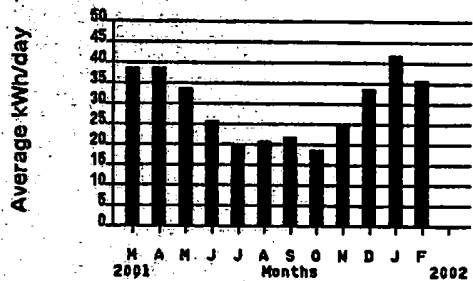
This month's charges

Meter #437203E	
984 kWh	79.31
Adjustments	0.06
	<hr/>
	79.37
Taxes and Other Fees	1.77
	<hr/>
Current Charges	81.14

Your energy use

Meter #437203E, Schedule 07	
Service Period	Meter Reading
01/30/02	69865
01/03/02	68881
27 days	984 kWh

Period Ending	Average kWh Per Day	Average Cost Per Day
Feb 2002	36	2.94
Feb 2001	N/A	



(See back for detail)

Caulk, seal and weatherize your home to lower your energy use.
For many good tips, log on to www.PortlandGeneral.com/EE/.

Oregon Auto Liability Insurance Identification Card



Allstate Indemnity Company

Rosalee Abu-Zubaidah
2934 Ne 61st Ave
Portland OR 97213-3926

POLICY NUMBER
9 07 192059 11/01
EFFECTIVE DATE
11/01/01
EXPIRATION DATE
05/01/02

YEAR / MAKE / MODEL
96 Ford Mustang
VEHICLE ID NUMBER
1FALP4044TF161350

This card must be carried in the vehicle at all times as evidence of insurance.



RENTAL AGREEMENT OREGON



PARTIES	DATE 2-10-01	PROJECT NAME / NUMBER Executive 1801		
	RESIDENTS: (NAME ALL ADULTS) Hesham & Rose ABU-ZUBAIDAH			
	PREMISES ADDRESS 1901 NE. 162ND	UNIT # 2	CITY PORTLAND	STATE OR ZIP 97230
	OWNER / AGENT Princeton Prop Mgmt / TUA WILSON	ADDRESS 7831 S.E. LAKE RD. # 200 CITY PORTLAND STATE OR ZIP 97230		

TENANCY	<input type="checkbox"/> LEASE TERM BEGINNING: _____ AND ENDING: _____
	<input type="checkbox"/> CHECK IF EARLY TERMINATION PROVISION APPLIES. AMOUNT: \$ _____
	<input checked="" type="checkbox"/> MONTH TO MONTH BEGINNING: 2-01 RENT DUE DATE (IF OTHER THAN FIRST) _____

FINANCIAL TERMS	MONTHLY STATED RENT	\$ 525.00
	OTHER MONTHLY CHARGES	\$ 0
	IDENTIFY:	
	TOTAL MONTHLY CHARGES	\$ 525.00
	LATE CHARGE:	<input checked="" type="checkbox"/> FLAT FEE OF \$ 50.00
	(CHOOSE ONE)	<input type="checkbox"/> PER DAY @ \$ _____
	<input type="checkbox"/> 5% OF STATED RENT EVERY 5 DAYS	
	RETURN CHECK CHARGE	\$ 25.00

ACCOUNTING	FIRST MONTH'S RENT	FROM 2-10-01 THRU 3-9-01 DUE 2/10/01 \$ 525
	SECOND MONTH'S RENT	FROM 3/10/01 THRU 3/31/01 DUE 3/11/01 \$ 350.00
	SECURITY DEPOSIT (REFUNDABLE)	with 1st 3 payments \$ 525.00
	PET DEPOSIT / FEE (CIRCLE ONE)	\$ _____
	NON-REFUNDABLE FEES (DESCRIBE OWNER / AGENT EXPENSE)	\$ _____
	OTHER CHARGES	\$ _____

OTHER	OTHER OCCUPANTS	
	NAME	AGE OR DATE OF BIRTH

VEHICLES	
AUTOMOBILES	LICENSE NO
Mustang	XPS 748
OTHER VEHICLES	

MOVE IN ACCOUNTING	
RENT	\$ 525.00
DEPOSITS	\$ 200.00
FEES	\$ _____
OTHER	\$ 240.00
TOTAL DUE AT MOVE IN	\$ 965.00

SMOKE DETECTORS: Resident acknowledges and the manager certifies that the Premises is equipped with a smoke detector as required by ORS Chapter 479 and that the smoke detector has been tested and is operable at this time. It is the Resident's responsibility to test the smoke detector at least every six (6) months, replace dead batteries as required, and notify Landlord in writing of any operating deficiencies. Resident shall not remove or tamper with a functioning smoke detector, including removing working batteries. I have received instructions on the proper use of the smoke detector.

TYPE OF SMOKE DETECTOR BATTERY ELECTRIC INITIALS _____

UTILITIES	PAID FOR / PROVIDED BY:	ELECTRICITY	WATER	SEWER	GARBAGE SERVICE	GARBAGE CONTAINER	BASIC CABLE	GAS	OTHER Telephone	PETS (NUMBER & TYPE - APPROVED BY MANAGEMENT) APPROVED FOR USE: <input type="checkbox"/> WATERBED <input type="checkbox"/> AQUARIUM <input type="checkbox"/> MUSICAL INSTRUMENTS DO YOU HAVE RENTERS INSURANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO
	OWNER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	RESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
THE FOLLOWING UTILITIES OR SERVICES PAID FOR BY TENANT WILL BENEFIT OTHER TENANTS OR MANAGEMENT. ANY YARD INCLUDED IN THE LEASED PREMISES WILL BE MAINTAINED BY: <input type="checkbox"/> RESIDENT <input checked="" type="checkbox"/> OWNER / AGENT										

SPECIAL LEASE PROVISIONS / DISCLOSURES _____

! / WE HAVE READ THE TERMS AND CONDITIONS LISTED ON BOTH SIDES OF THIS CONTRACT.

RESIDENT X Rosalee M. Abu-Zubaidah	RESIDENT X [Signature]
IN CASE OF EMERGENCY NOTIFY: Rosalind L. Andrews STREET ADDRESS 2934 N.E. 16th PHONE 503-288-0761 home	PHONE 503-232-2191
NEXT OF KIN _____ STREET ADDRESS _____ PHONE _____	
OWNER / AGENT X Tua Wilson	IF APPLICABLE, REAL ESTATE BROKER APPROVAL _____ DATE 2-01

FORM PRIN 01 (OR) © September 1997 Metro Multifamily Housing Association NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION.

CERTIFICATION OF VITAL RECORDS

DEPARTMENT OF HUMAN SERVICES
HEALTH SERVICES, CENTER FOR HEALTH STATISTICS

CERTIFICATE OF LIVE BIRTH

CERTIFICATE NUMBER: 136-00-31682

1. NAME: NAUTICA ROSE MARIE ABU-ZUBAIDAH
2. SEX: FEMALE
3. BIRTH DATE: SEPTEMBER 5, 2000
4. BIRTH PLACE: MULTNOMAH COUNTY
5. MOTHER'S MAIDEN NAME: ROSALEE MARIE ANDREWS
6. MOTHER'S BIRTH PLACE: OREGON
7. FATHER'S NAME: HESHAM MOHAMED ABU-ZUBAIDAH
8. FATHER'S BIRTH PLACE: SAUDI ARABIA

RECORD FILE DATE: SEPTEMBER 12, 2000

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE OR THE VITAL RECORD FACTS ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON CENTER FOR HEALTH STATISTICS.

FEBRUARY 28, 2002

DATE ISSUED: _____

Jennifer A. Woodward
JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR

THIS COPY NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

ANY ALTERATION OR FRAUD Voids THIS CERTIFICATE

February 7, 2002

**BENEFICIARY IN REMOVAL PROCEEDINGS
DO NOT FORWARD TO NSC**

Certified Mail Return Receipt Requested

U.S. Department of Justice
Immigration and Naturalization Service
Portland District Office
511 NW Broadway
Portland, OR 97209

Re: Petition for Alien Relative (Spousal)
Petitioner: ABU-ZUBAIDAH, Rosalee
Beneficiary: ABU-ZUBAIDAH, Hesham (A78-737-342)

Dear Sir/Madam:

Enclosed for filing are the following:

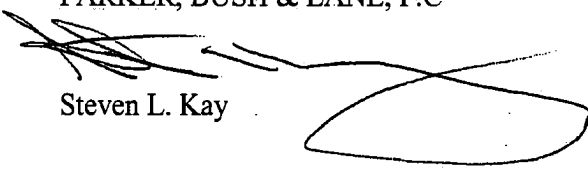
- A. INS Forms and Filing Fee:
 - 1. \$110 Filing Fee
 - 2. Form G-28: Notice of Appearance by Attorney
 - 3. Form I-130: Petition for Alien Relative
 - 4. Form G-325A - Petitioner's.
 - 5. Form G-325A - Beneficiary's

- B. Petitioner's Supporting Documents:
 - 1. Birth Certificate (copy).
 - 2. Marriage License and certificate (copies)
 - 3. One (1) Color Photograph.

- C. Beneficiary's Supporting Documents:
 - 1. One (1) Color Photograph.

All documents submitted are true copies of original documents. We are prepared to submit the originals to an immigration or consular official if requested.

Very truly yours,
PARKER, BUSH & LANE, P.C


Steven L. Kay

SLK:tjb
Enclosures

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: HESHAM ABU-ZUBAIDAH (BENEFICIARY)	Date 02/04/2002
ROSALEE ABU-ZUBAIDAH (PETITIONER)	File No. N/A

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM M. ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 1801 NE 162ND PORTLAND OREGON 97230		
Name ROSALEE ABU-ZUBAIDAH	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 1801 NE 162ND, #2 PORTLAND OREGON 97230		

Check applicable item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON OREGON SUPREME COURT and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- 4. Others (Explain fully.)
TILMAN HASCHE, JAMES L. LANE, GRETEL NESS AND RICHARD J. PARKER

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 S.W. FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) STEVEN L. KAY	TELEPHONE NUMBER 503-241-1320 FAX 503/323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
STEVEN L. KAY
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting ROSALEE ABU-ZUBAIDAH	Signature of Person Consenting <i>Rosalee M. Abu-Zubaidah</i>	Date 2/5/02
--	--	-----------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

(Family name) ABU-ZUBAIDAH	(First name) HESHAM	(Middle name) MOHAMED	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04/28/1976	NATIONALITY	FILE NUMBER A- A78-737-342			
ALL OTHER NAMES USED (Including names by previous marriages) NONE			CITY AND COUNTRY OF BIRTH RIYADH SAUDI ARABIA		SOCIAL SECURITY NO. (If any) 354-94-5066				
FATHER ABU-ZUBAIDAH MOHAMED		DATE, CITY AND COUNTRY OF BIRTH (If known) PALESTIN		CITY AND COUNTRY OF RESIDENCE RIYADH K.S.A.					
MOTHER (Maiden name) MALIKA		JORDAN		RIYADH K.S.A.					
HUSBAND (if none, so state) OR WIFE ANDREWS	FAMILY NAME (For wife, give maiden name) ROSALEE	FIRST NAME ROSALEE	BIRTHDATE 03/27/79	CITY & COUNTRY OF BIRTH PORTLAND U.S.A.	DATE OF MARRIAGE 07/14/2000	PLACE OF MARRIAGE VANCOUVER, U.S.A.			
FORMER HUSBANDS OR WIVES (If none, so state)									
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE					
NONE									
APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST									
				FROM		TO			
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR		
1801 NE 162ND	PORTLAND	OREGON	U.S.A.	09	2000	PRESENT TIME			
2934 NE 61ST AVENUE	PORTLAND	OREGON	U.S.A.	04	2000	08	2000		
16124 SE ALDER STREET	PORTLAND	OREGON	U.S.A.	08	1999	04	2000		
4933 N. HONTICELLO	CHICAGO	ILLINOIS	U.S.A.	07	1998	08	1999		
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR									
				FROM		TO			
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH	YEAR		
	RIYADH		K.S.A.	04	1976	07	1998		
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST									
			OCCUPATION (SPECIFY)		FROM		TO		
FULL NAME AND ADDRESS OF EMPLOYER					MONTH	YEAR	MONTH	YEAR	
NONE					PRESENT TIME				
FRANZ U.S. BAKERY 340 NE 11TH AVENUE, PORTLAND, OR			PRODUCTION WRK		08	2001	09	2001	
PRECISION CASTPARTS			SANDER		06	2001	07	2001	
FASTRIP 5829 NE UNION, PORTLAND, OR			CASHIER		02	2001	06	2001	
Show below last occupation abroad if not shown above. (Include all information requested above.)									
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY): I-130				SIGNATURE OF APPLICANT 				DATE 2/6/02	
Are all copies legible? <input checked="" type="checkbox"/> Yes				If your native alphabet is other than roman letters, write your name in your native alphabet here:					

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name)	(Given name)	(Middle name)	(Alien registration number)
ABU-ZUBAIDAH	HESHAM	MOHAMED	A78-737-342



The *good* Bread

UNITED STATES BAKERY

P.O. BOX 14769 • PORTLAND, OREGON 97214-0769
TEL. (503) 232-2191 • FAX (503) 234-7036

October 19, 2001

To Whom It May Concern:

Hesham Abu-Zubaidah was employed at Franz Bakery from 8-04-01 through 9-25-01. He was a permanent and full time employee during that time. Hesham would have earned approximately \$25,000 per year.

During his employment with us, Hesham was found to be hard working and observant of company policies. When his problems are cleared up we would consider him for re-hire.

If there are more questions to be answered please don't hesitate to contact us at Franz Bakery.

Franz Bakery
340 N.E. 11th Ave.
Portland, Oregon 97232
503-232-2191

Sincerely,

Kevin Sturdy
Production Manager

Submitted for Bond
2/25/02

So *good* it's a Northwest Tradition

340 N.E. ELEVENTH AVE. • PORTLAND, OREGON 97232

To: Immigration and Naturalization Service
Re: Hesham Abu-Zubaidah

10-18-01

This letter is written on behalf of Hesham, from his family here in Oregon. We write to you to explain this unfortunate turn of events that have negatively impacted Hesham & his family here in Oregon. We met Hesham almost 2 years ago when he and Rose Andrews 1st met. They now have been married over a year and have a daughter and child on the way in March of 2002. Hesham has always expressed his desire to attend college and get a good job so he could better himself in order to take care of his family. Earlier, over the summer of 2001, they got into an argument and Rose got angry and decided to cancel his immigration petition they worked so hard to initiate. Now she is very regretful for her actions and realizes revenge was not the way to resolve problems.

Hesham should be praised for staying with the relationship and trying to make it work, he must have a lot of love to stay, because Rose can be difficult to get along with at times. In spite of all the problems, Hesham loves her and the child, if he was connected with any terrorism he would have fled a long time ago. They both have been guilty of not having more respect for the law and using the system for a Referee when they have disagreements. Hesham should be given another chance to be a citizen and rightful husband and father in this country. He is a hardworking man, he has done well working at Franz Bakery, making a living to support his family. Rose and Hesham should go to marriage counseling to try to resolve their differences. If they can't make their relationship work, he still should be an active part in his children's lives. Hesham has always been a friend, helpful, polite, kind and considerate and is a good example. We couldn't ask for a nicer person to be in our family. Hesham is a God-fearing man, please reconsider and allow Hesham to stay.

Respectfully submitted:

Delbert A. Naylor
Rosalind L. Andrews
Rebecca Cooper

~~October~~ 12, 2001

in REF to: Heshham Abu-Zubaidah

(b)(6)

My name is Michael G. Zenner and I am

A

I first meet Heshham in early May, right before he was to marry Rose Andrews. They now have a beautiful daughter and have another child on the way. He has proven to me that he is a good father and has supported his wife thru very trying times.

I had the privilege of working with Heshham at UNITED STATES Bakery and saw an improvement in him that even surprised me. The Company saw this and was in the process of training him when all this came down.

His marriage was becoming stable and things were looking good before you detained him.

I do not feel it would do any one any good to send Heshham back to his home land. He does not want to return and leave his wife, daughter, and future baby with no support. He is a good husband and father who wants to be able to support his family.

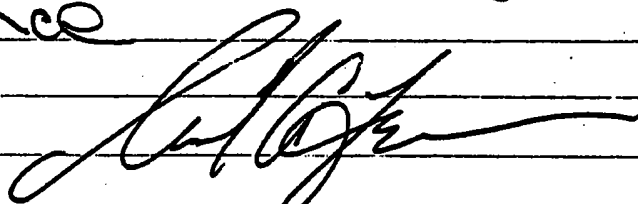
His wife is regretful for her actions that brought on these actions for she has admitted she acted before she

thought of what the results would be.
The United States has always been
the place of opportunity. Hesham had and
still has the opportunity to be a good
person who would like to become
a citizen and representative for us.

To deport Hesham would be an
unjust act that would not only hurt
Hesham, but would leave behind a
burden, a wife and two children
without any support.

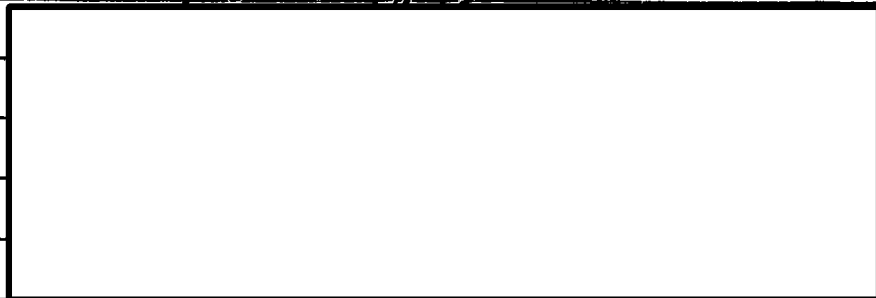
I hope the court system would give
this a real thought, and RECONSIDER their
option and allow Hesham AbuZubaidah
another chance.

For I Michael G. ZENNER support him
and recommend that He be given a
second chance



MICHAEL G. ZENNER

(b)(6)



STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Portland, Oregon

In the Matter of) File No. ~~A-72-687-648~~
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

**SUPPLEMENT TO RESPONDENT'S MOTION TO DISMISS CHARGES UNDER INA
INA SECTION 237(a)(2)(A)(iii)**

Respondent Hesham Abu-Zubaidah, by and through counsel, wishes to supplement his motion to dismiss the charge(s) of removability under INA Section 237 (a)(2)(A)(iii). The Ninth Circuit has recently held that an "aggravated felony" must be a felony under the traditional federal definition, e.g. an offense punishable by more than one year's imprisonment. Therefore, neither of Respondent's conviction can be considered an "aggravated felony sexual abuse of a minor" as charged by the Service.

In United v. Robles-Rodriguez, 2002 WL 215595 (9th Cir., February 13, 2002), the Court, observing that there is no clear indication that Congress has abandoned its "long-established practice of using the term 'felony' to describe offenses punishable by more than one year's imprisonment," Ibid. at 3, emphasis supplied, held, in the context of sentencing enhancements, that

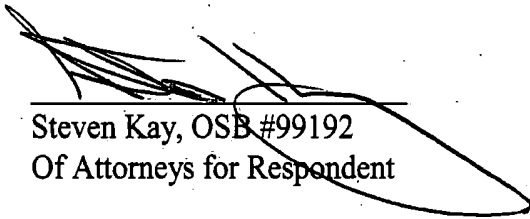
“aggravated felonies” and “felonies” are limited to offenses punishable by imprisonment for a term exceeding one year.

Respondent’s convictions, for Harassment under ORS 166.065 and for Assault IV under ORS 163.610, are classified as Class A Misdemeanors. Under ORS 161.615, the maximum sentence for a Class A Misdemeanor is one year.

As neither of Respondent’s convictions are offenses punishable for a term exceeding one year, neither conviction can serve as an “aggravated felony” as defined in INA 101(a)(43) or form a basis for removability under INA 237(a)(2)(A)(iii).

DATED: At Portland, Oregon, this 21st day of February, 2002

Respectfully submitted,
PARKER, BUSH & LANE, PC



Steven Kay, OSB #99192
Of Attorneys for Respondent

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Portland, Oregon

In the Matter of)
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

vray #77
File No. A72-687-648 *A78 737 342*


MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND INA SECTION 237(a)(2)(A)(iii); MOTION TO RECONSIDER BOND DETERMINATION

Respondent Hesham Abu-Zubaidah, by and through counsel and based on the attached legal brief, moves for an Order dismissing the charges of removability under INA Section 237(a)(2)(E)(i) and 237 (a)(2)(A)(iii) based on the Service's failure to allege a removable offense.

Upon dismissal of these charges, Respondent requests a reconsideration of his application for bond.

DATED: At Portland, Oregon, this 19th day of February, 2002

Respectfully submitted,
PARKER, BUSH & LANE, PC



Steven Kay, OSB #99192
Of Attorneys for Respondent

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Portland, Oregon

In the Matter of) File No. A72 687 648
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

On January 8, 2002, Respondent was convicted of Harassment, a class A misdemeanor under ORS 166.065, and for Assault IV, a class A misdemeanor under ORS 163.160. The Service has charged that he is removable under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii)

Section 237(a)(2)(E)(i) renders deportable "any alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment." To date the Service has not specified which of Respondent's convictions underlie which alleged grounds of removability, nor has the Service specified with which of the specific crimes under 237(a)(2)(E)(i) Respondent is being charged.

Although undersigned counsel has been unable to confirm the following, it may be that the Service seeks Respondent's removal under INA s. 237(a)(2)(E)(i) based on an interpretation of his Harassment conviction as a "crime of child abuse" and based on his Assault IV conviction as a "crime of domestic violence." It appears that the Service is charging Respondent's Harassment conviction as an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii). However, given the lack of specificity, this brief will address the applicability of Respondent's conviction for Assault IV under INA s. 237(a)(2)(A)(iii) as well.

This brief will show that the above-mentioned convictions do not serve as bases for removal because the crimes **as defined by statute** do not qualify as removable offenses. In determining whether a given crime can serve as grounds for removal under INA s. 237, the Court should limit its inquiry to whether the inherent nature of the crime as defined by statute and interpreted by the courts qualifies it as a removable offense and not look to the facts and circumstances of the particular case. Taylor v. U.S., 495 U.S. 575 (1990); Matter of Short, 20 I&N Dec. 136 (BIA 1989); Goldeshtein v. INS, 8 F.3d 645 (9th Cir. 1993)

The federal definition of crimes, rather than state labels, determines whether a given state criminal conviction constitutes a basis for removability under the INA. The Board of Immigration Appeals has consistently held that "in determining whether or not a specific offense falls within a classification described in deportation provisions under the Act, it is proper to look to the federal definition." Matter of Batista-Hernandez, Int. Dec. 3321 (BIA 1997)(Rosenberg, concurring and dissenting, citing Matter of L-G, Int. Dec. 3254 (BIA 1995)); Matter of K-V-D, Int. Dec. 3422 (BIA 1999); United States

v. Zazate-Hernandez, 133 F.3d 1194 (9th Cir. 1998); United States v. Garcia-Olmeda, 112 F.3d 399 (9th Cir. 1997). In Matter of L-G, *op.cit.*, the Board emphasized the strong policy concerns supporting use of a federal definition. The application of state law as the defining measure of which offenses constitute crimes serving as bases for removal would result in widely disparate consequences for similarly situated aliens based solely on what state they happen to be in. Therefore, the federal definition of Respondent's crimes determines whether the crimes are removable offenses.

I. RESPONDENT'S CONVICTION FOR ASSAULT IV DOES NOT QUALIFY AS A CRIME OF DOMESTIC VIOLENCE UNDER INA 237(a)(2)(E)(i)

a. A state domestic violence conviction must conform to the federal statutory definition of domestic violence in INA s. 237(a)(2)(E)(i) in order to serve as a ground of removability.

A state domestic violence conviction will render a noncitizen of the United States removable for a crime of domestic violence under the Act only when the state offense conforms to the definition of crimes of domestic violence under INA s. 237(a)(2)(E)(i).

In relevant part, INA s. 237(a)(2)(E)(i) reads:

For purposes of this clause, the term "crime of domestic violence: means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse,*et.al.*

USC Title 18 section 16 defines "crime of violence" as:

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Respondent's Assault IV conviction is not a felony, nor has the Service argued otherwise. Therefore, in order to sustain the instant ground of removability, the Service

must show that ORS 163.610 conforms to the requirements of 16(a), i.e., that it has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.”

b. The prosecution does not need to prove the use, attempted use, or threatened use of physical force against the person or property of another under ORS 163.160 in order to sustain a conviction for Assault IV.

The Ninth Circuit has defined “an element of a crime” as a ‘constituent part’ of the offense which must be proved by the prosecution in every case to sustain a conviction under a given statute.” United States v. Innis, 7 F.3d 840 (9th Cir. 1993); United States v. Sherbondy, 865 F.2d 996, 1010 (9th Cir. 1988). The Oregon statute under which the Respondent was convicted reads in relevant part as follows:

Assault in the fourth degree:

(1) A person commits the crime of assault in the fourth degree if the person:

- (a) Intentionally, knowingly, or recklessly causes physical injury to another; or
- (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

The statute does not specifically require as an element the use, attempted use, or threatened use of physical force against another. Rather, the statute’s elementary requirements are that 1) with one of the four specified *mens rea* 2) a person causes 3) physical injury 4) to another. In the case of criminal negligence, the persons must cause physical injury to another by means of a deadly weapon.

It is not required under the Oregon statute that physical injury to another be accomplished by the use, attempted use, or threatened use of physical force against the person or property of another. “D” may cause physical injury to another by pulling a

chair out from under them as they sit down. While in such case "D" may be convicted of assault in Oregon, "D" has used no physical force against either a person or property, and may not be convicted of a crime of violence under 18 USC s. 16(a). The same result obtains if "D" recklessly leaves a baby unattended in a bathtub, and the baby drowns. "D" may be convicted for violating ORS 163.610 but has not committed a crime of violence. An anesthesiologist who misadministers anesthesia may cause physical injury without the use of force against the patient's person, and a hunter may cause physical injury to another by causing the accidental discharge of a loaded gun while cleaning it, but neither the anesthesiologist nor the hunter has engaged in conduct which rises to the level of a crime of violence under USC Title 18 section 16(a). If "P" slips on a banana peel intentionally left in her path by "D", or if "P" is hit in the eye by a champagne cork recklessly unleashed by "D", "D" has committed assault under the Oregon statute without the use of physical force against the person or property of another.

The Board of Immigration Appeals has held that one can cause physical injury without the use of physical force. In In re Sweetser, Int. Dec. 3390 (BIA 1999), the Board pointed out that:

The use of physical force is an act committed by the defendant, while the risk of physical injury is a consequence of defendant's acts. Therefore although a parent who negligently leaves a young child unattended near a body of water may risk serious injury to the child, there is no risk that force will be used in the commission of the offense.

Because the prosecution is not required to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to convict someone of assault/domestic violence under ORS 163.160, a violation of this Oregon statute is not a crime of violence under 18 USC section 16(a). Therefore,

Respondent's conviction for assault under ORS 163.160 does not meet the definition of "domestic violence" under INA 237(a)(2)(E)(i) and the Court should dismiss this charge.

II. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS A CRIME OF CHILD ABUSE UNDER INA 237(a)(2)(E)(i)

A. A state criminal conviction must conform to the plainly accepted definition of child abuse in order to serve as a ground of removability under INA s. 237(a)(2)(E)(i).

The above argument that the federal definition of crimes, rather than state labels, determines whether a given state criminal conviction for constitutes a basis for removability under the INA applies to the determination whether Respondent is removable under INA s. 237(a)(2)(E)(i) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

In relevant part, INA s. 237(a)(2)(E)(i) reads:

Any alien who at any time after entry is convicted ofa crime of child abuse...is deportable.

The statute or the case law has not definitively defined what constitutes a crime of child abuse. In In Re Rodriguez-Rodriguez, Int. Dec. 3411 (BIA 1999), the Board stated:

We note that including child abuse as a ground of removal in section 237(a)(2)(E)(i) of the Act, Congress likewise did not refer to a particular statutory definition, although it did designate a statutory definition for "crime of domestic violence."

The interpretation of what constitutes a crime of child abuse under INA 237(a)(2)(E)(i) must then begin with the terms of the statute itself and if those terms, on their face, constitute a plain expression of Congressional intent, they must be given effect. Chevron, USA, Inc., v. Natural Resources Defense Council, Inc., 467 U.S. 827, 842-43 (1984).

The legislative purpose is presumed to be expressed by the ordinary meaning of the words used. INS v. Phinpathya, 464 U.S. 183, 189 (1984).

Page 6 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

The ordinary meaning of the term “child abuse” involves the cruel or otherwise morally turpitudinous mistreatment of a minor. See Black’s Law Dictionary, Sixth Edition, page 239 (1990)(“Child abuse. **Any form of cruelty to a child’s physical, moral or mental well-being.** Also used to describe any sexual attack which may or may not amount to rape. Such acts are criminal offenses in most states.”) See also 18 USC section 3509, which defines child abuse as the “physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.”

A crime of child abuse is a crime of moral turpitude. In Guererro de Nodahl v. INS, 407 F.2d 1405 (9th Circuit 1969), the Court determined the intrinsic nature of a crime of child abuse. There, the Court held that California Penal Code section 273d, making it a felony offense to “willfully inflict...upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition,” was a crime of child abuse and by definition a crime of moral turpitude. 407 F.2d at 1406-1407.

For a criminal conviction to serve as a ground of removal as a crime of child abuse under INA 237(a)(2)(E)(i), then, the crime must be a crime of moral turpitude involving the infliction or physical or mental cruelty, sexual abuse or sexual exploitation, or the negligent treatment of a child.

Harassment under ORS 166.065 is not a crime of moral turpitude, and it does not require proof by the prosecution of physical or mental cruelty, sexual abuse, or negligent treatment of a child.

b. ORS 166.065 is not a crime of moral turpitude

A crime of moral turpitude “refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and duties owed between

persons or to a society in general...Moral turpitude has been defined as an act which is *per se* morally reprehensible and intrinsically wrong, or malum in se so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude. Matter of Franklin, 20 I&N 867, 868 (BIA 1994), *aff'd* 72 F.3d 571 (8th Cir. 1995)

In determining a crime of moral turpitude, it is "the inherent nature of the crime as defined by statute and interpreted by the courts as limited and described by the record of conviction" and not the facts and circumstances of the particular person's case that determines whether it is a crime of moral turpitude. Matter of Short, 20 I&N Dec. 136 (BIA 1989); Goldeshtein v. INS, 8 F.3d 645 (9th Cir. 1993).

ORS 166.065 is a public order offense. It reads in relevant part as follows:¹

Harassment. (1) A person commits the crime of harassment if the person intentionally

(a) Harasses or annoys another person by:

(A) Subjecting such person to offensive physical contact...

(3) Harassment is a Class B misdemeanor

(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates subsection (1) of this section by subjecting another person to objective physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of another person.

Accordingly, to sustain a conviction under ORS 166.065(4), a person must 1)with intent to harass or annoy 2)make offensive physical contact 3)with another person's 4)sexual or other intimate parts.

¹ Respondent admits that he was convicted under ORS 166.065(4), insofar as his conviction is for a Class A misdemeanor. Respondent also admits that the victim of this offense was 17 years old, a minor.
Page 8 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

Before one can be convicted of a crime of moral turpitude, the statute in question by its terms must necessarily involve moral turpitude. Matter of Esfandiary, 16 I&N 659 (BIA 1979).

ORS 166.065 does not necessarily involve moral turpitude. To intentionally annoy or harass someone through offensive physical contact simply does not rise to the level of conduct that is “inherently base, vile, or depraved.” As a public order offense, one simply cannot assert that the conduct underlying the offense is “malum in se.” Harassment as defined by the Oregon statute is certainly inappropriate conduct, but it is not morally turpitudinous conduct. As a crime of child abuse is by definition a crime involving moral turpitude, Respondent’s conviction under ORS 166.065 cannot serve as a ground of removability under INA s. 237(a)(2)(E)(i).

Moreover, a violation of ORS 166.065 does not involve any of the actions found under federal definitions to constitute acts of child abuse.

i. ORS 166.065 is not a crime involving negligent treatment of a child.

Under 18 USC section 3509, child abuse can be defined as “negligent treatment of a child.” The *mens rea* specified by ORS 166.065 is “intentional.” Therefore, Respondent’s conviction for Harassment is not a crime of child abuse under this definition.

ii. ORS 166.065 does not require proof of physical or mental injury or cruelty

Under 18 USC section 3509, child abuse can be defined as “ the “physical or mental injury of a child.” Similarly, Black’s Law Dictionary, *op. cit.* at page 239 defines child abuse as any form of cruelty to a child’s physical, moral or mental well-being.

ORS 166.065 does not require a showing of cruelty or injury of any kind to the victim in order to sustain a conviction. One who with intent to harass or annoy another person by offensively touching them in an “intimate” part of that person violates the statute. No injury need be shown. If a coworker, with the intent to annoy, offends a colleague by lightly touching him or her on the buttocks, the statute is violated, although no injury occurs. Moreover, the intent to harass or annoy is qualitatively different from the infliction of cruelty under any *mens rea*². Accordingly, under this definition Respondent’s conviction for Harassment is not a crime of child abuse.

iii. ORS 166.065 is not a crime of sexual abuse.

To intentionally annoy or harass someone by the offensive touching of a sexual or intimate part of that person is not a crime of sexual abuse. For a crime to constitute sexual abuse, the perpetrator must possess sexual or “lewd” intent, i.e. he or she must intend to seek libidinal gratification. Baron-Medina v. U.S., 187 F.3d 1144, 1147 (9th Cir. 1999)(“The use of young children for the gratification of sexual desire constitutes abuse”); U.S. v. Padilla-Reyes, 247 F.3d 1158 (11th Cir. 2001), U.S. v. Zavala-Sustaita, 214 F.3d 601, 604 (5th Cir. 2000) (“the phrase ‘sexual abuse of a minor’ indicates the perpetrator’s intent in committing the abuse is to seek libidinal gratification.”); Mugalli v. Ashcroft, 258 F.3d 52 (2nd Cir 2001); U.S. v. Martinez-Parillo (7th Circuit 2001)(finding sexual penetration to constitute abuse); In Re Rodriguez-Rodriguez, Interim Decision 3411 (BIA 1999). See also National Center on Child Abuse or Neglect, “Sexual Abuse of Children: Selected Reading 1” (1980), cited in Padilla-Reyes, op. cit.

² “Cruel” is defined as 1: disposed to inflict pain or suffering: devoid of human feeling 2: causing or conducive to injury grief or pain” (Websters’s Ninth New Collegiate Dictionary , page 311 (1987), whereas “harass” means “to annoy persistently” (Webster’s at 552) and “annoy” means “to disturb or irritate” (Webster’s at 88).

at 1163 (child sex abuse is “contacts or interactions between a child and an adult when the child is being used as an object of gratification for adult sexual needs or desires.”).

It should be noted that ORS 166.065 is not defined as a sex crime under ORS 181.584 and therefore individuals convicted of Harassment do not need to register under the Oregon Sex Offender Registration Act. Moreover, the ORS contains the crime of sexual abuse of a minor (“Sexual abuse in the third degree”) in ORS 163.415.

Respondent was not convicted of any sex crime as defined by the State of Oregon or federal law.

The intent to harass or annoy does not represent an intent to seek libidinal gratification. Because the prosecution need not prove sexual intent to sustain a conviction under ORS 166.065, Respondent’s conviction for Harassment does not meet this definition of “child abuse” under 18 USC section 3509 and therefore cannot serve as a ground for removability as a crime of child abuse under INA s. 237(a)(2)(E)(i).

As Respondent’s Harassment conviction is not a crime of child abuse under any definition of the term, this charge should be dismissed by the Court for purposes of alleged removability under INA s. 237 (a)(2)(E)(i).

III. RESPONDENT’S CONVICTION FOR ASSAULT IV/DOMESTIC VIOLENCE DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

Respondent has been charged as removable under INA s. 237(a)(2)(A)(iii) of the Act in that he has allegedly been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape, or sexual abuse of a minor. Assault IV is neither murder nor rape. Insofar as the victim of sexual abuse of a minor must be a minor,

Respondent’s conviction for Assault IV cannot be considered an aggravated felony as the

victim of the assault was Respondent's wife, a 22-year-old woman at the time of the offense. Accordingly, assuming that the Service has charged Respondent as an aggravated felon for his Assault IV conviction, the Court should dismiss this charge.

IV. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

a. Respondent's conviction for Harassment does not constitute a crime of sexual abuse

The above argument that Respondent's Harassment conviction does not represent a crime of sexual abuse for purposes of 237(a)(A)(E)(i) applies to the determination whether Respondent is removable under INA s. 237(a)(2)(A)(iii) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

The aggravated felony of sexual abuse of minor plainly means the crime constituting the aggravated felony must constitute a crime of sexual abuse. Because ORS 166.065 does not meet the definition of "sexual abuse" under the law, this charge under INA s. 237(a)(2)(A)(iii) should be dismissed by the Court.

b. An aggravated felony sexual abuse of a minor must be a felony offense to serve as a ground for removal under INA 237 (a)(2)(A)(iii)

Assuming *arguendo* that Respondent is considered to have committed sexual abuse of a minor, his conviction was for a Class A misdemeanor offense. As an "aggravated felony" sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s. 237(a)(2)(A)(iii), this charge cannot be sustained.

In Matter of Crammond, 23 I&N Dec.9 (BIA 2001) ("Crammond I), *vacated on other grounds*, 23 I&N 179 (BIA 179), the Board held that a conviction for "murder, rape, or sexual abuse of a minor" must be a felony offense in order for the crime to be

considered an aggravated felony under INA s. 101(a)(43)(A). While later vacated solely on jurisdictional grounds, the Board's reasoned decision in Crammond I remains persuasive authority for the proposition that a conviction for "murder, rape, or sexual abuse of minor must be a felony offense to serve as an "aggravated felony."

The Board did not find a clear expression of Congressional intent in the plain language of section 101(a)(43). The Board's plurality decision stated "The choice of term 'aggravated felony' as opposed to more generic terms such as 'aggravated offense' or 'aggravated crime' does suggest that Congress intended to restrict the listed offenses to felonies" despite the fact that 101(a)(43)(A) does not explicitly require the listed crimes to be felonies. Indeed, as Board Member Rosenberg, in her concurrence which was joined by Board Member Miller, stated, "aggravated felony", by the plain meaning of the respective words, defines a subset of the broader category "felony". Even Board Member Grant, writing for the dissent, recognizes that section 101(a)(43)(A) can be read to support reasonable competing interpretations.

Assuming that there is any doubt as to whether misdemeanor sexual abuse of a minor can constitute an "aggravated felony", the fact that doubt should be resolved in favor of the alien in deportation proceedings compels as a conclusion that the underlying offense must be a felony, as the eight Members joining the plurality opinion and Board Members Rosenberg and Miller's concurrence indicated. INS v. Cardoza-Fonesca, 480 U.S. 421 (1987); Costello v. INS, 376 U.S. 120 (1964); FongHaw Tan v. Phelan, 333 U.S. 6 (1948).

The majority of the Board looked to entire Act and to legislative history for guidance in determining whether or not Congress intended for misdemeanor offenses to qualify as aggravated felony under 101(a)(43)(A).

The Board plurality found in Act itself to lend support to the conclusion that Congress intended crimes of sexual abuse of a minor to be felonies in order to be considered “aggravated felonies.” The Board noted that grouping sexual abuse of a minor with murder and rape, crimes almost universally classified as felonies, led more support to a conclusion that Congress intended to cover only felony sexual abuse of minor in 101(a)(43)(A) than to the notion, expressed in the dissent and in the Seventh Circuit’s opinion in Guerrero-Perez v. INS, 242 F.3d 727 (7th Cir. 2001), *reaffirmed*, 256 F. 3d 546 (7th Cir. 2001), that the grouping of these crimes was “a fairly strong indication, albeit a limited one,” that Congress intended to include misdemeanor sexual abuse of a minor in 101(a)(43)(A). Moreover, noted the Board, lesser sexual abuses are covered by INA 237(a)(2)(E).

The Board further noted that history of the (expanding) history of the term “aggravated felony.” It found that from its introduction in the Anti-Drug Abuse Act in 1988 through the Immigration Act of 1990, the Immigration and Nationality Technical Corrections of 1994, and the legislative history of IIRIRA and the proposed amendments to section 101(a)(43)(A) at issue here, Congress consistently made reference to such crimes as felonies – and never as misdemeanors. For Board Member Phillipu, the legislative history, combined with the plain meaning of aggravated felony, proved conclusively that Congress intended that section 101(a)(43)(A) include only felony offenses.

A majority of the Board, through an analysis of legislative intent and, in the plurality, invocation of the rule of lenity held that "aggravated felony" sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s. 237(a)(2)(A)(iii). It is reasonable to conclude that the Board would so hold again, as the tools of statutory construction have not changed. Moreover, the Ninth Circuit appears to support the majority opinion in Crammond I. In two unpublished decisions, Soto-Armenta v. INS, 99-71547 (July 9, 2001) and Cendejas-Sanchez v. INS, No. 00-7009 (June 25, 2001), the 9th Circuit remanded to the Board for consideration in light of the Crammond decision.

Therefore, Respondent's misdemeanor conviction for harassment is not an "aggravated felony" for purposes of 237(a)(2)(A)(iii), and this charge should be dismissed by the Court.

CONCLUSION

Respondent Hesham Abu-Zubaidah has no conviction which can serve as a ground for removal under INA 237(a)(2)(E)(i) or INA 237(a)(2)(A)(iii), as charged by the Service. Accordingly, this Court should dismiss these charges.

Steven L. Kay, OSB#99192

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 1/30/02

TO: ABU-ZUBAIDAH, HESHAM
C/O US-INS
PORTLAND, OR 97209

S. Kay, Attorney

Board Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on Feb. 06, 2002 at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

NZ4

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 1-30-02
Immigration Judge: [Signature] or Court Clerk: [Signature]

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [] ALIEN [] ALIEN c/o Custodial Officer [X] ALIEN'S ATT/REP [X] INS

DATE: 1/30/02 BY: COURT STAFF [Signature]

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

Cas Pw

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

IN THE MATTER OF:)
)
)

Abu-Zubaidah, Hesham

FILE NO. A. 78-737-342

- IN DEPORTATION PROCEEDINGS
- IN EXCLUSION PROCEEDINGS
- IN REMOVAL PROCEEDINGS

TO: Dennis McCaffrey, ESQ.
525 Glen Creek Road NW # 320
Salem, OR 97304

DISTRICT COUNSEL
U.S. IMMIGRATION & NATZ. SERVICE
Portland, Oregon

ORDER RE: WITHDRAWAL OF COUNSEL

The Court having considered the _____ Motion for Withdrawal of Counsel, WHEREFORE, THE COURT ORDERS:

 DENY

I. That the Motion be denied because:

- A. Counsel has not complied with the requirements of Matter of Rossles, I.D. 3064 (BIA 1988), in that the Motion does not state the client's last known address and that at such address the client was notified of the date, time, and place of the next scheduled hearing.
- B. The Motion is otherwise deficient in that _____

 CONDITIONAL GRANT

II. That the Motion be conditionally granted. In accordance with Rossles, supra, until new counsel enters an appearance, present counsel is responsible for acceptance of service documents under 8 C.F.R. Sec 292.5 (a) (1990)

GRANT

III. That the Motion be granted as new counsel of record has filed a Notice of Appearance, EOIR-28, dated _____, setting forth the address for service of process in this proceeding.

DATE 1/23/02

Michael H. [Signature]
IMMIGRATION JUDGE
Portland, Oregon

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE IMMIGRATION COURT
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

TYPE OF PROCEEDING:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Deportation | <input type="checkbox"/> Bond Redetermination | <input type="checkbox"/> Disciplinary |
| <input checked="" type="checkbox"/> Removal | <input type="checkbox"/> Motion to Reopen/Reconsider | |
| <input type="checkbox"/> Exclusion | <input type="checkbox"/> Rescission | |

DATE

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

Hesham ABU-ZUBAIDAH

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)

2934 NE 61st Portland Oregon 97213

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:

Name(s) of Court(s)

State Bar No. (if applicable)

OREGON SUPREME COURT

OSB #99192

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Immigration Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

TELEPHONE NUMBER (Include Area Code)

DATE

503-241-1320

1-30-02

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)

ADDRESS

Check here if this is a new address.

**STEVEN L. KAY
PARKER, BUSH & LANE, P.C.**

**1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND OR 97201**

Certificate of Service

I **STEVEN L. KAY** (Name) mailed or delivered a copy of the foregoing on **1/30/02** (Date) to the Immigration

and Naturalization Service at **THOMAS DAY, DISTRICT COUNSEL, PO BOX 3361, PORTLAND, OR 97208-33661** (Address)

X

Signature of Attorney or Representative

FORM EOIR-28
August 99

OMB#1125-0006

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)



U. S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

1220 S.W. Third Avenue, Suite 218
Portland, Oregon 97204

January 24, 2002

INS REMOVAL ,DETENTION UNITS, and DISTRICT COUNSEL'S OFFICE
Portland, OR

In Re: A. 78-737-342

Please be advised that the above listed Alien number case is scheduled for a private hearing before the Immigration Judge at 511 N.W. Broadway, Room 354 in Portland, OR on the following date and time.

Wednesday, 01/30/02 at the end of the normal morning calendar docket.

Thank you for your assistance in these matters.

Portland, OR
Immigration Court

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZURAIQAH, MESHAM
FILE: A78-737-342

DATE: 1/23/02

TO: DENNIS MCCAFFREY
ATTORNEY AT LAW
525 GLEN CREEK ROAD NW, #320
SALEM, OR 97304

Respondent

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on JAN. 30, 2002 at 9:00 AM. at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180
RCM

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 1-23-02
 Immigration Judge: *[Signature]* or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT7REP INS
 DATE: 1/23/02 BY: COURT STAFF *RCM*
 Attachments: EOIR-33 EOIR-28 Legal Services List Other

US. Department of Justice

Immigration and Naturalization Service

Additional Charges of Inadmissibility/Deportability

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

Deportation proceedings commenced prior to April 1, 1997 under former section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Hesham ABU-Zubaidah AKA: None Known

File No: A78-737-342 Address: C/O INS, Portland, OR 97209

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

Section 237(a)(2)(E)(i) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect or child abandonment.

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape or sexual abuse of a minor.

In support of the additional charge(s) there is submitted the following factual allegation(s) in addition to the allegations set forth in the original charging document:

5. You were on January 8, 2002, convicted in the Circuit Court of the State of Oregon, for Multnomah County, of Assault in the Fourth Degree in violation of O.R.S. 163.160.
6. The victim of the assault was Rosalee Marie Abu-Zubaidah, your wife.
7. You were on January 8, 2002, convicted in the Circuit Court of the State of Oregon, for Multnomah County, of Harassment, a class A misdemeanor in violation of O.R.S. 166.065.
8. The assault was committed by subjecting the victim to offensive physical contact by touching her buttocks, a sexual or intimate part.
9. The victim of the harassment was Christina Hodge, a person under the age of eighteen years.

01/22/02

Thomas J. [Redacted]

Additional allegations (continued):

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witness considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the charging document and that you are inadmissible or deportable on the charges contained in the charging document. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Certificate of Service

This charging document was served on the respondent by me on 01/23/02, in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

in person by certified mail, return receipt requested by regular mail

to: Hesham Abu-Zubaidah at 511 NW Broadway, Portland, OR 97209
(Alien's address)

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of respondent if personally served)

Thomas L. Day
Thomas L. Day, District Counsel

In the Circuit Court of the State of Oregon
For Multnomah County

STATE OF OREGON,

Plaintiff,

v.

HESLAM ABU-ZUBAIDAH

also known as

HASSAM ABU-ZUBAIDAH

DOB: 04/28/1976

Defendant.

Court Nbr 01-10-37045
DA Case 1280172
Crime Report PP 01-75701
PP 01-74196

Indictment for Violation of

ORS 163.160 (1)
ORS 163.415 (2)
ORS 166.065 (3)
ORS 166.065 (4)

FILED
01 NOV 23 PM 2:07
4TH JUDICIAL DIST.

The above-named defendant is accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of:
COUNT 1 - FELONY ASSAULT IN THE FOURTH DEGREE, COUNT 2 - SEXUAL ABUSE IN THE THIRD DEGREE,
COUNT 3 - HARASSMENT, COUNT 4 - HARASSMENT committed as follows:

COUNT 1
FELONY ASSAULT IN THE FOURTH DEGREE

The said defendant, on or about August 12, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause physical injury to ROSALEE MARIE ABU-ZUBAIDAH, and the defendant's conduct was committed in the immediate presence of and witnessed by NAUTICA ABU-ZUBAIDAH a minor child of the defendant, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 2
SEXUAL ABUSE IN THE THIRD DEGREE

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and knowingly subject CHRISTINA HODGE, a person under the age of eighteen years, to sexual contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 3
HARASSMENT

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 4
HARASSMENT

ENTERED
NOV 23 2001
IN REGISTER BY SLJ

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

Dated at Portland, Oregon, in the county aforesaid, on NOVEMBER 23, 2001.

Witnesses

Examined Before the Grand Jury



Foreman of the Grand Jury

MICHAEL D. SCHRUNK (67111)
District Attorney
Multnomah County, Oregon

(b)(7)(c)

(b)(7)(c)

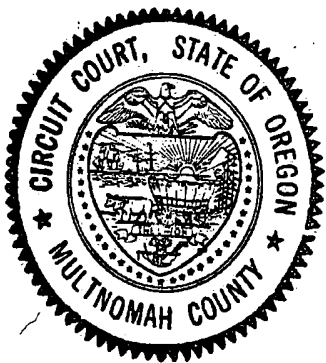
By *Alan D. Fred* Deputy

Security Amount \$50,000 + \$50,000 + \$2,500 + \$1,500

Uniform Complaint

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor. MCINTYRE OSB 82460/SLG



STATE OF OREGON }
County of Multnomah }
The foregoing copy has been compared and is certified by me as a full, true and correct copy of the original on file in my office and in my custody.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the

Court on: JAN 17 2002
CIRCUIT COURT
Administrator

By *Deane A. Johnson*
Deputy

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

STATE OF OREGON

JUDGMENT AMENDED JUDGMENT

Other Plaintiff

CASE NO. 0110-37045

HESHAM ABU-ZUBAIDAH
v.
Defendant

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Address/City/State/Zip: _____ Telephone: _____

Defense Attorney: B. SANDS Bar No. _____ Reporter: K. HARLEY
District Attorney: J. MCINTYRE Bar No. _____ Cassette No. _____

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts _____

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding _____

OF THE FOLLOWING OFFENSES: (1) _____ Count (2) _____ Count (3) ASSAULT Count (4) _____ Count (5) _____ Count

Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.
 Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.
 Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:
The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff. SIS SES

PROBATION: 3 YEARS/MONTHS BENCH FORMAL PROBATION JUDGE _____

B/K B/R 60 DAYS JAIL cts WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY _____)
 ACS _____ HOURS (BY _____) THEFT TALK (BY _____) ANGER CNSL'G (NTS/SUSTAINED BY _____)
 THEFT SCHOOL (BY _____) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
 ALCOHOL EVAL/TRMNT (BY _____) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY _____)
 NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (____ YEARS/MONTHS/DAYS)
 HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT _____
 NO ASSOCIATION / CONTACT WITH Christine Hodge

ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE
d/m cts. 2&4

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense).**
IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:
Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ _____ SUSP. \$ _____ TOTAL \$ _____ WAIVE ASSESSMENTS ASSESSMENTS \$ _____
CAA FEES \$ _____ RESTITUTION/COMPENSATORY FINE \$ _____
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$ _____

TERMS OF PAYMENT: The amount of the money judgment:
 to be paid in full by _____; to be paid in installments of \$ _____ per month, beginning on _____ and are due each month thereafter on that date until satisfied; to be paid per Probation Officer.

**ENTERED
JAN 08 2002
IN REGISTER BY PM**

*All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany Judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and contribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02 Signature of Judge _____
Name of Judge Typed or Printed Amilton

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

STATE OF OREGON

JUDGMENT

AMENDED JUDGMENT

Other Plaintiff

CASE NO. 0110-37045

HESHAM Abu-Zubaidah
v.
HESHAM Abu-Zubaidah
Defendant

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Address/City/State/Zip: _____

Telephone: _____

Defense Attorney: B SANDS

Bar No. _____

Reporter: RE SAILEY

District Attorney: J. McINTYRE

Bar No. _____

Cassette No. _____

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts 9

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding 3

OF THE FOLLOWING OFFENSES: (1) ASLJ-4-40 (2) _____ (3) _____ (4) _____ (5) _____

- Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.
- Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.
- Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:

The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff. SIS SES

PROBATION: 3 YEARS/MONTHS BENCH FORMAL PROBATION JUDGE _____

- B/K B/R 30 DAYS JAIL WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY _____)
- ACS _____ HOURS (BY _____) THEFT TALK (BY _____) ANGER CNSL'G (NTS/SUSTAINED BY _____)
- THEFT SCHOOL (BY _____) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
- ALCOHOL EVAL/TRMNT (BY _____) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY _____)
- NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (____ YEARS/MONTHS/DAYS)
- HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT _____
- NO ASSOCIATION / CONTACT WITH Rosanne Christina Hodge w/o p.o. approval*
Abu-Zubaidah

*Contact w/ wife permitted while Δ in custody (no p.o. approval rec'd while Δ in custody)
ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense).**
IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:
Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ _____ SUSP. \$ _____ TOTAL \$ _____ WAIVE ASSESSMENTS ASSESSMENTS \$ _____
CAA FEES \$ 370- RESTITUTION/COMPENSATORY FINE \$ _____
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$ _____

TERMS OF PAYMENT: The amount of the money judgment:
 to be paid in full by _____; to be paid in installments of \$ _____ per month, beginning on _____
thereafter on that date until satisfied; to be paid per Probation Officer.

*All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany Judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and contribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02

Signature of Judge _____

Name of Judge Typed or Printed Amiton

ENTERED
JAN 08 2002
IN REGISTER BY PM
and as the each month

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

THE STATE OF OREGON,

Plaintiff

Case No. 0110 37045

v.

D.A. No. 1286172

Hesham Abu Zubaidah

ORDER ENTERING PLEA OF GUILTY
PURSUANT TO PETITION FILED

Residence and phone.

Defendant

IT IS ORDERED that the following be entered of record:

Appearances: JAMES J. McEntyre Dep. DA: Brad Sanders Def. Atty.

() defendant's plea of GUILTY: () and arraignment (truly named in charging instrument, or as follows:
+ no contest

no contest () to Class A Harassment as charged in Indictment
Class A Misd Count, indictment, information, complaint

() to the lesser, included offense of Assault 40

() defendant's withdrawal of his former plea of Not Guilty and his Plea of GUILTY. *+ no contest*

() this case continued pending receipt of a presentence investigation conducted by _____

() the Corrections Division: () long form: () short form

() previous report updated; must be received by _____

() Diagnostic Center; must be received by _____

() other _____

() the following matters be continued pending disposition of the within case: () indictment;

() count(s) _____ of the indictment. () other cases, Nos. _____

() this case continued for sentence to _____
(day, date and time)

() the within matter be continued to a later date yet to be determined by the Court.

() other D/n ct 2+4

DATED this _____ day of _____

9/12/01

JUDGE

163/68

ENTERED
JAN 08 2002
IN REGISTER BY PM

IN THE COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

R

STATE OF OREGON,

Plaintiff,

C 01-10-37045

DA No. 1280172

Citation No. 01-75701

HESHAM ABU-ZABAIDAH

Defendant,

PETITION TO PLEAD GUILTY / NO CONTEST
AND WAIVER OF JURY TRIAL

FILED
JAN 08 2002
CLERK OF COURT
MULTNOMAH COUNTY
OREGON

The defendant represents to the Court:

- My full true name is HESHAM ABU-ZABAIDAH
but I also am known as _____
- I am 25 years of age. I have gone to school through 2 years college
My physical and mental health are satisfactory. I am not under the influence of any drugs or intoxicants, except _____
- I understand my right to hire or have the Court appoint a lawyer to help me.
(a) I am represented by: BRAD SANDS
(b) I choose to give up my right to a lawyer; I will represent myself: _____ (defendant's initials).
- I have told my lawyer all the facts I know about the charge(s) against me. My lawyer has advised me of the nature of the charge(s), the defenses, if any, that I have in this case. I am satisfied with the advice and help I have received from my lawyer.
- I understand that I have the following rights: (1) the right to jury trial; (2) the right to see, hear and cross-examine or question all witnesses who testify against me at trial; (3) the right to remain silent about all facts of the case; (4) the right to subpoena witnesses and evidence in my favor; (5) the right to have my lawyer assist me at trial; (6) the right to testify at trial; (7) the right to have the jury told, if I decide not to testify at trial, that they cannot hold that decision against me; and (8) the right to require the prosecutor to prove my guilt beyond a reasonable doubt.
- I understand that I give up all of the rights listed in paragraph 5 when I plead either "Guilty" or "No Contest." I understand that I give up: (1) any defenses I may have to the charge(s); (2) objections to evidence; and (3) challenges to the accusatory instrument. I understand the right to appeal my conviction is limited and I may appeal only if I can make a colorable showing of error in the disposition of my case or a colorable claim of error in the proceeding. GUILTY TO
- I want to plead GUILTY / NO CONTEST to the charge(s) of: MISDEMEANOR ASSAULT IN THE FOURTH DEGREE (A LESSER INCLUDED OFFENSE OF COURT 2) + NO CONTEST TO HARASSMENT (COURT 3)
- I know that a No Contest Plea will result in a Guilty finding regarding the charge(s) listed in Paragraph 7.
- I know that when I plead "Guilty" or "No Contest" to the charge(s) in paragraph 7, the maximum possible sentence is 1 year(s) in (prison) (jail), and a fine with assessments totaling \$ 5,000 + 5,000 / 10,000, including a mandatory fine of \$ _____. I also know that the Court can impose a minimum sentence of _____
Further I know that these maximum and minimum sentences can be added to sentences in these other cases: _____
- Finally, I know that my driver's license (can) (will) (cannot) be suspended for _____
- I understand that I might () will not (X) be sentenced as a dangerous offender, which could increase each maximum sentence to 30 years, with a 15 year minimum.
- I have been told that if my crime involved my use or threatened use of a firearm, I (can) (will) receive a mandatory minimum sentence without parole or work release for a period of NOT APPLICABLE
- I know that if I am not a United States citizen, my plea may result in my deportation from the USA, or denial of naturalization, or exclusion from future admission to the United States: _____
- I know that this plea can affect probation or parole and any hearing I may have regarding probation or parole. If probation or parole is revoked, I know that the rest of the sentence in each of those cases could be imposed and executed, and could be added to any sentence in this case.

ENTERED
JAN 08 2002
IN REGISTER BY PM

14. I know that the sentence is up to the Court to decide. The District Attorney may provide reports or other information if requested by the Court. I understand that the District Attorney will make the following recommendation to the Court about my sentence or about other pending charges. This recommendation is () is not (/) made pursuant to ORS 135.432 (2):

ASSAULT (COUNT 1) 3 years probation, DV COUNSELING, NO CONTACT UNLESS APPROVED BY P.O., UNITARY ASSESSMENT, ATTORNEY FEES.
HAASSMENT (COUNT 3) 3 years probation, 60 DAYS JAIL WITH CREDIT FOR TIME SERVED + 930 CREDITS. NO CONTACT WITH CHRISTINA HODGE.
* MAY HAVE CONTACT WHILE IN CUSTODY.

15-A. I plead Guilty because, in Multnomah County, Oregon, I did the following: I intentionally CAUSED PHYSICAL INJURY TO ROSALEE ABU-ZABAIDAH BY STRIKING HER

15-B. I plead No COUNT 3 Contest because I understand that a jury or judge could find me guilty of the charge(s), so I prefer to accept the plea offer (defendant's initials: [Signature])

16. I declare that no government agents have made any threats or promises to me to make me enter this plea other than the District Attorney's recommendation set forth in Paragraph 14, except: _____

17. I understand if my sentence includes a period of supervised probation, and I am accused of violating the terms of the probation, I may have an opportunity to waive my rights to a hearing before a judge by accepting the sanction offered by the probation officer. The severity of the sanction would depend upon the nature of my violation. I would know what the sanction would be before agreeing to it. Even if I agree to the sanction, the judge or prosecutor has the option to schedule a hearing on the alleged violation. I also understand I would have the right to a hearing before a judge to determine if I had violated my probation and, if so, what sanction, if any might be imposed.

18. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly.

1/7/02
(Date)

[Signature]
(Defendant's Signature)

CERTIFICATE OF COUNSEL

I am the lawyer for the defendant and I certify:

- 1. I have read and explained fully to the defendant the allegations contained in the accusatory instrument(s). I believe defendant understands the charges and all possible defenses to them. I have explained alternatives and trial strategies to defendant.
- 2. I have explained to the defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.
- 3. The plea(s) offered by defendant is (are) justified by my understanding of the facts related to me.
- 4. To the best of my knowledge and belief, the declarations made by defendant in the foregoing petition are true and accurate.
- 5. To the best of my knowledge, defendant's decision to enter this plea is made voluntarily, intelligently, and knowingly. I recommend that the Court accept the plea.

I have signed this certificate in the presence of the defendant and after full discussion of its contents with the defendant.

1/7/02
(Date)

Brady E. Sines
(Lawyer's Signature)

97094
(Bar No.)

Case No. 01-10-37045

JA 1280172

STATE OF OREGON

Case No:

01-10-37045

Plaintiff

v.

ORDER

Hosham Abu-Zubaidah
Defendant

Date of Hearing:

12-07-01

District Attorney

Jim Medley

Bar No. _____

Reporter _____

Defense Attorney

Bradley Sandoz

Bar No. _____

Tape #

CRA 075734

FILED
01 DEC 10 AM 6:40
ATH. JUDICIAL DIST.

Close Street interview

Ordered release

if accepted

Bail reduced to \$15,000

No Contact

[Signature]

ENTERED
DEC 10 2001
IN REGISTER BY PM

12-07-01

Date Signed

JUDGE

Donald Kalberer

Name of Judge (Typed or Printed)

IN THE IMMIGRATION COURT
 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
 PORTLAND, OREGON

In the Matter of)	
)	
Hesham Abu-Zubaidah	)	Motion To Withdraw as
)	
A# 78-737-342	)	Attorney of Record
)	
Removal Proceedings	)	Next Master Hearing, January 23, 2002

I, Dennis McCaffrey, hereby move the court to withdraw as the attorney of record for respondent in these proceedings. The reasons for this motion are stated in my affidavit which is attached.

Respectfully submitted,

 DM
 Dennis McCaffrey OSB# 75245
 Attorney for Respondent

January 23, 2002

Certificate of Service

I certify that I served a true copy of the foregoing motion, with supporting affidavit, on INS District Counsel, in person at the Immigration Court in Portland, Oregon, on January 23, 2002.

 DM
 Dennis McCaffrey

Certificate of True Copy

I certify that this is a true and exact copy of the motion and affidavit filed with the court.

 Dennis McCaffrey
 Dennis McCaffrey

Re: Hesham Abu-Zubaidah

A# 78-737-342

In Removal Proceedings

AFFIDAVIT

of Dennis McCaffrey

In Support of Motion to Withdraw as Attorney of Record

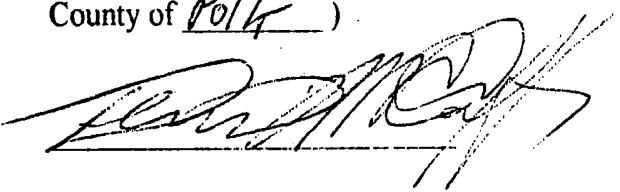
I, Dennis McCaffrey, hereby affirm and declare as follows:

In October, 2001, I entered into an agreement with respondent, Hesham Abu-Zubaidah, to represent him in his removal proceedings in the Immigration Court in Portland, Oregon. The agreement was negotiated for respondent by his wife, Rosalie Abu-Zubaidah, and then ratified by him. During the course of the representation, I communicated frequently with both respondent and with his wife.

On January 10, 2002, Mrs. Abu-Zubaidah telephoned me to inform me that she and her husband no longer wanted me to represent him. Since then I have had no communication with either Mr. or Mrs. Abu-Zubaidah. In as much as respondent and his wife no longer want me to represent him, I am moving the court to withdraw as respondent's attorney of record.

The foregoing statements are made from my personal knowledge and are true and correct.

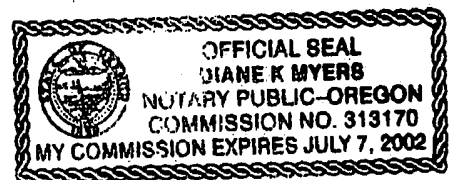
State of Oregon)
County of Polk)ss



Subscribed and sworn before me on 1/23, 2002

Diane K. Myers
Notary Public for Oregon

My commission expires: 7/7/02





Executive Office for Immigration Review

Office of the Immigration Judge

1220 S.W. Third Avenue, Suite 218
Portland, Oregon 97204

January 18, 2002

INS REMOVAL ,DETENTION UNITS, and DISTRICT COUNSEL'S OFFICE
Portland, OR

In Re: A. 78-737-342

Please be advised that the above listed Alien number case is scheduled for a private hearing before the Immigration Judge at 511 N.W. Broadway, Room 354 in Portland, OR on the following date and time.

Wednesday, 01/23/02 at the end of the normal morning calendar docket.

Thank you for your assistance in these matters.

Portland, OR
Immigration Court

FAXED
1/18/02

THOMAS L. DAY
District Counsel
P.O. Box 3361
Portland, Oregon 97208-3361
(503) 326-2059
Attorney for Immigration
and Naturalization Service

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

_____)	
In the Matter of:)	IN REMOVAL PROCEEDINGS
_____)	
Hesham ABU-Zubaidah,)	File No: A78-737-342
_____)	
Respondent.)	
_____)	IN SERVICE CUSTODY
_____)	

SERVICE MOTION TO RECALENDAR

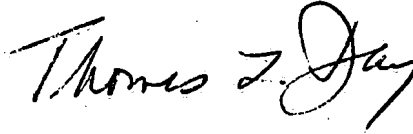
The Immigration & Naturalization Service (Service) requests that the above-entitled case be recalendared on the Portland custody calendar. Respondent's case was administratively closed, because he was in state custody. The respondent is now in Service custody, and should be placed on the custody docket. Respondent is now residing at the following location:

Columbia County Sheriff Office
901 Port Avenue
St. Helens, OR 97051

Therefore, the motion to recalendar should be granted.

Dated: January 16, 2002

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas L. Day". The signature is written in black ink and is positioned above the printed name.

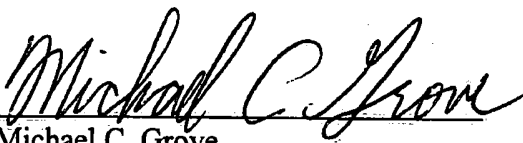
THOMAS L. DAY
District Counsel

CERTIFICATE OF SERVICE

I certify that I served the foregoing Service Motion to Recalendar on respondent by delivering a true copy to by regular mail on January 16, 2002, to the following location:

Hesham Abu-Zubaidah
Columbia County Sheriff Office
901 Port Avenue
St. Helens, OR 97051

Signed:



Michael C. Grove
Office of the District Counsel
Immigration & Naturalization Service
511 N.W. Broadway
Portland, Oregon 97209

U.S. DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge

In the Matter of:

Case No.: A 78-737-342

Docket: Portland, OR

IN Removal PROCEEDINGS

Abu-Zubaidah, Hesham

RESPONDENT/APPLICANT

ORDER OF THE IMMIGRATION JUDGE

It is **HEREBY ORDERED** that the case be administratively closed and be considered no longer pending before the Immigration Judge for the following reason:

- Upon joint request by both parties
- Neither the respondent/applicant nor any representative on the respondent's/applicant's behalf appeared for the hearing and the Service expressed no opposition.
- Other: In State Custody

If either party in this case desires further action on this matter, at any time hereafter, a written motion to recalendar the case (including a certificate of service on the opposing party) must be filed with the Office of the Immigration Judge having administrative control over the Record of Proceeding in this case.

Michael H. Bennett
Immigration Judge

Date: 11/28/01

Appeal: RESERVED/WAIVED (A / I / B)

Form BOIR - 39
REV. - JUNE 93





U. S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

1220 S.W. Third Avenue, Suite 218

Portland, Oregon 97204

November 27, 2001

INS REMOVAL ,DETENTION UNITS, and DISTRICT COUNSEL'S OFFICE
Portland, OR

In Re: A. 78-737-342

Please be advised that the above listed Alien number case is scheduled for a private hearing before the Immigration Judge at 511 N.W. Broadway, Room 354 in Portland, OR on the following date and time.

Wednesday, 11/28/01 at the end of the normal morning calendar docket.

Thank you for your assistance in these matters.

Portland, OR
Immigration Court

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 11/19/01

TO: DENNIS MCCAFFREY
ATTORNEY AT LAW
525 GLEN CREEK ROAD NW, #320
SALEM, OR 97304

Please take notice that the above captioned case has been scheduled for
Master Individual hearing before the Immigration Court on NOV. 28, 2001
at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180
GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less-compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: _____
 Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN'S ATT/REP [] INS
 DATE: 11/19/01 BY: COURT STAFF ROM
 Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other



U.S. Department of Justice
Immigration and Naturalization Service

A 78 737 342

POO2001000823

FEDERAL OFFICE BUILDING
511 NORTH WEST BROADWAY
PORTLAND, OR 97209

09/26/2001

COPY

JUDITH KENEN
C/O CATHOLIC CHARITIES IMMIGRATION SVCS
231 SE 12TH AV
PORTLAND OR 97214

Dear JUDITH KENEN:

This is in response to your Freedom of Information Act request for access to records concerning HESHAM MOHAMED ABU ZUBAIDAH.

We identified and have enclosed (33) page(s) responsive to your request. We are releasing this material to you in part. We deleted personal data relating to someone other than the subject (e.g., name, home address, or date and place of birth) from portions of (1) page. We did this pursuant to 5U.S.C. 552 (b)(6) of the Freedom of Information Act, because release of this information without either the prior written consent, or proof of death of the individual(s) would be clearly unwarranted invasion of personal privacy.

In the event you wish to appeal this determination, you may write to the Office of Information and Privacy, United States Department of Justice, Suite 570, Flag Building, Washington, DC 20530 within sixty (60) days of receipt of this letter. Please include in your letter the INS Control Number above and clearly mark both the envelope and letter: "Freedom of Information Act Appeal."

Sincerely,

Ronald J. Smith
District Director

Enclosure(s)



Saudi Translation Center
Dr. Eid M. Al Jhani



المركز السعودي للترجمة
د. عيد مسعود الجهني

Kingdom of Saudi Arabia
Ministry of Health

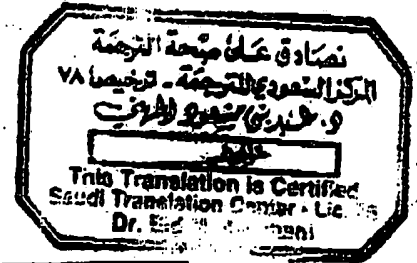
No. of Certificate : 5597
Date of Issue : 5.5.1396 H

BIRTH CERTIFICATE
(Particulars of the Infant & Parents)

Name & Surname of the Infant : **Hesham Mohamed Hussain Abu Zubaidah**
Sex : male
Place of Birth : Maternity Hospital - Riyadh
Date of Birth (In Hijri) : 28.4.1396 H (Twenty eight of Rabi II Thirteen
Hundred ninety six).

In Gregorian : 28.4.1976 (Twenty eight of April Nineteen Hundred
Seventy six)

Father's Name & Surname : Mohamed Hussain Mohamood Abu Zubaidah
Religion : Muslim
Occupation : Student
Nationality : Palestinian
Travel Document No. : 34609 Dated : 25.8.1966 G
Place of Issue : Khan Yunis
Mother's Name & Surname : Malika Furhan Abu Zubaidah
Religion : Muslim
Occupation : House wife
Nationality : Jordanian
Passport No. : 398877 Date : 19.3.1974 G
Place of Issue :



This certificate is given as per Births & Deaths Regulations issued under the Royal
Decree No. (2) dated 4.1.1382 H.
Clerk : Musleh Al Yami Sd/-

Manager Health Office
Dr. Mohammed Abdulrazak Mirza
Sd/-
Official Stamp

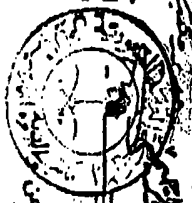
Approved by Director of Health Affairs Riyadh Region.
Dr. Hani Abdullah Al Homsli
(Signed)

On top : Attested by Director of Foreign Ministry Office in Riyadh.
Abdul Rahman Mohammed Al Nuwaiser
(Signed & Stamped)



المركز الرئيسي : الرياض - هاتف : ١٦٥٦٥٦٠ - فاكس : ١٦٤٢٥٩٠٩ - ص.ب. ٥٤٢٠٩ الرياض ١١٥١٤ - ترخيص رقم ٧٨ - رقم العضوية ١١٢٤٤
Head Office: Riyadh - Tel. 4658580 - Fax: 4848259 - P.O.Box 54209 Riyadh 11514 - Lic. No. 78 - C.C. No. 04434
فرع جدة : هاتف : ١١٩٩٧١٢ - فاكس : ١١٢٦٣٦٨ - ص.ب. ١٠٢١٢ جدة ٢١٤٢٢ - رقم العضوية ٥٤٥١١
Jeddah Branch : Tel. 8898763 - Fax: 8836388 - P.O.Box: 10362 Jeddah 21433 - C.C. No. 54511
فرع الخبر : هاتف وفاكس : ٨١٧٨٨٧ - ص.ب. ٧٩٢٤٥ - الخبر ٢١١٥٢ - رقم العضوية ()
Khubar Branch : Tel. & Fax: 8978870 - P.O.Box 78345 Khobar 31852 - C.C. No. ()

البنك الجزائري الشفوية
وزارة الصحة



بنك الجزائر الشفوية
مقر بنك الجزائر الشفوية
بجانب مستشفى مصطفى باعلوي
بجانب مستشفى مصطفى باعلوي
بجانب مستشفى مصطفى باعلوي

رقم الشهادة: ٧٠٥٥٧٧
تاريخ الشهادة: ١٥/٠٥/٢٠١١

بيانات عن المولود وعن والديه

اسم المولود	لقب المولود	نوع المولود	تاريخ الميلاد	الجنس	السن	الوزن	الارتفاع
عبد الوالد	عبد الوالد	ذكر	19/05/2011	ذكر	01	4.5	52
على الوالدة	عبد الوالد	نوع الوالدة	تاريخ الميلاد	الجنس	السن	الوزن	الارتفاع
عبد الوالد	عبد الوالد	ذكر	19/05/2011	ذكر	01	4.5	52
عبد الوالد	عبد الوالد	ذكر	19/05/2011	ذكر	01	4.5	52
عبد الوالد	عبد الوالد	ذكر	19/05/2011	ذكر	01	4.5	52
عبد الوالد	عبد الوالد	ذكر	19/05/2011	ذكر	01	4.5	52



اسم الطبيب المعالج
الترخيص
الاسم
الترخيص

اسم الطبيب المعالج
الترخيص
الاسم
الترخيص

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 10/29/01

TO: ~~ABU-ZUBAIDAH, HESHAM~~
~~C/O US-INS~~
~~PORTLAND, OR, 97209~~

D. Macaffrey, Attorney

Please take notice that the above captioned case has been scheduled for a ~~Master/Individual~~ hearing before the Immigration Court on NOV. 19, 2001 at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- (✓) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 10-29-01
Immigration Judge: [Signature] or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT7REP [✓] INS

DATE: 10/29/01 BY: COURT STAFF ACM

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

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE IMMIGRATION COURT
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

TYPE OF PROCEEDING:

- Deportation Bond Redetermination Disciplinary
 Removal Motion to Reopen/Reconsider
 Exclusion Rescission

DATE 10/29/01

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

Histam Abu-Zubaidat

A# 78-737-342

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)

1801 NE 162^d Avenue #2, Portland, OR 97230

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), Commonwealth(s), or the District of Columbia:

Name(s) of Court(s)

State Bar No. (if applicable)

Oregon Supreme Court

OSB # 75245

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Immigration Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

TELEPHONE NUMBER (Include Area Code)

DATE

[Signature] OSB # 75245 (503) 391-1100 10/29/01

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)

ADDRESS

Check here if this is a new address.

Dennis McCaffrey

525 Glen Creek Road NW #320
Salem, OR 97304

Certificate of Service

I Dennis McCaffrey (Name) mailed or delivered a copy of the foregoing on 10/29/01 (Date) to the Immigration

and Naturalization Service at Immigration Court, Portland, Oregon (Address)

[Signature]
Signature of Attorney or Representative

OMB#1125-0006

FORM EOIR-28
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

Hisham Abu Zubaidat

[Signature]

(NOTE: The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign this form.)

APPEARANCES - An appearance shall be filed on EOIR Form-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 3.17). When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. Chapter 3, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record. Please note that appearances for limited purposes are not permitted. A separate appearance (EOIR Form-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 3.38(g)). Further proof of authority to act in a representative capacity may be required.

AVAILABILITY OF RECORDS - During the time a case is pending, a party to a proceeding or his/her attorney or representative shall be permitted to examine the Record of Proceeding in the Immigration Court having administrative control over the Record of Proceeding, in accordance with the standard procedures of that Court.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 292.1(a)(3).
- (4) Accredited representatives as defined in 8 C.F.R. § 292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 292.1(a)(5).

THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Public reporting burden for the collection of information is estimated to average 6 minutes per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding this burden estimate or any other aspect of this information collection including suggestions for reviewing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

Persons are not required to respond to this collection of information unless the form displays a currently valid OMB number.

Additional Information:

(Please attach additional sheets of paper as necessary.)

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of:
ABU-ZUBAIDAH, HESHAM

Case No.: A78-737-342

Docket: PORTLAND DETENTION CENTER

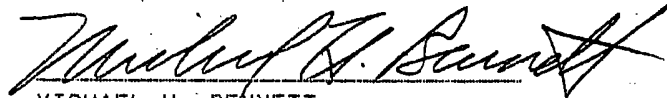
RESPONDENT

IN REMOVAL PROCEEDINGS

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Naturalization Service and the respondent, it is HEREBY ORDERED that:

the respondent be held without bond.



MICHAEL H. BENNETT
Immigration Judge

Date: ~~Oct 9, 2001~~ *Rem*

Appeal: *Reserved* ~~WAIVED~~ (A) (I/B)
Appeal Due By: *Nov 21, 2001*

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: *10/28/01* BY: COURT STAFF *Rem*

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

*Appeal rights
and forms.*

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 10/22/01

TO: ABU-ZUBAIDAH, HESHAM
C/O US-INS
PORTLAND, OR 97209

Please take notice that the above captioned case has been scheduled for a Master Individual hearing before the Immigration Court on Oct 29, 2001 at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date:

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

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

DATE: 10/22/01 BY: COURT STAFF RAM

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

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZUBAIDAH, HESHAM
FILE: A78-737-342

DATE: 10/15/01

TO: ABU-ZUBAIDAH, HESHAM
C/O US-INS
PORTLAND, OR 97209

Bond Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on Oct. 22, 2001 at 9:00 AM. at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

GPT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 10-15-01
Immigration Judge: [Signature] or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

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

DATE: 10/15/01 BY: COURT STAFF Rcm

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

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

RE: ABU-ZURAIDAH, HESHAM
FILE: A78-737-342

DATE: 10/19/01

TO: ABU-ZURAIDAH, HESHAM
C/O US-INS
PORTLAND, OR 97209

Bold Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on October 15, 2001 at 9:00 AM at

511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

NZ4

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- () 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: 10-10-01
Immigration Judge: [Signature] or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

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

DATE: 10/10/01 BY: COURT STAFF [Signature]

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

File No: A78 737 342

Date: OCT 4 2001

Pursuant to the authority contained in Section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- detained in the custody of this Service.
- released under bond in the amount of \$ _____.
- released on your own recognizance.

- You may request a review of this determination by an immigration judge.
- You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

(Signature of authorized officer)
Anthony Ho
Assistant District Director for Investigations

(Title of authorized officer)

Portland, Oregon
(INS office location)

- I do do not request a redetermination of this custody by an immigration judge.
- I acknowledge receipt of this notification.

(Signature of respondent)

10/4/01

(Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

- Immigration Judge District Director Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- No change - Original determination upheld.
- Detain in custody of this Service.
- Bond amount reset to \$ _____
- Release - Order of Recognizance
- Release - Personal Recognizance
- Other: _____

(Signature of officer)

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

File No: A78 737 342

In the Matter of:

Respondent: ABU-ZUBAIDAH, Hesham AKA: None known currently residing at:

c/o US INS, 511 NW Broadway, Portland, OR 97209

(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.
- 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 Saudi Arabia and a citizen of Egypt.
- 3. You entered the United States at or near New York, NY on or about July 26, 1998 as a non-immigrant student to attend the ELS Language Center in Melbourne, Florida.
- 4. You never attended the ELS Language Center in Melbourne, Florida.

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)(1)(C)(i) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you failed to maintain or comply with the conditions of the nonimmigrant status under which you were admitted.


RECEIVED
 DEPARTMENT OF JUSTICE
 OCT - 5 PM 12:50
 EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW
 PORTLAND, OREGON

- 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: _____

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

Date: OCT X 4 2001


 (Signature and title of issuing officer)
 Anthony Ho
 Assistant District Director, Investigations
 Portland, Ore.
 (City and state)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

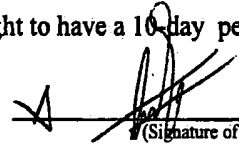
You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before: 
(Signature and title of INS officer)


(Signature of respondent)

Date: 10-4-01

Certificate of Service

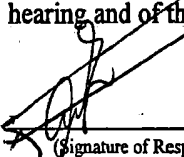
This Notice to Appear was served on the respondent by me on 10-4-01 in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

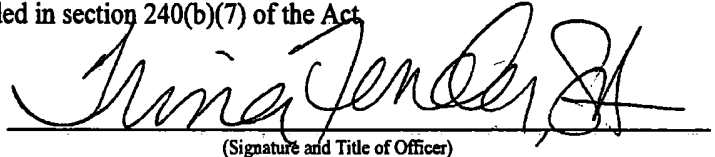
in person by certified mail, return receipt requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.


(Signature of Respondent if Personally Served)


(Signature and Title of Officer)

File No: A78 737 342

Date: OCT X 4 2001


To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

ABU-ZUBAIDAH, Hesham AKA: None known
(Full name of alien)

an alien who entered this country at or near New York, NY on or about
(Port)
July 26, 1998, is within the country in violation of the immigration laws and is
(Date)
therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the Immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above named alien into custody for proceedings thereafter in accordance with the applicable provisions of the immigration laws and regulations.



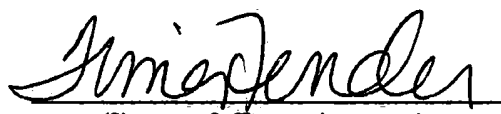
(Signature of authorized INS official)

(Print name of official)
Anthony Ho

Assistant District Director for Investigations
(Title)

CERTIFICATE OF SERVICE

Served by me at Portland OR on 10-4-01 at 4:30pm
I certify that following such service, the alien advised concerning his or her right to counsel and was furnished a copy of this warrant.



(Signature of officer serving warrant)
SA

(Title of officer serving warrant)

Date: 10/5/2001

To: *EOIR*
I-830.POO@usdoj.gov

From: *U.S. INS*
511 NW Broadway
Portland, OR 97209

Respondent: *ABU-ZUBAIDAH, Hesham*

Alien File No: *A78-737-342*

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the INS (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

Enter Name of Institution where Respondent is being detained
Enter Street Address of Institution where Respondent is being detained
Enter City, State and Zip Code of Institution where Respondent is being detained
Enter Respondent's Inmate Number

His/her anticipated release date is *Enter Respondent's Anticipated Release Date*.

Detained by INS on 10/02/2001 at:

C/O USINS
511 NW Broadway
Portland, OR 97209

Detained by INS and transferred on *Enter Date Respondent was transferred to:*

Enter Name of INS Detention Facility where respondent has been transferred
Enter Street Address of INS Detention Facility where Respondent has been transferred
Enter City, State and Zip Code of the INS Facility where Respondent has been transferred

Released from INS custody on the following condition(s):

- Order of Supervision or Own Recognizance (Form I-220A)
- Bond in the amount of \$
- Removed, Deported, or Excluded
- Other

Upon release from INS custody, the respondent reported his/her address and telephone number would be:

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

INS Official: *Judy Taijeron, Deportation Assistant*

ATTACHMENT TO NTA (I-862)

RESPONDENT: Please note that this charging document is being filed with the Portland, Oregon Immigration Court. Any questions or correspondence about your case should be directed to the Portland, Oregon Immigration Court.

The address for the Portland, Oregon Immigration Court is as follows:

**Immigration Court
1220 SW Third Avenue, Suite 218
Portland, Oregon 97204**

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

File No: A78 737 342

In the Matter of:

Respondent: ABU-ZUBAIDAH, Hesham AKA: None known currently residing at:

c/o US INS, 511 NW Broadway, Portland, OR 97209

(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.
- 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 Saudi Arabia and a citizen of Egypt.
- 3. You entered the United States at or near New York, NY on or about July 26, 1998 as a non-immigrant student to attend the ELS Language Center in Melbourne, Florida.
- 4. You never attended the ELS Language Center in Melbourne, Florida.

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)(1)(C)(i) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you failed to maintain or comply with the conditions of the nonimmigrant status under which you were admitted.

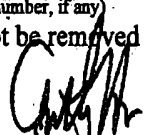
This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

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: _____

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

Date: OCT X 4 2001



 (Signature and title of issuing officer)
 Anthony Ho
 Assistant District Director for Investigations
 Portland, Oregon
 (City and state)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

Anna Jencel
(Signature and title of INS officer)

[Signature]
(Signature of respondent)

Date: 10-4-01

Certificate of Service

This Notice to Appear was served on the respondent by me on 10-4-01 in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

in person by certified mail, return receipt requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act

[Signature]
(Signature of Respondent if Personally Served)

Anna Jencel
(Signature and Title of Officer)

Notice of Custody Determination

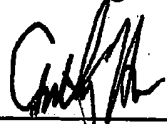
File No: A78 737 342

Date: OCT X 4 2001

Pursuant to the authority contained in Section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- detained in the custody of this Service.
- released under bond in the amount of \$ _____.
- released on your own recognizance.

- You may request a review of this determination by an immigration judge.
- You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.



(Signature of authorized officer)
Anthony Ho
Assistant District Director for Investigations

(Title of authorized officer)

Portland, Oregon

(INS office location)

- I do do not request a redetermination of this custody by an immigration judge.
- I acknowledge receipt of this notification.



(Signature of respondent)

10/4/01

(Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

- Immigration Judge District Director Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- No change - Original determination upheld.
- Detain in custody of this Service.
- Bond amount reset to \$ _____
- Release - Order of Recognizance
- Release - Personal Recognizance
- Other: _____

(Signature of officer)

File No: A78 737 342

Date: OCT X 4 2001

To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

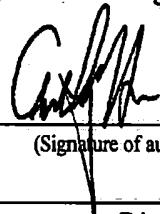
From evidence submitted to me, it appears that:

ABU-ZUBAIDAH, Hesham AKA: None known
(Full name of alien)

an alien who entered this country at or near New York, NY on or about
(Port)
July 26, 1998, is within the country in violation of the immigration laws and is
(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the Immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above named alien into custody for proceedings thereafter in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of authorized INS official)

(Print name of official)

Anthony Ho

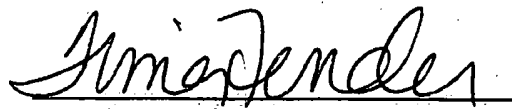
Assistant District Director for Investigations

(Title)

CERTIFICATE OF SERVICE

Served by me at Portland OR on 10-4-01 at 430pm

I certify that following such service, the alien advised concerning his or her right to counsel and was furnished a copy of this warrant.



(Signature of officer serving warrant)

SA

(Title of officer serving warrant)

Refer to this file number:

File: A78 737 342

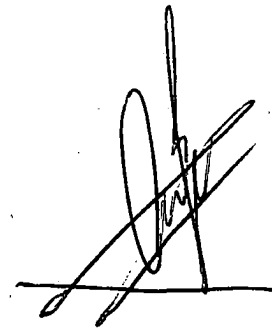
Date: 9-15-01

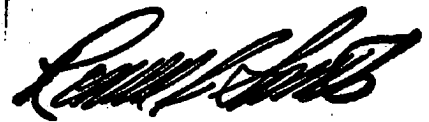
Hesham Mohamed Abu-Zubaidah
1801 NE 162nd #2.
Portland, OR 97230

Upon consideration, it is ordered that your application for status as a lawful permanent resident be denied for the following reasons:

SEE ATTACHED

A Notice to Appear will be issued by this Service and you will be scheduled for a hearing before an Immigration Judge. You may renew your application for status as a permanent resident during that hearing. If you do not desire a hearing before an Immigration Judge and are willing to depart the United States voluntarily and at your own expense, please contact the Deportation Branch of this Service at the above address. Furthermore, your employment authorization is hereby terminated pursuant to Title 8, Code of Federal Regulations, Part 274(a)(14).

X 



Ronald J. Smith
District Director
PJC

cc: Judith Kenen, Catholic Charities Immigration Services

The records of this Service reflect that you entered the United States on July 26, 1998 as an F-1 nonimmigrant student. On July 14, 2000, you married Rosalee Marie Andrews, a United States citizen. As a result, she filed Form I-130, Petition for Alien Relative on your behalf on August 29, 2000. Furthermore, you filed Form I-485, Application to Adjust Status, on the same day in order to apply for the benefits of Section 245 of the Immigration and Nationality Act, as amended (the Act).

Section 245(a) of the Act states in pertinent part:

The status of an alien . . . may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if . . . (3) an immigrant visa is immediately available to him at the time his application is filed.

On June 1, 2001, this Service received notice from your spouse that she wished to withdraw her relative petition filed on your behalf. Therefore, in the absence of any indication that you are entitled to any other status, it must be determined that you have failed to establish that an immigrant visa is immediately available to you as required by Section 245(a)(3) of the Act. Your application must be and hereby is denied as a matter of law. Furthermore, your employment authorization granted by this Service is hereby terminated, as you are no longer an applicant for permanent residence.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

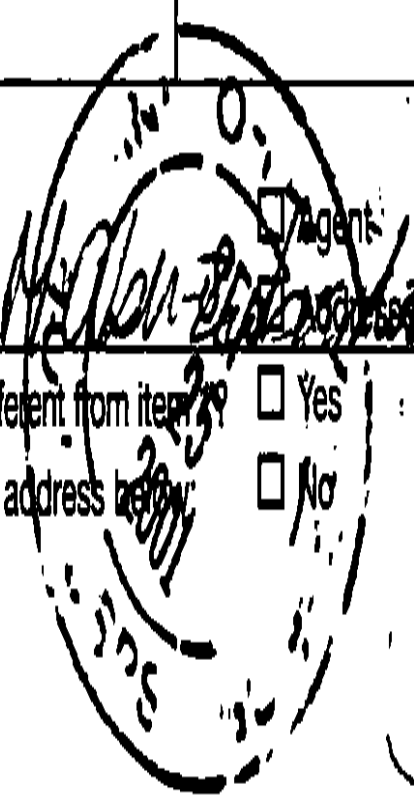
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Rosalie Walker
 Agent

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



1. Article Addressed to:

Nesham M. Abu-Zubaidah

1801 NE 162nd #2

Portland, OR 97230

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

IMMIGRATION & NATURALIZATION SERVICE
511 N.W. BROADWAY, ROOM 117
PORTLAND, OR 97209

65
A78 737 342 ; 485 denial

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

A78 737 342

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

City, State, ZIP+ 4

334

7000 0520 0012 533 3245

Place	POO
File Number	A78737342

Status as a lawful permanent resident of the United States is accorded:

I-94 Admission Number
56909073005

Name:	HESHAM MOHAMED ABU-ZUBAIDAH	Sex:	FEMALE male	Birthdate:	04/28/1976
Address:	2934 NE 61ST AVE 5829 NE MLK Blvd	Town of Birth:	RIYADH	Country of Birth:	SAUDI
City: State: Zip:	PORTLAND OR 97213 97211	Country of Nationality:	PALES	Country of Last Residence:	SAUDI

Marital Status:	MARRIED	Occupation:	UNR	N/I Class at time of Adjustment:	F1	Year Adm to US or Year of change to present NI Class	1998
Priority Date:		Preference:		Country to Which Chargeable:			
Section 212(a)(14) Labor Certification		Mother's Name:	MALIKA	Father's Name:	MOHAMED		
Last NIV issued at - Consulate	RIYADH	Date of Issuance of Last NIV	07/15/1998	Number of Last NIV	25413182	Last NIV Status	F1

Under the following provision of law

Sec 245 of the IN Act

As of Date: _____ at POO

Class of Admission CR6

REMARKS:

RECOMMENDED BY (Immigration Officer)	Date

DATE OF ACTION
DD DISTRICT

denied
SEP 14 2001
p. j. rooley

FOR USE BY VISA CONTROL OFFICE

Date _____
Foreign State _____
Preference Category _____
Number _____
Month of Issuance _____
Signed _____
Visa Office Dept of State

CC: Page 2 Master Index copy sent on 10/26/2000

CC: Page 3 Adit and Statistical report copy sent on _____

Place	POO
File Number	A78737342

Status as a lawful permanent resident of the United States is accorded:

I-94 Admission Number
56909073005

Name:	HESHAM MOHAMED ABU-ZUBAIDAH	Sex:	FEMALE <i>male</i>	Birthdate:	04/28/1976
Address:	2934 NE 61ST AVE	Town of Birth:	RIYADH	Country of Birth:	SAUDI
City: State: Zip:	PORTLAND OR 97213	Country of Nationality:	PALES	Country of Last Residence:	SAUDI
Marital Status:	MARRIED	Occupation:	UNR	N/I Class at time of Adjustment:	F1
Priority Date:		Preference:		Year Adm to US or Year of Change to present NI Class	1998
Section 212(a)(14) Labor Certification		Mother's Name:	MALIKA	Father's Name:	MOHAMED
Last NIV issued at - Consulate	RIYADH	Date of Issuance of Last NIV	07/15/1998	Number of Last NIV	25413182
				Last NIV Status	F1

Under the following provision of law

Sec 245 of the IN Act

As of Date: _____ at POO

Class of Admission CR6

REMARKS:

RECOMMENDED BY (Immigration Officer)	Date

DATE OF ACTION
DD DISTRICT

denied
SEP 14 2001
P. J. Cooley

FOR USE BY VISA CONTROL OFFICE

Date _____

Foreign State _____

Preference Category _____

Number _____

Month of Issuance _____

Signed _____
Visa Office Dept of State

CC: Page 2 Master Index copy sent on 10/26/2000
CC: Page 3 Adit and Statistical report copy sent on _____

START HERE - Please Type or Print

FOR INS USE ONLY

Part 1. Information about you.

Family Name ABU-ZUBAIDAH		Given Name Hesham	Middle Initial M.
Address - C/O			
Street Number and Name 2934 NE 61st Ave. 5829 NE MLK		Apt. # -	
City Portland		BIVOL.	
State OR		Zip Code 97213 97211	
Date of Birth (month/day/year) 04-28-1976		Country of Birth OR	
Social Security # 354-94-5066		A # (if any) N/A A 78137342	
Date of Last Arrival (month/day/year) 07-26-1998		I-94 # 569090730 05	
Current INS Status none		Expires on (month/day/year) D/S	

Part 2. Application Type. (Check one)

I am applying for adjustment to permanent resident status because

- a. an immigrant petition giving me an immediately available immigrant visa number has been approved (attach a copy of the approval notice), or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application will give me an immediately available visa number if approved.
- b. My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c. I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e) (attach a copy of the fiance(e) petition approval notice and the marriage certificate).
- d. I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f. I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g. I have continuously resided in the U.S. since before January 1, 1972.
- h. Other-explain _____

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever is later, and: (Check one)

- i. I am a native or citizen of Cuba and meet the description in (e), above.
- j. I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Returned	Receipt
	Aug 29/00 002#03153 POC-DB I-485 \$220.00
Resubmitted	Aug 29/00 002#03153 POC-DB FP-Fee/FD258 \$25.00
Reloc Sent	RECEIVED INS PORTLAND, OR 2000 AUG 29 PM 1:25
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	
Section of Law	

Section of Law

- Sec. 209(b), INA
- Sec. 13, Act of 9/11/57
- Sec. 245, INA
- Sec. 248, INA
- Sec. 1 Act of 11/2/68
- Sec. 2 Act of 11/2/68
- Other _____

Country Chargeable

Eligibility Under Sec. 245

- Approved Visa Petition
- Dependent of Principal Alien
- Special Immigrant
- Other _____

Preference

Action Block

Denied
 SEP 14 2001
 P. Cooley

To Be Completed by Attorney or Representative, if any

- Fill in box if G-28 is attached to represent the applicant

VOLAG# _____

ATTY State License # _____

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)


I certify under penalty of perjury under the laws of the United States of America that this application, the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Print Your Name	Date	Daytime Phone Number
	Abu-Zubaidah, Hesham	8-14-2000	(503) 288-0296

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Phone Number
	Yelena Shtrikker	8/14/00	(503) 731-9566

Firm Name and Address: Luthera Family Services
605 SE 39th Ave. Portland, OR 97214

Departure Number

~~328214147 05~~

56909073005

Immigration & Naturalization Service
CHICAGO, ILLINOIS-565
ADMITTED

Immigration and
Naturalization Service

I-94

Departure Record

JUL 2 1993

CLASS
TO

F/S

14. Family Name Abu Zubaidah		16. Birth Date (Day/Mo/Yr) 280476
15. First (Given) Name Hesham		
17. Country of Citizenship Egypt		

See Other Side

STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; *you must surrender it when you leave the U.S.* Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Replacement I 94, I-94
Connected to read 'Hesham' SEP 24 1998

CHI-565

Port:

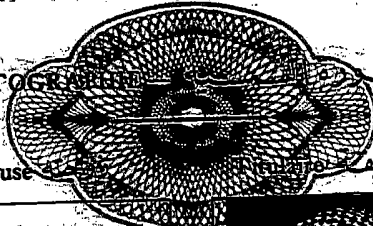
Departure Record

Date:

Carrier:

Flight #/Ship Name:

PHOTOGRAPHIE



Epouse

الزوجة

حامل الوثيقة



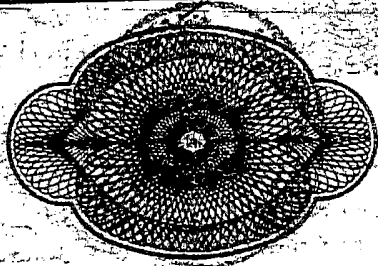
توقيع زوجته

Signature de l'Epouse

توقيع حامله

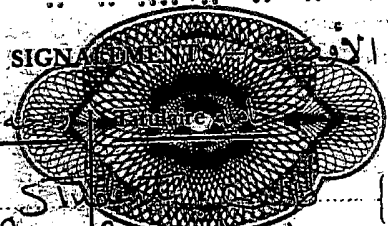
Signature du titulaire

Handwritten signature of the holder.



SIGNATURE

Epouse



المهنة
Profession

Riyadh الرياض
محل الميلاد
Lieu de Naissance

28/4/1976
تاريخ الميلاد
Date de Naissance

K.S-
محل الإقامة
Domicile



الطول
Taille

العيان
Yeux

الشعر
Cheveux

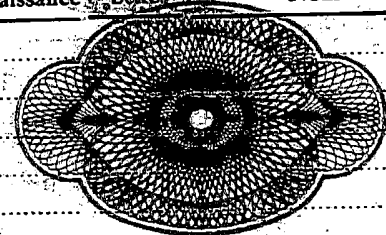
الأوصاف المميزة
Signes Particuliers

ENFANTS - الأولاد

تاريخ الميلاد
Date de naissance

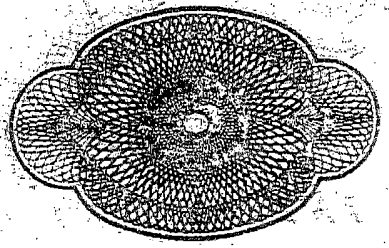
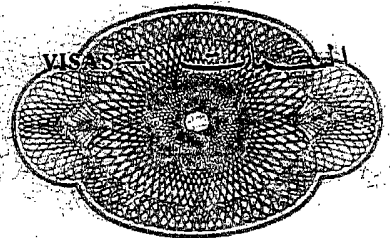
الجنس
Sexe

الاسم
Nom



- (1)
- (2)
- (3)
- (4)
- (5)

0 0 0 0 0 0 0 0 0 0 0 0
0 0 0 0 0 0 0 0 0 0 0 0
0 0 0 0 0 0 0 0 0 0 0 0
0 0 0 0 0 0 0 0 0 0 0 0
0 0 0 0 0 0 0 0 0 0 0 0
0 0 0 0 0 0 0 0 0 0 0 0



U.S. IMMIGRATION
NEW YORK, N.Y. 2059

JUL 26 1998 56909073005

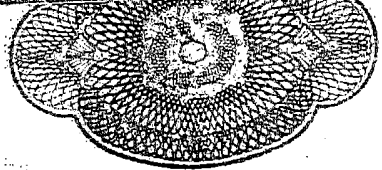
UNITED STATES
OF AMERICA

1998
IN THE
VISA

ABU ZUBAIDAH
Issuing Post Name: RIVADH
Government: SAUDI ARABIA
Governor Name: ABU ZUBAIDAH
Passport Number: HESHAM MOHAMED HUSSAIN
100032988
Nationality: HESHAM MOHAMED HUSSAIN
SR2
Birth Date: 28 APR 1976
Nationality: EGYPT
M
Issue Date: 15 JUL 1998
Expire Date: 15 JUL 2002
SIX MONTHS
25 JUL 98
15 JUL 98

Authorization:
ENGLISH LANGUAGE CENTERS
MELBOURNE FLORIDA
25 JUL 98
15 JUL 98

WNSAUABU < ZUBA IDAH < < HESHAM < MOHAMED < HUSSAIN < < < <
0003288 < < IEGM / 604289M9807415441105B50700F8TAA



BIOGRAPHIC INFORMATION

A78731342

(Family name) ABU-ZUBAIDAH		(First name) Hesham	(Middle name) Mohamed	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04-28-1976	NATIONALITY Palestinian	FILE NUMBER A. none
ALL OTHER NAMES USED (Including names by previous marriages) none				CITY AND COUNTRY OF BIRTH Riyadh, K.S.A.		SOCIAL SECURITY NO. (If any) 354-94-5066	
FATHER	FAMILY NAME Abu-Zubaidah	FIRST NAME Mohamed	DATE Palestin	CITY AND COUNTRY OF BIRTH (if known) Riyadh K.S.A.		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.	
MOTHER (Maiden name)	Abu-Zubaidah	Malika	Jordan	Riyadh K.S.A.			
HUSBAND (if none, so state) OR WIFE	FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE	
Andrews		Rosalee	03-27-1979	Portland OR	07-14-2000	Vancouver, WA	
FORMER HUSBANDS OR WIVES (if none, so state)							
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE			
none							
APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST							
STREET AND NUMBER				CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR TO MONTH YEAR
2934 NE 61st Ave.				Portland	OR	USA	Apr 2000 PRESENT TIME
16124 SE Alder St.				Portland	OR	USA	Aug 1999 Apr 2000
4933 N Honticello				Chicago	IL	USA	July 1998 Aug 1999
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR							
STREET AND NUMBER				CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR TO MONTH YEAR
				Riyadh		K.S.A.	Apr 1976 July 1998
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST							
FULL NAME AND ADDRESS OF EMPLOYER				OCCUPATION (SPECIFY)		FROM MONTH YEAR	TO MONTH YEAR
none						PRESENT TIME	
<i>Show below last occupation abroad if not shown above. (Include all information requested above.)</i>							
n/a							
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:				SIGNATURE OF APPLICANT		DATE	
<input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY):				<i>[Signature]</i>		8.14-2000	
Are all copies legible? <input checked="" type="checkbox"/> Yes				if your native alphabet is other than roman letters, write your name in your native alphabet here: هشام أبو زيد			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name)	(Given name)	(Middle name)	(Alien registration number)
ABU-ZUBAIDAH	Hesham	Mohamed	none



BIOGRAPHIC INFORMATION

(Family name) ABU-ZUBAIDAH	(First name) Hesham	(Middle name) Mohamed	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04-28-1976	NATIONALITY Palestinian	FILE NUMBER A. none
ALL OTHER NAMES USED (including names by previous marriages) none			CITY AND COUNTRY OF BIRTH Riyadh, K.S.A.		SOCIAL SECURITY NO. (if any) 354-94-5066	
FATHER Abu-Zubaidah		FIRST NAME Mohamed	DATE, CITY AND COUNTRY OF BIRTH (if known) Palestin		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.	
MOTHER (Maiden name) Abu-Zubaidah		FIRST NAME Malika	DATE, CITY AND COUNTRY OF BIRTH (if known) Jordan		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.	
HUSBAND (if none, so state) OR WIFE Andrews	FAMILY NAME (For wife, give maiden name) Rosalee	FIRST NAME Rosalee	BIRTHDATE 03-27-1979	CITY & COUNTRY OF BIRTH Portland OR	DATE OF MARRIAGE 07-14-2000	PLACE OF MARRIAGE Vancouver, WA
FORMER HUSBANDS OR WIVES (if none, so state)						
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE	
none						
APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST						
				FROM	TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH YEAR
2934 NE 61st Ave.	Portland	OR	USA	Apr	2000	PRESENT TIME
16124 SE Alder St.	Portland	OR	USA	Aug	1999	Apr 2000
4933 N Honticello	Chicago	IL	USA	July	1998	Aug 1999
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR						
				FROM	TO	
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	MONTH	YEAR	MONTH YEAR
	Riyadh		K.S.A.	Apr	1976	July 1998
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST						
			FROM	TO		
FULL NAME AND ADDRESS OF EMPLOYER			OCCUPATION (SPECIFY)		MONTH	YEAR
none						PRESENT TIME
<i>Show below last occupation abroad if not shown above. (Include all information requested above.)</i>						
n/a						
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY):			SIGNATURE OF APPLICANT 		DATE 8-14-2000	
Are all copies legible? <input checked="" type="checkbox"/> Yes			If your native alphabet is other than roman letters, write your name in your native alphabet here: هشام ابو زيد			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name)	(Given name)	(Middle name)	(Alien registration number)
ABU-ZUBAIDAH	Hesham	Mohamed	none
(OTHER AGENCY USE)			INS USE (Office of Origin)
			OFFICE CODE: TYPE OF CASE: DATE:
Form G-325 A (Rev. 10-1-82)			(2) Rec Br.

BIOGRAPHIC INFORMATION

(Family name) ABU-ZUBAIDAH	(First name) Hesham	(Middle name) Mohamed	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04-28-1976	NATIONALITY Palestinian	FILE NUMBER A. none
ALL OTHER NAMES USED (Including names by previous marriages) none			CITY AND COUNTRY OF BIRTH Riyadh, K.S.A.		SOCIAL SECURITY NO. (If any) 354-94-5066	
FATHER Abu-Zubaidah Mohamed		DATE, CITY AND COUNTRY OF BIRTH (if known) Palestin		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.		
MOTHER (Maiden name) Abu-Zubaidah		FIRST NAME Maiika		DATE, CITY AND COUNTRY OF BIRTH (if known) Jordan		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.
HUSBAND (if none, so state) OR WIFE Andrews	FAMILY NAME (For wife, give maiden name) Rosalee	FIRST NAME Rosalee	BIRTHDATE 03-27-1979	CITY & COUNTRY OF BIRTH Portland OR	DATE OF MARRIAGE 07-14-2000	PLACE OF MARRIAGE Vancouver, WA
FORMER HUSBANDS OR WIVES (if none, so state)						
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE		
none						

APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
2934 NE 61st Ave.	Portland	OR	USA	Apr	2000	PRESENT TIME	
16124 SE Alder St.	Portland	OR	USA	Aug	1999	Apr	2000
4933 N Honticello	Chicago	IL	USA	July	1998	Aug	1999

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR


STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM		TO	
				MONTH	YEAR	MONTH	YEAR
	Riyadh		K.S.A.	Apr	1976	July	1998

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (SPECIFY)	FROM		TO	
		MONTH	YEAR	MONTH	YEAR
none					PRESENT TIME

Show below last occupation abroad if not shown above. (Include all information requested above.)

n/a


THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY):	SIGNATURE OF APPLICANT 	DATE 8-14-2000
Are all copies legible? <input checked="" type="checkbox"/> Yes	if your native alphabet is other than roman letters, write your name in your native alphabet here: هشام ابو زيداه	

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name) ABU-ZUBAIDAH	(Given name) Hesham	(Middle name) Mohamed	(Alien registration number) none
(OTHER AGENCY USE)		INS USE (Office of Origin)	
		OFFICE CODE: TYPE OF CASE: DATE:	

BIOGRAPHIC INFORMATION

(Family name) ABU-ZUBAIDAH	(First name) Hesham	(Middle name) Mohamed	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 04-28-1976	NATIONALITY Palestinian	FILE NUMBER A. none
ALL OTHER NAMES USED (Including names by previous marriages) none			CITY AND COUNTRY OF BIRTH Riyadh, K.S.A.		SOCIAL SECURITY NO. (If any) 354-94-5066	
FATHER Abu-Zubaidah Mohamed		DATE, CITY AND COUNTRY OF BIRTH (if known) Palestin		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.		
MOTHER (Maiden name) Abu-Zubaidah		DATE, CITY AND COUNTRY OF BIRTH (if known) Jordan		CITY AND COUNTRY OF RESIDENCE Riyadh K.S.A.		
HUSBAND (if none, so state) OR WIFE Andrews	FAMILY NAME (For wife, give maiden name) Rosalee	FIRST NAME Rosalee	BIRTHDATE 03-27-1979	CITY & COUNTRY OF BIRTH Portland OR	DATE OF MARRIAGE 07-14-2000	PLACE OF MARRIAGE Vancouver, WA
FORMER HUSBANDS OR WIVES (if none, so state)						
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE		
none						
APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST						
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	TO YEAR	TO MONTH YEAR
2934 NE 61st Ave.	Portland	OR	USA	Apr 2000	PRESENT TIME	
16124 SE Alder St.	Portland	OR	USA	Aug 1999	Apr	2000
4933 N Honticello	Chicago	IL	USA	July 1998	Aug	1999
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR						
STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	TO YEAR	TO MONTH YEAR
	Riyadh		K.S.A.	Apr 1976	July	1998
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST						
FULL NAME AND ADDRESS OF EMPLOYER			OCCUPATION (SPECIFY)	FROM MONTH	TO YEAR	TO MONTH YEAR
none						PRESENT TIME
<i>Show below last occupation abroad if not shown above. (Include all information requested above.)</i>						
n/a						
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> STATUS AS PERMANENT RESIDENT <input checked="" type="checkbox"/> OTHER (SPECIFY):			SIGNATURE OF APPLICANT 		DATE 8-14-2000	
Are all copies legible? <input checked="" type="checkbox"/> Yes			If your name in alphabet is other than roman letters, write your name in your native alphabet here: هشام محمد أبو زيد			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name) ABU-ZUBAIDAH	(Given name) Hesham	(Middle name) Mohamed	(Alien registration number) none
(OTHER AGENCY USE)		INS USE (Office of Origin)	
		OFFICE CODE: TYPE OF CASE: DATE:	
Form G-325 A (Rev. 10-1-82)		(4) Consul	

(b)(6)

START HERE - Please Type or Print

FOR INS USE ONLY

Part 1. Information about you.

Family Name ABU-ZUBAIDAH	Given Name Hesham	Middle Initial M.
Address - C/O		
Street Number and Name 2934 NE 61st Ave. 5829 NE MLK	Apt. #	
City Portland	BIVOL.	
State OR	Zip Code 97213 97211	
Date of Birth (month/day/year) 04-28-1976	Country of Birth OR	
Social Security # 354-94-5066	A # (if any) N/A A 78137342	
Date of Last Arrival (month/day/year) 07-26-1998	I-94 # 569090730 05	
Current INS Status none	Expires on (month/day/year) D/S	

Part 2. Application Type. (Check one)

I am applying for adjustment to permanent resident status because

- a. an immigrant petition giving me an immediately available immigrant visa number has been approved (attach a copy of the approval notice), or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application will give me an immediately available visa number if approved.
- b. My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c. I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e) (attach a copy of the fiance(e) petition approval notice and the marriage certificate).
- d. I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f. I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g. I have continuously resided in the U.S. since before January 1, 1972.
- h. Other-explain _____

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever is later, and: (Check one)

- i. I am a native or citizen of Cuba and meet the description in (e), above.
- j. I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Returned	Receipt
	Aug 29/00 002#03153 F00-DB I-485 \$220.00
Resubmitted	Aug 29/00 002#03153 F00-DB FP-Fee/FD258 \$25.00
Reloc Sent	RECEIVED INS PORTLAND, OR 2000 AUG 29 PM 1:25
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

Section of Law

- Sec. 209(b), INA
- Sec. 13, Act of 9/11/57
- Sec. 245, INA
- Sec. 249, INA
- Sec. 1 Act of 11/2/66
- Sec. 2 Act of 11/2/66
- Other _____

Country Chargeable

Eligibility Under Sec. 245

- Approved Visa Petition
- Dependent of Principal Alien
- Special Immigrant
- Other _____

Preference

Action Block

Denied
 SEP 14 2001
 P. J. Cooley

To Be Completed by Attorney or Representative, if any

- Fill in box if G-28 is attached to represent the applicant

VOLAG# _____

ATTY State License # _____

Part 3. Processing Information

A. City/Town/Village of Birth Portland	Current occupation none
Your mother's first name Malika	Your father's first name Mohamed
Give your name exactly how it appears on your Arrival/Departure Record (Form I-94) Abu-Zubaidah, Hesham	
Place of last entry into the U.S. (City/State) Chicago, IL	In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) Student
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Nonimmigrant Visa Number 19981966820033	Consulate where Visa was issued Riyadh, K.S.A.
Date Visa was issued (month/day/year) 07-15-1998	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
	Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (give date and place of filing and final disposition):	

B. List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

Family Name Andrews	Given Name Rosalee	Middle Initial M.	Date of Birth (month/day/year) 03-27-79
Country of Birth USA	Relationship wife	A # n/a	Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name	Given Name n/a	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name of organization, location, dates of membership from and to, and the nature of the organization. If additional space is needed, use separate paper.

n/a

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)


I certify under penalty of perjury under the laws of the United States of America that this application, the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Print Your Name	Date	Daytime Phone Number
	Abu-Zubaidah, Hesham	8-14-2000	(503) 288-0296

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Phone Number
	Yelena Shtrikker	8/14/00	(503) 731-9566

Firm Name and Address: Luthera Family Services
605 SE 39th Ave. Portland, OR 97214

Part 3. Processing Information (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested?
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action?
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.?
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?

Yes No
3. Have you ever:
 - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future?
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally?
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?

Yes No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?

Yes No
5. Do you intend to engage in the U.S. in:
 - a. espionage?
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means?
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?

Yes No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?

Yes No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion?

Yes No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion?

Yes No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?

Yes No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?

Yes No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces?

Yes No
12. Have you ever been a nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not yet complied with that requirement or obtained a waiver?

Yes No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child?

Yes No
14. Do you plan to practice polygamy in the U.S.?

Yes No



3235198

Page: 1 of 1
07/17/2000 10:34A
Clark County, WA



3228675

Page: 1 of 1
06/20/2000 03:11P
Clark County, WA

I, GREGORY A. KIMSEY, Auditor of Clark County, State of Washington, do hereby certify that the foregoing to be a true and correct copy of a:

Certificate of Marriage

Microfilm No. _____, File No. 3235198

of record in this office. WITNESS my hand and official seal this 2nd day of August, 2000 A.D.

GREGORY A. KIMSEY, Auditor, Clark County

By G. Kimsey
Deputy



CERTIFICATE OF MARRIAGE

Please type or print clearly in permanent black ink.

COUNTY OF LICENSE CLARK		DATE VALID JUN 23	NOT VALID AFTER AUG 22 2000	
OFFICIANT - I certify the persons named below were married on				
1. DATE OF MARRIAGE (MO/DAY/YR) 07 14 00		2. COUNTY OF CEREMONY CLARK		3. TYPE OF CEREMONY <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Civil
4. DATE SIGNED (MO/DAY/YR) 07 14 00		5. OFFICIANT'S NAME (PRINT) VERNON L. SCHREIBER		
6. OFFICIANT'S SIGNATURE <i>[Signature]</i>		7. OFFICIANT'S ADDRESS (STREET, CITY, STATE & ZIP) P.O. BOX 5000 VANCOUVER, WA 98666		
GROOM				
8. GROOM'S NAME FIRST MIDDLE LAST Hesham Mohammed Abu-Zubaidah				
9. USUAL RESIDENCE ADDRESS (NUMBER AND STREET) 2934 N.E. 61st		10. DATE OF BIRTH (MO/DAY/YR) 4 28 76		11. BIRTH STATE (IF NOT USA GIVE COUNTRY) Saudi Arabia
12. CITY/TOWN/LOCATION Portland, Oregon 97213		13. INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		14. COUNTY Mult
15. STATE OR		17. BIRTH STATE (IF NOT USA GIVE COUNTRY) Jordan		
16. FATHER'S NAME (FIRST/LAST) Mohammed Hussain Abu-Zubaidah		18. BIRTH STATE (IF NOT USA GIVE COUNTRY) Jerusalem		
19. MOTHER'S MAIDEN NAME (FIRST/LAST) Malacka Farhan Abu-Zubaidah		20. DATE SIGNED (MO/DAY/YR) 7-14-00		
21. GROOM'S SIGNATURE <i>[Signature]</i>		22. BRIDE'S NAME FIRST MIDDLE LAST Rosalee Marie Andrews		
23. MAIDEN NAME Andrews		24. USUAL RESIDENCE ADDRESS (NUMBER AND STREET) 2934 N.E. 61st		25. DATE OF BIRTH (MO/DAY/YR) 3 27 79
26. BIRTH STATE (IF NOT USA GIVE COUNTRY) Oregon		27. CITY/TOWN/LOCATION Portland, OR 97213		28. INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
29. COUNTY Mult		30. STATE OR		31. FATHER'S NAME (FIRST/LAST) Paul Douglas Andrews
32. BIRTH STATE (IF NOT USA GIVE COUNTRY) Illwa		33. MOTHER'S MAIDEN NAME (FIRST/LAST) Rosalind Lynn Andrews		34. BIRTH STATE (IF NOT USA GIVE COUNTRY) California
35. BRIDE'S SIGNATURE <i>[Signature]</i>		36. DATE SIGNED (MO/DAY/YR) 7/14/00		37. WITNESS SIGNATURE <i>[Signature]</i>
38. WITNESS SIGNATURE <i>[Signature]</i>		39. COUNTY AUDITOR'S SIGNATURE <i>[Signature]</i>		40. DATE RECEIVED (MO/DAY/YR) JUL 17 2000

NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: <i>All immigration matters</i>	DATE <i>8/14/00</i>
	FILE No. _____

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME <i>Andrews, Rosalee Marie</i>	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) <i>2934 NE 61st Ave. Portland, OR 97213</i>		
NAME <i>Abu-Zubaidah, Mesham Mohamed</i>	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) <i>2934 NE 61st Ave. Portland, OR 97213</i>		

Check applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia _____ and am not under a _____ court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law. (Name of Court)

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
Lutheran Family Service

3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain fully.)

SIGNATURE <i>Yelena Shtrikker</i>	COMPLETE ADDRESS 605 SE 39th Ave Portland OR 97214
NAME (Type or Print) <i>Yelena Shtrikker</i>	TELEPHONE NUMBER (503) 231-7480 (503) 731-9566

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: *Yelena Shtrikker*
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
All immigration matters

NAME OF PERSON CONSENTING <i>Rosalee M. Andrews</i>	SIGNATURE OF PERSON CONSENTING <i>Rosalee M. Andrews</i>	DATE <i>8/14/00</i>
--	---	------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

APPEARANCES -An appearance shall be filed on Form G-28 by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required.

AVAILABILITY OF RECORDS -During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

" THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 8 CFR 103.10 AND 103.20 ET. SEQ."

(Please type or print clearly)

I certify that on the date shown I examined:

1. Name (Last in CAPS)
ABU- ZUBAIDAH

(First) Hesham (Middle Initial) M

2. Address (Street number and name) (Apt. number)
2934 NE 61st

(City) Portland (State) OR (ZIP Code) 97213

3. File number (A number)

4. Sex
 Male Female

5. Date of birth (Month/Day/Year)
4/28/76

6. Country of birth
Saudi Arabia

7. Date of examination (Month/Day/Year)
Aug-8-00

General Physical Examination: I examined specifically for evidence of the conditions listed below. My examination revealed;

- No apparent defect, disease, or disability. The conditions listed below were found (check all boxes that apply).

Class A Conditions

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Chancroid | <input type="checkbox"/> Hansen's disease, infectious | <input type="checkbox"/> Mental defect | <input type="checkbox"/> Psychopathic personality |
| <input type="checkbox"/> Chronic alcoholism | <input type="checkbox"/> HIV infection | <input type="checkbox"/> Mental retardation | <input type="checkbox"/> Sexual deviation |
| <input type="checkbox"/> Gonorrhoea | <input type="checkbox"/> Insanity | <input type="checkbox"/> Narcotic drug addiction | <input type="checkbox"/> Syphilis, infectious |
| <input type="checkbox"/> Granuloma inguinale | <input type="checkbox"/> Lymphogranuloma venereum | <input type="checkbox"/> Previous occurrence of one or more attacks of insanity | <input type="checkbox"/> Tuberculosis, active |

Class B Conditions

- Hansen's disease, not infectious Tuberculosis, not active Other physical defect, disease or disability (specify below).

Examination for Tuberculosis - Tuberculin Skin Test

- Reaction _____ mm No reaction Not done

Doctor's name (please print) Date read
Al Torres, MD AUG. 11, 00

Examination for Tuberculosis - Chest X-Ray Report

- Abnormal Normal Not done

Doctor's name (please print) Date read

Serologic Test for Syphilis

- Reactive Titer (confirmatory test performed) Nonreactive

Test Type
RPR

Doctor's name (please print) Date read
Al Torres, MD Aug. 8, '00

Serologic Test for HIV Antibody

- Positive (confirmed by Western blot) Negative

Test Type
ELISA

Doctor's name (please print) Date read
Al Torres, MD Aug. 8, '00

Immunization Determination (DTP, OPV, MMR, Td-Refer to PHS Guidelines for recommendations.)

- Applicant is current for recommended age-specific immunizations. Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained.

REMARKS:

Civil Surgeon Referral for Follow-up of Medical Condition

- The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

Follow-up Information:

The alien named above has complied with the recommended health follow-up.

Doctor's name and address (please type or print clearly)

Doctor's signature

Date

Applicant Certification:

I certify that I understand the purpose of the medical examination, I authorize the required tests to be completed, and the information on this form refers to me.

Signature

Date

Aug. 8, '00

Civil Surgeon Certification:

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

Doctor's name and address (please type or print clearly)

Doctor's signature

Date

Al Torres, MD, Portland, OR. 97210

Aug. 8, '00

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986, Public Law 99-603.

509-11

**Medical Clearance Requirements
for Aliens Seeking Adjustment of Status**

Medical Condition	Estimated Time For Clearance	Action Required
*Suspected Mental Conditions	5 - 30 Days	The applicant must provide to a civil surgeon a psychological or psychiatric evaluation from a specialist or medical facility for final classification and clearance.
Tuberculin Skin Test Reaction and Normal Chest X-Ray	Immediate	The applicant should be encouraged to seek further medical evaluation for possible preventive treatment.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray (Inactive/Class B)	10 - 30 Days	The applicant should be referred to a physician or local health department for further evaluation. Medical clearance may not be granted until the applicant returns to the civil surgeon with documentation of medical evaluation for tuberculosis.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray (Active or Suspected/Class A)	10 - 300 Days	The applicant should obtain an appointment with physician or local health department. If treatment for active disease is started, it must be completed (usually 9 months) before a medical clearance may be granted. At the completion of treatment, the applicant must present to the civil surgeon documentation of completion. If treatment is not started, the applicant must present to the civil surgeon documentation of medical evaluation for tuberculosis.
Hansen's Disease	30 - 210 Days	Obtain an evaluation from a specialist or Hansen's disease clinic. If the disease is indeterminate or Tubercloid, the applicant must present to the civil surgeon documentation of medical evaluation. If disease is Lepromatous or Borderline (dimorphous) and treatment is started, the applicant must complete at least 6 months and present documentation to the civil surgeon showing adequate supervision, treatment, and clinical response before a medical clearance is granted.
**Venereal Diseases	1 - 30 Days	Obtain an appointment with a physician or local public health department. An applicant with a reactive serologic test for syphilis must provide to the civil surgeon documentation of evaluation for treatment. If any of the venereal diseases are infectious, the applicant must present to the civil surgeon documentation of completion of treatment.
Immunizations Incomplete	Immediate	Immunizations are not required, but the applicant should be encouraged to go to physician or local health department for appropriate immunizations.
HIV Infection	Immediate	Post-test counseling is not required, but the applicant should be encouraged to seek appropriate post-test counseling.
* Mental retardation; insanity; previous attack of insanity; psychopathic personality; sexual deviation or mental defect		
** Chancroid; gonorrhea; granuloma inguinale; lymphogranuloma venereum; and syphilis.		

(Please type or print clearly)

I certify that on the date shown I examined:

1. Name (Last in CAPS)
ABU-ZUBAIDAH

(First) **Hesham** (Middle Initial) **M**

2. Address (Street number and name) (Apt. number)
2934 NE 61st

(City) **Portland** (State) **OR** (ZIP Code) **97213**

3. File number (A number)

4. Sex
 Male Female

5. Date of birth (Month/Day/Year)
4/28/76

6. Country of birth
Saudi Arabia

7. Date of examination (Month/Day/Year)
Aug-8-00

General Physical Examination: I examined specifically for evidence of the conditions listed below. My examination revealed;

- No apparent defect, disease, or disability. The conditions listed below were found (check all boxes that apply).

Class A Conditions

- Chancroid Hansen's disease, infectious
 Chronic alcoholism HIV infection
 Gonorrhoea Insanity
 Granuloma inguinale Lymphogranuloma venereum

- Mental defect Psychopathic personality
 Mental retardation Sexual deviation
 Narcotic drug addiction Syphilis, infectious
 Previous occurrence of one or more attacks of insanity

- Other physical defect, disease or disability (specify below).

Class B Conditions

- Hansen's disease, not infectious Tuberculosis, not active

Examination for Tuberculosis - Tuberculin Skin Test

- Reaction _____ mm No reaction Not done

Doctor's name (please print) **At Torres, MD** Date read

Examination for Tuberculosis - Chest X-Ray Report

- Abnormal Normal Not done

Doctor's name (please print) Date read

Serologic Test for Syphilis

- Reactive Titer (confirmatory test performed) Nonreactive

Test Type
RPR

Doctor's name (please print) **At Torres, MD** Date read **Aug. 8, '00**

Serologic Test for HIV Antibody

- Positive (confirmed by Western blot) Negative

Test Type
ELISA

Doctor's name (please print) **At Torres, MD** Date read **Aug. 8, '00**

Immunization Determination (DTP, OPV, MMR, Td-Refer to PHS Guidelines for recommendations.)

- Applicant is current for recommended age-specific immunizations. Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained.

REMARKS:

Civil Surgeon Referral for Follow-up of Medical Condition

- The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

Follow-up Information:

The alien named above has complied with the recommended health follow-up.

Doctor's name and address (please type or print clearly) Doctor's signature Date

Applicant Certification:

I certify that I understand the purpose of the medical examination, I authorize the required tests to be completed, and the information on this form refers to me.

Signature Date **Aug. 8, '00**

Civil Surgeon Certification:

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

Doctor's name and address (please type or print clearly) Doctor's signature Date
At Torres, MD, Portland, OR, 97210 **Aug. 8, '00**

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986, Public Law 99-603.

**Medical Clearance Requirements
for Aliens Seeking Adjustment of Status**

Medical Condition	Estimated Time For Clearance	Action Required
*Suspected Mental Conditions	5 - 30 Days	The applicant must provide to a civil surgeon a psychological or psychiatric evaluation from a specialist or medical facility for final classification and clearance.
Tuberculin Skin Test Reaction and Normal Chest X-Ray	Immediate	The applicant should be encouraged to seek further medical evaluation for possible preventive treatment.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray or Abnormal Chest X-Ray (Inactive/Class B)	10 - 30 Days	The applicant should be referred to a physician or local health department for further evaluation. Medical clearance may not be granted until the applicant returns to the civil surgeon with documentation of medical evaluation for tuberculosis.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray or Abnormal Chest X-Ray (Active or Suspected/Class A)	10 - 300 Days	The applicant should obtain an appointment with physician or local health department. If treatment for active disease is started, it must be completed (usually 9 months) before a medical clearance may be granted. At the completion of treatment, the applicant must present to the civil surgeon documentation of completion. If treatment is not started, the applicant must present to the civil surgeon documentation of medical evaluation for tuberculosis.
Hansen's Disease	30 - 210 Days	Obtain an evaluation from a specialist or Hansen's disease clinic. If the disease is indeterminate or Tubercloid, the applicant must present to the civil surgeon documentation of medical evaluation. If disease is Lepromatous or Borderline (dimorphous) and treatment is started, the applicant must complete at least 6 months and present documentation to the civil surgeon showing adequate supervision, treatment, and clinical response before a medical clearance is granted.
**Venereal Diseases	1 - 30 Days	Obtain an appointment with a physician or local public health department. An applicant with a reactive serologic test for syphilis must provide to the civil surgeon documentation of evaluation for treatment. If any of the venereal diseases are infectious, the applicant must present to the civil surgeon documentation of completion of treatment.
Immunizations Incomplete	Immediate	Immunizations are not required, but the applicant should be encouraged to go to physician or local health department for appropriate immunizations.
HIV Infection	Immediate	Post-test counseling is not required, but the applicant should be encouraged to seek appropriate post-test counseling.
* Mental retardation; insanity; previous attack of insanity; psychopathic personality; sexual deviation or mental defect; narcotic drug addition; and chronic alcoholism.		
**Chancroid; gonorrhea; granuloma inguinale; lymphogranuloma venereum; and syphilis.		

(Please type or print clearly)

I certify that on the date shown I examined:

1. Name (Last in CAPS)
ABU-ZUBAIDAH

(First) **Heshan** (Middle Initial) **M**

2. Address (Street number and name) (Apt. number)
2936 NE 61st

(City) **Portland** (State) **OR** (ZIP Code) **97213**

3. File number (A number)

4. Sex
 Male Female

5. Date of birth (Month/Day/Year)
4/28/76

6. Country of birth
Saudi Arabia

7. Date of examination (Month/Day/Year)
Aug-8-00

General Physical Examination: I examined specifically for evidence of the conditions listed below. My examination revealed;

- No apparent defect, disease, or disability. The conditions listed below were found (check all boxes that apply).

Class A Conditions

- Chancroid Hansen's disease, infectious
 Chronic alcoholism HIV infection
 Gonorrhoea Insanity
 Granuloma inguinale Lymphogranuloma venereum

- Mental defect Psychopathic personality
 Mental retardation Sexual deviation
 Narcotic drug addiction Syphilis, infectious
 Previous occurrence of one or more attacks of insanity

Other physical defect, disease or disability (specify below).

Class B Conditions

- Hansen's disease, not infectious Tuberculosis, not active

Examination for Tuberculosis - Tuberculin Skin Test

- Reaction _____ mm No reaction Not done

Examination for Tuberculosis - Chest X-Ray Report

- Abnormal Normal Not done

Doctor's name (please print) **At Torres, MD** Date read

Doctor's name (please print) Date read

Serologic Test for Syphilis

- Reactive Titer (confirmatory test performed) Nonreactive

Serologic Test for HIV Antibody

- Positive (confirmed by Western blot) Negative

Test Type

RPR

Test Type

ELISA

Doctor's name (please print) **At Torres, MD** Date read **Aug. 8, '00**

Doctor's name (please print) **At Torres, MD** Date read **Aug. 8, '00**

Immunization Determination (DTP, OPV, MMR, Td-Refer to PHS Guidelines for recommendations.)

- Applicant is current for recommended age-specific immunizations. Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained.

REMARKS:

Civil Surgeon Referral for Follow-up of Medical Condition

- The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

Follow-up Information:

The alien named above has complied with the recommended health follow-up.

Doctor's name and address (please type or print clearly) Doctor's signature Date

Applicant Certification:

I certify that I understand the purpose of the medical examination, I authorize the required tests to be completed, and the information on this form refers to me.

Signature Date **Aug. 8, '00**

Civil Surgeon Certification:

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status.

Doctor's name and address (please type or print clearly) Doctor's signature Date
At Torres, MD, Portland, OR, 97210 **Aug. 8, '00**

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986, Public Law 99-603.

509-1

**Medical Clearance Requirements
for Aliens Seeking Adjustment of Status**

Medical Condition	Estimated Time For Clearance	Action Required
*Suspected Mental Conditions	5 - 30 Days	The applicant must provide to a civil surgeon a psychiatric or psychological or psychiatric evaluation from a specialist or medical facility for final classification and clearance.
Tuberculin Skin Test Reaction and Normal Chest X-Ray	Immediate	The applicant should be encouraged to seek further medical evaluation for possible preventive treatment.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray or Abnormal Chest X-Ray (Inactive/Class B)	10 - 30 Days	The applicant should be referred to a physician or local health department for further evaluation. Medical clearance may not be granted until the applicant returns to the civil surgeon with documentation of medical evaluation for tuberculosis.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray or Abnormal Chest X-Ray (Active or Suspected Active/Class A)	10 - 300 Days	The applicant should obtain an appointment with physician or local health department. If treatment for active disease is started, it must be completed (usually 9 months) before a medical clearance may be granted. At the completion of treatment, the applicant must present to the civil surgeon documentation of completion. If treatment is not started, the applicant must present to the civil surgeon documentation of medical evaluation for tuberculosis.
Hansen's Disease	30 - 210 Days	Obtain an evaluation from a specialist or Hansen's disease clinic. If the disease is indeterminate or Tubercloid, the applicant must present to the civil surgeon documentation of medical evaluation. If disease is Lepromatous or Borderline (dimorphous) and treatment is started, the applicant must complete at least 6 months and present documentation to the civil surgeon showing adequate supervision, treatment, and clinical response before a medical clearance is granted.
**Venereal Diseases	1 - 30 Days	Obtain an appointment with a physician or local public health department. An applicant with a reactive serologic test for syphilis must provide to the civil surgeon documentation of evaluation for treatment. If any of the venereal diseases are infectious, the applicant must present to the civil surgeon documentation of completion of treatment.
Immunizations Incomplete	Immediate	Immunizations are not required, but the applicant should be encouraged to go to physician or local health department for appropriate immunizations.
HIV Infection	Immediate	Post-test counseling is not required, but the applicant should be encouraged to seek appropriate post-test counseling.
* Mental retardation; insanity; previous attack of insanity; psychopathic personality; sexual deviation or mental defect; narcotic drug addiction; and chronic alcoholism.		
** Chancroid; gonorrhea; granuloma inguinale; lymphogranuloma venereum; and syphilis.		

SUPPLEMENTAL FORM TO I-693
Adjustment of Status Applicant's Documentation of Immunization
To be completed by civil surgeon only

1. Applicant Identifying Information

ABU-ZUBAIDAH

Hesham

M

Date of Birth 4/28/76

(Family)

(Personal)

(Middle)

(Month, Day, Year)

*** Male Female

Passport # _____

Country Saudi Arabia

2. Immunization Record

Vaccine History Transferred from a Written Record					Vaccine Given	Completed series or Fully immune (Check if YES or write date of lab test if immune)	Waiver(s) to be Requested from INS			
							Blanket			
					Not Medically Appropriate					
Vaccine	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date Rec'd Mo/Day/Yr	Date given by Civil Surgeon Mo/Da/Yr	Not appropriate age	Contra-indication	Insufficient time interval	Not fall (flu) season	
DT/DTP						✓			////////	
Td					Aug. 8 2000				////////	
Polio (OPV/IPV)						✓			////////	
Measles (or MR or MMR)					Aug. 8 2000				////////	
Mumps (or MMR)					||				////////	
Rubella (or MR or MMR)					||				////////	
Hib						✓			////////	
Hepatitis B						✓			////////	
Varicella							had disease		////////	
Pneumococcal						✓			////////	
Influenza						✓				

3. Results

- Applicant may be eligible for blanket waiver(s) as indicated above.
- Applicant will request an individual waiver based on religious or moral convictions.
- Vaccine history complete for each vaccine, all requirements met.
- Applicant does not meet immunization requirements.

4. Civil Surgeon's Identifying Information

Civil Surgeon's Name AL TORRES MD
 (print or type)

Date AUG 08 2000

Civil Surgeon's Signature _____

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY

Case ID#	Action Stamp	Fee Stamp
App#		2000 AUG 29 PH 1:24
G-28 or Volag#		AUG 29/00 002#03153 POO-08 I-130 SPOUSE\$110.00
Section of Law:	Petition was filed on _____ (priority date)	
<input checked="" type="checkbox"/> 201 (b) spouse <input type="checkbox"/> 203 (a)(1) <input type="checkbox"/> 201 (b) child <input type="checkbox"/> 203 (a)(2) <input type="checkbox"/> 201 (b) parent <input type="checkbox"/> 203 (a)(4) <input type="checkbox"/> 203 (a)(5)	<input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> Stateside Criteria <input type="checkbox"/> Field Investigations <input type="checkbox"/> I-485 Simultaneously <input type="checkbox"/> 204 (a)(2)(A) Resolved <input type="checkbox"/> 204 (h) Resolved	
AM CON: _____		

Remarks: *Approved the I-130 filed on Feb 11, 2002 instead. SM/DAO/POO*

A. Relationship

1. The alien relative is my Husband/Wife Parent Brother/Sister Child Yes No

2. Are you related by adoption? Yes No

3. Did you gain residence through adoption? Yes No

B. Information about you

1. Name (Family Name in CAPS) (First) (Middle)
ANDREWS Rosalee Marie

2. Address (Number and Street) (Apartment Number)
2934 NE 61st Ave.

(Town or City) (State/Country) (ZIP/Postal Code)
Portland OR 97213

3. Place of Birth (Town or City) (State/Country)
Portland, OR USA

4. Date of Birth (Mo/Day/Yr) 5. Sex 4. Marital Status
03-27-1979 Male Female Married Single Widowed Divorced

7. Other Names Used (including maiden name)
none

8. Date and Place of Present Marriage (if married)
07-14-2000 Vancouver, WA

9. Social Security Number 10. Alien Registration Number (if any)
542-23-1376 none

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
none

C. Information about your alien relative

1. Name (Family Name in CAPS) (First) (Middle)
ABU- ZUBAIDAH Hesham Mohamed

2. Address (Number and Street) (Apartment Number)
2934 NE 61st Ave.

(Town or City) (State/Country) (ZIP/Postal Code)
Portland OR 97213

3. Place of Birth (Town or City) (State/Country)
Riyadh, K.S.A.

4. Date of Birth (Mo/Day/Yr) 5. Sex 4. Marital Status
04/28/1976 Male Female Married Single Widowed Divorced

7. Other Names Used (including maiden name)
none

8. Date and Place of Present Marriage (if married)
07-14-2000 Vancouver, WA

9. Social Security Number 10. Alien Registration Number (if any)
n/a 354-44-506/n/a

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
none n/a

13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one)

Birth in the U.S.
 Naturalization (Give number of certificate, date and place it was issued)

Parents
 Have you obtained a certificate of citizenship in your own name?
 Yes No
 If "Yes", give number of certificate, date and place it was issued

13. Has your relative ever been in the U.S.?
 Yes No

14. If your relative is currently in the U.S., complete the following: He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)
 Student
 Arrival/Departure Record (I-94) Number Date Arrived (Month/Day/Year)
 569090730 05 07-26-1998
 Date authorized stay expired, or will expire as shown on Form I-94 or I-95
 D/S

15. Name and Address of Present Employer (if any)
 n/a
 Date this employment began (Month/Day/Year)

14a. If you are a lawful permanent resident alien, complete the following:
 Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission:
 n/a

14b. Did you gain permanent residence status through marriage to a United States citizen or lawful permanent resident?
 Yes No

16. Has your relative ever been under immigration proceedings?
 Yes No Where _____ When _____
 Exclusion Deportation Rescission Judicial Proceedings

Form I-130 (Rev. 4/11/91) Y	INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
			Rec'd	Sent	Approved	Denied	Returned

C. (continued) Information about your alien relative

16. List Husband/wife and all children of your relative (if your relative is your husband/wife, list only his or her children).

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
n/a			

17. Address in the United States where your relative intends to live

(Number and Street)	(Town or City)	(State)
2934 NE 61st Ave.	Portland,	OR

18. Your relative's address abroad

(Number and Street)	(Town or City)	(Province)	(Country)	(Phone Number)

19. If your relative's native alphabet is other than Roman letters, write his or her name and address abroad in the native alphabet:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)

20. If filing for your husband/wife, give last address at which you both lived together:

(Name)	(Number and Street)	(Town or City)	(Province)	(Country)	From (Month) (Year)	To (Month) (Year)
Abu-Zubaidah, Hesham	2934 NE 61st Ave.	Portland,	OR	97213	Apr. 2000	present

21. Check the appropriate box below and give the information required for the box you checked:

- Your relative will apply for a visa abroad at the American Consulate in _____ (City) _____ (Country)
- Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at Portland, OR (City) _____ (State) If your relative is not eligible for adjustment of status, he or she will

apply for a visa abroad at the American Consulate in _____ (City) _____ (Country)

(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated consulate.)

D. Other Information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

none

2. Have you ever filed a petition for this or any other alien before?

- Yes
- No

If "Yes", give name, place and date of filing, and result.

Warning: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

Penalties: You may, by law be imprisoned for not more than five years, or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws and you may be fined up to \$10,000 or imprisoned up to five years or both, for knowingly and willfully falsifying or concealing a material fact or using any false documents in submitting this petition.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

(Signature) Rosalee M. Andrews (Date) 8/14/00 (Phone Number) (503)288-0296

Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Yelena Shtrikker (Address) Luthera Family Services
605 SE 39th Ave., Portland, OR 97214 (Signature) [Signature] (Date) 8/14/00

G-28 ID Number _____

Volag Number _____

NOTICE TO PERSONS FILING FOR SPOUSES IF MARRIED LESS THAN TWO YEARS

Pursuant to section 216 of the Immigration and Nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by an officer of the Immigration and Naturalization Service. Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the ninety day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence.

Otherwise, the rights, privileges, responsibilities and duties which apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, to file petitions in behalf of qualifying relatives, or to reside permanently in the United States as an immigrant in accordance with the immigration laws.

Failure to file Form I-751, Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status, will result in termination of permanent residence status and initiation of deportation proceedings.

NOTE: You must complete Items 1 through 6 to assure that petition approval is recorded. Do not write in the section below item 6.

1. Name of Relative (Family name in CAPS)	(First)	(Middle)	
ABU- ZUBAIDAH	Hesham	Mohamed	
2. Other names used by relative (Including maiden name)			
none			
3. Country of Relative's birth		4. Date of Relative's Birth (Month/Day/Year)	
K.S.A.		04/28/1976	
5. Your Name (Last name is CAPS)		(First)	(Middle)
ANDREWS		Rosalee	Marie
			6. Your phone number
			(503)288-0296

Action Stamp	SECTION	DATE PETITION FILED
	<input type="checkbox"/> 201 (b)(spouse)	
	<input type="checkbox"/> 201 (b)(child)	
	<input type="checkbox"/> 201 (b)(parent)	
	<input type="checkbox"/> 203 (a)(1)	<input type="checkbox"/> STATESIDE
	<input type="checkbox"/> 203 (a)(2)	<input type="checkbox"/> CRITERIA GRANTED
	<input type="checkbox"/> 203 (a)(4)	
	<input type="checkbox"/> 203 (a)(5)	SENT TO CONSUL AT:

CHECKLIST

Have you answered each question?
Have you signed the petition?
Have you enclosed:

- The filing fee for each petition?
- Proof of your citizenship or lawful permanent residence?
- All required supporting documents for each petition?

If you are filing for your husband or wife have you included:

- Your picture?
- His or her picture?
- Your G-325A?
- His or her G-325A?

Do Not Write in This Block

Remarks	Action Stamp APPROVED INS DISTRICT	Fee Stamp Aug 29/00 002#03153 PDD-DB I-765 \$100.00
A# 78 737 342	SEP 26 2000 <i>Reshma Subhash</i> POO 7805	
Applicant is filing under 274a.12 _____		
<input checked="" type="checkbox"/> Application Approved. Employment Authorization Extended (Circle one) <u>10/18/00</u> (Date). Subject to the following conditions: <u>10/9/01</u> (Date). <input type="checkbox"/> Application Denied. <input type="checkbox"/> Failed to establish eligibility under 8 CFR 274a.12(a) or (c) <input type="checkbox"/> Failed to establish economic necessity as required in 8 CFR 274a.12(c) (14), (18) and 8 CFR 214.2(f)		

I am applying for: Permission to accept employment
 Replacement (of lost employment authorization document).
 Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) (Middle) ABU-ZUBAIDAH Hesham Mohamed	11. Have you ever before applied for employment authorization from INS? <input type="checkbox"/> Yes (If yes, complete below) <input checked="" type="checkbox"/> No Which INS office? _____ Date(s) _____
2. Other Names Used (Include Maiden Name) none	Results (Granted or Denied - attach all documentation) _____
3. Address in the United States (Number and Street) (Apt. Number) 2934 NE 61st Ave. (Town or City) (State/Country) (ZIP Code) Portland OR 97213	12. Date of Last Entry into the U.S. (Month/Day/Year) 07-26-1998
4. Country of Citizenship/Nationality Palestin	13. Place of Last Entry into the U.S. Chicago, IL
5. Place of Birth (Town or City) (State/Province) (Country) Portland OR	14. Manner of Last Entry (Visitor, Student, etc.) Student
6. Date of Birth (Month/Day/Year) 04/28/1976	15. Current Immigration Status (Visitor, Student, etc.) none
7. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	16. Go to Part 2 of the instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.). Eligibility under 8 CFR 274a.12 (C) (9) ()
8. Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
9. Social Security Number (Include all Numbers you have ever used) 354-94-5066	
10. Alien Registration Number (A-Number) or I-94 Number (if any) n/a 569090730 05	

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the instructions in Part 2 and have identified the appropriate eligibility category in Block #16.

Signature: *[Signature]* Telephone Number: **(503) 288-0296** Date: **8/28/00**

Signature of Person Preparing Form if Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name: Yelena Shtrikker Address: Luthera Family Services, 605 SE 39th Ave. Portland, OR 97214
Signature: *[Signature]* Date: **8/28/00**

Initial Receipt	Resubmitted	Relocated		Completed		
		Rec'd	Sent	Approved	Denied	Returned

1 2 3

4

5

6

10

11

B7C

1. N-334 and N-600 _____ child(ren)
2. N-335 and N-402 _____ child(ren)
3. Derivative Application N-400 _____ child(ren)
4. Oath (modified) (waived)
5. Interpreter _____
(Language)
6. Change of name
7. Special interest
8. Other actions _____
9. Reexamination
10. Notify attorney or representative
11. Q. & A.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Form G-355 (Rev. 3-25-70) Y

1 2 3 4 5 6 7 8 9 10 11





WWW.DONOR.COM
POLICIA @ LYON

~~04/10/03~~



04/11/03



375

ORL

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

RE: ABU-ZUBAIDAH, HESHAM
FILE: A078-737-342

DATE: Jun 9, 2010

TO: DAVID P CHO & ASSOCIATES
CHO, DAVID P
3900 DAIRY RD., UNIT 1-B
MELBOURNE, FL 32904

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jul 15, 2010 at 10:00 A.M. at:

1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

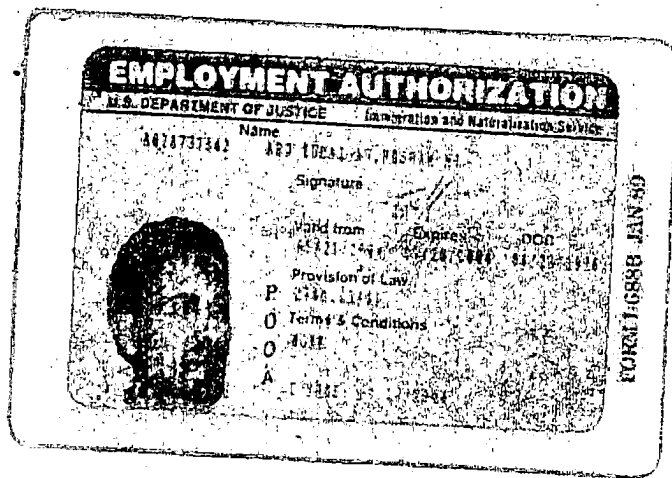
CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE (P)
TO: [] ALIEN, [] ALIEN c/o Custodial Officer [x] ALIEN's ATT/REP [x] DHS
DATE: 6/9/10 BY: COURT STAFF MIZ V3
Attachments: [x] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

DEPT OF HOMELAND SECURITY
ORL

JUL 02 2010

RECEIVED IN MAILROOM



5/21/04 Issued

7/20/04 Expires

A 78 737 342

17

ICE - PORTLAND

Page: 1

Enrollee Profile For Id 78737342

May 06 2005 14:10:18 CDT

Enrollee Name: ABU ZUBAIDAH, HESHAM MOHOMED H.

Start Date: 05/04/2004

End Date: 05/04/2007

Status: ENROLLED

Language: ENGLISH

Security Level: LOW

Monitoring: MINIMUM SUPERVISION

Supervisor:



(b)(7)(c)

Assigned Active Phones

Phone	Status	Timezone	Address
(503) 788-3257	ACTIVE	PACIFIC	7733 SE 92ND AVE #N, PORTLAND OR 97266

MSR Call Schedules

Call Period	Calls Per Period	Phone	Schedule Status	Start-End Date
MONTHLY	1	(503) 788-3257	PERMANENT	

SETTINGS/DEFAULTS

- VALIDATE_PHONE : YES
- VALIDATE_VOICE : YES
- COUNTRY : SAUDI ARABIA
- CRIMINAL : YES
- DOB : 04/28/1976
- POCR : YES
- SEX : MALE
- YOB : 1976

MSR PROMPTS

- ADDRESS
- ARRESTED
- EMPLOYMENT
- PHONE

Release Notes

Automatically Released 05/04/2005
 Status changed from RELEASED to PRE-ENROLL on 05/06/2005.
 Last release date: 05/04/2005, release type TIME.

**TELEPHONIC REPORTING
INFORMATION and AGREEMENT**

Date: 5/6/05
To: Hesham Abu-zubaidah

As an enrollee in the Immigration and Customs Enforcement (ICE) Office of Detention & Removals (DRO) Voice Reporting program, you are required to report into the automated monitoring system monthly.

The day you are required to report in appears on this information sheet. You are required to call into the system from phone number 503 788 3257, unless pre-authorized by your DHS officer. Failure to report at the pre-determined time or call from an unapproved phone number could result in a sanction determined by your officer.

TELEPHONIC REPORTING PROCEDURES

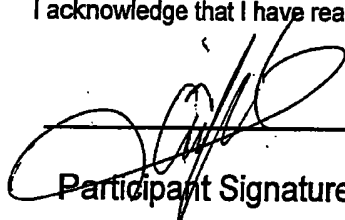
The MSR system is an automated telephone reporting system. You are

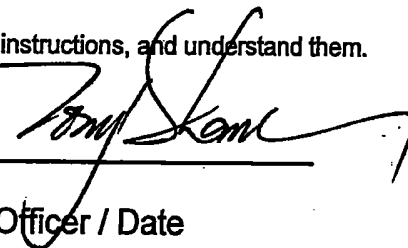
1. required to call the system monthly
2. Call the MSR System at 1-800-838-7002
3. The system will ask you for your Department ID number. Enter your Department ID Number: 64#
4. Press 1 for enrollee.
5. Enter your Enrollee ID number (A number): 78-737-342#
6. The system will ask you to respond to a series of questions: press 1 for yes or 2 for no.
7. If you respond with a 1, the system will ask you for your new information. Speak clearly your new information into the telephone handset.
8. After speaking your new information, press the # sign on your telephone.
9. The system will then proceed to the next question.
10. Once the system completes the questions, the system may make an announcement.
11. After completion of any announcement, you may hang up the phone.

TELEPHONIC REPORTING AGREEMENT

1. I agree not to have the call block feature on the line that I will be using during my voice reporting program.
2. I agree to report any phone problems (outages) to my DHS officer as soon as they are known.
3. I agree to keep a working telephone number during the entire term of the voice-reporting program.
4. I understand and agree that all telephone calls from the monitoring center to my residence will be tape-recorded by the monitoring center contractor.

I acknowledge that I have read (or have had read to me) these instructions, and understand them.


Participant Signature / Date


DHS Officer / Date

File No: A78-737-342

Date: 04/11/03

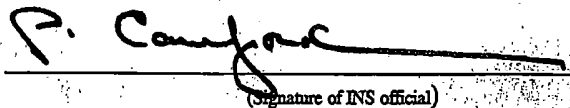
No. Hesham Mohamed Hussain ABU-ZUBAIDAH

on August 1, 2002, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

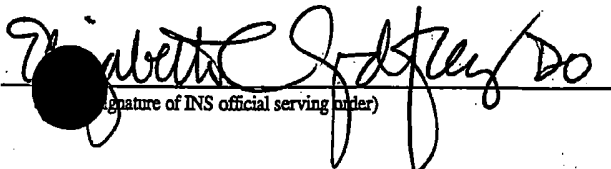
- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside The State of Oregon for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the 1st 2nd Thursday of each month to this Service office at: Detention and Removal Office, Room 463, 51 Broadway, Portland, OR 97209, telephone: 503-326-4165 unless you are granted written permission to report on another date.
7:30 Am - 4:30 Pm
- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

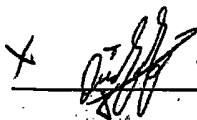

(Signature of INS official)

Philip Crawford, Interim District Director, Enforcement
(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of his order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.


(Signature of INS official serving order)


(Signature of alien)

4/11/03
Date

SpeakerID Enrollment

Dial 1-800-838-7002

Must Call from Home phone

System plays Welcome Message

"Hello, this is the Minimum Supervision Reporting System"

System prompt for language:

"Press 1 for English, marks numero dos para Espanol"

Enter language choice: 1 = English or 2 = Spanish

Phone # ⁰⁰³ 788-3257

System prompts for Department Number

"Please enter your Department number followed by the # key"

Enter Department Number: 64 #

System prompts for Caller Type:

"Press 1 if you are an enrollee, press 2 if you are an officer"

Enter caller type - 1 or 2

System prompts for ID number

"Please enter your Enrollee Identification Number followed by the # key"

Enter Enrollee ID: 78-737-342 #

System plays enrollment start message:

"Enrollment process beginning; after the beep, please repeat...."

System plays 12 sets of numbered pairs, repeat them as played

System plays a template message:

"Creating template, please wait....."

System plays completion message:

"Enrollment Successful"

System plays template verify message:

"Template verification beginning"

System plays 2 sets of numbered pairs, repeat then after beep;

System plays verify end message:

"Verification complete"

System plays end of session message:

"Session completed, thank you. You may hang up now"

Next check IN:

7/7/05

call in dates: 5/4/05, 6/4/05 & 7/4/05

ORDER OF SUPERVISION/RECOGNIZANCE
INFORMATION UPDATE

FILE COPY

Personal Information

Subject's Name: Abu-Zabardah, Hesham A-Number: A 78-1737-342

Physical Address: 7733 SE 92nd #N
Portland, OR How long have you lived at this address? 2 Years ___ Months

Mailing Address: 7733 SE 92nd #N How long have you used this mailing address? 2 Years 2 Months

Telephone Number: (503) 788-3257 Date of Birth: 4/28/76
(include area code)

Message Number: _____ Whose phone number is this? _____
(include area code)

Social Security Number: 354-94-5066 Is this a valid Social Security number?
 Yes No

Driver's License or ID Number: 9662808 Issuing state: OR

Vehicle Make & Model: _____ Vehicle License Plate: _____

Vehicle Color & Year: _____ State Issuing License Plate: _____

Parole/Probation Officer's Name: _____ How long have you been on supervised release? _____ Years ___ Months

Parole/Probation Officer's Number: _____
(include area code)

Employment Information

EAD Card Expires: _____

Employer's Name: Rob Tonkin Maithy How long have you worked for this employer? 2 Years ___ Months

Employer's Address: 750 SE 122 AVE

Type of work: Sales

Employer's Phone #: (503) 257-2420 Hours of work: Full time
(include area code) 800 460-5275

Travel Document Information

Have you requested a travel document or passport? Yes No
(Must bring copies of all correspondence submitted for and received in response to travel document request to next report date)

Subject's Signature: [Signature] Date: 5/16/05

Alien's Name:	File Number:	Date:
ABU-ZUBAIDAH, Hesham Mohamed Hussain	A78-737-342	04/11/03

[Handwritten Signature]
Alien's Signature



Alien's Address
c/o Sayad Zinab (friend)
3730 SE 64th
Portland, OR 97206

RIGHT INDEX PRINT

Alien's Telephone Number (if any)
503-358-8713 (C)



EAD expires 7/6/05

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES
04/11/03		subject released on an O/S this date. ECG Next report date 05/08/03.
Reported 5/8/03	Poo/PS	Next report date 6/5/03
Reported 6/5/03	Poo/PS	Next report date 7/3/03
Reported 7/3/03	Poo/PS	Next report date 8/7/03
Reported 8/7/03	Poo/PS	Next report date 9/4/03
Reported 9/4/03	Poo/PS	Next report date 10/2/03
Reported 10/2/03	Poo/PS	Next report date 11/6/03
Reported 11/6/03	Poo/PS	Next report date 12/4/03
Reported 12/4/03	Poo/PS	Next report date 1/8/04 closed LA
Reported 01/09/04	Poo/LA	Next report date 02/05/04
Reported 2/5/04	Poo/PD	Next report date 3/4/04
Reported 3/4/04	Poo/PD	Next report date 4/1/04
Reported 4/1/04	Poo/PD Daniels	Next report date 7/1/04
Put on phone call in system - call in 4/4/04, 5/4/04 + 6/4/04		
Reported 7/1/04	Poo/P Daniels	Next report date 10/7/04
Call in 7/4/04, 8/4/04, 9/4/04 + 10/4/04		
Reported 10/7/04	Poo/P Daniels	Next report date 1/6/05
Call in 11/4/04, 12/4/04 + 1/4/05		
Reported 1/6/05	Poo/P Daniels	Next report date 4/7/05
Call in 2/4/05, 3/4/05 + 4/4/05		
Reported 4/7/05	Poo/P Daniels	Next report date 7/7/05
Signature: <i>[Handwritten Signature]</i>	Title: Deportation Officer	
Call in 5/4/05, 6/4/05 + 7/4/05		

File No: A78-737-342

Date: 04/11/03

No. Hesham Mohamed Hussain ABU-ZUBAIDAH

on August 1, 2002, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- That you do not travel outside The State of Oregon for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- That you report in person on the 1st and Thursday of each month to this Service office at: Detention and Removal Office, Room 463, 51 Broadway, Portland, OR 97209; telephone: 503-326-4165 unless you are granted written permission to report on another date.
7:30 Am - 4:30pm
- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

P. Crawford
(Signature of INS official)

Phillip Crawford, Interim District Director, Enforcement
(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of his order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Diabeta S. J. [Signature]
(Signature of INS official serving order)

[Signature]
(Signature of alien)

4/11/03
Date

CHECK LIST FOR OSUP CASES

DACS: A 78 737 342

OFFICER ID

COM

BIOS (New Address and Phone Number)

EMPL

VOID

CALL IN: updated info correct!

5/6/05
Template created

ACTIVATE ADT PHONE CALL IN SYSTEM & VOICE VERIFICATION

COPY TO FILE

COPY TO O/S BOOKS

NFTS TO SHELF OR WHOEVER

(10/01)

(10/01)

Social Security Administration
Important Information

2625 SE 98th Ave
Portland OR 97266
Reference Number: 05019040847
January 19, 2005

Hesham Mohamed Abu Zubaidah
7733 SE 92ND AVE
APT N
PORTLAND OR 97266

Dear Hesham Mohamed Abu Zubaidah

This is to show that you requested a Social Security card on January 19, 2005. We cannot issue you a Social Security card until we check the document(s) you gave us to show your citizenship/alien status. We will check the document(s) with the agency that issued them. This will take about four weeks.

If that agency tells us their records agree with yours, we will mail you a Social Security card. If they tell us their records do not agree with yours, we will let you know, in writing, that we cannot issue you a card.

This letter does not mean that we will issue you a Social Security card. It also does not show you have the right to work in the United States.

If You Have Any Questions

We invite you to visit our web site at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-503-760-2781. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY/TDD number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

2625 SE 98 AVE
PORTLAND OR 97266

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

R. Bruce
R. Bruce
Field Office Manager

CHOICES

THIS IS TO CERTIFY THAT

HESHAM ABU-ZUBAIDAH

**HAS SUCCESSFULLY COMPLETED THE
CHOICES DOMESTIC VIOLENCE
INTERVENTION PROGRAM**

ON

September 15, 2004

Shirley A. Crowe

Facilitator

09-15-04

Date

January 7, 2005

Abu-Zubaidah, Hesham
7733 NE 92ND #N
PORTLAND, OR 97266

This letter is to inform you that it is no longer necessary for you to report to this office for the following reason:

- On _____ your probation was terminated early by the Court.
- Your Probationary period officially expired on 1-06-05
- The Court has transferred the supervision of your probation from this office (formal probation) to the Court (bench probation). You will not have to report to the Court unless specifically requested to do so by the Judge.
- Your Probation has been transferred to:

Sincerely,

Mary Eastman
LOW/LIMITED DOMESTIC VIOLENCE
Parole/Probation Office
988- Ext. 3680

FedEx Tracking Number

0101 4627 4934

Form I.D. No.

0215

Sender's Copy

1 From *Please print and press hard.*

Date _____

Sender's FedEx Account Number (b)(7)(c) _____

Sender's Name _____

Phone () _____

Company **US IMMIGRATION SVC/POO**

Address **511 NW BROADWAY STE 402**

City **PORTLAND** State **OR**

2 Your Internal Billing Reference OPTIONAL

First 24 characters will appear on invoice.

3 To

Recipient's Name _____

Phone _____

Company **DEPARTMENT OF HOMELAND SEC**

Address **801 I STREET, SUITE 800**

WASHINGTON D.C. 20536

To "HOLD" at FedEx **ATTN** _____

City _____ State _____ ZIP _____

4a Express Package Service

FedEx Priority Overnight
Next business morning

FedEx Standard Overnight
Next business afternoon

FedEx First Overnight
Earliest next business morning delivery to select locations

FedEx 2Day
Second business day

FedEx Express Saver
Third business day

NEW FedEx Extra Hours
Later drop-off with next business afternoon delivery to select locations

FedEx Envelope rates not available. Minimum charge: One-pound rate.

Packages up to 150 lbs.
Delivery commitment may be later in some areas.

Packages over 150 lbs.
Delivery commitment may be later in some areas.

Day Freight
Business day

FedEx 3Day Freight
Third business day

* Declared value limit \$500

Pak*
FedEx Small Pak, FedEx Pak, and FedEx Sturdy Pak

Other Pkg.
Includes FedEx Box, FedEx Tube, and customer pkg.

Include FedEx address in Section 3.

HOLD Weekday at FedEx Location
RESTRICTIONS
Not available with FedEx First Overnight

HOLD Saturday at FedEx Location
RESTRICTIONS
Available only for FedEx Priority Overnight and FedEx 2Day to select locations

Dry Ice
Dry Ice, 9, UN 1845 _____ x _____ kg

Cargo Aircraft Only

in FedEx packaging or with FedEx Extra Hours service.

Acct. No. or Credit Card No. below.

Third Party **Credit Card** **Cash/Check**

Exp. Date

Weight **Total Declared Value†**

3 \$ _____ .00

†Our liability is limited to \$100 unless you declare a higher value. See back for details.

FedEx Use Only

8 Release Signature *Sign to authorize delivery without obtaining signature.*

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

406

0193935545

Peel and Stick FedEx USA Airbill

See back for application instructions.

Questions? Visit our Web site at fedex.com

or call 1-800-Go-FedEx® (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

**MEMORANDUM
OF CALL**

Previous editions usable

TO:

YOU WERE CALLED BY— YOU WERE VISITED BY—

OF (Organization)

PLEASE PHONE DSN
(Enter area code, if necessary)

LEFT VOICE MAIL

WILL CALL AGAIN IS WAITING TO SEE YOU
 RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

Called
ON 10/23/03 IN Reference
TO ABU-ZUBAIDAH (b)(7)(c)
T/D Request

RECEIVED BY	DATE	TIME

**U.S. Department of Homeland Security
Immigration & Customs Enforcement**

*Office of the Interim Field Office Director
511 N.W. Broadway Street
Portland, Oregon 97209*

Date: 10/23/2003

Office of Detention & Removal
Immigration & Customs Enforcement
801 I Street, Suite 800
Washington, D.C. 20536

Refer to File No.: A78 737 342

RE: Abu-Zubaidah, Hesham Mohammad

Dear Mr. Bradford:

(b)(7)(c)


Our office is responding to the Ccmail issued on 10/21/03 by HQ concerning the Middle East charter flight scheduled for 12/3/03. This case to my understanding has been brought to your attention in April of this year in which you spoke with our custody officer [redacted] before Mr. Abu-Zubaidah was released on O/S.

Included in this request is previous documentation as to what our office has done to obtain a travel document. Also for your perusal, I have included the POCR interview work sheet and other notes that she made concerning her conversation with you in reference to T/D. I am also going to include the T/D request previously sent to the Egyptian consulate (8/6/02) in San Francisco, Ca. and their response and our request to your office on February 21, 2002 to Ms. [redacted]

I called your office this date and left you a message on your voice mail and understand that you will not return to work until 11/3/03. If you need any other information concerning this case, please call SDDO [redacted] as I will be on an escort commencing 11/3/03 and returning to work on 11/10/03.

Sincerely,

(b)(7)(c)


Oscar Villa,
Deportation Officer

**U.S. Department of Homeland Security
Immigration & Customs Enforcement**

*Office of the Interim Field Office Director
511 N.W. Broadway Street
Portland, Oregon 97209*

Date: 10/23/2003

Embassy of Egypt
2310 Decatur Place NW
Washington, D.C. 20008

Refer to File No.: A78 737 342

RE: Abu-Zubaidah, Hesham Mohammad

Dear Consular Officer:

Our office kindly would like to request that a travel document be issued to above mentioned subject for repatriation.

Mr. Abu-Zubaidah was issued an Egyptian travel document for Palestine refugees number 0003288 issued in Riyadh, Saudi Arabia. He is presently under an order of Removal/deportation and the Bureau of Immigration & Customs Enforcement would like to facilitate his departure from the United States. Mr. Abu-Zubaidah is presently on a Order of Supervision.

If you have any other questions or need any more information, please do not hesitate to call our office at [REDACTED] and ask for either [REDACTED]. Thanking you in advance for your assistance in this matter of mutual concern.

(b)(7)(c)

Sincerely,


Scott Gilman
Deputy Field Office Director

Enclosures:

Warrant of Removal/ Deportation
Copy of Travel Document for Palestine Refugees #0003288
Birth Certificate
Form I-217 (Information for Travel Document or Passport)
2 pictures
Immigration Judge decision
Board of Immigration Appeals decision

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

RECEIVED
INS
PORTLAND, OR

700
OK/AS

2003 JUL -1 PM 12:45

June 30, 2003

BY FIRST CLASS MAIL

ELIZABETH GODFREY, Removal Officer
Bureau of Immigration and Customs Enforcement
U.S. Department of Homeland Security
511 NW Broadway
Portland OR 97209

Re: Hesham ABU-ZUBAIDAH, A#078-737-342
WITHDRAWAL AS COUNSEL OF RECORD

L. LESLIE BUSH*
DAGMAR BUTTE
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
GRETEL M. NESS†
RICHARD J. PARKER*
JUDITH WOO POUTASSE+
OF COUNSEL

Dear Ms. Godfrey:

Mr. Abu-Zubaidah is a stateless Palestinian subject to a Final Order of Removal. Our former associate, Steven L. Kay, previously represented Mr. Abu-Zubaidah. In March 2003, I filed a Notice of Appearance as Mr. Abu-Zubaidah's new counsel of record. Subsequently, in April, I submitted documentation in support of Mr. Abu-Zubaidah's release under an Order of Supervision. You have recently informed me that he was in fact released on April 11, 2003.

PLEASE TAKE NOTE: I hereby withdraw as Mr. Abu-Zubaidah's counsel of record before the Department of Homeland Security. I no longer represent Mr. Abu-Zubaidah for any purpose before any DHS agency. Please annotate your file accordingly.

Thank you for your courtesies.

Sincerely yours,
PARKER, BUSH & LANE, P.C.

Tilman Hasche
Tilman Hasche, OSB #84243

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

+ Admitted in
Oregon,
Washington
and Ohio

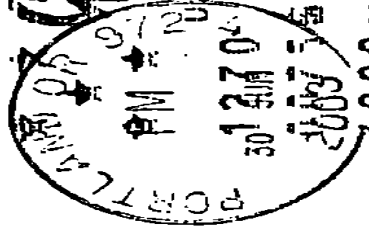
<http://www.pbl.net>

PARKER

BUSH & LANE

ATTORNEYS, P C
1400 SW Fifth Avenue, Suite 670
Portland, Oregon 97201 - 5538

Forwarding and
Address Correction Requested



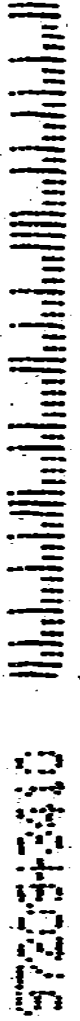
U.S. POSTAGE

PB5514234

00 370 JUN 30 1989

4800 MAILED FROM ZIP CODE 97209

Elizabeth Godfrey, Removal Officer
Bureau of Immigration & Customs Enforcement
511 NW Broadway
Portland OR 97209



DAR 700
shif

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PORTLAND, OREGON

Tilman Hasche
Parker, Bush & Lane, P.C.
1400 SW Fifth Ave, Suite 670
Portland, OR 97201

IN THE MATTER OF
ABU-ZUBAIDAH, Hesham

FILE A 78-737-342

DATE: July 01, 2003

____ Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal can be filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Appeals Processing Unit
5201 Leesburg Pike, Suite 1300
Falls Church, VA 22041

____ Attached is a copy of the decision of the Immigration Judge as the result of your failure to appear at your scheduled deportation or removal hearing. This decision is final unless a motion to reopen is filed in accordance with section 242B (c) (3) of the Immigration and Nationality Act, 8 U.S.C. Section 1252 (c) (3) in deportation proceedings or Section 1229a (c) (6) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court
1220 SW Third Ave., Suite 218
Portland, OR 97204

Other: Please see attached Order of the Immigration Judge.

MLZ

Court Clerk
Immigration Court

CC: INS District Counsel
Portland, Oregon

FF

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

IN THE MATTER OF:)

ABU-ZUBAIDAH, Hesham)

FILE NO. A 78-737-342)

IN DEPORTATION PROCEEDINGS
 IN EXCLUSION PROCEEDINGS
 IN REMOVAL PROCEEDINGS

TO: Tilman Hasche
Parker, Bush & Lane, P.C.
1400 SW Fifth Ave, Suite 670
Portland, OR 97201

DISTRICT COUNSEL
U.S. IMMIGRATION & NATZ. SERVICE
P.O. Box 3361
Portland, OR 97208-3361

ORDER RE: WITHDRAWAL OF COUNSEL

The Court having considered the July 01, 2003, Motion for Withdrawal of Counsel,
WHEREFORE, THE COURT ORDERS:

DENY

I. That the Motion be denied because:

A. Counsel has not complied with the requirements of Matter of Rosales, I.D. 3064
(BIA 1988), in that the Motion does not state the client's last known address and that at such
address the client was notified of the date, time, and place of the next scheduled hearing.

B. The Motion is otherwise deficient in that

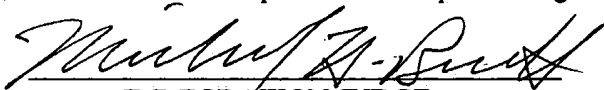
CONDITIONAL GRANT

II. That the Motion be conditionally granted. In accordance with Rosales, supra, until new counsel enters
an appearance, present counsel is responsible for acceptance of service documents under 8 C.F.R. Sec.
292.5 (a) (1990).

GRANT

III. That the Motion be granted as new counsel of record has filed a Notice of Appearance, EOIR-28,
dated _____, setting forth the address for service of process in this proceeding.

DATE 7-1-03


IMMIGRATION JUDGE
Portland, Oregon

RECEIVED

JUL 01 2003

DISTRICT COUNSEL, POO

TILMAN HASCHE, OSB #84243
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, Suite 670
Portland OR 97201
Tel. (503) 241-1320 / Fax (503) 323-9058
E-mail: th@pbl.net

COPY

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Portland, Oregon

In re:) A# 078-737-342
) In Removal Proceedings
Hesham ABU-ZUBAIDAH,)
)
Respondent)

PUTATIVE COUNSEL'S MOTION TO WITHDRAW
AS COUNSEL OF RECORD

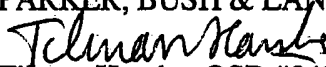
Insofar as Undersigned Counsel may be deemed counsel record for the above-named respondent, Undersigned Counsel herewith moves to withdraw as same before this court. Undersigned Counsel's former associate, Steven L. Kay, while associated with PARKER, BUSH & LANE, P.C. ["PB&L"], represented Respondent before this court and Board of Immigration Appeals in his removal proceedings. In August 2002 Undersigned Counsel, with the assistance of Mr. Kay, filed a Petition for Review of the BIA's Order approving, without opinion, this court's Order of Removal against Respondent.

Later, after Mr. Kay had left PB&L, this court prevailed upon Undersigned Counsel to appear with Respondent on Respondent's pro se motion to this court for release on bond pending his appeal to the Ninth Circuit. In January 2003, at Respondent's instruction, Undersigned Counsel moved to dismiss the Petition for Review before the

Ninth Circuit. Undersigned Counsel subsequently represented Respondent before the relevant immigration authorities of the U.S. Department of Homeland Security to seek his release under Order of Supervision. On information and belief, the DHS granted release on April 11, 2003.

It is unclear whether, from this court's perspective, Undersigned Counsel or his firm continues to appear as Respondent's counsel of record before this court. To the extent he or the firm does so appear, he and PARKER, BUSH & LANE, P.C., herewith move to withdraw as counsel of record for Respondent Hesham Abu-Zubaidah.

At Portland, Oregon, this 30th day of June, 2003.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.

Tilman Hasche, OSB #84243

June 30, 2003

CERTIFICATE OF SERVICE AND TRUE COPY

I hereby certify that on the date set forth hereinbelow a complete and true copy of the foregoing document was served by -


L. LESLIE BUSH*
DAGMAR BUTTE
TILMAN HASCHÉ*
JAMES L. LANE
LAURA J. MAZEL
GRETEL M. NESS†
RICHARD J. PARKER*
JUDITH WOO POUTASSE+
OF COUNSEL

- Sending it by first class mail;
 Sending it by certified mail, return receipt requested;
 Sending it by commercial delivery service: **FEDERAL EXPRESS**
 Personally delivering it

To the parties or their attorneys listed hereinafter at the address(es) there indicated:

THOMAS L. DAY, Esq.
OFFICE OF DISTRICT COUNSEL
Bureau of Citizenship and Immigration Services
U.S. Department of Homeland Security
PO Box 3361
Portland OR 97208-3361

DATED: At Portland, Oregon, this 30th day of June,
2003.



TILMAN HASCHÉ, OSB #84243

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

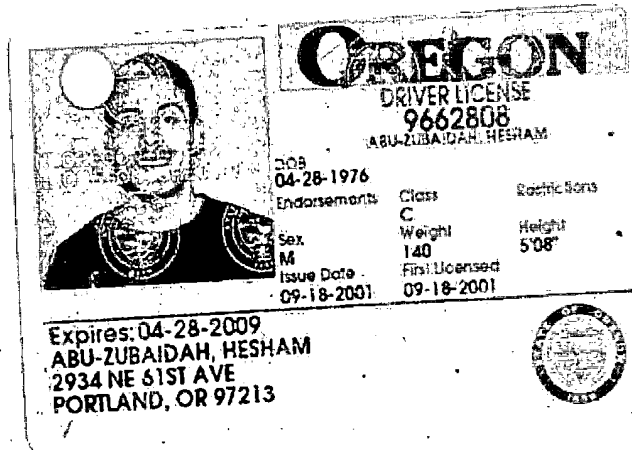
+ Admitted in
Oregon,
Washington
and Ohio

<http://www.pbl.net>

(b)(7)(c)

(b)(5)

A78 737 342




OREGON
DRIVER LICENSE
9662808
ABU-ZUBAIDAH, HESHAM

DOB: 04-28-1976
Endorsements: C
Sex: M
Issue Date: 09-18-2001

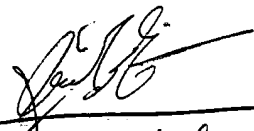
Class: C
Weight: 140
First Licensed: 09-18-2001

Restrictions: Height: 5'08"

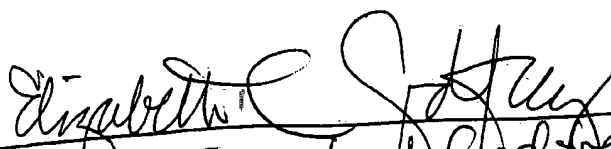
Expires: 04-28-2009
ABU-ZUBAIDAH, HESHAM
2934 NE 61ST AVE
PORTLAND, OR 97213



The original Oregon driver's license was received by Hesham Mohamed Hussain ABU-ZUBAIDAH on 04/11/03

X 

Hesham Mohamed Hussain ABU-Zubaidah


witness: Elizabeth Godfrey, DO/PDO

**POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW
AND/OR INTERVIEW**

Detainee Name: ABU-ZUBAIDAH, Hesham Mohamed Hussain **"A" Number:** A78 737 342

Date of Birth: 04/28/76 **AKAs:** ABU-Zubaidah, Hesham **BOP Number:** NONE

Country of Birth: Saudi Arabia **Citizenship:** Stateless (Palestinian)

Date of Arrival: 07/26/98 **Place of Arrival:** New York, NY

Manner of Arrival: F-1 Student **Last Date into INS Custody:** 01/15/02

Entered INS Custody from: Local, State, or Federal Institution
 Other

Location: Multnomah County Jail **Institution Number:** Swiss #653399

Immigration History: (Prior INS arrest[s]/parole/bond/custody information)

Describe: See attached case history

Deportation Officer: **Date of Review:** 04/07/03

Location Detained: NORCOR (b)(7)(c)

Deportation/Exclusion/Removal Proceedings

List all Charges: Section 237 (a)(1)(C)(i),
 Section 212 (a) , ,
 Section 241 , ,

Under Final Order dated 08/01/02 by IJ BIA Other (b)(5)

Appeal Waived/Appeal Time Elapsed

Travel Document Status/History:

(b)(7)

Legal Representative / Attorney

G-28 Filed: Yes No

Notification of Interview Made: Yes N/A by: on:

Name of Representative / Attorney: Tilman Hasche, Esq.

Mailing Address: 1400 SW 5th Avenue, Suite 670 Telephone Number: 503-241-1320
Portland, OR 97201-5538

Present during interview: (N/A) Yes No

Criminal History

Outside the United States: None claimed
(specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: See attached NCIC/NLETS printouts

NCIC Checks: Criminal History Attached No record Found
(State and Federal)

Summary of NCIC Checks: Subject was arrested on 08/14/01, by Portland PD and charged with Assault IV (Pending DA's Action). On 11/14/01, subject was arrested by Portland PD and charged with Attempt to Commit Crime - Rape I, Sexual Abuse III, and Assault IV - Same Victim Felony. He was convicted of Assault IV - misdemeanor and Harassment - misdemeanor on 01/07/02, sentenced to 60 days jail and 3 years probation.

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports? Yes No

If Yes, List & Describe:

Source:

Disciplinary reports and Incidents while in INS Custody? Yes No

If Yes, List & Describe:

Specifics of Interview

Date of File Review: 04/07/03

Date of Detainee Interview: (N/A)

Location of Interview: (N/A)

Interviewing Officer:#1:

#2: (optional)

Interpreter Used: Yes No Name:

Language/Dialect:

Does the detainee have a place to live in the United States? Yes No

(b)(5)

(b)(7)(c)

Is the detainee subject to any parole or probation requirements? Yes No

Describe: 3 years probation – Multnomah County

Does the detainee have close family ties within the United States? Yes No

Describe: USC spouse, Rosalee Marie Abu-Zubaidah, 2-1/2 year old USC daughter, Nautica and 1 year old USC daughter, Nastasja.

Does the detainee have any community ties or non-governmental sponsors? Yes No

Describe:

Does the detainee have any employment prospects? Yes No

Describe: Unknown – no information provided

What is the detainee's employment history?

Describe: Franz Bakery: 08/04 – 09/25/01 (production); Precision Castparts: 06/01 – 07/01 (sander); Fastrip: 02/01 – 06/01 (cashier).

What is the detainee's educational level?

Describe: Unknown – no information provided

Does the detainee have any vocational training?

Describe: Unknown – no information provided

Medical/Psychological Concerns

Medical/Psychological Report / Summary: Attached None Not Available

Date and Source:

Other documentary evidence for consideration in this review:

None submitted for consideration

Discussion at Interview

Notes: (N/A)

The INS detainee was found CREDIBLE NOT CREDIBLE

Explain:

(N/A)

Officer Comments/Analysis & Recommendation

(b)(5)

(b)(7)(c)

DISTRICT DIRECTOR'S CUSTODY DETERMINATION

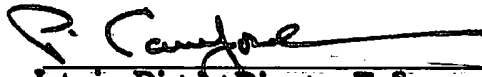
- RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND
- Bond Amount: _____
- CONTINUE IN CUSTODY / SCHEDULE FOR REVIEW IN SIX MONTHS

Comments (attach additional sheet(s) if necessary):

**Department of Homeland Security
Bureau Of Immigration & Customs Enforcement
Immigration Interior Enforcement
511 NW Broadway
Portland, OR 97209**

INS District Office:

Signature of District Director:



Interim District Director, Enforcement

Date: APR 10 2003

HEADQUARTER'S REVIEW OF CONTINUED DETENTION

Reviewing Officers	Concur	Reconsider	Date
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____

For comments, please refer to the "Headquarters Post Order Custody Review" form.

(b)(5)

(b)(7)(c)

12:06

TECS II - PERSON SUBJECT QUERY

040903 T2MRE903

TID= 773J

T2PRE917

NAME--LAST ABU ZABAI DAH

(?) FIRST HESHA

MI M

INCLUDE NICKNAME

SOUNDEX X

DATE OF BIRTH- (START) 04281976

(STOP) STC

NCIC QUERY Y

PASSPORT NBR

(?) CNTRY

SSN

DRIVER'S LIC

(?) STATE

CNTRY

AFN

PILOT'S LIC

(?) CNTRY

ATF PROFILE

CASE NBR

(?)

MISC NBR

(?)

PHONE

INTL PREFX

FINANCIAL ACCOUNT

(?)

CRIMINAL AFFILIATION

(?)

LIMIT RESULTS BY RACE

SEX M CTZN

OTTS TYPE

ADDRESS- STATE

CNTRY

ALSO QUERY (ENTER 'X' TO SELECT AND STATE ID AS INDICATED)

NON-SUSPECTS

X NLETS-STATE(S) OR WA

N PROPERTY OWNED-STATE

N CRISSCROSS

CROSSINGS

SCNDRY INSP

INCIDENT LOGS

ARCHIVED RECS

FINANCIALS-

CTR

FBA

CSN

CMIR

QUERY RCN

LIMIT TO AGENCY/SUB-AGENCY (ASA)

TECS RECORD ID

NO MATCH FOUND.

NLETS QRY SENT - <F12>=VIEW MSG

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F9=ADDRESS QUERY) (F11=QUERY REASON)

NCIC QRY SENT - <F12>=VIEW MSG

IBIS CHECK - [REDACTED]

DONE ON: 4/9/03 [REDACTED]
(DATE & INITIALS)

NAMES SEARCHED: Abu-ZABAI DAH,
Hesham m.

(b)(7)(c)

(b)(7)(e)

(b)(7)(e)

(b)(5)

(b)(7)(e)

(b)(5) (b)(7)(e)

(b)(5) (b)(7)(e)

(b)(5) (b)(7)(e)

(b)(5)

(b)(7)(e)

12:14
TID= 773J

TECS II - NCIC/NLETS RECORD DISPLAY

040903 T2MRM401
T2PRM403

FROM NLETS ON 04/09/03 AT 12:12:55 PRESS ENTER TO CONTINUE

DR.FL037045V
09:12 04/09/2003 07933
09:12 04/09/2003 09300 ORINSPDT2
*CQUQ0JC171
TXT
--DHSMV--

[REDACTED]

(b)(7)(e)

ABU ZUBAIDAH

NAM/ HESHAM H
19760428 M

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

12:14
TID= 773J

TECS II - NCIC/NLETS RECORD DISPLAY

040903 T2MRM401
T2PRM403

FROM NLETS ON 04/09/03 AT 12:12:56

PRESS ENTER TO CONTINUE

DR.WA0000DOL

09:12 04/09/2003 03049

09:12 04/09/2003 09302 ORINSPDT2

*CQUQ0JC170

TXT

OLN/ABU**ZH042876

(b)(7)(e)

[REDACTED]

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

20:19

TECS - PERSON SUBJECT QUERY

040703 T2MRE903

TID= 773J

T2PRE917

NAME- LAST ABU ZABAIDAH

(?) FIRST HESHAM MOHAMED

MI H

INCLUDE NICKNAME

SOUNDEX X

DATE OF BIRTH- (START) 04281976 -

(STOP) STC

NCIC QUERY Y

PASSPORT NBR

(?) CNTRY

SSN

DRIVER'S LIC

(?) STATE

CNTRY

AFN

PILOT'S LIC

(?) CNTRY

ATF PROFILE

CASE NBR

(?)

MISC NBR

(?)

PHONE

INTL PREFX

FINANCIAL ACCOUNT

(?)

CRIMINAL AFFILIATION

(?)

LIMIT RESULTS BY RACE

SEX M CTZN

OTTS TYPE

ADDRESS- STATE

CNTRY

ALSO QUERY (ENTER 'X' TO SELECT AND STATE ID AS INDICATED)

NON-SUSPECTS

X NLETS-STATE(S) OR WA

N PROPERTY OWNED-STATE

N CRISSCROSS

CROSSINGS

SCNDRY INSP

INCIDENT LOGS

ARCHIVED RECS

FINANCIALS-

CTR

FBA

CSN

CMIR

QUERY RCN

LIMIT TO AGENCY/SUB-AGENCY (ASA)

TECS RECORD ID

(b)(7)(e)

NLETS QRY SENT - <F12>=VIEW MSG

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F9=ADDRESS QUERY) (F11=QUERY REASON)

* 1 NCIC RESPONSES; <F12>=CK NCIC*

IBIS CHECK [REDACTED]

(CIRCLE ONE)

DONE ON: 4/17/03 [REDACTED]

(DATE & INITIALS)

NAMES SEARCHED: Abu-Zabaidah

Hesham Mohamed H.

(b)(7)(e)

(b)(7)(c)

(b)(5) (b)(7)(e)

(b)(5)

(b)(7)(e)

(b)(7)(e)

20:20
TID= 773J

TECS II NCIC/NLETS RECORD DISPLAY

040703 T2MRM401
T2PRM403

FROM NLETS ON 04/07/03 AT 20:20:10

PRESS ENTER TO CONTINUE

DR.WA0000DOL

17:20 04/07/2003 09617

17:20 04/07/2003 22103 ORINSPDT2

*CQUQ0JC164

TXT

OLN/ABU**ZH042876



(b)(7)(e)

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

20:20
FID= 773J

TECS II NCIC/NLETS RECORD DISPLAY

040703 T2MRM401
T2PRM403

FROM NLETS ON 04/07/03 AT 20:19:50

PRESS ENTER TO CONTINUE

DR. ORODMVR00

17:19 04/07/2003 07756

17:19 04/07/2003 22102 ORINSPDT2

*CQUQ0JC163

TXT

----- T H E E N D -----

0000000 ABUZAHH 042876

(b)(7)(e)

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

(b)(7)(c)

(b)(7)(e)

(b)(7)(c)

(b)(7)(e)

(b)(7)(c)

(b)(7)(e)

(b)(7)(c) (b)(7)(e)

03 ORS 163.160 ASSAULT 4TH DEG-SAME VICTIM FELONY
COURT

- *01 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED-MISDEMEANOR
ORS 163.160 ASSAULT 4TH DEG
\$385-FINE 3Y PROB DOCKET #/011037045
- *02 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED LESSER OFN
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/011037045
- *03 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 163.415 SEXUAL ABUSE 3RD DEG-MISD
DOCKET #/011037045
- *04 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 166.065 HARASSMENT-MISD
DOCKET #/011037045
- *05 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED-MISDEMEANOR
ORS 166.065 HARASSMENT
60D JAIL 3Y PROB DOCKET #/011037045

ARREST #0108-14-2001 OR0260200-PD PORTLAND

FPN/30732076

DC902176 MORE DATA FOLLOWS

PF1 PF2 PF3 PF5 PF6 PF8 PF9
NEXT PAGE PREVIOUS PAGE RESTART RETURN MASTER MENU EXIT PRINT QUE

NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683

01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY
COURT

*01 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/010835632

*02 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/010835632

*03 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 166.065 HARASSMENT
DOCKET #/010835632

ENTERED 08-16-2001 LAST UPDATED 01-08-2002

*** END OF RECORD ***

THE FOLLOWING TRANSACTION IS BEING SENT TO JUSTICE:

JUINS PP NN JNCIC . 2L01JUINSVTML29738.QR.ORINSPDA3.FBI/649415TB4.PUR
/C.ATM [REDACTED] (b)(7)(c)

DC902176 MORE DATA FOLLOWS

PF1 PF2 PF3 PF5 PF6 PF8 PF9
NEXT PAGE PREVIOUS PAGE RESTART RETURN MASTER MENU EXIT PRINT QUE

NNXMSG01
PAGE: 007

NCIC/NLETS - VIEW MESSAGES
PRINTER: CNTL NUMBER: 0000

DATE: 04/07/2003
TIME: 21:17:04

CNTL # 29738 *** RECEIVED FROM JUSTICE ON 04/07/2003 AT 21:15:06
JNCIC 0304071546 21:22:28 04/07/03 xx xx JUINS .
2L01JUINSVTML29738
ORINSPDA3

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/649415TB4. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:

- FBI - FBI/649415TB4
- OREGON - STATE ID/OR14321805

END
CNTL # 29738 *** RECEIVED FROM JUSTICE ON 04/07/2003 AT 21:15:11
JNCIC 0304071547 21:22:30 04/07/03 xx xx JUINS .
2L01JUINSVTML29738
ORINSPDA3

ATN (b)(7)(c)

THIS RECORD IS BASED ONLY ON THE FBI NUMBER IN YOUR REQUEST-649415TB4.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
ABU-ZUBAIDAH, HESHAM	649415TB4	2003/04/07
SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE		
M W 1976/04/28 509 145 BRO BLK SAUDI ARABIA		
PATTERN CLASS	CITIZENSHIP	
WU RS RS RS WU LS LS LS LS WU SAUDI ARABIA		
WU AU		

1-ARRESTED OR RECEIVED 2001/10/02
AGENCY-USINS PORTLAND (ORINSPD00)
AGENCY CASE-78737342
CHARGE 1-REMOVAL PROCEEDINGS /237 R1C1
COURT-
CHARGE-REMOVAL PROCEEDINGS /237 R1C1
SENTENCE-
NTA PENDING EOIR HEARING

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

NNXMSG01
PAGE: 009

NCIC/NLETS - VIEW MESSAGES
PRINTER: CNTL NUMBER: 0000

DATE: 04/07/2003
TIME: 21:17:10

ADDITIONAL CRIMINAL HISTORY RECORD INFORMATION IS MAINTAINED BY THE
FOLLOWING STATES(S):

OREGON -STATE ID/OR14321805

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.
THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR
OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

END OF RECORD

CNTL # 29738 *** RECEIVED FROM JUSTICE ON 04/07/2003 AT 21:15:19

JNLET 0304071548 21:22:38 04/07/03 xx xx JUINS .

CR.ORIII0000

18:16 04/07/2003 08135

18:16 04/07/2003 06956 ORINSPDA3.*VTML 29738

HDR/2L01QR48638344

ATM [REDACTED]

(b)(7)(c)

PART 1

OREGON CCH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415TB4

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

NNXMSG01
PAGE: 010

NCIC/NLETS = VIEW MESSAGES
PRINTER: CNTL NUMBER: 0000

DATE: 04/07/2003
TIME: 21:17:14

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB
HGT/509 WGT/145 HAI/BLK EYE/BRO FPC/
* ADDITIONAL IDENTIFIERS *
SMT/TAT LF ARM
SOC/503945066

AKA/ABU-ZUBAIDAH, HESHAM M

ARRREST #02 11-14-2001 OR0260200-PD PORTLAND

FPN/64774271

NAME USED/ABU-ZUBAIDAH, HESHAM M LAN/MCL800447

01 ORS 161.405 ATTEMPT TO COMMIT CRIME-RAPE I

02 ORS 163.415 SEXUAL ABUSE 3RD DEG

03 ORS 163.160 ASSAULT 4TH DEG-SAME VICTIM FELONY

COURT

*01 01-07-2002 OR026025J-CIR CRT PORTLAND

CONVICTED-MISDEMEANOR

ORS 163.160 ASSAULT 4TH DEG

\$385-FINE 3Y PROB DOCKET #/011037045

*02 01-07-2002 OR026025J-CIR CRT PORTLAND

CONVICTED LESSER OFN

ORS 163.160 ASSAULT 4TH DEG

DOCKET #/011037045

DC902176 MORE DATA FOLLOWS

PF1 PF2 PF3 PF5 PF6 PF8 PF9
NEXT PAGE PREVIOUS PAGE RESTART RETURN MASTER MENU EXIT PRINT QUE

*03 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 163.415 SEXUAL ABUSE 3RD DEG-MISD
DOCKET #/011037045

*04 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 166.065 HARASSMENT-MISD
DOCKET #/011037045

*05 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED-MISDEMEANOR
ORS 166.065 HARASSMENT
60D JAIL 3Y PROB DOCKET #/011037045
ARREST #01 08-14-2001 OR0260200-PD PORTLAND FPN/30732076
NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683
01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY
COURT

*01 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/010835632

*02 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

NNXMSG01
PAGE: 012

NCIC/NLETS - VIEW MESSAGES
PRINTER : CNTL NUMBER: 00

DATE: 04/07/2003
TIME: 21:17:20

DOCKET #/010835632

*03 08-23-2001 OR026025J-CIR CRT PORTLAND
ORS 166.065 HARASSMENT

PENDING DA'S ACTION

DOCKET #/010835632

ENTERED 08-16-2001 LAST UPDATED 01-08-2002

*** END OF RECORD ***

THE FOLLOWING TRANSACTION IS BEING SENT TO JUSTICE:

JUINS PP NN JNCIC . 2L01JUINSVTML29737.QH.ORINSPDA3.FBI/649415TB4.PUR
/C

CNTL # 29737 *** RECEIVED FROM JUSTICE ON 04/07/2003 AT 21:14:37

JNCIC 0304071545 21:21:59 04/07/03 xx xx JUINS .

2L01JUINSVTML29737

ORINSPDA3

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON FBI/649415TB4 PUR/C

NAME	FBI NO.	INQUIRY DATE
ABU-ZUBAIDAH, HESHAM	649415TB4	2003/04/07

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

NNXMSG01
PAGE: 013

NCIC/NLETS - VIEW MESSAGES
PRINTER : CNTL NUMBER: 0000

DATE: 04/07/2003
TIME: 21:17:24

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO			
M	W	1976/04/28	509	145	BRO	BLK	SAUDI ARABIA	N			
FINGERPRINT CLASS		PATTERN CLASS									
		WU	RS	RS	RS	WU	LS	LS	LS	LS	WU
				WU	AU						

ALIAS NAMES

ABUZUBAIDAH, HESHAM MOHAMAD

SCARS-MARKS-

TATTOOS	SOCIAL SECURITY	MISC NUMBERS
TAT LF ARM	503-94-5066	AR-A078737342
TAT L ARM	354-94-5066	

IDENTIFICATION DATA UPDATED 2002/03/17

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

- OREGON - STATE ID/OR14321805
- FBI - FBI/649415TB4

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

DC902176 MORE DATA FOLLOWS

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

NNXMSG01
PAGE: 014

NCIC/NLETS - VIEW MESSAGES
PRINTER : CNTL NUMBER: 0000

DATE: 04/07/2003
TIME: 21:17:27

END

DC902177 END OF DATA

PF1	PF2	PF3	PF5	PF6	PF8	PF9
NEXT PAGE	PREVIOUS PAGE	RESTART	RETURN	MASTER MENU	EXIT	PRINT QUE

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

March 12, 2003

CM/RRR#7002.0860.0004.8670.2697

Diane Rullman, FOIA/Information Officer
Immigration & Naturalization Service
511 N.W. Broadway
Portland OR 97209

COPY

L. LESLIE BUSH
DAGMAR BUTTE
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
GRETEL M. NESS†
RICHARD J. PARKER*

Reference: FOIA Request
Applicant: Hesham ABU-ZUBAIDAH/ File No. A78 737 342

Dear Ms. Rullman:

Please take note that effective immediately I am the attorney of record before the Service for Hesham Mohamed Abu-Zubaidah. Attorney Steven L. Kay, who worked in our firm until October 4, 2002, was formerly representing him. After Mr. Kay left our office and went out on his own, Mr. Abu-Zubaidah decided to have me and this office represent him in the future. Pursuant to the enclosed Form G-28, and request under the Freedom of Information Act, we would like to obtain a copy of Mr. Abu-Zubaidah's entire file.

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

Thank you for your kind attention to this matter.

<http://www.pbl.net>

Sincerely yours,
Tilman Hasche
PARKER, BUSH & LANE, P.C.

Tilman Hasche, OSB #84243

TH:am
cc: Hesham Abu-Zubaidah
file: 6795-24 (ABU-ZABAIDAH/am)

2003 MAR 14 AM 10:46

The completion of this form is optional.
Any written format for Freedom of Information or Privacy Act requests is acceptable

START HERE - Please Type or Print and read instructions on reverse before completing this form.

1. Type of Request: (Check appropriate box)
- Freedom of Information Act (FOIA) (complete all items except 7)
 - Privacy Act (PA) (item 7 must be completed in addition to all other applicable items)
 - Amendment (PA only, item 7 must be completed in addition to all other applicable items)

2. Requester Information:

Name of Requester: TILMAN HASCHE, ATTORNEY AT LAW		Daytime Telephone: 503 241-1320
Address (Street Number and Name): 1400 SW FIFTH AVENUE, SUITE 670		Apt. No.
City: PORTLAND	State: OR	Zip Code: 97201

By my signature, I consent to the following:

Pay all costs incurred for search, duplication, and review of materials up to \$25.00, when applicable. (See Instructions)

Signature of requester: *Tilman Hasche*

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required)

3. Consent to Release Information. (Complete if name is different from Requester)(Item 7 must be completed)

Print Name of Person Giving Consent: Hesham ABU-ZUBAIDAH	Signature of Person Giving Consent: <i>Hesham Abu-Zubaidah</i>
--	---

By my signature, I consent to the following: (check applicable boxes)

- Allow the Requester named in item 2 to see
- all of my records or
- a portion of my record. If a portion, specify what part (i.e. copy of application)

(Consent is required for records for United States Citizens (USC) and Lawful Permanent Residents (LPR))

4. Action Requested (Check One): Copy In-Person Review

5. Information needed to search for records;

Specific information, document(s), or record(s) desired: (Identify by name, date, subject matter, and location of information)
ENTIRE FILE.

Purpose: (Optional: you are not required to state the purpose for your request; however, doing so may assist the INS in locating the records needed to respond to your request.)

FOR MY IMMIGRATION ATTORNEY, TILMAN HASCHE, TO REVIEW.

6. Data NEEDED on SUBJECT of Record: (If data marked with asterisk (*) is not provided records may not be located)

* Family Name ABU-ZUBAIDAH	Given Name: HESHAM	Middle Initial: MOHAMED
* Other names used, if any: NONE	* Name at time of entry into the U.S.: HESHAM ABU-ZUBAIDAH	I-94 Admissions #: 569090730 05
* Alien Registration #: 078-737-342	* Petition or Claim Receipt #:	* Country of Birth: SAUDI ARABIA
* Date of Birth or Appx. Year: 04/28/1976		
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son): ROSALEE ABU-ZUBAIDAH (SPOUSE)		
Country of Origin (Place of Departure): PALESTINE	Port-of-Entry into the U.S.: NEW YORK	Date of Entry: 07/26/1998
Manner of Entry: (Air, Sea, Land)	Mode of Travel: (Name of Carrier)	SSN: 354-94-5066
Name of Naturalization Certifications:	Certificate #:	Naturalization Date:
Address at the time of Naturalization:		Court and Location:

7. Verification of Subject's Identity: (See Instructions for Explanation)(Check One Box)

- In-Person with ID
- Notarized Affidavit of Identity
- Other (Specify) Handwritten Signature

Signature of Subject of Record: _____

Date: 1/8/03

Telephone No.: 503 241-1320

NOTARY (Normally needed from individuals who are the subject of the records sought)(See below)
or a sworn declaration under penalty of perjury.

Subscribed and sworn to before me this _____ day of JANUARY in the Year 2002

Signature of Notary _____

My Commission Expires _____

OR

If a declaration is provided in lieu of a notarized signature, at a minimum, the following: (Include Notary Seal or Stamp in this Space)

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: Hesham Mohamed ABU-ZUBAIDAH, a stateless Palestinian with no residence outside the U.S., Husband & Father of U.S.C.'s	Date 12/24/2002
	File No. A#078-737-342

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM MOHAMED ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input checked="" type="checkbox"/> Applicant
Address (Apt. No.) #2 COLUMBIA COUNTY JAIL, 901 PORT AVENUE	(Number & Street) ST. HELENS	(City) (State) (ZIP Code) OR 97051
Name	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.)	(Number & Street)	(City) (State) (ZIP Code)


Check applicable item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON & WASHINGTON SUPREME COURTS and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

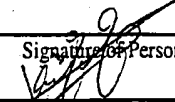
3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain fully.)
TILMAN HASCHE - OSB #84243 & WSBA #14792
JAMES L. LANE - OSB #83268
GRETEL M. NESS - OSB #98134
LAURA J. MAZEL - OSB #89406
STEVEN L. KAY - OSB #99192
RICHARD J. PARKER - OSB #80094

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 SW FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) TILMAN HASCHE, OSB#84243 / WSBA #14792	TELEPHONE NUMBER 503 644-5552 FAX 503 323-9058

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
TILMAN HASCHE / PARKER, BUSH & LANE, P.C.
(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ALL IMMIGRATION MATTERS

Name of Person Consenting Hesham Mohamed ABU-ZUBAIDAH	Signature of Person Consenting 	Date 12/24/02
---	---	-------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

(b)(5)

(b)(7)(e)

(b)(7)(c) (b)(7)(e)

(b)(7)(c)

From: [Redacted]

U. S. INS
511 NW BROADWAY
D&R
PORTLAND, OR, 97209

REVENUE BARCODE



To: IMMIGRATION & NATURALIZATION SERVIC (202)616-7792

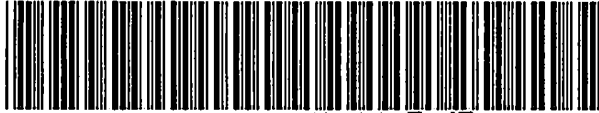
HQDRO, Attn: [Redacted]

801 I Street NW
Suite 800
Washington, DC, 20536

(b)(7)(c)

SHIP DATE: 26FEB03
WEIGHT: 1 LBS

Ref:



DELIVERY ADDRESS BARCODE(FEDEX-EDR)

TRK # 7928 3965 7247 5281

FedEx PRIORITY OVERNIGHT

IAD

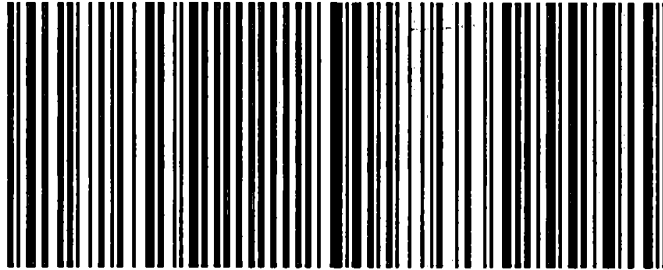
20536-DC-US

XC NHKA

THU

AA

Deliver by:
27FEB03



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



U.S. Department of Justice
Immigration and Naturalization Service

Office of the District Director
511 NW Broadway Street
Portland, Oregon 97209
(503) 326-4165
(503) 326-3729 (fax)

February 26, 2002

Refer to File No.: A78-737-342

Office of Detention & Removal
U.S. Immigration & Naturalization Service
ATTN: Mr. Brent Bradford
801 I Street, NW, Suite 800
Washington, DC 20536
202-616-7792

Re: Abu-Zubaidah, Hesham
Mohamed

Dear Mr. Bradford:

Request your assistance in obtaining a travel document for Mr. Hesham Mohamed Abu-Zubaidah who entered the United States July 26, 1998 at New York with Egyptian Travel Document for Palestinian Refugees number 0003288 issued in Riyadh. He is presently under expulsion proceedings and awaits a travel document to facilitate his departure from the United States.

Please utilize the enclosed self-addressed Federal Express envelope, charged to our account number, in order to insure expeditious delivery of Mr. Hesham Mohamed Abu-Zubaidah's travel document. Your assistance and cooperation in this matter of mutual concern is greatly appreciated.

(b)(7)(c)

Should you require any further information, or have any questions, please contact ,
Deportation Officer

Sincerely,

Ronald J. Smith
District Director

- Enclosures (5):
Warrant of Removal/Deportation
Copy of Saudi Arabia Birth Certificate
Two (2) Pictures
Copy of Travel Document for Palestinian refugee 0003288
Form I-217 (Information for Travel Document or Passport)

File No. A78-737-342

DATE: August 06, 2002

To any officer of the United States Immigration and Naturalization Service:

Hesham Mohamed ABUZUBAIDAH

Alias: None known

(Full name of alien)

who entered the United States at **New York, New York**

on or about **July 26, 1998**

(Place of Entry)

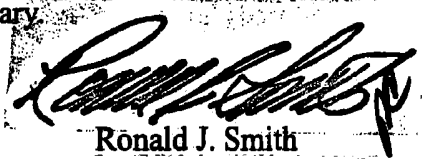
is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 237(a)(1)(C)(i) of the Immigration and Nationality Act, as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the Immigration and Naturalization 2002, including the expense of an attendant if necessary.



Ronald J. Smith

(Signature of INS Official)

District Director

(Title of INS Official)

August 06, 2002 Portland, Oregon

(Date and office location)



Saudi Translation Center
Dr. Eid M. Al Jhani



المركز السعودي للترجمة
د. عيد مسعود الجهني

Kingdom of Saudi Arabia
Ministry of Health

No. of Certificate : 5597
Date of Issue : 5.5.1396 H

BIRTH CERTIFICATE
(Particulars of the Infant & Parents)

Name & Surname of the Infant : **Hesham Mohamed Hussain Abu Zubaidah**
Sex : male
Place of Birth : Maternity Hospital – Riyadh
Date of Birth (In Hijri) : 28.4.1396 H (Twenty eight of Rabi II Thirteen
Hundred ninety six).

In Gregorian : 28.4.1976 (Twenty eight of April Nineteen Hundred
Seventy six)

Father's Name & Surname : Mohamed Hussain Mohamood Abu Zubaidah
Religion : Muslim
Occupation : Student
Nationality : Palestinian
Travel Document No. : 34609 Dated : 25.8.1966 G
Place of Issue : Khan Yunis
Mother's Name & Surname : Malika Furhan Abu Zubaidah
Religion : Muslim
Occupation : House wife
Nationality : Jordanian
Passport No. : 398877 Date : 19.3.1974 G
Place of Issue :



This certificate is given as per Births & Deaths Regulations issued under the Royal
Decree No. (2) dated 4.1.1382 H.
Clerk : Musleh Al Yami Sd/-

Manager Health Office
Dr. Mohammed Abdulrazak Mirza
Sd/-
Official Stamp

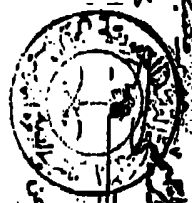
Approved by Director of Health Affairs Riyadh Region.
Dr. Hani Abdullah Al Homsli
(Signed)

On top : Attested by Director of Foreign Ministry Office in Riyadh.
Abdul Rahman Mohammed Al Nuwaiser
(Signed & Stamped)



المركز السعودي للترجمة - الرياض - هاتف : ٤٦٦٦٥٦٠ - فاكس : ٤٦٦٦٥٦٠ - ص.ب. ٥١٢٠٩ الرياض ١١٥١١ - ترخيص رقم ٧٨ - رقم العضوية ٤١٢٤
Head Office : Riyadh - Tel. 4668580 - Fax : 4648259 - P.O.Box 54209 Riyadh 11514 - Lic. No. 78 - C.C. No. 04434
فروع جدة : هاتف : ١١٩١٧١٢ - فاكس : ١١٣١٣١٨ - ص.ب. ١٠٢١٢ جدة ٢١١٣٢ - رقم العضوية ٥١٥١١
Jeddah Branch : Tel. 8896783 - Fax : 8838388 - P.O.Box : 10362 Jeddah 21433 - C.C. No. 54511
فروع الخبر : هاتف و فاكس : ٨١٧٨٨٧٠ - ص.ب. ٧٩٢٤٥ - الخبر ٢١٩٥٢ - رقم العضوية ()
Khubar Branch : Tel. & Fax : 8978870 - P.O.Box 78345 Khobar 31852 - C.C. No. ()

مصلحة الجوازات
بمقر وزارة الداخلية
بمصر



المنظمة العربية للتجارة
وزارة الصحة

رقم التعداد: ٢٥٥٨٧
تاريخ التعداد: ٢٥/١٠/٥١

بيانات عن المولد ومن

اسم المولد: عبد الحليم لقب المولد: عبد الحليم نوع المولد: مفرد

على الولادة: مستشفاه بالمستشفى بمصر

تاريخ الولادة بالهجري: ١٤٠٤ : الساعة ١٥

تاريخ الولادة بالشمسي: ١٤٠٤ : الساعة ١٥

تاريخ الولادة بالملكي: ١٤٠٤ : الساعة ١٥

اسم المولد وقت عمله: عبد الحليم

اسم المولد: عبد الحليم تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة وقتها: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣



اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

يجب تسليم المولد والمولدة بالمرسوم رقم (١١) وتاريخ ١٣٨٢/١/٤ م تحت هذه التعداد... وبالطه الوراثي.

تاريخ الميلاد: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

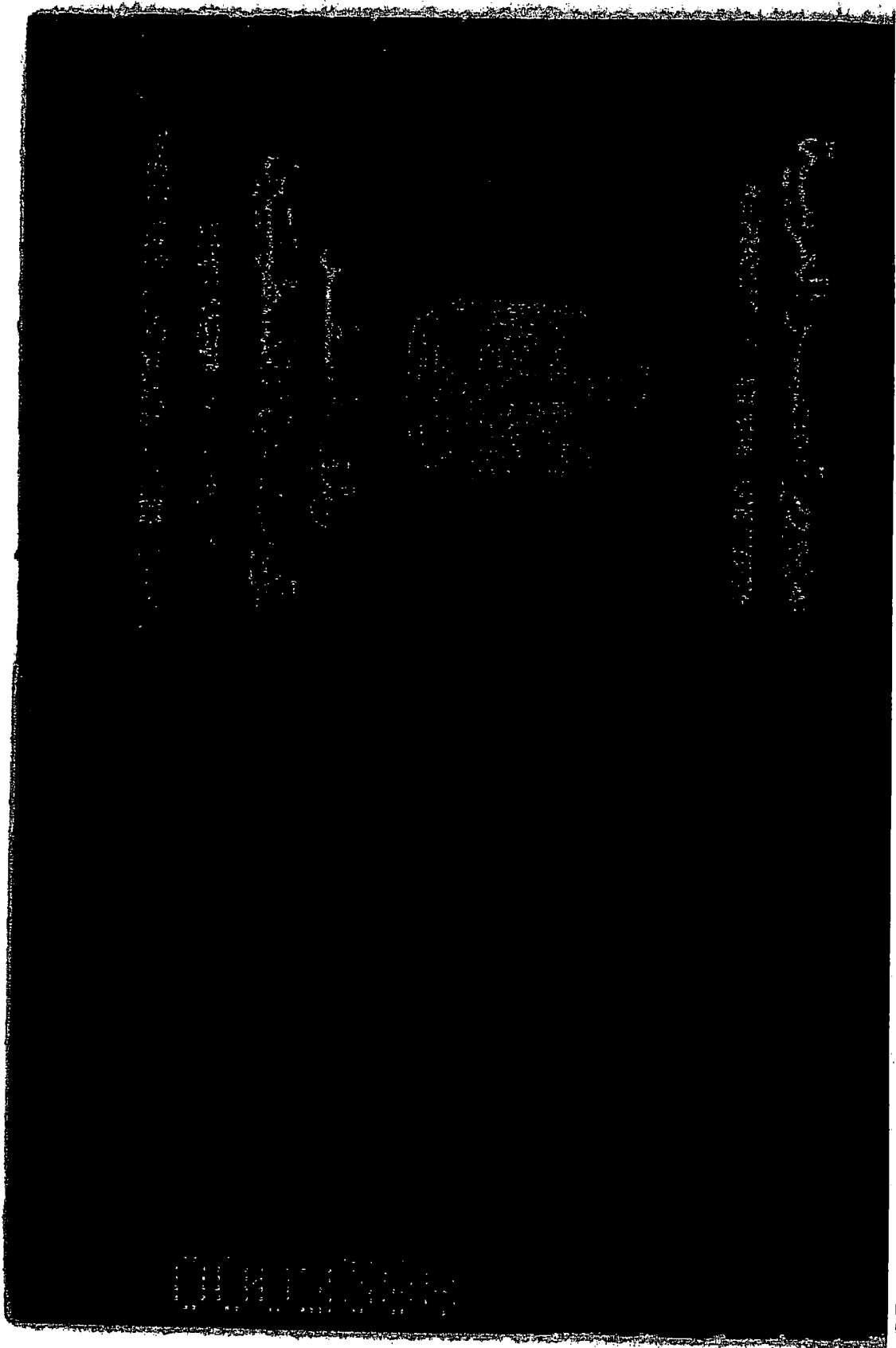
اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

اسم المولدة: ولينا تاريخ: ١٤٠٤/٨/٢٣

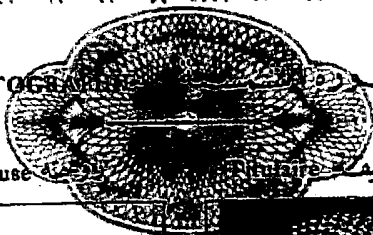
PHOTOGRAPHS FOR TRAVEL DOCUMENTS

NAME: Hesham Mohamed Hussain Abu-Zubaidah FILE NUMBER: A78-737-342





PHOTOGRAPH



Eponse

الزوجة

حامل الوثيقة



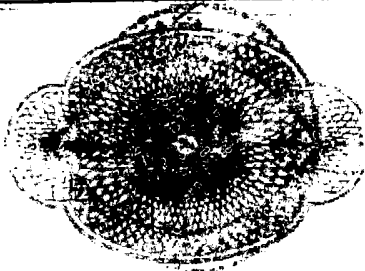
توقيع زوجته

Signature de l'Epouse

توقيع حامله

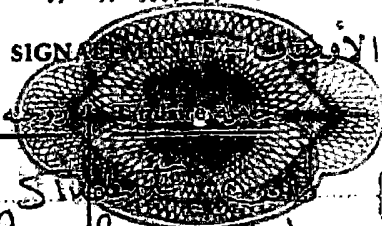
Signature du titulaire

Handwritten signature



SIGNATURE

Epouse



الأولى

ST

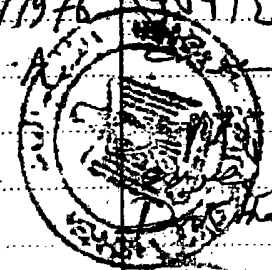
Riyadh

الرياض

28/4/1976

1976/1/15

K.S. A...



المهنة
Profession

محل الميلاد
Lieu de Naissance

تاريخ الميلاد
Date de Naissance

محل الإقامة
Domicile

الطول
Taille

العيان
Yeux

الشعر
Cheveux

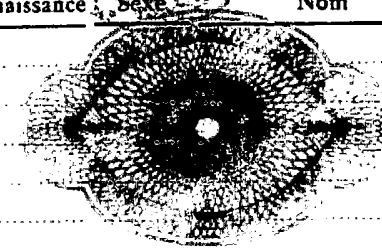
الأوصاف المميزة
Signes Particuliers

ENFANTS - الأولاد

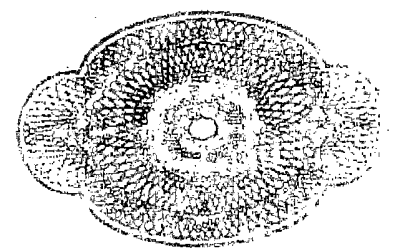
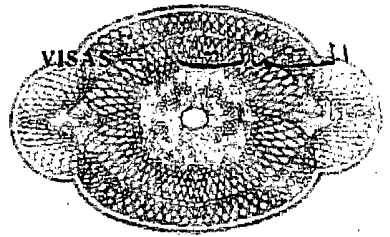
تاريخ الميلاد
Date de naissance

الجنس
Sexe

الاسم
Nom



- (1)
- (2)
- (3)
- (4)
- (5)



U. S. IMMIGRATION
NEW YORK, N.Y. 10057

JUL 26 1998

56909073005

UNITED STATES
OF AMERICA



Issuing Agency
RIYADH

Surname
ABU ZUBAYDAH

Given Name
MOHAMMED HUSSAIN

Passport Number
0003288

Issue Date
15 JUL 1998

Control Number
19981966820033

Visa Type/Class
R

Birth Date
28 APR 1976

Expiry Date
15 JUL 2002

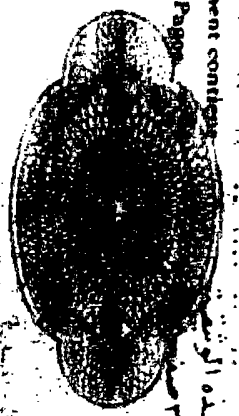
Alien Status
ENGLISH LANGUAGE CENTERS
MEMPHIS FLORIDA

25413182

VINS AWYABU<ZUBAYDAH<<HESHAM<MOHAMMED<HUSSAIN<<<

0003288<<1 EGY 7604289 M9807154 F 14058507 00 F 87A 11

Ce document contient
36 Pages



رقم الوثيقة
276



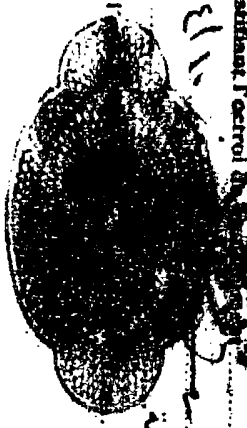
Document No 3288

رقم الوثيقة
الإسم
Nom
Abu Z. K. K.

التاريخ
29/11/1958

Pièces Justifiant l'arrestation

اسم الوثيقة
Nom de l'...



964335

وزارة الداخلية
MINISTRE DE L'INTERIEUR
DE L'INDUSTRIE
والتجارة
والتجارة



Au nom du Ministre
de l'Intérieur. Les
Autorités indiquées
sont requises et priées
de permettre au porteur
de ce document
sans entrave

بإسم وزير الداخلية
تطلب من جميع السلطات
وتنرجون ليتم السماح
هذه الوثيقة بالممرور
دون عائق

Director
L'Administration
Particulière de l'Intérieur



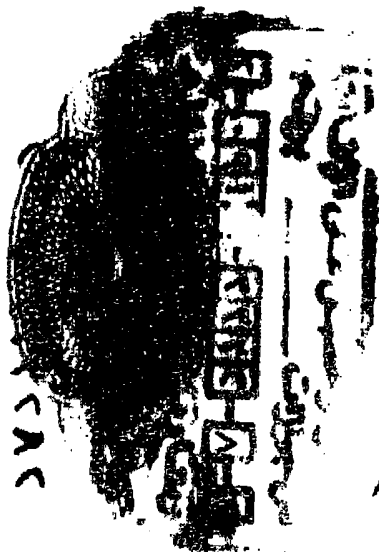
مستدير وزارة الداخلية
مصلحة وزارة الداخلية
والتجارة
19 58



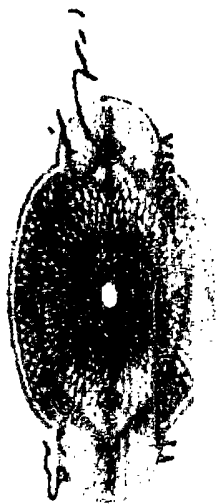
SECRET



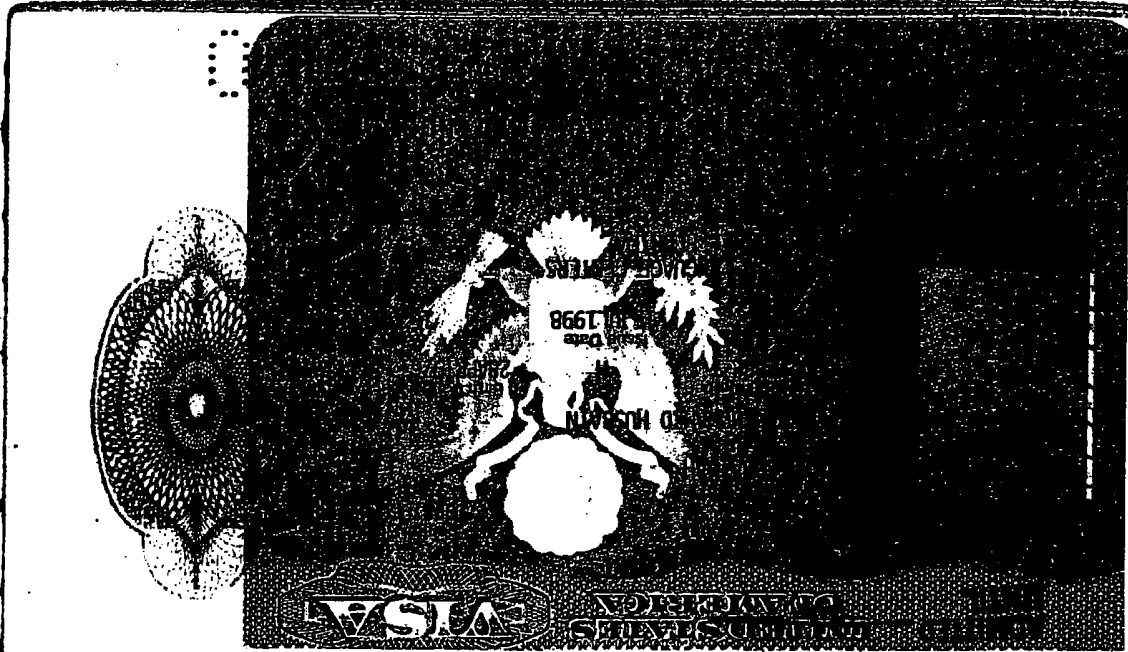
11



1197 1010



SECRET



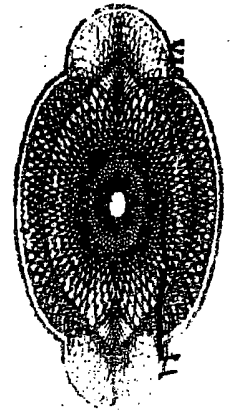
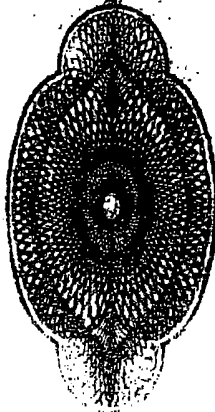
ASIA

NORTH AMERICAN STATES

56909073005

JUL 26 1998

U.S. MAIL NEW YORK, N.Y. 10037



1-1

REGLEMENTS

DOCUMENTS

1- Cas de l'Immigration: Passports et demandes sont rédigés sur un formulaire.

2- A l'étranger, les Consuls de la République Arabe d'Egypte ou par tout organisme chargé à cet effet.

3- Les droits de timbre prescrits seront perçus.

4- La validité du document est pour une durée de cinq ans si l'on ne mentionne pas une durée en moins.

A V I 8

Ces documents cités précédents et toutes précautions doivent être prises pour qu'il ne tombe pas entre les mains d'une tierce personne.

En cas de perte ou de destruction, le fait doit être porté immédiatement à la connaissance du Bureau de Passeport qui l'a délivré; et à l'étranger au plus proche Consul d'Egypte ou à tout organisme chargé à cet effet par la République Arabe d'Egypte.

Ce document est valable exclusivement pour les Pays qui y sont mentionnés.

Application: Les étrangers sont avertis qu'ils ne peuvent pas entrer ou à transiter par la République Arabe d'Egypte sans l'obtention d'un visa d'entrée, de sortie ou de transit. Aucune exigence n'est imposée que dans les cas ci-haut mentionnés.



١- تصديق الوثيقة
والجانبية التي
المدة على الأثر
تصديقها

٢- تصديق هذه الوثيقة كالاتجاهات من قنصليات جمهوريات مصر
البرقية أو أية هيئة تعينه إليها بذلك.

٣- تحصل رسوم المصلحة المقررة.

١- مدة صلاحية الوثيقة خمس سنوات ما لم ينص على خلاف ذلك.

تفصيليه

تتم هذه الوثيقة ذات شك مطبق - وليس المراد من لا تخضع في
سائر شخص ليس له الحق في طلبها... وثائقه التي لا تخضع في
إبلاغ ذلك في الأمر إلى مكتب المصلحة التي ستصدرها
وقت الصياغة إلى الجهة المختصة في بلد المصلحة التي
وتلزمه من حيث الصياغة والتوقيع في بلد
وتستعمل هذه الوثيقة كالاتجاهات من قنصليات جمهوريات مصر
على أنها لا يجوز جعلها كالاتجاهات من قنصليات جمهوريات مصر
إلا إذا حصل على إذن من الجهة المختصة في بلد المصلحة التي
ولا تصحب وثيقة أو أية هيئة تعينه إليها بذلك.
وتضمن كالاتجاهات من قنصليات جمهوريات مصر



DATE PREPARED 02/26/2003		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT				FILE A78-737-342	
1. NAME ABU-ZUBAIDAH, HESHAM MOHAMMED					2. SEX M		
3. OTHER NAMES USED OR KNOWN BY					4. CITIZENSHIP EGYPT (PALESTINE)		
5. DATE OF BIRTH 04/28/1976			6. PLACE OF BIRTH RIYADH, SAUDI ARABIA				
7. HEIGHT 69"	WEIGHT 145	EYES BRN	HAIR BLK	COMPLEXION MEDIUM	MARKS OR SCARS TATTOO LEFT ARM		
8. NEAREST LARGE CITY TO PLACE OF BIRTH				9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY			
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP							
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS				12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED.			
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence)							
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and Immigration status there)							
15. PLACE OF ENTRY INTO THE UNITED STATES New York City, New York					DATE OF ENTRY INTO THE UNITED STATES 07/26/1998-F1 STUDENT		
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE							
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. DESCRIBE DOCUMENTS(S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT THE TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input type="checkbox"/> NO. STATES HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT. EGYPTIAN TRAVEL DOCUMENT FOR PALESTINIAN REFUGEES 0003288							
18. FATHER'S NAME MOHAMMED HUSSAIN MOHAMOOD ABU ZUBAIDAH			DATE OF BIRTH		PLACE OF BIRTH PALESTINE		
PRESENT ADDRESS							
19. MOTHER'S NAME MALIKA FURHAN ABU ZUBAIDAH			DATE OF BIRTH		PLACE OF BIRTH JORDON		
PRESENT ADDRESS							
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD							
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ (Date) VIA _____ (Port) TO _____ (Country)							
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT, OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES							
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE ROSALEE MARIE ABU-ZUBAIDAH 07/14/2000 VANCOUVER, WA							
24. NAMES, AGES AND ADDRESSES OF ALL CHILDREN NAUTICA ABU-ZUBAIDAH 09/05/2000 PORTLAND, OR 97230							
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL							

Date: 8/8/2002 2:07 PM

Sender: [Redacted]

(b)(7)(c)

To:

(b)(5)

Priority: Normal

Receipt requested

Subject: A78 737 342

[Redacted]



U.S. Department of Justice
Immigration and Naturalization Service

Office of the District Director
511 NW Broadway Street
Portland, Oregon 97209
(503) 326-4165
(503) 326-3729 (fax)

August 6, 2002

Consulate General of the Republic of Egypt
3001 Pacific Ave.
San Francisco, CA 94115
(415)346-7352

Re: **HUSSAIN ABU-ZUBAIDAH, HESHAM MOHAMED**
A78-737-342

Dear Consulate General:

Mr. Hesham Mohamed Hussain Abu-Zubaidah who entered the United States July 26, 1998 at New York, New York with Egyptian Travel Document for Palestian Refugees number 0003288 issued in Riyadh. He is presently under expulsion proceedings and awaits a travel document to facilitate his departure from the United States.

Please utilize the enclosed self-addressed Federal Express envelope, charged to our account number, in order to insure expeditious delivery of **Mr. Hesham Mohamed Hussain Abu-Zubaidah's** travel document. Your assistance and cooperation in this matter of mutual concern is greatly appreciated.

Should you require any further information, or have any questions, please contact
Deportation Officer

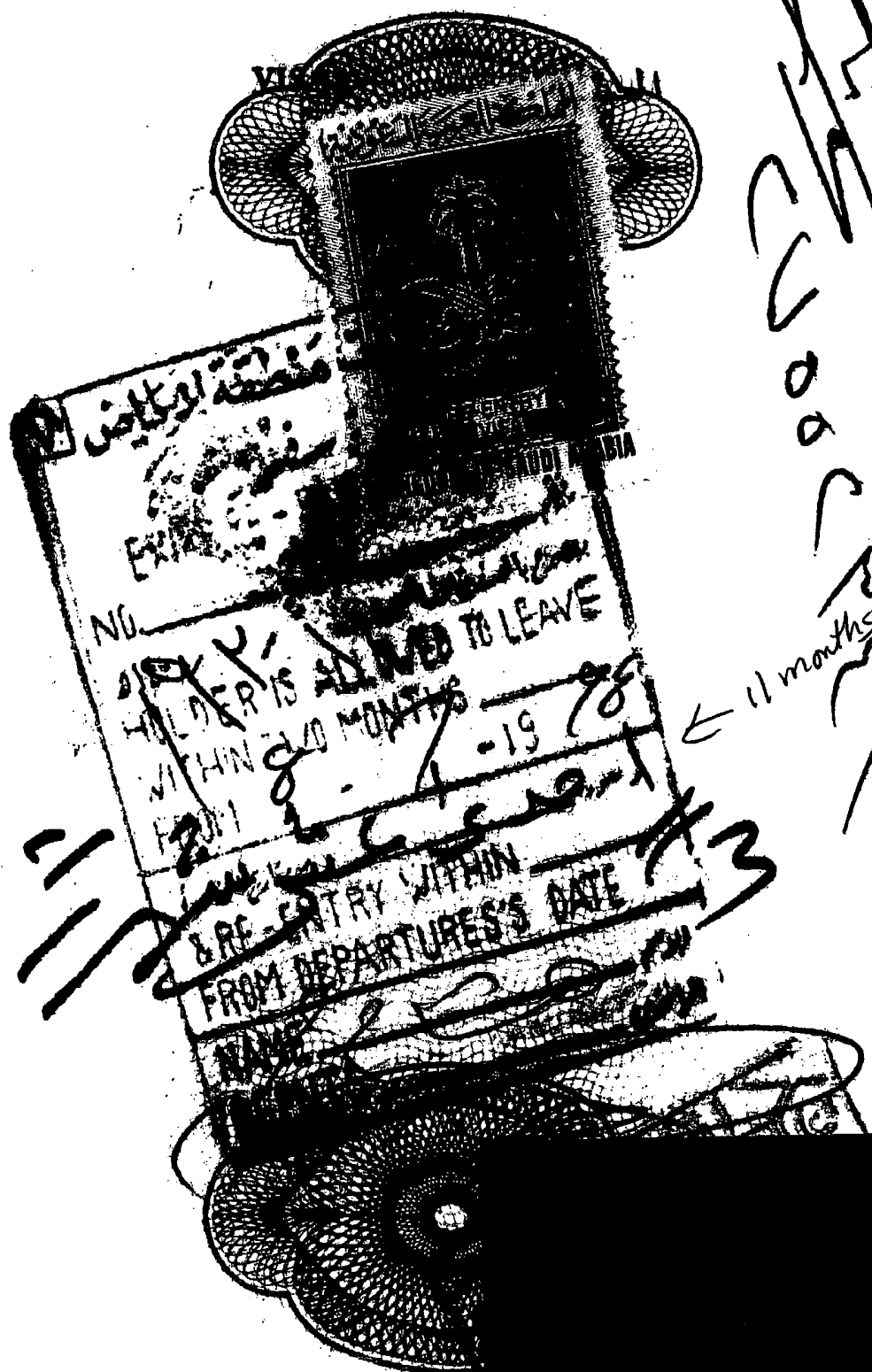
(b)(7)(c)

Sincerely,

Ronald J. Smith
District Director

Enclosures (3):
Warrant of Removal/Deportation
Four (4) Pictures
Egyptian Travel Document for Palestinian Refugee 0003288

XXXXXX

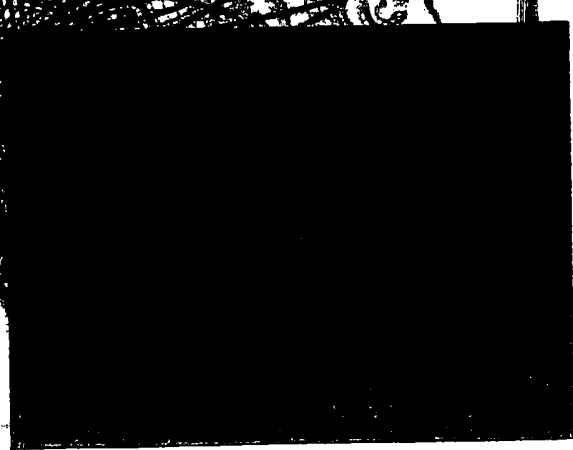


[Handwritten signature]

← 11 months

11

13



U.S. Department of Justice
Immigration and Naturalization Service

Office of the District Director
511 NW Broadway Street
Portland, Oregon 97209
(503) 326-4165
(503) 326-3729 (fax)

February 21, 2003

Consulate of Yemen
1255 Post St, Ste#1030
San Francisco, CA 94109
415-567-3036

Refer to File No.: A78-737-342

Re: Abu-Zubaidah, Hesham

Dear Sir or Madam:

Mr. Hesham Mohamed Hussain Abu-Zubaidah who entered the United States July 26, 1998 at New York with Egyptian Travel Document for Palestinian Refugees number 0003288 issued in Riyadh. He is presently under expulsion proceedings and awaits a travel document to facilitate his departure from the United States.

Please utilize the enclosed self-addressed Federal Express envelope, charged to our account number, in order to insure expeditious delivery of Mr. Hesham Mohamed Hussain Abu-Zubaidah's travel document. Your assistance and cooperation in this matter of mutual concern is greatly appreciated.

Should you require any further information, or have any questions, please contact
Deportation officers

(b)(7)(c)

Sincerely,



Ronald J. Smith
District Director

Enclosures (3):
Warrant of Removal/Deportation
Copy of Travel Document for Palestinian refugee 0003288
Two (2) Pictures

/2003 11:12

FACSIMILE COVER SHEET



**Department of Justice
U.S. IMMIGRATION &
NATURALIZATION SERVICE**

Transmitted To: POO/DRO

Attn:

SDDO

FAX Number:

Transmitted-From:

(b)(7)(c)

**300 North Los Angeles Street
Room B-18
Los Angeles, CA 90012**

Telephone number:

FAX Number:

(213) 830-4949

Please phone me to insure I can p/u FAX

Voice Mail:

Date Transmitted:

August 30, 2002

Number of Pages Transmitted: Cover + 2

**RE: A motion for stay in the petition for review was filed before 9th
circuit on the following Case # 02 72807 A# 78 737 342**

Please open your intranet to 9th circuit for originals.

9TH CIRCUIT PETITION FOR REVIEW

CALLED IN BY

DATE: 08/30/02

TIME: 1545

(b)(7)(c)

CASE #: 02-72807

A-NUMBER: 78737342

NAME: Hesham ABU-Zubaidah

ATTY:

ADDRESS:

PHONE #:

FILED: 08/30/02

INDICATION OF CUSTODY: YES @ COLUMOR

MOTION FOR STAY: YES/REVIEW

BIA-CITY: POO

Via phone call 21725

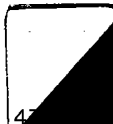
NOTIFIED:





FAX #:



DATE: 08/30/02

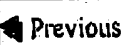




TIME: 1630

(b)(7)(c)



**Mailbox
of Ninth
Circuit
Stay**Address BookPreferencesLog out

 **Small**  **Close**

 **Previous** |  **Forward** |  **Reply** |  **Copy/Move** |  **Delete**

To: Ninth Circuit Stay at WRO-LOS-010; Marian Bryant at WT-JCON; Donna Bailey at WT-JCON
Cyntharee Powells@ca9.uscourts.gov at inetgw; Lorela_Bragado@ca9.uscourts.gov at
cc: inetgw; Molly_Dwyer@ca9.uscourts.gov at inetgw; Rhonda_Roberts@ca9.uscourts.gov
at inetgw; Susan_Gelmis@ca9.uscourts.gov at inetgw
From: Gail_Nelson-Hom@ca9.uscourts.gov
Subject: Docket No. 02-72807

A motion for stay of deportation/removal has been filed in this petition for review. Pursuant to Ninth Circuit General Order 6.4.(c), a temporary stay of deportation/removal is in effect pending further order of this court.

Docket No.: 02-72807
Name: Hesham Abu-Zubaidah v. Ashcroft
Alien No.: A78-737-342
Location: Portland

A copy of the BIA order is included.

A-NUM: 078737342
DCO: POO

LAST NAME: ABU-ZUBAIDAH
FIRST NAME: HESHAM MOHAMED

NATLTY: SAUDI

CHG-DOC-ISSUED: 10/04/2001
CHG-DOC-SERVED: 10/04/2001

DATE-WA-ISSUED: 10/04/2001
DATE-WA-SERVED: 10/04/2001
CONSUL-NOTIF:

BOND-AMT-REQUIRED: NOBOND
BOND-AMT-POSTED:

BOND-TERM-STATUS:
DATE-BOND-POSTED:

STAT-RECOG-SUPER:

DATE-STATUS-RECOG-SUPER:

DET-LOC-ID: COLUMOR
DATE-RELEASED:

DATE-BOOKED-IN: 01/15/2002
RELEASED-TO:

DATE-ENTERED: 01/15/2002
DET-FAC-TYPE: NSD

VR-USM:
DET-DCO: POO

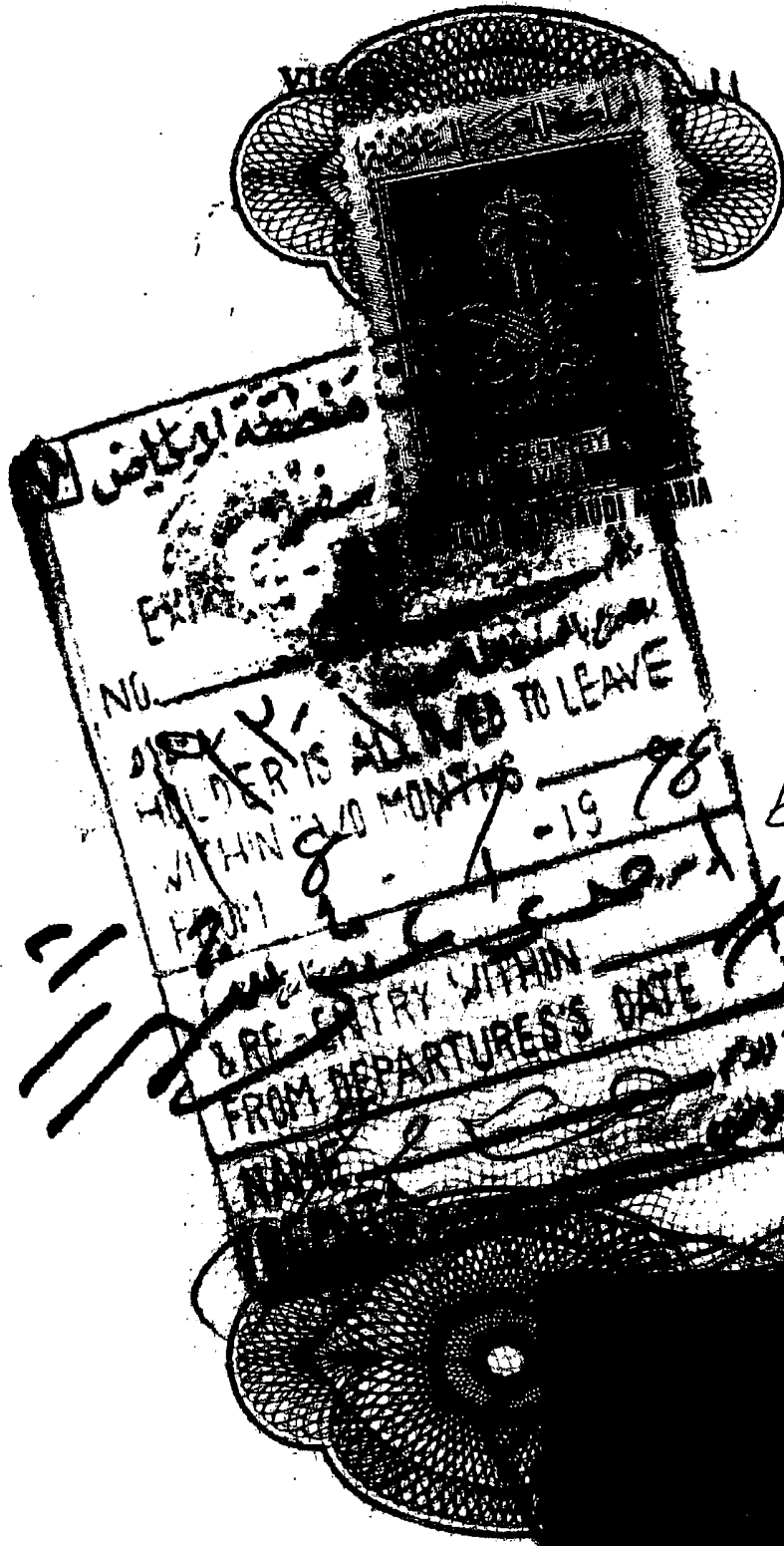
PF7 - DET LOC ID LIST

COMMAND: CUST

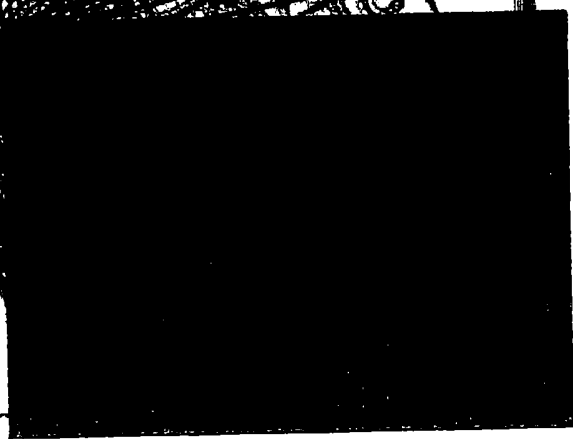
A-NUM: 078737342

FIRST PAGE OF DATA

XXXXXXXXXX



Handwritten notes and scribbles on the right side of the page, including a large signature-like scribble at the top and the phrase "11 months" with an arrow pointing to the left.



File No. A78-737-342

DATE: August 06, 2002

To any officer of the United States Immigration and Naturalization Service:

Hesham Mohamed ABUZUBAIDAH

Alias: None known

(Full name of alien)

who entered the United States at **New York, New York**

on or about **July 26, 1998**

(Place of Entry)

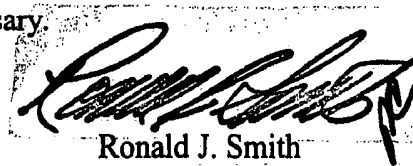
is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 237(a)(1)(C)(i) of the Immigration and Nationality Act, as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the Immigration and Naturalization 2002, including the expense of an attendant if necessary.



Ronald J. Smith

(Signature of INS Official)

District Director

(Title of INS Official)

August 06, 2002 Portland, Oregon

(Date and office location)

(b)(7)(c)

From: [Redacted]
U. S. INS
511 NW BROADWAY
D&R
PORTLAND, OR, 97209

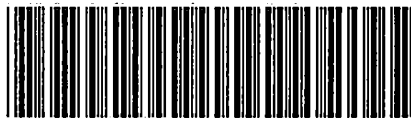
REVENUE BARCODE



To: **Detention and Removal** [Redacted]
ATTN: [Redacted]
801 "I" St.
Ste# 800
Washington, DC, 20536

SHIP DATE: 21FEB03
WEIGHT: 1 LBS

Ref:



DELIVERY ADDRESS BARCODE(FEDEX-EDR)

TRK # 7907 0390 5160 5381 5201

FedEx PRIORITY OVERNIGHT

IAD

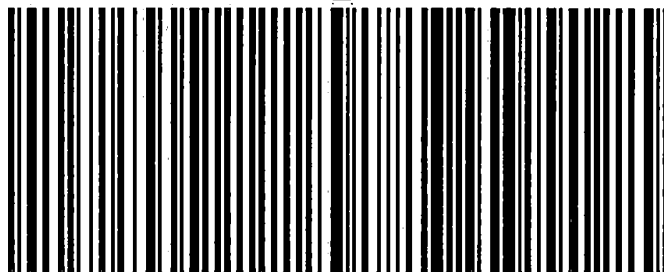
20536-DC-US

XC NHKA

MON

AA

Deliver by:
24FEB03



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

From: [Redacted]
U. S. INS
511 NW BROADWAY
D&R
PORTLAND, OR, 97209

(b)(7)(c)

REVENUE BARCODE



To: [Redacted]
ATTN:INS
511 NW Broadway

SHIP DATE: 21FEB03
WEIGHT: 1 LBS

Portland, OR, 97209

Ref: Travel Document Request



DELIVERY ADDRESS BARCODE(FEDEX-EDK)

TRK # 7907 0390 9236 ^{FORM} 0201

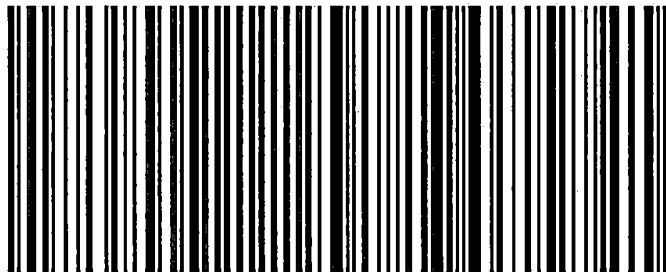
FedEx PRIORITY OVERNIGHT
PDX

MON
A1

Deliver by:
24FEB03

97209-OR-US

86 MRIA



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION
BUREAU OF TECHNICAL EDUCATION
MANILA

REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF EDUCATION



DEPARTMENT OF EDUCATION

BUREAU OF TECHNICAL EDUCATION

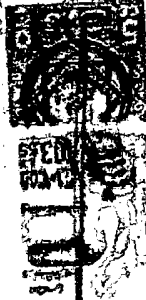
MANILA

REPUBLIC OF THE PHILIPPINES

Ce document contient

36 Pages

تحتوي هذه الوثيقة على 36 صفحة



Document No. 3288

رقم الوثيقة 3288

Nom

الاسم هو السيد
Hussein Abu Zaid

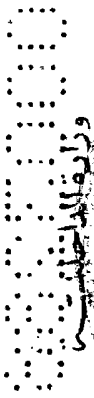
Pieces justifiant l'octroi de

الوثيقة
٢٩٥٨

Nom de l'épouse

اسم الزوجة

964335



MINISTRE DE L'INTERIEUR

وزارة الداخلية

ADMINISTRATION DES PASSEPORTS

DE L'IMMIGRATION ET DE LA NATIONALITE

Au nom du Ministre
de L'Intérieur, Les
Autorités intéressées
sont requises et priées
de permettre au porteur
de ce document de passer
sans entrave

باسم وزير الداخلية
تطلب من جميع السلطات
والتجوز أن يسمحوا لحامل
هذه الوثيقة بالمرور
دون عائق

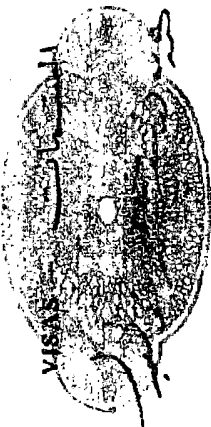


Directeur Général
L'Administration des
Passports de L'Immigration
et de La Nationalité
du Causse National

مدير عام
مصلحة وشاق السفر
والهجرة والجنسية
او القنصل العام

صحة الوثيقة
١٩٥٧
Fait à Beyrouth le 13 du mois de 7 19 97

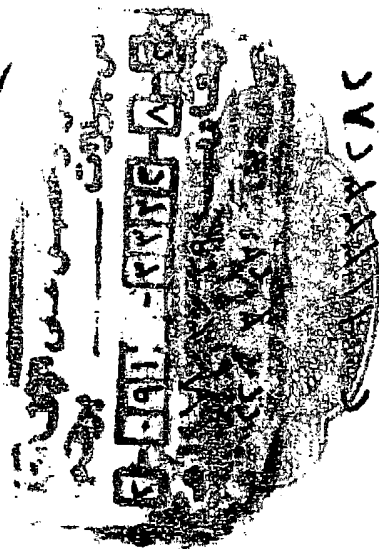
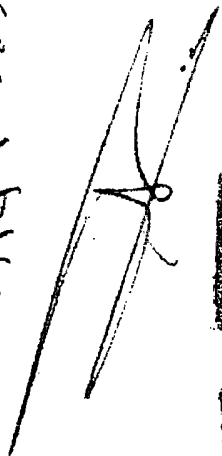
00000000000000000000



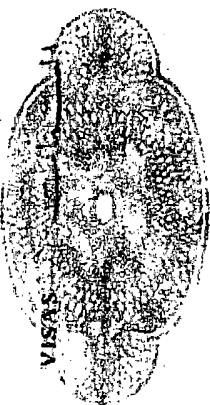
محل طبرستان

محل طبرستان

۱۳۹۷ / ۱۰ / ۰۵

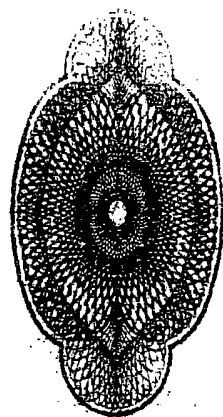
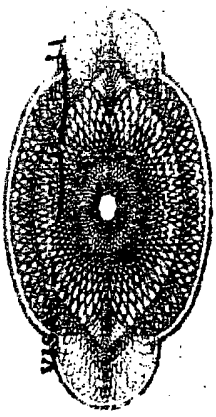


— ۱۹ —



00000000000000000000

56909073005



U.S. IMMIGRATION
NEW YORK, N.Y. 10057

JUL 26 1998

56909073005

UNITED STATES OF AMERICA **VISA**

NAME: **MUHAMMAD HUSAIN**

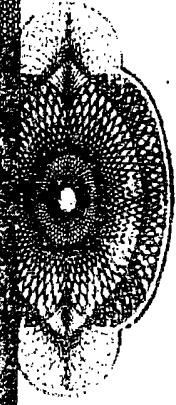
Birth Date: **28 APR 1976**

Issue Date: **25 JUL 1998**

LANGUAGE CENTERS
MIAMI, FLORIDA

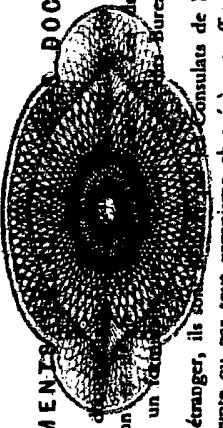
DESIGNED BY: [illegible]

MADE IN: [illegible]



REGLEMENTS

DOCUMENTS



1- Ces documents, Passports de l'Immigration, sont demandés sont rédigés sur un formulaire par les Bureaux. Consulateurs de la République Arabe d'Egypte ou par tout organisme chargé à cet effet.

2- Les droits de timbre prescrits seront perçus.

3- La validité du document est pour une durée de cinq ans si l'on ne mentionne pas une durée en moins.

AVIS

Ces documents sont précieux et toutes précautions doivent être prises pour qu'ils ne tombent pas entre les mains d'une tierce personne.

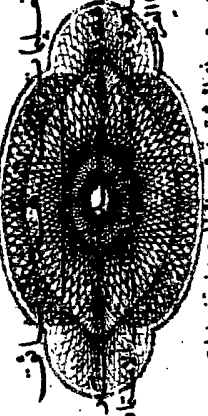
En cas de perte ou de destruction, le fait doit être porté immédiatement à la connaissance du Bureau de Passports qui l'a délivré, et à l'étranger au plus proche Consulat d'Egypte ou à tout organisme chargé à cet effet par la République Arabe d'Egypte.

Ce document est valable exclusivement pour les Pays qui y sont mentionnés.

Application-Restrictée son détenteur à entrer ou à transiter la République Arabe d'Egypte pour la présentation d'un visa d'entrée, de transit ou de retour. Aucun autre cas ci-haut mentionné que dans les



تعليمات



١- تصدق هذه الوثيقة في كل بلد وادارة والمنظمة بالوزارة الامنية المصرية المدة لمدة الف سنة.

٢- تصدق هذه الوثيقة في الخارج من قطريات جمهورية مصر العربية اولاية هينة بمسئله البها بلك.

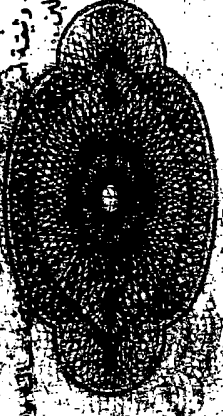
٣- تحصل رسوم الدفعة المقدرة.

١- مدة صلاحية الوثيقة خمس سنوات من تاريخ صدورها.

فتنبيه

تصدق هذه الوثيقة ذات شأن عظيم - ويجب الحفظ حتى لا تقع في ايدي شخص اجنبى له الحق في جعلها ... وانما هذه الوثيقة تمنح له من قبل مصر وبقوة ايداع ذلك على الفور الى مكتب المرافعات الادوية حكومتية من الوثيقة وقت الخروج الى اجناب فتسلم معرفة اولى له من اجل امنه وليس له ان ياتي بمسئله قبل حصوله من مصر المستمرة بالنظر في ذلك ...

وتصدق هذه الوثيقة للشعوب في البلاد المذكورة به وتودت عهدها كما انها لا يجوز حملها الى اوطان غير مصر من اجناب الادوية المذكورة في الاصل اذا حصل على تأشيرة دخول الى اوطان غير مصر من اجناب الادوية المذكورة ولا تصوب وثيقة ...



PHOTOGRAPHS FOR TRAVEL DOCUMENTS

NAME: Hesham Mohamed Hussain Abu-Zubaidah FILE NUMBER: A78-737-342





[Ship](#)
[Track/History](#)
[Address Book](#)
[Preferences](#)
[Fast Ship](#)
[Reports](#)

[<< Log out](#) [Home](#)



Who you're shipping to (Required fields in bold)

Company name

First name

Last name

Country ▼

Address

City

State ▼

ZIP

Telephone

Residential address

Save in/update my address book

Add to my [Fast Ship profiles](#)

Package details

Type of service

Type of packaging

Number of packages ▼

Weight lbs

Dimensions

Declared value

Billing details

Bill shipment to

Recipient/third party account #

Your reference

More shipment details

Ship date ▼

Additional shipment options

[Clear fields](#)
[Check recipient address](#)
[Change sender address](#)
[Get courtesyrate](#)



Please Note

- Click the Continue button only once. Expect some delay due to transmission time. Do not click Stop or Reload; it may duplicate shipment transaction to occur.
- By clicking the Continue button, you agree to the [FedEx Ship Manager at fedex.com Terms of Use](#) and the FedEx terms of shipping in the applicable [Service Guide](#).
- Dangerous goods (other than dry ice only) cannot be shipped via FedEx Ship Manager at fedex.com.

DATE PREPARED 02/26/2003		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT				FILE A78-737-342
1. NAME ABU-ZUBAIDAH, HESHAM MOHAMMED					2. SEX M	
3. OTHER NAMES USED OR KNOWN BY					4. CITIZENSHIP EGYPT (PALESTINE)	
5. DATE OF BIRTH 04/28/1976			6. PLACE OF BIRTH RIYADH, SAUDI ARABIA			
7. HEIGHT 69"	WEIGHT 145	EYES BRN	HAIR BLK	COMPLEXION MEDIUM	MARKS OR SCARS TATTOO LEFT ARM	
8. NEAREST LARGE CITY TO PLACE OF BIRTH				9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY		
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP						
11. NAMES: LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS				12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED.		
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence)						
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and immigration status there)						
15. PLACE OF ENTRY INTO THE UNITED STATES New York City, New York					DATE OF ENTRY INTO THE UNITED STATES 07/26/1998-F1 STUDENT	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE						
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. DESCRIBE DOCUMENT(S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT THE TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input type="checkbox"/> NO. STATES HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT. EGYPTIAN TRAVEL DOCUMENT FOR PALESTINIAN REFUGEES 0003288						
18. FATHER'S NAME MOHAMMED HUSSAIN MOHAMOOD ABU ZUBAIDAH PRESENT ADDRESS			DATE OF BIRTH	PLACE OF BIRTH PALESTINE		
19. MOTHER'S NAME MALIKA FURHAN ABU ZUBAIDAH PRESENT ADDRESS			DATE OF BIRTH	PLACE OF BIRTH JORDON		
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD						
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ VIA _____ TO _____ (Date) (Port) (Country)						
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT, OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES						
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE ROSALEE MARIE ABU-ZUBAIDAH 07/14/2000 VANCOUVER, WA						
24. NAMES, AGES AND ADDRESSES OF ALL CHILDREN NAUTICA ABU-ZUBAIDAH 09/05/2000 PORTLAND, OR 97230						
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL						

From: [Redacted]
U. S. INS
511 NW BROADWAY
D&R
PORTLAND, OR, 97209

(b)(7)(c)

REVENUE BARCODE



To: Consulate of Yemen (415)567-3036

SHIP DATE: 21 FEB03
WEIGHT: 1 LBS

1255 Post St
Ste# 1030
San Francisco, CA, 94109

Ref:



DELIVERY ADDRESS BARCODE (FEDEX-EDR)

TRK # 7928 3655 7679 5281

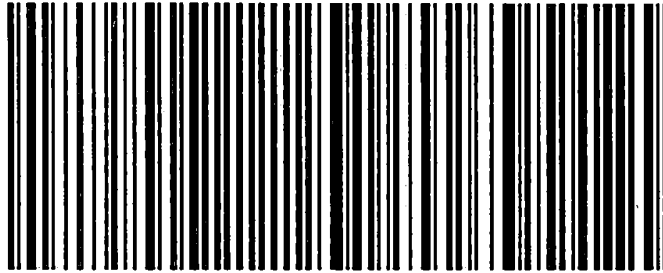
FedEx PRIORITY OVERNIGHT

MON
A1

Deliver by:
24FEB03

94109-CA-US

SFO
WA SFOA



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

From: [Redacted]

U. S. INS
511 NW BROADWAY
D&R
PORTLAND, OR, 97209

(b)(7)(c)

REVENUE BARCODE



To: [Redacted]

Attn:INS
511 NW Broadway

SHIP DATE: 21FEB03
WEIGHT: 1 LBS

Portland, OR, 97209

Ref: Travel Document Request



DELIVERY ADDRESS BARCODE(FEDEX-EDK)

TRK # 7921 9584 5125 ^{FORM} 0201

FedEx PRIORITY OVERNIGHT

PDX

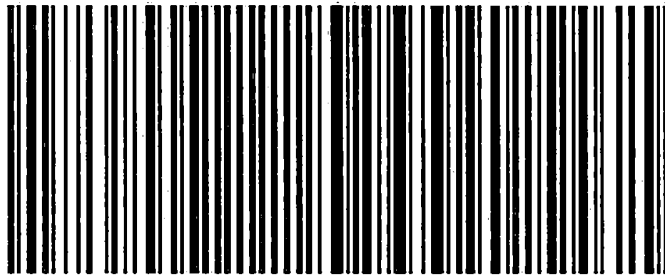
97209-OR-US

86 MRIA

MON

A1

Deliver by:
24FEB03



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#)

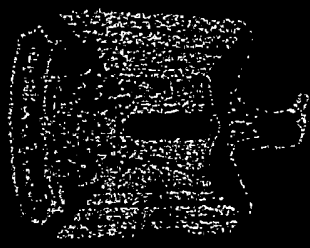
1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

W. J. ...

W. J. ...



...

...

...

...

...

Ce document contient
36 Pages

تحتوي هذه الوثيقة
على 36 صفحة



رقم الوثيقة 3288

Document No 3288

Nom Madelon

الاسم مادلون

Pieces justifiant l'octroi de

Nom de l'opérateur



التاريخ 26/11/1958

اسم الوردية

964335

وزارة الداخلية
MINISTRE DE L'INTERIEUR

مصلحة وثائق السفر والهجرة والجنسية
ADMINISTRATION DES PASSES PORTS
ET DE L'IMMIGRATION ET DE L'INTERNATIONALITE



Au nom du Ministre de L'Interieur. Les Autorités intéressées sont requises et priées de permettre au porteur de ce document de passer sans entraves.

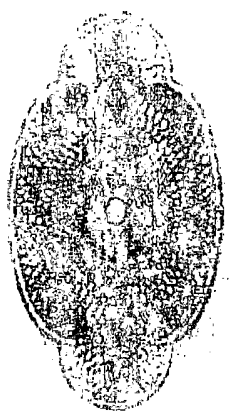
باسم وزير الداخلية
تطلب من جميع السلطات
والتوجه ان يسمحوا لحامل
هذه الوثيقة بالمرور
دون عائق



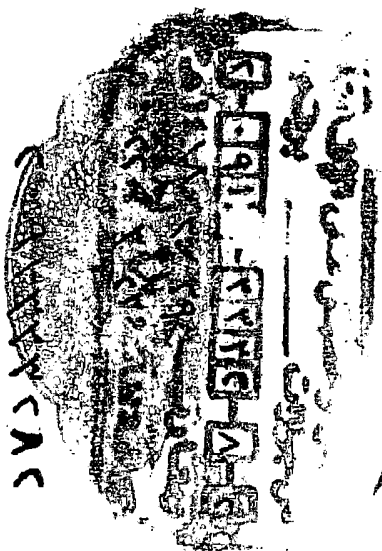
Director General of the Administration of Passports and Nationality
L'Administration des Passports et de la Nationalité
et des Pas Nationales
et des Cours National

مصلحة وثائق السفر والهجرة والجنسية
او القنصلية
بمصلحة
1958

000000



-14-

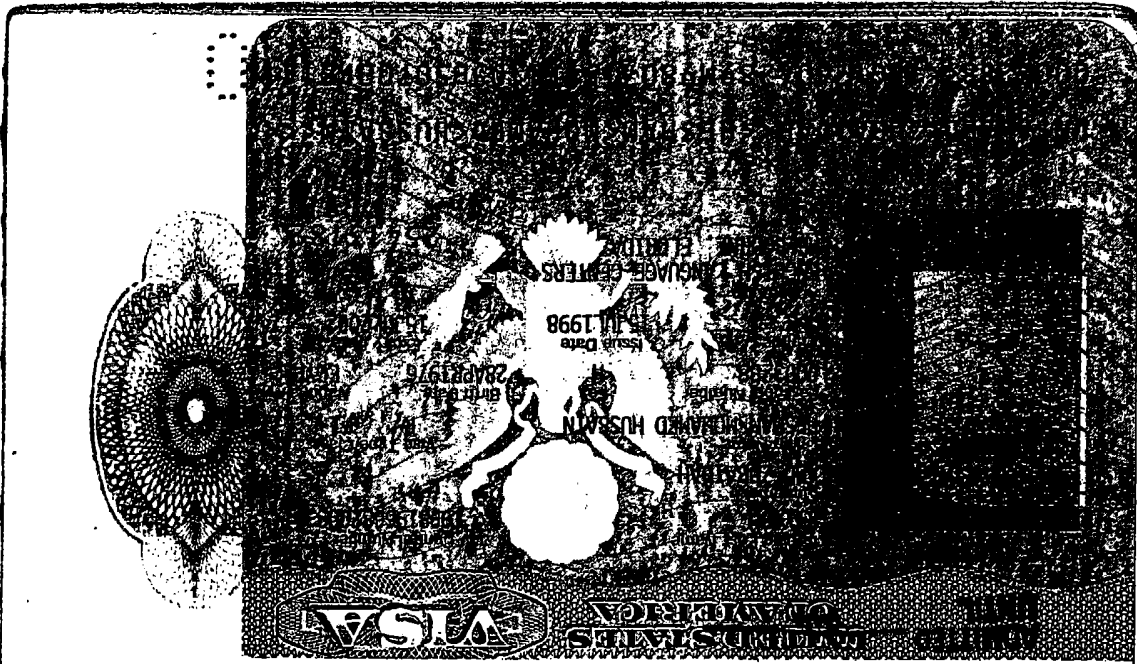


1197 1010

conv from 11/10/52



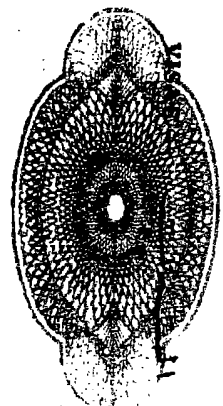
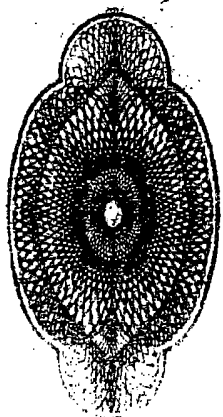
000000



56909073005

JUL 26 1998

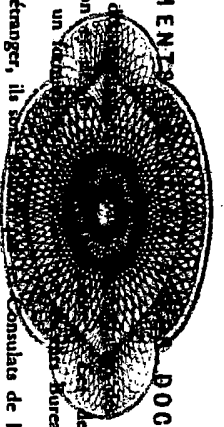
U.S. BANKNOTE
NEW YORK, N.Y. 10037



U.S. BANKNOTE

REGLEMENTS DOCUMENTS

- 1- Ces passeports de l'immigration sont rédigés sur un formulaire et demandés sont
- 2- A l'étranger, ils sont délivrés par le Consulat de la République Arabe d'Egypte ou par tout organisme chargé à cet effet.
- 3- Les droits de timbre prescrits seront perçus.
- 4- La validité du document est pour une durée de cinq ans si l'on ne mentionne pas une durée en moins.



AVI 8

Ce document est précieux et toutes précautions doivent être prises pour qu'il ne tombe pas entre les mains d'une tierce personne.

En cas de perte ou de destruction, le fait doit être porté immédiatement à la connaissance du Bureau de Passeport qui l'a délivré; et à l'étranger au plus proche Consulat d'Egypte ou à tout organisme chargé à cet effet par la République Arabe d'Egypte.

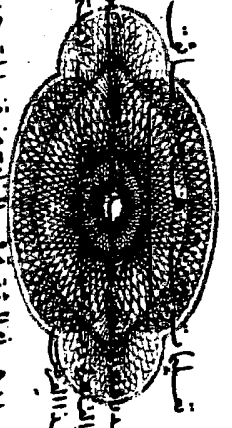
Ce document est valable exclusivement pour les Pays qui y sont mentionnés.

Application Passports son détenteur à entrer ou à transiter la République Arabe d'Egypte en possession d'un visa d'entrée de transit ou de passage. Aucun autre document n'est requis que dans les cas ci-haut mentionnés.



١- تصدق هذه الوثيقة ضمن سنوات ما لا يزيد على...

٢- تصدق هذه الوثيقة بصفة رسمية إليها بذلك.



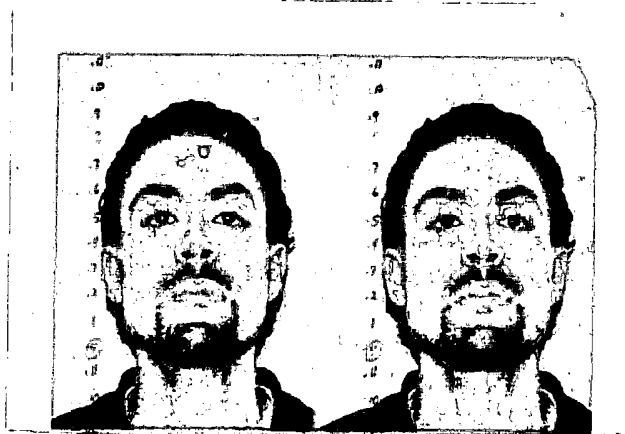
تفصيلية

تصدق هذه الوثيقة ذات شأن عظيم - ويجب الحفظ من الاتلاف... إن كان على الشخص الذي يحملها... وإذا انقضت أو التفتت... إخراج ذلك على الفور إلى مكتب الجوازات... وقد أوصى... ولا تصح... وإذا حصل... كما أنها لا تجوز... وتصدق هذه الوثيقة... إذا حصل... ولا تصح... وإذا حصل... كما أنها لا تجوز... وتصدق هذه الوثيقة... إذا حصل... ولا تصح... وإذا حصل... كما أنها لا تجوز...



PHOTOGRAPHS FOR TRAVEL DOCUMENTS

NAME: Hesham Mohamed Hussain Abu-Zubaidah FILE NUMBER: A78-737-342



IMMIGRATIONS INMATE REQUEST FORM

NAME: ABU-Zubaidah Hesham DATE: 12/8/02 TIME: 9:00 AM (PM)

CELL: BUNK: INS # A 78-737-342

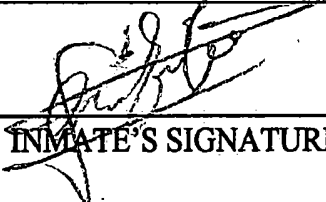
REASON CONTACT IS NEEDED (SPECIFICS / DETAILS): I would like to

accept the judges decision as a final order
and sign my deportation papers, As soon
as possible please.

my attorney is

Tilman Hasthe,
(503) "241-1320"

Respectfully submitted,
Abu-Zubaidah Hesham -

X 
INMATE'S SIGNATURE

X _____
RECEIVING DEPUTY'S SIGNATURE
DATE: _____ TIME: _____

FAXED TO INS ON _____ AT _____ BY _____
DATE TIME DEPUTY'S NAME

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(7)(c)

IMMIGRATIONS INMATE REQUEST FORM

NAME: Hesham M. Abu-Rubaidah DATE: 4/13/02 TIME: 6:1 AM/PM

CELL: E BUNK: 15 INS # A 78 737 342

REASON CONTACT IS NEEDED (SPECIFICS / DETAILS):

I would like to know the Judge address
so I can send letter to him ples.
wat I know hes name
mackl benats.


INMATE'S SIGNATURE

RECEIVING DEPUTY'S SIGNATURE
DATE: _____ TIME: _____

FAXED TO INS ON _____ AT _____ BY _____
DATE TIME DEPUTY'S NAME

Immigration Court
1220 SW Third Avenue, Suite 218
Portland, Oregon 97204

DACS

A-NBR: 078737342

LAST NAME: ABU-ZUBAIDAH
FIRST NAME: HESHAM MOHAMED
NATLTY: SAUDI

EOIR LAST NAME: ABU-ZUBAIDAH
FIRST NAME: HESHAM
NATLTY: SA

PRIN A-NBR: 78737342

CHARGE DOC: 10/04/2001 BASE CITY: POO HEARING LOC: PDT
CUSTODY: DET ASYLYM TYPE: CLOCK ELAPSED: 0000
PROC RCVD: 01/18/2002 INIT HEARING: 01/23/2002 CLOCK UPDATED:
LAST/NEXT HEARING: 03/27/2002 TYPE: INDV CLK STAT:

INIT RCVD:
ASYL RCVD: IJ DEC: IJ COMPLETE: 03/27/2002 APPLICATIONS
W/H DEC: EOIR DEC: REMOVE OTHER COMPL: FILED DEC
MTR RCVD: DEC: DATE: 212C:
APPEAL: 04/11/2002 DEC: SAF DATE: 08/01/2002 245ADJ: X D
FINAL DISP: DATE: VOL DEP:

CHRGs: 1) 237a01Ci 2) 237a02Ei 3) 237a02Aiii SUSPENS:
4) 5) 6)

PF1 - PAGE FWD

COMMAND: EOIR A-NUM: 078737342

Instructions for issuing Egyptian Passport

The Consulate General of the Arab Republic of Egypt in San Francisco extends its compliments and presents the following instructions in order to issue or to renew the expired Egyptian Passport:

1. Complete the following application form, send or bring it to the consulate with the following:
 - The expired passport.
 - 4 passport photographs.
 - Males (from age 18 years and up to 45 years) must present the Military status.
 - Females:
 - If married to an Egyptian, she must present a written statement of approval from the husband signed by him at the consulate or in front a Notary Public.
 - If not married and over 21 years old, a non marriage statement must be signed by her at the consulate or in front a Notary Public.
 - For sons and daughters under age of 21 years old, an approval statement must be signed by the father at the consulate or in front a Notary Public.
2. Fees for \$95.00 Money Order, Cashier Check pay to Egyptian Consulate or cash (personal checks are not accepted).
3. A Self -Addressed-Stamped Envelope fits both the old and the new passport.
4. The procedure takes 2 working days to be processed by the consulate, plus mail.

إستمارة بيانات خاصة بإصدار جواز سفر

الاسم باللغة العربية : _____
 الاسم باللغة الانجليزية : _____
 جهة الميلاد : _____ تاريخ الميلاد : _____
 رقم جواز السفر : _____ جهة الاصدار : _____ تاريخ الاصدار : _____
 المهنة الحالية : _____ جهة العمل : _____
 الموقف من الخدمة العسكرية : أدي/معاف مؤقت/معاف نهائي/لم يصبه الدور
 إسم الزوج أو الزوجة باللغة العربية : _____
 إسم الزوج أو الزوجة باللغة الإنجليزية : _____

الزوجة والابناء المطلوب اضافتهم الي نفس جواز السفر

الاسم	العلاقة	جهة الميلاد	تاريخ الميلاد
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

العنوان في جمهورية مصر العربية : _____

أسم وعنوان من يمكن الرجوع إليه في مصر : _____

العنوان بالولايات المتحدة الأمريكية : _____

تليفون العمل : _____ - ()
 تليفون المنزل : _____ - ()

عنوان البريد الإلكتروني Email Address : _____

التوقيع

تحريراً في:

Instructions For Issuing Temporary Travel Document

The Consulate General of the Arab Republic of Egypt in San Francisco extends its compliments and presents the following instructions to issue temporary travel document:

- 1. The temporary travel document granted to the Egyptian citizen who lost his/her passport, wants to go back to Egypt soon and does not want to wait until obtaining an approval from Egypt to issue a new passport for him or to the deported Egyptian upon the request of American authorities.**
- 2. It is valid only to go back to Egypt only, and not valid to travel to any other countries.**
- 3. It is valid only to travel within 2 weeks from date of issue, and it is not extendable to any other periods.**
- 4. The applicant must submit any proof for his Egyptian citizenship by any original (not copy) Egyptian document like Birth certificate, ID, Military certificate.**
- 5. No fees are required for issuing temporary travel document.**
- 6. To apply you have to fill out temporary travel document form and submit it to the consulate with:
 - The proof of Egyptian citizenship.**
 - One passport photograph for the applicant.****
- 7. A Self -Addressed-Stamped Envelope to send it back (if done by mail).**

إستمارة بيانات خاصة بإصدار وثيقة سفر مؤقتة
=====

الاسم باللغة العربية : _____
الاسم باللغة الانجليزية : _____
جهة الميلاد : _____ تاريخ الميلاد : _____
رقم جواز السفر : _____ جهة الاصدار : _____ تاريخ الاصدار : _____
المهنة الحالية : _____ جهة العمل : _____
أسباب وظروف صرف هذه الوثيقة :

المستندات المقدمة للتصنيف :

١- _____

٢- _____

٣- _____

٤- _____

العنوان في جمهورية مصر العربية : _____

اسم وعنوان من يمكن الرجوع إليه في مصر : _____

العنوان بالولايات المتحدة الأمريكية : _____

تليفون العمل : _____ () - _____

تليفون المنزل : _____ () - _____

عنوان البريد الإلكتروني Email Address : _____

التوقيع

تحريرا في:

REPORT AREA OFFICE

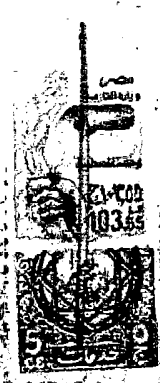
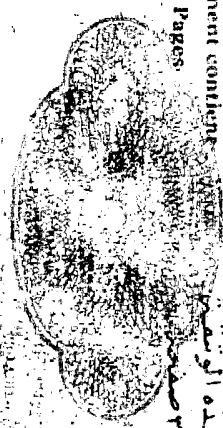


OFFICE OF THE DIRECTOR

REPORT AREA OFFICE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Ce document contient
36 Pages.
تحتوي هذه الوثيقة
على 36 صفحة



Document No 3288

رقم الوثيقة 3288

Nom: *Abu Zeid*
الاسم أبو زيد

Abu Zeid
أبو زيد

Pieces justifiant l'octroi de
الوثائق التي تثبت

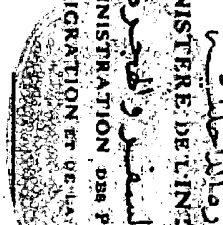
1958
1958

Nom de l'épouse
اسم الزوجة



964335

وزارة الداخلية
MINISTRE DE L'INTERIEUR
مصلحة وثائق السفر والهجرة والجنسية
ADMINISTRATION DES PASSPORTS
DE L'IMMIGRATION ET DE LA NATIONALITE



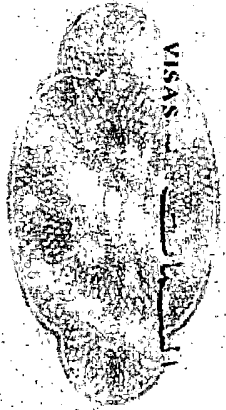
Au nom du Ministre
de L'Interieur. Les
Autorités intéressées
sont requises et priées
de permettre au porteur
de ce document de passer
sans entraves.
باسم وزير الداخلية
تطلب من جميع الجهات
وغيره أن يسمحوا لحامل
هذه الوثيقة بالمرور
دون عائق



Director General de
L'Administration des
Passports de L'Immigration
et de La Nationalite
المدير العام
مصلحة وثائق السفر
والهجرة والجنسية
او الوطنية

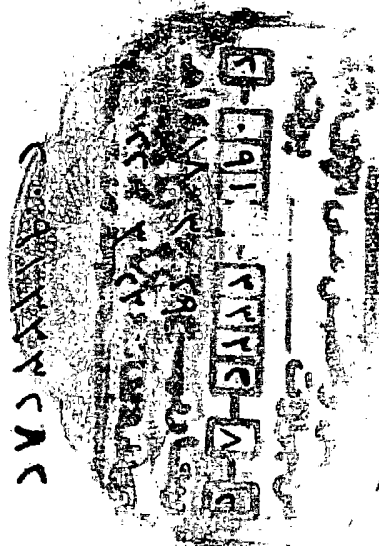
1958
Fait à Beyrouth le 13. du mois de 7 1958

00000000

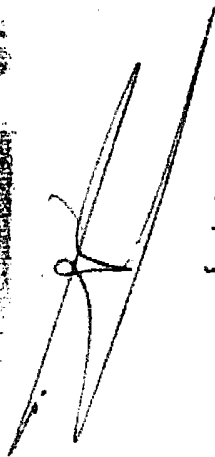


VISAS

— 14 —

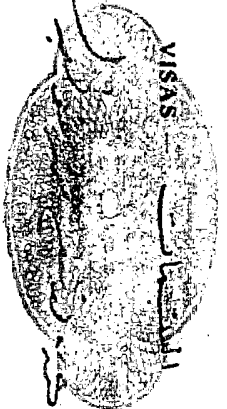


00000000



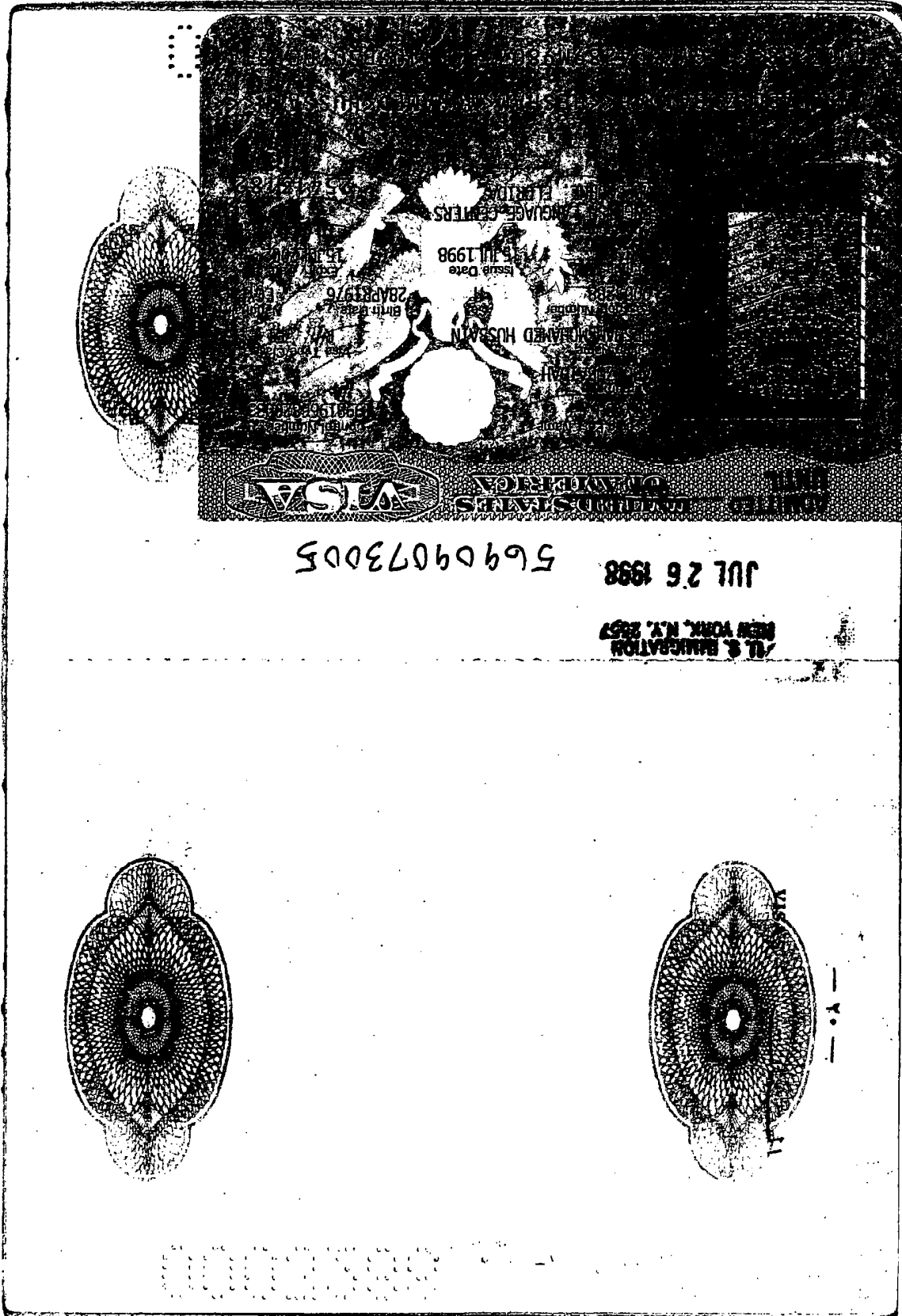
1197 1010

COOL FISH



VISAS

00000000

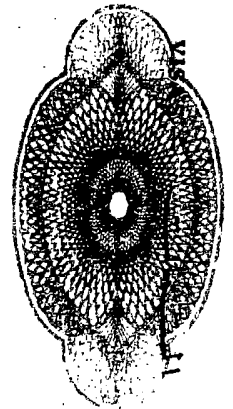
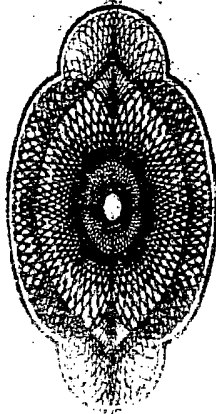


UNITED STATES OF AMERICA
 RICHARD HOSKIN
 Issue Date: 6 JUL 1998
 Birth Date: 28 APR 1976
 LANGUAGE CENTERS
 FLORIDA

56909073005

JUL 26 1998

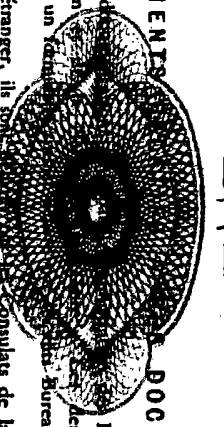
U.S. BANKNOTES
 NEW YORK, N.Y. 10037



— Y. —

REGLEMENTS DOCUMENTS

- 1- Ces documents (Passports de l'immigration) demandes sont rédigés sur un formulaire au Bureau.
- 2- A l'étranger, ils sont délivrés par les Consuls de la République Arabe d'Egypte ou par tout organisme chargé à cet effet.
- 3- Les droits de timbre prescrits seront perçus.
- 4- La validité du document est pour une durée de cinq ans si l'on ne mentionne pas une durée en moins.



AV18

Ces documents et précieux et toutes précautions doivent être prises pour qu'il ne tombe pas entre les mains d'une tierce personne.

En cas de perte ou de destruction, le fait doit être porté immédiatement à la connaissance du Bureau de Passport qui l'a délivré; et à l'étranger au plus proche Consul d'Egypte ou à tout organisme chargé à cet effet par la République Arabe d'Egypte.

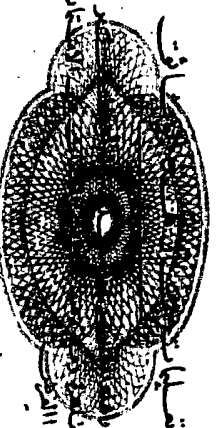
Ce document est valable exclusivement pour les Pays qui y sont mentionnés.

Attention Les demandeurs son dispensés de payer les droits de timbre pour l'obtention d'un visa d'entrée.

Aucun surcoût n'est imposé sur les documents de transit qui sont délivrés dans les cas ci-haut mentionnés.



تتمثل في
١- تصديق الوافدين من دول الجوار والمغتربة والمغتربة بالخطوط الجوية المصرية
٢- تصديق هذه الوثيقة من قنصليات جمهورية مصر العربية أو أية هيئة يسمها إليها بذلك.



٣- تحصيل رسوم الدخول المقررة.

١- مدة صلاحية الوثيقة خمس سنوات ما لم ينص على مدة أقل.

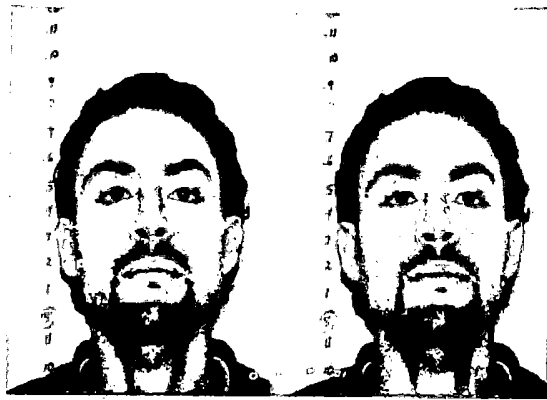
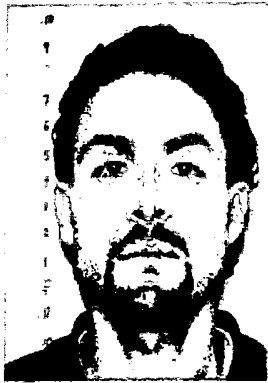
تفصيليه

تتم هذه الوثيقة ذات شأن مطبق - وهي المبرمجة من الاثني عشر سنة في حين ان الوثيقة العادية تكون لمدة خمس سنوات من تاريخ اصدارها وذلك على انفسه الى مكتب الجوازات المصرية عند استلامها في وقت الصياح الى الحدود قنصليات جمهورية مصر العربية او الهيئة المختصة في كل جمهورية مصرية اخرى. وثيقة السفر الى دول الجوار والمغتربة من قنصليات جمهورية مصر العربية او الهيئة المختصة في كل جمهورية مصرية اخرى. وثيقة السفر الى دول الجوار والمغتربة من قنصليات جمهورية مصر العربية او الهيئة المختصة في كل جمهورية مصرية اخرى. وثيقة السفر الى دول الجوار والمغتربة من قنصليات جمهورية مصر العربية او الهيئة المختصة في كل جمهورية مصرية اخرى. وثيقة السفر الى دول الجوار والمغتربة من قنصليات جمهورية مصر العربية او الهيئة المختصة في كل جمهورية مصرية اخرى.



PHOTOGRAPHS FOR TRAVEL DOCUMENTS

NAME: HUSSAIN ABU-ZUBAIDAH, Hesham Mohamed FILE NUMBER: A79 762 245



- **Consulate General in Houston**
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas

The Washington Embassy and its Consulate Section

Telephone	(202)895-5400
Fax	(202)244-5131 / (202)244-4319
Web Page	http://www.embassyofegyptwashingtondc.org/
Address	3521 International Ct. N.W Washington, DC 20008

The Consulate General in San Francisco

Telephone	(415)346-7352 / (415)346-9702 / (415)346-9700
Fax	(415)346-9480
Web Page	http://www.egy2000.com
Address	3001 Pacific Ave. San Francisco, CA 94115

The Consulate General in New York

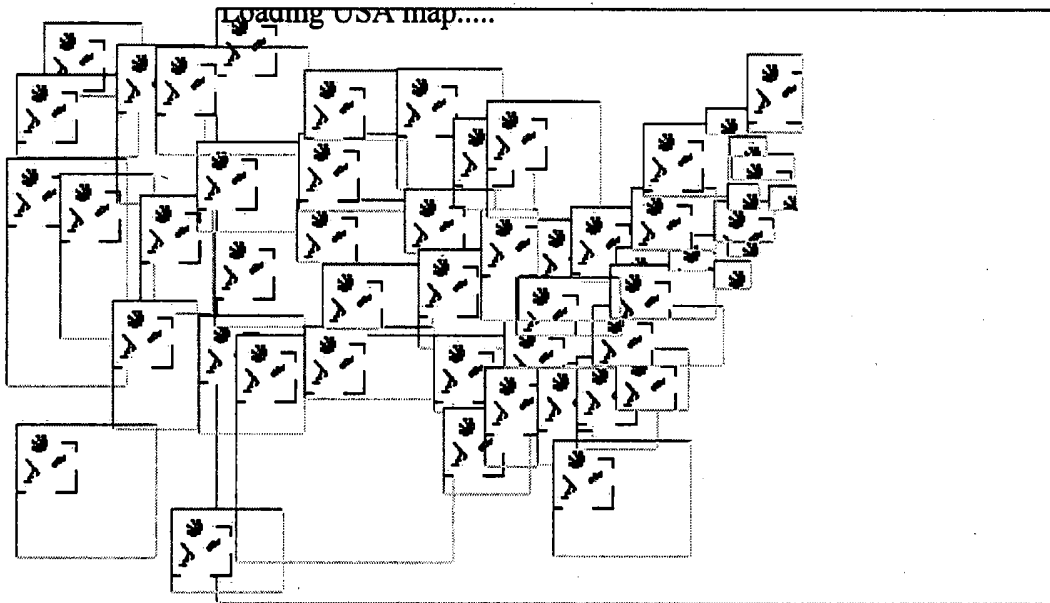
Telephone	(212)759-7122 / (212)759-7121 / (212)759-7120
Fax	(212)308-7643
Address	1110 Second Avenue New York, NY 10022

The Consulate General in Chicago

Telephone	(312)828-9162 / (312)828-9163 / (312)828-9164
Fax	(312)828-9167
Address	500 N. Michigan Ave., Suite # 1900 Chicago, IL 60611

Egyptian Embassy and Consulates in USA

Each Egyptian Consulate in USA presents its services to certain states, so please find your state first and then contact the specified consulate:



<u>Alabama</u>	<u>Alaska</u>	<u>Arizona</u>	<u>Arkansas</u>	<u>California</u>
<u>Colorado</u>	<u>Connecticut</u>	<u>Delaware</u>	<u>Florida</u>	<u>Georgia</u>
<u>Hawaii</u>	<u>Idaho</u>	<u>Illinois</u>	<u>Indiana</u>	<u>Iowa</u>
<u>Kansas</u>	<u>Kentucky</u>	<u>Louisiana</u>	<u>Maine</u>	<u>Maryland</u>
<u>Massachusetts</u>	<u>Michigan</u>	<u>Minnesota</u>	<u>Mississippi</u>	<u>Missouri</u>
<u>Montana</u>	<u>Nebraska</u>	<u>Nevada</u>	<u>New Hampshire</u>	<u>New Jersey</u>
<u>New Mexico</u>	<u>New York</u>	<u>North Carolina</u>	<u>North Dakota</u>	<u>Ohio</u>
<u>Oklahoma</u>	<u>Oregon</u>	<u>Pennsylvania</u>	<u>Rhode Island</u>	<u>South Carolina</u>
<u>South Dakota</u>	<u>Tennessee</u>	<u>Texas</u>	<u>Utah</u>	<u>Vermont</u>
<u>Virginia</u>	<u>Washington</u>	<u>West Virginia</u>	<u>Wisconsin</u>	<u>Wyoming</u>

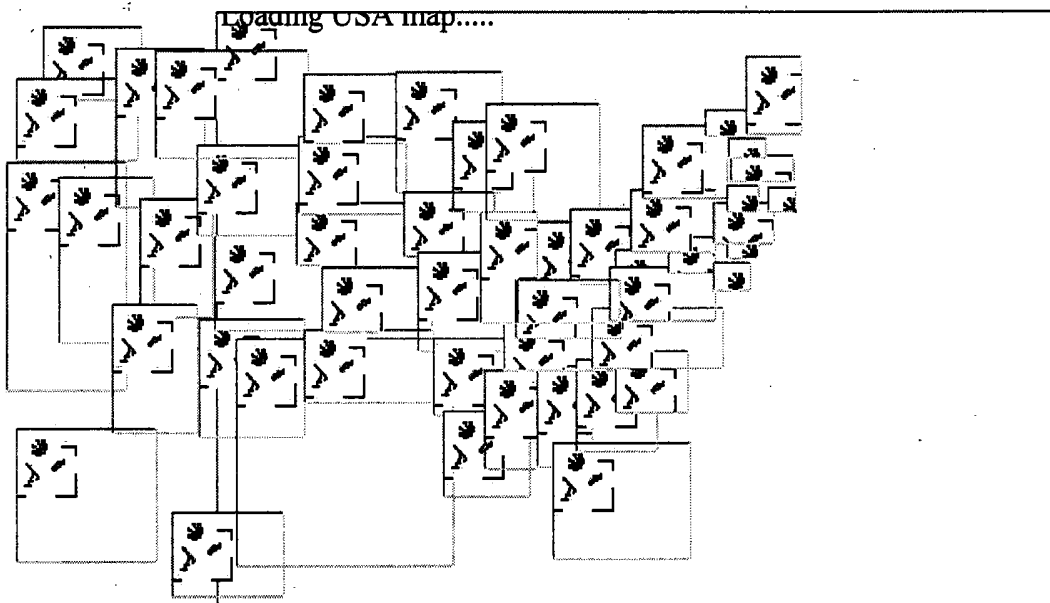
- **Washington Embassy and its Consulate Section**
Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia
- **Consulate General in San Francisco**
Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming
- **Consulate General in New York**
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont
- **Consulate General in Chicago**
Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin

The Consulate General in Houston

Telephone	(713)961-4916 / (713)961-4915
Fax	(713)961-3868
Address	1990 Post Oak Blvd. Suite # 2180 Houston, TX. 77056

Egyptian Embassy and Consulates in USA

Each Egyptian Consulate in USA presents its services to certain states, so please find your state first and then contact the specified consulate:



<u>Alabama</u>	<u>Alaska</u>	<u>Arizona</u>	<u>Arkansas</u>	<u>California</u>
<u>Colorado</u>	<u>Connecticut</u>	<u>Delaware</u>	<u>Florida</u>	<u>Georgia</u>
<u>Hawaii</u>	<u>Idaho</u>	<u>Illinois</u>	<u>Indiana</u>	<u>Iowa</u>
<u>Kansas</u>	<u>Kentucky</u>	<u>Louisiana</u>	<u>Maine</u>	<u>Maryland</u>
<u>Massachusetts</u>	<u>Michigan</u>	<u>Minnesota</u>	<u>Mississippi</u>	<u>Missouri</u>
<u>Montana</u>	<u>Nebraska</u>	<u>Nevada</u>	<u>New Hampshire</u>	<u>New Jersey</u>
<u>New Mexico</u>	<u>New York</u>	<u>North Carolina</u>	<u>North Dakota</u>	<u>Ohio</u>
<u>Oklahoma</u>	<u>Oregon</u>	<u>Pennsylvania</u>	<u>Rhode Island</u>	<u>South Carolina</u>
<u>South Dakota</u>	<u>Tennessee</u>	<u>Texas</u>	<u>Utah</u>	<u>Vermont</u>
<u>Virginia</u>	<u>Washington</u>	<u>West Virginia</u>	<u>Wisconsin</u>	<u>Wyoming</u>

- **Washington Embassy and its Consulate Section**

Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia

- **Consulate General in San Francisco**

Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming

- **Consulate General in New York**

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont

- **Consulate General in Chicago**

Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin

- **Consulate General in Houston**

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas

The Washington Embassy and its Consulate Section

Telephone	(202)895-5400
Fax	(202)244-5131 / (202)244-4319
Web Page	http://www.embassyofegyptwashingtondc.org/
Address	3521 International Ct. N.W Washington, DC 20008

The Consulate General in San Francisco

Telephone	(415)346-7352 / (415)346-9702 / (415)346-9700
Fax	(415)346-9480
Web Page	http://www.egy2000.com
Address	3001 Pacific Ave. San Francisco, CA 94115

The Consulate General in New York

Telephone	(212)759-7122 / (212)759-7121 / (212)759-7120
Fax	(212)308-7643
Address	1110 Second Avenue New York, NY 10022

The Consulate General in Chicago

Telephone	(312)828-9162 / (312)828-9163 / (312)828-9164
Fax	(312)828-9167
Address	500 N. Michigan Ave., Suite # 1900 Chicago, IL 60611

The Consulate General in Houston

Telephone	(713)961-4916 / (713)961-4915
Fax	(713)961-3868
Address	1990 Post Oak Blvd. Suite # 2180 Houston, TX. 77056

IMMIGRATIONS INMATE REQUEST FORM

NAME: Hesham M Abu-Zubaidah DATE: 7/9/02 TIME: AM/PM

CELL: 1 BUNK: 10 INS # A 78 737 342

REASON CONTACT IS NEEDED (SPECIFICS / DETAILS):

I would like to SIGN my Deportation
As soon as possible please
my lawyer: Steven L. Kay (SOS)
241-1320

ATTORNEY CONTACTED 7-22 - STEVEN
TALKED TO HESHAM @ STEVEN HESHAM
NOW WANTS TO WAIT ON HIS APPEAL

X [Signature] X
INMATE'S SIGNATURE RECEIVING DEPUTY'S SIGNATURE
DATE: _____ TIME: _____

FAXED TO INS ON _____ AT _____ BY _____
DATE TIME DEPUTY'S NAME

I

Abu-Hes

485

POO DC
CWS
Dew

RECEIVED
INS
PORTLAND, OR

2002 MAR 29 PM 1:26

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ
TCN A078737342200203150836

ICN IFCS0003000011282554

THE ENCLOSED RECORD WITH THE FBI NUMBER 649415TB4 AND IAFIS CONTROL NUMBER (ICN) IFCS0003000011282554 IS BEING PROVIDED AS THE RESULT OF CIVIL RETURN IDENT TEN-PRINT SUBMISSION.

DATA RELATED TO THIS RECORD WAS REQUESTED FROM THE FOLLOWING:

- OREGON - STATE ID/OR14321805
- FBI - FBI/649415TB4

IN CIS

SINCE THIS RESPONSE CONTAINS NATIONAL FINGERPRINT FILE (NFF) REGULATED DATA, THE RESPONSE MAY NOT BE COMPLETE. IF THE RESPONSE IS INCOMPLETE, PLEASE CONTACT THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, IDENTIFICATION AND INVESTIGATIVE SERVICES SECTION OR THE STATE BUREAU(S) TO REQUEST A COMPLETE RECORD.

|||||
 NBINSWANZ
 US IMMIG NATZ SERVICE
 NB SERVICE CENTER
 PO BOX 87258
 LINCOLN, NB 68501

MAR 22 '02 -8 45 AM 2 14 2

FILE COPY

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN IFCS0003000011282554

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE
FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
ABU-ZUBAIDAH, HESHAM	649415TB4	2002/03/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	1976/04/28	509	145	BRO	BLK	SAUDI ARABIA

PATTERN CLASS	CITIZENSHIP
WU RS RS RS WU LS LS LS WU WU AU	SAUDI ARABIA

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ
PART 2

ICN IFCS0003000011282554

- FBI IDENTIFICATION RECORD - FBI NO-649415TB4

1-ARRESTED OR RECEIVED 2001/10/02
AGENCY-USINS PORTLAND (ORINSPD00)
AGENCY CASE-78737342
CHARGE 1-REMOVAL PROCEEDINGS /237 R1C1

COURT-
CHARGE-REMOVAL PROCEEDINGS /237 R1C1
SENTENCE-
NTA PENDING EOIR HEARING

RECORD UPDATED 2002/03/17

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

HDR/2L014733143 1

ATM/IFCS00030000112825544733148

PART 1

OREGON CCH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415TB4

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB

HGT/509 WGT/145 HAI/BLK EYE/BRO FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM

SOC/503945066

AKA/ABU-ZUBAIDAH, HESHAM M

ARREST #02 11-14-2001 OR0260200-PD PORTLAND FPN/64774271
NAME USED/ABU-ZUBAIDAH, HESHAM M LAN/MCL800447
01 ORS 161.405 ATTEMPT TO COMMIT CRIME-RAPE I
02 ORS 163.415 SEXUAL ABUSE 3RD DEG
03 ORS 163.160 ASSAULT 4TH DEG-SAME VICTIM FELONY
COURT
*01 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED-MISDEMEANOR
ORS 163.160 ASSAULT 4TH DEG
\$385-FINE 3Y PROB DOCKET #/011037045
*02 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED LESSER OFN
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/011037045
*03 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 163.415 SEXUAL ABUSE 3RD DEG-MISD
DOCKET #/011037045
*04 01-07-2002 OR026025J-CIR CRT PORTLAND DISMISSED
ORS 166.065 HARASSMENT-MISD
DOCKET #/011037045
*05 01-07-2002 OR026025J-CIR CRT PORTLAND CONVICTED-MISDEMEANOR
ORS 166.065 HARASSMENT
60D JAIL 3Y PROB DOCKET #/011037045

ARREST #01 08-14-2001 OR0260200-PD PORTLAND FPN/30732076
NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683
01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY
COURT
*01 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/010835632
*02 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 163.160 ASSAULT 4TH DEG
DOCKET #/010835632
*03 08-23-2001 OR026025J-CIR CRT PORTLAND PENDING DA'S ACTION
ORS 166.065 HARASSMENT
DOCKET #/010835632

ENTERED 08-16-2001 LAST UPDATED 01-08-2002

*** END OF RECORD

(b)(5)

(b)(7)(c)

XXXXXXXXXX



Handwritten scribbles and the number '11' written vertically.

Appears subject is not allowed to return to Saudi Arabia (re-entry w/in 11 months from departure date).



(b)(7)(c)

foo

D.C.

Cas Du



OFFICIAL RAP SHEET COVER SHEET

DATE PRINTED: 03/17/2002

CURRENT TCN : A078737342200203150836
 LOCAL ORI : ORINSPD00

FBI NAME : ABU-ZUBAIDAH, HESHAM
 FBI NUMBER : 649415TB4
 DATE OF BIRTH : 19760428
 ALIEN NUMBER : A078737342
 SOCIAL SECURITY NUMBER : 354945066
 ZIP CODE : 97213
 REASON FINGERPRINTED (FORM NUMBER) : I485

IN CIS

RAP SHEET PRINTOUT

TCN : A078737342200203150836

TSN : CA2002E0138979

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN IFCS0003000011282554

THE ENCLOSED RECORD WITH FBI NUMBER 649415TB4 IS PROVIDED AS THE RESULT OF CIVIL RETURN IDENT TEN-PRINT SUBMISSION. DATA RELATED TO THIS RECORD IS ALSO MAINTAINED BY THE STATE BUREAU(S) IDENTIFIED BELOW. THIS NFF REGULATED DATA WILL BE FORWARDED BY THE FBI TO THE SUBMITTING AGENCY AND ALL AUTHORIZED RECIPIENTS AFTER IT HAS BEEN RECEIVED FROM THE STATE BUREAU(S). REFERENCE FOR THIS RESPONSE IS IAFIS CONTROL NUMBER (ICN) IFCS0003000011282554.

A CRIMINAL HISTORY REQUEST NOTIFICATION(S) WAS SENT BY THE FBI TO THE FOLLOWING ORGANIZATIONS, EXCEPT FOR THOSE INDICATING THAT THE REFERENCED SUBJECT IS DECEASED.

OREGON - STATE ID/OR14321805

NBINSWANZ
US IMMIG NATZ SERVICE
NB SERVICE CENTER
PO BOX 87258
LINCOLN, NB 68501

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN IFCS0003000011282554

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
ABU-ZUBAIDAH, HESHAM	649415TB4	2002/03/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	1976/04/28	509	145	BRO	BLK	SAUDI ARABIA

PATTERN CLASS	CITIZENSHIP
WU RS RS RS WU LS LS LS WU	SAUDI ARABIA
WU AU	

END OF PART 1 - PART 2 TO FOLLOW

RFP SHEET PRINTOUT

TCN : A078737342200203150836

TSN : CA2002E0138979

CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ
PART 2

ICN IFCS0003000011282554

- FBI IDENTIFICATION RECORD - FBI NO-649415TB4

1-ARRESTED OR RECEIVED 2001/10/02
AGENCY-USINS PORTLAND (ORINSPD00)
AGENCY CASE-78737342
CHARGE 1-REMOVAL PROCEEDINGS /237 R1C1

COURT-
CHARGE-REMOVAL PROCEEDINGS /237 R1C1
SENTENCE-
NTA PENDING EOIR HEARING

RECORD UPDATED 2002/03/17

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

THIS PAGE INTENTIONALLY LEFT BLANK (END OF PRINT JOB)

A Number	A078737342
SSN	354 - 94 - 5086
Last Name	ABU ZUBAIDAH
First Name	HESHAM
Middle Name	MOHAMAD
Date Of Birth	4/28/76
INS Form Number	I485
Date Fingerprinted	3/15/02
Date Sent	3/17/02
OCA	200203150836
ASC Site	XPL3D1 : INS PORTLAND
Service Center ORI	CAINSWANZ
Local ORI	ORINSPD00
Receive Date	3/17/02
FBI Process Date	3/17/02
Search Result	IDENT
TCN	A078737342200203150836
TCR	IFCS0003000011282554
TSN	CA2002E0138979
FBI Number	649415TB4

MAR 18 2002

F	Date:	No. of Pages
	To:	JERRY GARCESA
A	Company:	ORL
	Fax #:	503-326-2046
X	From: U.S. INS, Office of Fingerprint Liaison	
	Fax # 304-624-9029	
	Phone # 304-625-4556	

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN ISIS0003000009562667

THE ENCLOSED RECORD WITH THE FBI NUMBER 649415TB4 AND IAFIS CONTROL NUMBER (ICN) ISIS0003000009562667 IS BEING PROVIDED AS THE RESULT OF SUBJECT CRIMINAL HISTORY RESPONSE REQUEST.

DATA RELATED TO THIS RECORD WAS REQUESTED FROM THE FOLLOWING:

OREGON - STATE ID/OR14321805
FBI - FBI/649415TB4

SINCE THIS RESPONSE CONTAINS NATIONAL FINGERPRINT FILE (NFF) REGULATED DATA, THE RESPONSE MAY NOT BE COMPLETE. IF THE RESPONSE IS INCOMPLETE, PLEASE CONTACT THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, IDENTIFICATION AND INVESTIGATIVE SERVICES SECTION OR THE STATE BUREAU(S) TO REQUEST A COMPLETE RECORD.

NBINSWANZ
US IMMIG NATZ SERVICE
NB SERVICE CENTER
PO BOX 87258
LINCOLN, NB 68501

FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN ISIS0003000009562667

THE FOLLOWING FBI IDENTIFICATION RECORD FOR 649415TB4 IS FURNISHED FOR OFFICIAL USE ONLY.

DESCRIPTORS ON FILE ARE AS FOLLOWS:

NAME ABU-ZUBAIDAH, HESHAM

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
MALE	WHITE	1976/04/28	509	145	BROWN	BLACK

BIRTH CITY	BIRTH PLACE	CITIZENSHIP
UNREPORTED	SAUDI ARABIA	SAUDI ARABIA

PATTERN CLASS

WU RS RS RS WU	LS LS LS LS WU
WU	AU

OTHER BIRTH DATES

SCARS-MARKS-TATTOOS

SOCIAL

SECURITY

MISC NUMBERS

NONE

TAT LF ARM
TAT L ARM

503-94-5066 AR-A078737342
354-94-5066

ALIAS NAME(S)

ABUZUBAIDAH, HESHAM MOHAMAD

FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NBINSWANZ

ICN ISIS0003000009562667

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
ABU-ZUBAIDAH, HESHAM	649415TB4	2002/03/18

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	1976/04/28	509	145	BRO	BLK	SAUDI ARABIA

PATTERN CLASS	CITIZENSHIP
WU RS RS RS WU LS LS LS LS WU	SAUDI ARABIA
WU AU	

1-ARRESTED OR RECEIVED 2001/10/02
 AGENCY-USINS PORTLAND (ORINSPD00)
 AGENCY CASE-78737342
 CHARGE 1-REMOVAL PROCEEDINGS /237 R1C1

COURT-
 CHARGE-REMOVAL PROCEEDINGS /237 R1C1
 SENTENCE-
 NTA PENDING EOIR HEARING

RECORD UPDATED 2002/03/17

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED

PART 1

OREGON CCH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415TB4

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB

HGT/509 WCT/145 HAI/BLK EYE/BRO FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM

SOC/503945066

AKA/ABU-ZUBAIDAH, HESHAM M

ARREST #02 11-14-2001 OR0260200-PD PORTLAND

FPN/64774271

NAME USED/ABU-ZUBAIDAH, HESHAM M LAN/MCL800447

01 ORS 161.405 ATTEMPT TO COMMIT CRIME-RAPE I

02 ORS 163.415 SEXUAL ABUSE 3RD DEG

03 ORS 163.160 ASSAULT 4TH DEG-SAME VICTIM FELONY

COURT

*01 01-07-2002 OR026025J-CIR CRT PORTLAND

CONVICTED-MISDEMEANOR

ORS 163.160 ASSAULT 4TH DEG

\$385-FINE 3Y PROB DOCKET #/011037045

*02 01-07-2002 OR026025J-CIR CRT PORTLAND

CONVICTED LESSER OFN

ORS 163.160 ASSAULT 4TH DEG

DOCKET #/011037045

*03 01-07-2002 OR026025J-CIR CRT PORTLAND

DISMISSED

ORS 163.415 SEXUAL ABUSE 3RD DEG-MISD

DOCKET #/011037045

*04 01-07-2002 OR026025J-CIR CRT PORTLAND

DISMISSED

ORS 166.065 HARASSMENT-MISD

DOCKET #/011037045

*05 01-07-2002 OR026025J-CIR CRT PORTLAND

CONVICTED-MISDEMEANOR

ORS 166.065 HARASSMENT

60D JAIL 3Y PROB DOCKET #/011037045

ARREST #01 08-14-2001 OR0260200-PD PORTLAND

FPN/30732076

NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683

01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY

COURT

*01 08-23-2001 OR026025J-CIR CRT PORTLAND

PENDING DA'S ACTION

ORS 163.160 ASSAULT 4TH DEG

DOCKET #/010835632

*02 08-23-2001 OR026025J-CIR CRT PORTLAND

PENDING DA'S ACTION

ORS 163.160 ASSAULT 4TH DEG

DOCKET #/010835632

*03 08-23-2001 OR026025J-CIR CRT PORTLAND

PENDING DA'S ACTION

ORS 166.065 HARASSMENT

DOCKET #/010835632

ENTERED 08-16-2001 LAST UPDATED 01-08-2002

*** END OF RECORD

Confirmation Report - Memory Send

Time : Mar-18-2002 02:54pm
Tel line : 5033262046
Name : IMMIGRATION AND NATURALIZATION SVC

Job number : 611
Date : Mar-18 02:51pm
To : 913046249029
Document pages : 004
Start time : Mar-18 02:51pm
End time : Mar-18 02:54pm
Pages sent : 004
Status : OK

Job number : 611

*** SEND SUCCESSFUL ***



US IMMIGRATION & NATURALIZATION SERVICE

Examinations

Jerry Garcia, Assistant District Director for Examinations
Norma Martinez, Quality Assurance Analyst
511 NW Broadway
Portland, Oregon 97209
Tel: (503) 326-6873
Fax: (503) 326-2046

fax

t r a n s m i t t a l

to:

fax #:

from:

date:

re:

pages:

NOTES:



U.S. Department of Justice

Immigration and Naturalization Service
Western Region

Office of the District Director
511 NW Broadway
Portland, Oregon 97209

TO: MRD PROCESSING LIAISON
FROM: JERRY GARCIA, ADDE
DATE: March 18, 2002
RE: EXPEDITED FD-258

This memo serves to formally request the expeditious processing of the enclosed FD-258. The fingerprint card was completed by a Vinnell employee under the direction of an officer of this Service and is submitted to you in connection with an Application for Naturalization.

The individual has filed a hearing before the Immigration Judge on March 27, 2002. His fingerprints have been previously obtained by the ASC and forwarded to NSC during the week of November 22, 2000. However, his fingerprints have expired. Our District Counsel has requested expedited processing and this office believes this request is of a meritorious nature.

The following information concerns the applicant:

- Name: Herham Mohamed ABU ZUBAIDAH
- DOB: 04/28/1976
- POB: SB
- A#: A078-737-342

Feel free to contact me should you have any questions concerning this case. You may contact me at telephone number (503) 326-6873 or by fax number at (503) 326-2406

Sincerely,

Jerry Garcia
Assistant District Director, Examinations

cc: File

SEARCH CRITERIA: ANUM = 078737342

CIDN : A078737342 ORI: (SC) NBINSWANZ (LOC) ORINSPD00
A-NUMBER : 078737342 FORM#: I485
NAME (L/F/M): ABU ZUBAIDAH HERHAM MOHAMED

DATE OF BIRTH : 04/28/1976
FP REQUEST SENT: 11/22/2000 TCN: A078737342200011221521
PLACE OF BIRTH : SB TCR: IFCS0004000007138094

***** FBI RESPONSE INFORMATION *****

FBI RESPONSE DESCRIPTION : NON-IDENT CONTROL NO: AB2724N
DATE PROCESSED BY FBI : 11/22/2000 FNU :
RESPONSE PROCESSED BY LAN: 11/22/2000 PCN :
RESPONSE PROCESSED BY M/F: 11/24/2000
REJECT DESCRIPTION :

SUCCESSFUL FD258 DETAIL SCREEN DISPLAY

PF1 PF2 PF6 PF8
PG FWD PG BWD PRIOR SCREEN LOGOFF

Date: 3/15/2002 2:07 PM (b)(7)(c)

Sender:

To:

cc:

Priority: Urgent

Subject: A78 737 342, Hesham Abu Zubaidah

Jerry -

This detained alien was fingerprinted at the ASC this morning. Please request expedited processing, to ensure that I have the full FBI rap sheet for the final hearing before the IJ on Wednesday, 3/27/02.

Thanks, Jeanne

ASC/COLO Standard Operating Procedures

DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: Abu.Zubaidah Hesham Mohamad
Last First Middle Suffix

DATE OF BIRTH: 76 4 28 PHONE #: (503) 2880296
Year Month Day

PLACE OF BIRTH: Riada Saudia Rabiah SEX: (Male) or Female

RACE: Check the most appropriate code below:

American Indian or Alaskan Native Black White (Hispanic also check)
 Asian or Pacific Island Unknown

HEIGHT: 5 Feet 8 Inches WEIGHT: 140 Pounds

EYE COLOR: Check the most appropriate code below:

Black Brown Green Gray Pink Hazel Blue Maroon

HAIR COLOR: Check the most appropriate code below:

Black Bald White Sandy Red Gray Blonde Brown

COUNTRY OF CITIZENSHIP: Saudi

SOCIAL SECURITY NUMBER: 354 - 94 - 5066

ALIEN REGISTRATION NUMBER: A 078737342

LIST ANY OTHER NAMES YOU HAVE USED:

Last First Middle Suffix

RESIDENCE ADDRESS: 2934 NE 61st PO OR 97213
Street number and name City State Zip Code

REASON FOR FINGERPRINT APPLICATION: (1-485, 1-589, 1-600, 1-821, N-400): I 485

LOCAL AIW STAMP	
FD-258 COMPLETED AT INS/ASC	<u>XPL</u>
ON: <u>MAR 15 2002</u>	BY: _____

March 11, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

Diane Rullman
FOIA/Information Officer
U.S. Immigration & Naturalization Service
511 N.W. Broadway
Portland, Oregon 97209

Reference: Request to Review Record of Proceedings and FOIA Request
Applicant: Hesham M. Abu-Zabaidah

* Admitted in
Oregon and
Washington

† Admitted in
Oregon and
New York

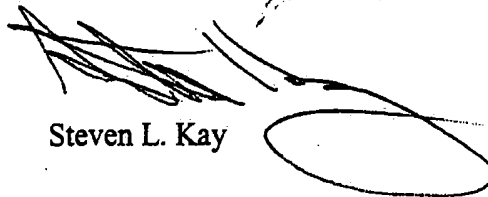
Dear Ms. Rullman:

We represent Hesham M. Abu-Zabaidah a citizen and national of Saudi Arabia. Pursuant to the enclosed Form G-28, and request under the Freedom of Information Act, we would like to obtain and review copies of the applicant's "A" file.

<http://www.pbl.net>

Thank you for your kind attention to this matter.

Sincerely,
PARKER, BUSH & LANE, P.C.


Steven L. Kay

SLK:mrs
cc: Hesham Abu-Zubaidah

Freedom of Information/Privacy Act Request

The completion of this form is optional.

Any written format for Freedom of Information or Privacy Act requests is acceptable.

START HERE - Please Type or Print and read instructions on reverse before completing this form.

1. Type of Request: (Check appropriate box)
- Freedom of Information Act (FOIA) (complete all items except 7)
 - Privacy Act (PA) (item 7 must be completed in addition to all other applicable items)
 - Amendment (PA only. Item 7 must be completed in addition to all other applicable items)

2. Requester Information:

Name of Requester: STEVEN KAY		Daytime Telephone: 503-241-1320
Address (Street Number and Name): 1400 SW 5TH AVENUE		Apt. No 670
City: PORTLAND	State: OR	Zip Code: 97201

By my signature, I consent to the following:

Pay all costs incurred for search, duplication, and review of materials up to \$25.00, when applicable. (See Instructions)

Signature of requester: *[Handwritten Signature]* 3/7/02

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required)

3. Consent to Release Information. (Complete if name is different from Requester) (Item 7 must be completed)

Print Name of Person Giving Consent: HESHAM ABU-ZUBAIDAH	Signature of Person Giving Consent:
--	-------------------------------------

By my signature, I consent to the following: (check applicable boxes)

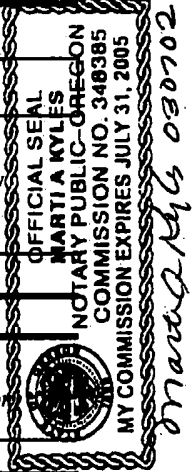
- Allow the Requester named in item 2 to see
- all of my records or
- a portion of my record. If a portion, specify what part (i.e. copy of application)

(Consent is required for records for United States Citizens (USC) and Lawful Permanent Residents (LPR))

4. Action Requested (Check One): Copy In-Person Review

5. Information needed to search for records;

Specific information, document(s), or record(s) desired: (Identify by name, date, subject matter, and location of information)
ALL IMMIGRATION- REALTED DOCUMENTS. IN PARTICULAR, COPY OF PASSPORT.



Purpose: (Optional: you are not required to state the purpose for your request; however, doing so may assist the INS in locating the records needed to respond to your request.)

6. Data NEEDED on SUBJECT of Record: (If data marked with asterisk (*) is not provided records may not be located)

* Family Name ABU-ZUBAIDAH	Given Name: HESHAM	Middle Initial: M.
* Other names used, if any: NONE	* Name at time of entry into the U.S.: HESHAM ABU-ZUBAIDAH	I-94 Admissions #: 569090730 05
* Alien Registration #: A78-737-342	* Petition or Claim Receipt #:	* Country of Birth: SAUDI ARABIA
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son): ROSALEE ABU-ZUBAIDAH (SPOUSE)		
Country of Origin (Place of Departure):	Port-of-Entry into the U.S. NEW YORK	Date of Entry: 07/26/1998
Manner of Entry: (Air, Sea, Land)	Mode of Travel: (Name of Carrier)	SSN: 354-94-5066
Name of Naturalization Certifications:	Certificate #:	Naturalization Date:
Address at the time of Naturalization:	Court and Location:	

7. Verification of Subject's Identity: (See Instructions for Explanation)(Check One Box)

In-Person with ID Notarized Affidavit of Identity Other (Specify) _____

Signature of Subject of Record: [Handwritten Signature]

Date: 3/7/02

Telephone No.: 503-241-1320

NOTARY (Normally needed from individuals who are the subject of the records sought)(See below)

or a sworn declaration under penalty of perjury.

Subscribed and sworn to before me this 7th day of MARCH in the Year 2002

Signature of Notary Marta A. Kyles

My Commission Expires July 31, 2005

OR



Marta A. Kyles 030702

If a declaration is provided in lieu of a notarized signature, at a minimum, the following: (Include Notary Seal or Stamp in this Space)

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: HESHAM ABU-ZUBAIDAH (BENEFICIARY)	Date 02/04/2002
ROSALEE ABU-ZUBAIDAH (PETITIONER)	File No. N/A

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name HESHAM M. ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) #2 1801 NE 162ND PORTLAND OREGON 97230		
Name ROSALEE ABU-ZUBAIDAH	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 1801 NE 162ND, #2 PORTLAND OREGON 97230		

Check applicable item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
OREGON OREGON SUPREME COURT and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law. Name of Court
2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. *(If you check this item, also check item 1 or 2 whichever is appropriate.)*
4. Others (Explain fully.)
TILMAN HASCHE, JAMES L. LANE, GRETEL NESS AND RICHARD J. PARKER

SIGNATURE 	COMPLETE ADDRESS PARKER, BUSH & LANE, P.C. 1400 S.W. FIFTH AVENUE, SUITE 670 PORTLAND OR 97201
NAME (Type or Print) STEVEN L. KAY	TELEPHONE NUMBER FAX 503-241-1320 FAX 503/323-9058

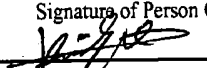
PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

STEVEN L. KAY

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting HESHAM ABU-ZUBAIDAH	Signature of Person Consenting 	Date 3/11/02
---	---	------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)



U. S. Department of Justice

Executive Office for Immigration Review

Office of the Immigration Judge

1220 S.W. Third Avenue, Suite 218
Portland, Oregon 97204

March 06, 2002

INS REMOVAL UNIT, DETENTION UNIT, and DISTRICT COUNSEL'S OFFICE
Portland, Oregon

In Re: A. 78-737-342

Please be advised that the above listed Alien number case is scheduled for a private hearing before the Immigration Judge at 511 N.W. Broadway, Room 354 in Portland, OR on the following date and time.

Monday, 03/11/02 at the end of the normal morning calendar docket.

Due to the confidentiality nature of this case, we would like to respectfully request that a Custody Officer remain outside of the courtroom so as to ensure that no one is near the courtroom and thus overhear the private proceedings.

Thank you for your assistance in these matters.

EOIR Immigration Court
Portland, OR

Felony Assault 4
Sex Abuse 3
Attempt Rape 1
Norm Frank
(503) 274-5764 jrg
988-3336 vrc
mab

P. 02/05

MAR-08-2002

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(7)(e)

REPORT # 01 74196

REPORT # 01 74196

CONFIDENTIAL

REFER # _____

COPIES

- DET
- CENT
- EAST
- SE
- NORTH ⁽⁷⁾
- NE ₂₉₀₇₄
- DVD
- CAT
- DVRU
- JUV
- JDH
- SOSCF
- PPSP
- GET-D
- GET-I
- GTF
- TRIMET
- DOJ/CIU
- FBI
- EDU
-

CORRESPONDENCE NOTES: _____

DATE: _____

DECLASS DATE: _____



**U.S. DEPARTMENT OF JUSTICE
Immigration & Naturalization Service
511 NW Broadway
Portland, Oregon 97209**

FILE NUMBER: A78737342

HESHAM M. ABU-ZUBAIDAH
ROSALEE M. ABU-ZUBAIDAH
1801 NE 162ND #2
PORTLAND, OR 97230

PLEASE COME TO THE OFFICE SHOWN ABOVE AT THE TIME AND PLACE INDICATED BELOW:

THE PERSON PETITIONING FOR YOU MUST APPEAR WITH YOU AT THIS INTERVIEW.

REASON FOR APPOINTMENT: I-130 PETITION FOR ALIEN RELATIVE

DATE: MARCH 08, 2002

TIME: 10:00 A.M.

PLEASE PLACE THIS INTERVIEW LETTER IN THE BASKET AT THE END OF THE HALLWAY ON THE FIRST FLOOR, THEN WAIT IN ROOM 106 UNTIL YOU ARE CALLED.

Please be prepared to be at this office at least 2 hours. *DUE TO OUR SCHEDULING CONSTRAINTS LATE ARRIVALS MAY BE RESCHEDULED FOR ANOTHER DAY.**

Please bring AN INTERPRETER (if needed), your PASSPORT(s), your ALIEN REGISTRATION CARD or NATURALIZATION CERTIFICATE, any and all IMMIGRATION PAPERS to your interview.

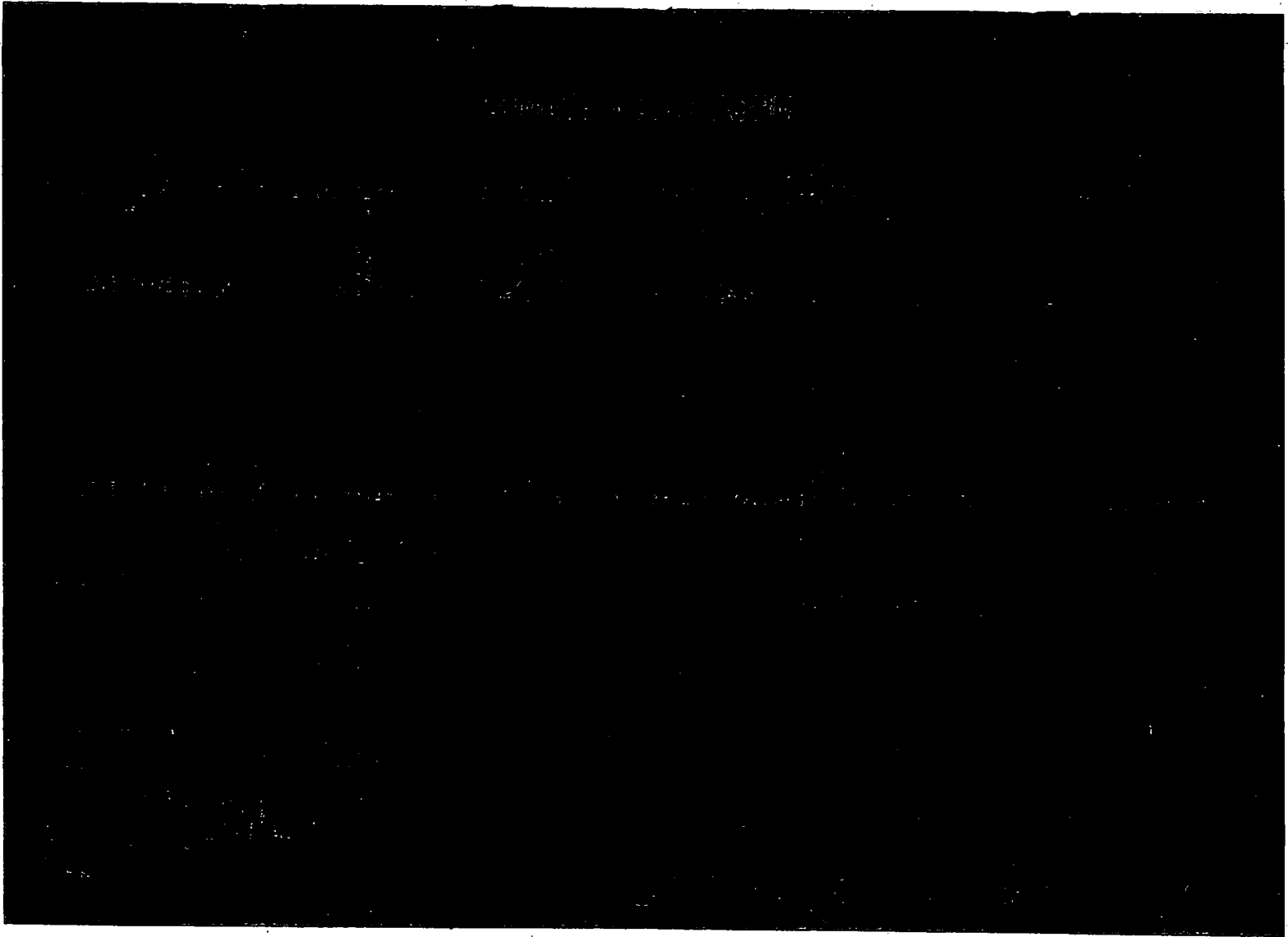
You must also bring proof of your spousal relationship such as: rental/mortgage contracts, joint bank accounts, joint tax returns, proof of joint ownership of car or other items, health insurance records, birth certificates of children, etc.

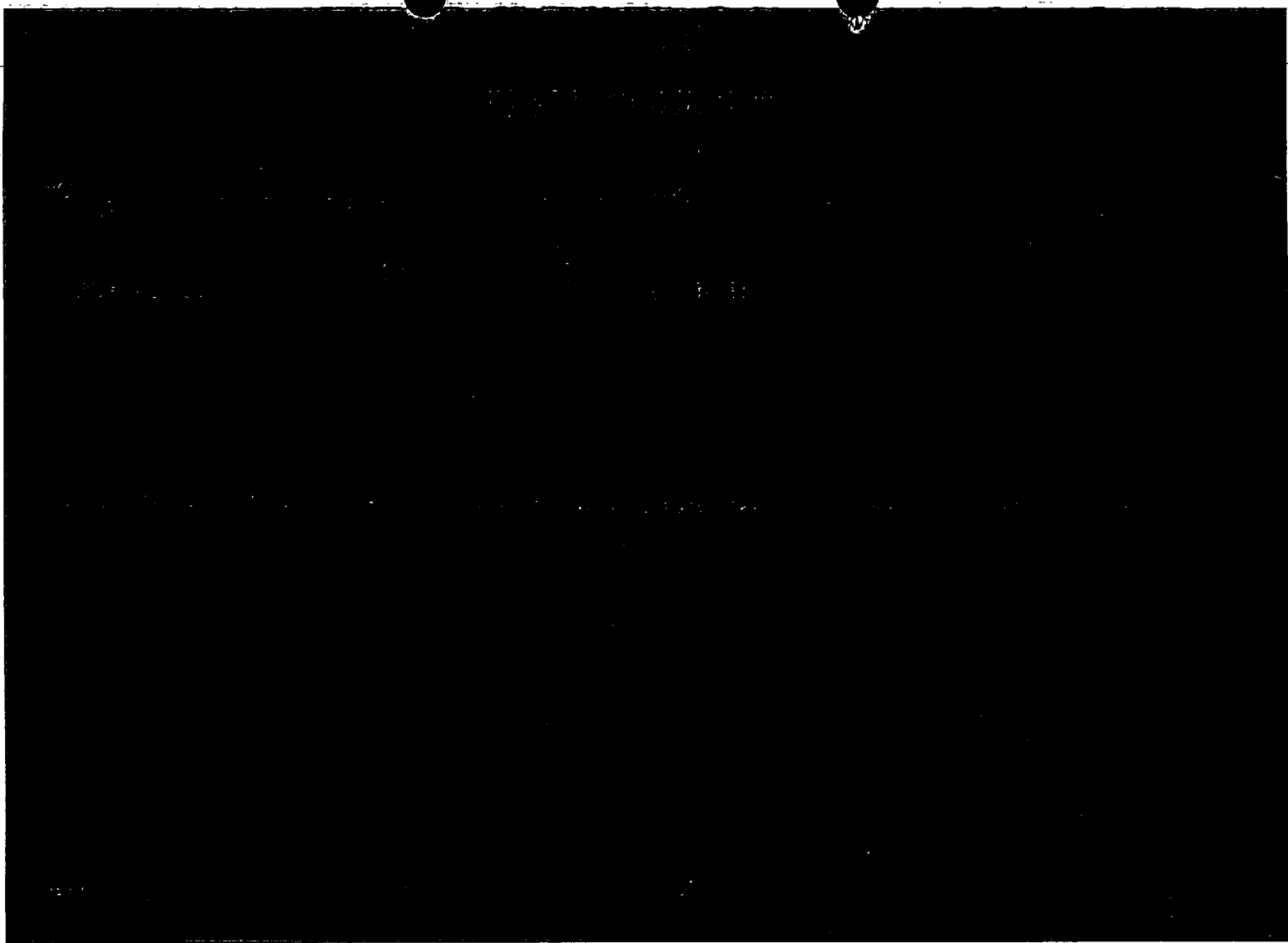
****THIS INTERVIEW MAY BE TAPED AND INCLUDED IN YOUR SERVICE RECORDS****

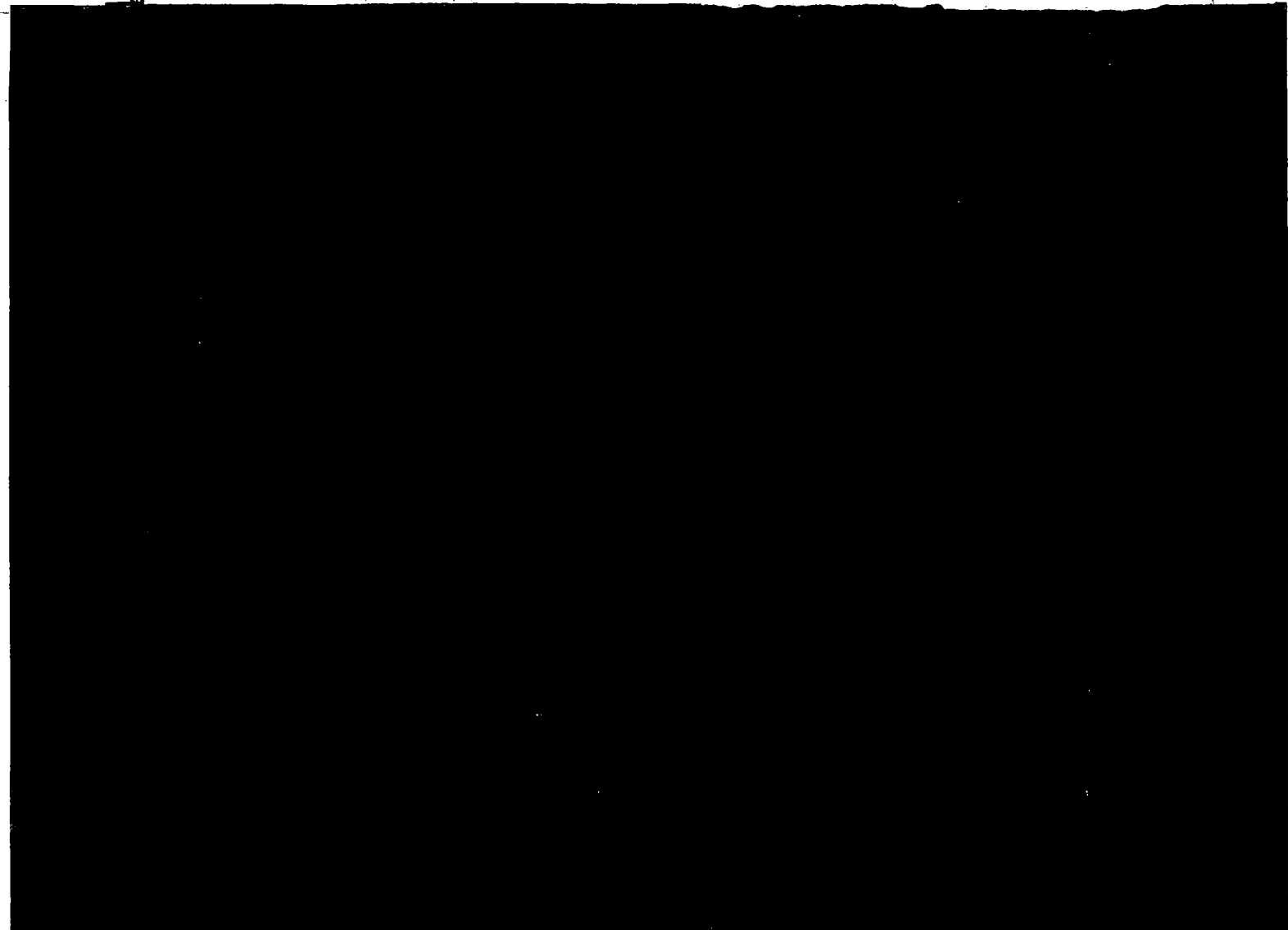
It is important that you keep this appointment and bring this letter with you. If you are unable to attend this interview, you must write a letter requesting reschedule and mail it along with this letter to the address above **BEFORE the date of your interview. Failure to appear for this interview could cause your application to be terminated under OI 103.2(0).**

(b)(5)

(b)(5)







FROM LEDS ON 01/07/02 AT 19:22:34
UQ500000000.3066 MCL OR026023C 01/07/02 19:22 (82Q1)
MULTNOMAH CO CORR
US IMMIG SVC
US IMMIG SVC

RE: ABUZUBAIDAH, HESHAM M DOB/042876 SID/14321805 INS/A78737342
SWIS/653399

PLEASE BE ADVISED THE ABOVE SUBJECT WAS SENTENCED TODAY ON HIS LOCAL CASE
C011037045. CT1-ASSAULT 4-PROBATION, CT 3-HARASSMENT-60D, CT 3&4 WERE
DISMISSED. HIS RELEASE DATE ON LOCAL SENTENCE IS 011902.

AUTH [REDACTED] SHERIFF (b)(7)(c)
SO PORTLAND MULTNOMAH CO, ORE
DEIRDRE/26607

M E S S A G E D I S P L A Y C O M P L E T E D .

RECEIVED
INS
PORTLAND, OR
2002 JAN 10 AM 11:15



U.S. Department of Justice

United States Attorney
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902

Office: 503-727-1021
Fax: 503-727-1117
E-Mail: Charles.Gorder@usdoj.gov

November 6, 2001

Wesley Scott Cihlar
Assistant District Director
Detention and Removal
Immigration and Naturalization Service
511 N.W. Broadway
Portland, OR 97209

(By telefax)

Re: Hesham Mohammed Abu Zubaidah
No. A78 737 342

Dear Mr. Cihlar:

Please arrange for release to the custody of Multnomah County authorities of the above-referenced alien for prosecution on state criminal charges in Multnomah County Circuit Court on or about Wednesday, November 14, 2001. An INS detainer should be placed on this alien so that he will be brought back into INS custody should he be released on bond by the Circuit Court.

(b)(7)(c)

INS Special Agent [redacted] is familiar with this matter. The state prosecution is being handled by Deputy District Attorney James McIntyre.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me at (503) 727-1021.

Very truly yours,

MICHAEL W. MOSMAN
United States Attorney

CHARLES F. GORDER, JR.
Assistant United States Attorney
Anti-Terrorism Coordinator
District of Oregon

cc: James McIntyre, Esq.
SA Trina Fender

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

653399 dm

STATE OF OREGON

JUDGMENT AMENDED JUDGMENT

Other Plaintiff

CASE NO. 0110-37045

HESHAM Abu-Zubaidh
Defendant

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Address/City/State/Zip: _____ Telephone: (____) _____

Defense Attorney: B SANDS Bar No. _____ Reporter: R. SAILOR

District Attorney: J. McINTYRE Bar No. _____ Cassette No. _____

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts _____

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding _____

OF THE FOLLOWING OFFENSES: (1) ASLT. 4 (2) _____ (3) _____ (4) _____ (5) _____

Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.

Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.

Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:

The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff. SIS SES

PROBATION: 3 YEARS/MONTHS BENCH FORMAL PROBATION JUDGE _____

- B/K B/R DAYS JAIL WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY _____)
- ACS _____ HOURS (BY _____) THEFT TALK (BY _____) ANGER CNSL'G (NTS/SUSTAINED BY: _____)
- THEFT SCHOOL (BY _____) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
- ALCOHOL EVAL/TRMNT (BY _____) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY _____)
- NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (____ YEARS/MONTHS/DAYS)
- HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT _____
- NO ASSOCIATION / CONTACT WITH Kusane Achikan Hodge w/o p.o. approval*

DV counseling.
Abu-Zubaidh

*Contact w/ wife permitted while in custody (no p.o. approval req'd while in custody)

ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense).**

IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:

Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ _____ SUSP. \$ _____ TOTAL \$ _____ WAIVE ASSESSMENTS ASSESSMENTS \$ SFA
CAA FEES \$ 320- RESTITUTION/COMPENSATORY FINE \$ _____
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$ _____

TERMS OF PAYMENT: The amount of the money judgment:
 to be paid in full by _____; to be paid in installments of \$ _____ per month, beginning on _____ and are due each month thereafter on that date until satisfied; to be paid per Probation Officer.

*All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany Judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and contribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02 Signature of Judge _____

Name of Judge Typed or Printed Amiton

03-56 (4/00) Distribution: Original - Court Copies - Probation Judge, Jail, Defendant, Defense Attorney, District Attorney
CC: Probation - ACJ 1/9/02

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

653399 dm

STATE OF OREGON

JUDGMENT

AMENDED JUDGMENT

Other

Plaintiff

CASE NO. 0110-37045

Date of Proceeding: 1/7/02

Date of Incident: 8/12/01

Hesham Abu-Zubaidah
v.
ABU-ZUBAIDAH
Defendant

Address/City/State/Zip: _____ Telephone: (____) _____

Defense Attorney: B. SANDS Bar No. _____ Reporter: K. STALEY

District Attorney: J. MEJURE Bar No. _____ Cassette No. _____

CUSTODY STATUS: In Custody Out of Custody Security Release Judgment of Acquittal Counts _____

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED BY: PG PNC JT CT Length of Trial Proceeding _____

OF THE FOLLOWING OFFENSES: (1) _____ Count (2) _____ Count (3) Harassment Count (4) _____ Count (5) _____ Count

Defendant is indigent for purposes of court appointed counsel in this case. The court appointed counsel in this case.

Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.

Defendant waived two calendar-day delay before sentencing.

SENTENCE (unless indicated, all elements of the sentence will be applied to the first listed convicted offense)*:

The TSI dates and times, and the dates of service of a sentence to jail, including work release, unless the sentence commences immediately, will be set by the Sheriff.

SIS SES

PROBATION: 3 YEARS MONTHS BENCH FORMAL PROBATION JUDGE _____

- B/K B/R 10 DAYS JAIL WORK RELEASE WEEKENDS OK TURN SELF IN/MCSO (BY _____)
- ACS _____ HOURS (BY _____) THEFT TALK (BY _____) ANGER CNSL'G (NTS/SUSTAINED BY _____)
- THEFT SCHOOL (BY _____) NO CRIMINAL CONVICTIONS/MAJOR TRAFFIC OFFENSES DURING PROBATION/OAL
- ALCOHOL EVAL/TRMNT (BY _____) ZERO TOLERANCE DRUGS/ALCOHOL VICTIMS PANEL (BY _____)
- NO DRIVING WITHOUT VALID ODL/INSURANCE ODL SUSPENSION (____ YEARS/MONTHS/DAYS)
- HIGH VICE RESTRICTION NO TRESPASSING / ENTRY AT _____
- NO ASSOCIATION / CONTACT WITH Christine Hodge

02 JAN 12 11:12 AM

ALL OTHER COUNTS IN THIS CASE(S) ARE DISMISSED BY MOTION OF THE DISTRICT ATTORNEY IN THE INTEREST OF JUSTICE

MONEY JUDGMENT (unless indicated, all financial obligations will be applied to the first listed convicted offense).**

IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS, WHICH SHALL BE A MONEY JUDGMENT:

Judgment Creditor: State of Oregon Judgment Debtor: Defendant

FINE \$ _____ SUSP. \$ _____ TOTAL \$ _____ WAIVE ASSESSMENTS ASSESSMENTS \$ _____
CAA FEES \$ _____ RESTITUTION/COMPENSATORY FINE \$ _____
ALCOHOL EVALUATION & TREATMENT FEES PER STATUTE \$ _____

TERMS OF PAYMENT: The amount of the money judgment:
 to be paid in full by _____; to be paid in installments of \$ _____ per month, beginning on _____ and are due each month thereafter on that date until satisfied; to be paid per Probation Officer.

*All financial obligations in the money judgment are a condition of probation. **Addendum to Money Judgment (Form #06-60) must accompany Judgment if restitution or compensatory fine obligation is ordered and the Addendum is incorporated and made a part of the money judgment in support of that financial obligation. If the Addendum is not attached, no restitution or compensatory fine obligation is imposed. All statutory assessments and fees applicable to each charge disposed, including any indigent defense application and contribution fees unpaid at time of entry and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court as a money judgment unless waived on this judgment.

Dated 1/7/02 Signature of Judge [Signature]

Name of Judge Typed or Printed Anton

03-56 (4/00) Distribution: Original - Court Copies - Probation Judge, Jail, Defendant, Defense Attorney, District Attorney
CC: Probation - ACJ

1/9

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

653399 dm

SUPPLEMENTAL PAGE FOR
INCARCERATION SENTENCES

Defendant Hesham Abu-Zubaidah
Date 1/7/02

C 0110-37045
DA 1280172

Applies to Count _____

Applies to all Counts.

JAIL/PRISON SENTENCES (12 MONTHS OR LESS)

Defendant may be may not be considered for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible.

Defendant may or may not be considered for the following programs if above does not apply:

Temporary Leave from Custody (ORS 169.115)
 yes no

Work Release (ORS 169.170)
 yes no

Program of Conditional or Supervised Release
 yes no

Reduction in Sentence
 yes no Good Time (ORS 169.110)
 yes no Work Time (ORS 169.120)

Alternative Incarceration Program - (e.g., electronic monitoring, residential drug and alcohol treatment, intensive case management and any other program if applicable) yes no

For commitment of the defendant to the custody of a supervisory authority under ORS 137.124.

PRISON SENTENCES (MORE THAN 12 MONTHS)

Defendant may be may not be considered for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible, i.e. is not barred by ORS 137.635, ORS 137.700, or ORS 137.707 or some other provision of law.

Defendant may or may not be considered for the following programs if above does not apply:

Reduction in Sentence (ORS 421.121)
 yes no

Work Release (ORS 144.410-144.525)
 yes no

Program of Conditional or Supervised Release
 yes no

Temporary Leave from Custody
 yes no Emergency leave (ORS 421.166)
 yes no Transitional leave (ORS 421.168)

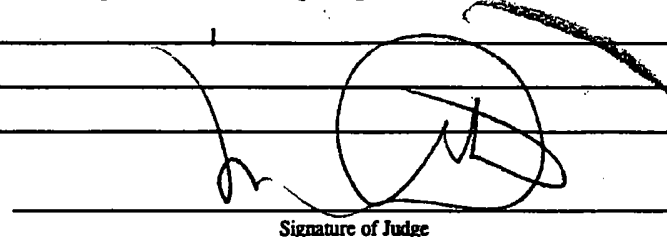
Alternative Incarceration Program - (e.g., Boot Camp and any other applicable program) yes no

Board of Parole and Post-Prison Supervision Early Medical Leave (ORS 144.126)
 yes no

Second Look (If Applicable)
 yes no

Denial of any of these terms is based on the following substantial & compelling reason(s):

Date Signed 1/7/02


Signature of Judge

Page ___ of ___

Amiton

Indictment Nbr 013 DA Unit UD CJ Room Nbr 728

**In the Circuit Court of the State of Oregon
For Multnomah County**

STATE OF OREGON,

Plaintiff,

v.

HESHAM ABU-ZUBAIDAH

also known as

HASSAM ABU-ZUBAIDAH

DOB: 04/28/1976

Defendant.

Court Nbr 01-10-37045
DA Case 1280172
Crime Report PP 01-75701
PP 01-74196

Indictment for Violation of

ORS 163.160 (1)
ORS 163.415 (2)
ORS 166.065 (3)
ORS 166.065 (4)

The above-named defendant is accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of:
COUNT 1 - FELONY ASSAULT IN THE FOURTH DEGREE, COUNT 2 - SEXUAL ABUSE IN THE THIRD DEGREE,
COUNT 3 - HARASSMENT, COUNT 4 - HARASSMENT committed as follows:

COUNT 1
FELONY ASSAULT IN THE FOURTH DEGREE

The said defendant, on or about August 12, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause physical injury to ROSALEE MARIE ABU-ZUBAIDAH, and the defendant's conduct was committed in the immediate presence of and witnessed by NAUTICA ABU-ZUBAIDAH a minor child of the defendant, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 2
SEXUAL ABUSE IN THE THIRD DEGREE

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and knowingly subject CHRISTINA HODGE, a person under the age of eighteen years, to sexual contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 3
HARASSMENT

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact by touching her buttocks, a sexual or intimate part of CHRISTINA HODGE, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 4
HARASSMENT

Page: 2 Defendant: HESHAM ABU-ZUBAIDAH Court: 01-10-37045

The said defendant, on or about August 06, 2001, in the County of Multnomah, State of Oregon, did unlawfully and intentionally harass and annoy CHRISTINA HODGE, by subjecting CHRISTINA HODGE to offensive physical contact, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

Dated at Portland, Oregon, in the county aforesaid, on NOVEMBER 23,



(b)(7)(c)

Witnesses

Examined Before the Grand Jury



(b)(7)(c)

Foreman of the Grand Jury

MICHAEL D. SCHRUNK (67111)
District Attorney
Multnomah County, Oregon

By  Deputy

Security Amount \$50,000 + \$50,000 + \$2,500 + \$1,500

Uniform Complaint

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor. MCINTYRE OSB 82460/SLG



U.S. Department of Justice

United States Attorney
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902

Office: (503) 727-1000
Fax: (503) 727-1117

FACSIMILE TRANSMISSION COVER SHEET

(b)(7)(c)

TO:



Tom Day
Christine Olson

FAX #:

(503) 326-2330
(503) 326-2194
(503) 552-5389

DATE:

November 26, 2001

PAGES:

3 (including this page)

SENDER:

Charles F. Gorder, Jr.

TEL. #:

(503) 727-1021

COMMENTS:

**IF THE CORRECT NUMBER OF PAGES INDICATED ABOVE IS NOT RECEIVED,
PLEASE CALL THE SENDER FOR RE-TRANSMISSION.**

NOTICE TO RECIPIENT

The information contained in this facsimile is intended only for the individual or organization named above and may contain confidential or privileged information. If you are not the intended recipient, any dissemination, distribution, or copying of this communication is prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of all documents transmitted.

PORTLAND
POLICE BUREAU

CUSTODY REPORT

ADULT JUVENILE

PAGE/OF

1/2

CASE NO.

CASE NO. 01-74196 REFER CASE NO. 01-75701 CLASSIFICATION ATT RAPE I

DATE/TIME REPORTED 080901/0206 DATE/TIME ARRESTED 111401/0950 TYPE OF CUSTODY 1 PROBABLE CAUSE 2 WARRANT 3 STATUS OFFENSE 4 CITIZEN ARREST 5 CITE-IN-LIEU 6 PROTECTIVE CUSTODY 7

LOCATION OF CUSTODY 511 NW BROADWAY

NAME OF PERSON IN CUSTODY: LAST FIRST MIDDLE SEX RACE DOB ABU-ZUBAIDAH, HESHAM M BR 042876

AKA/MONIKER/NICKNAME

HT WT HAIR EYES FACIAL HAIR/CLOTHING DESCRIPTION 5'8 140 BLK BRN GRATEE

COPIES

DET

CAU

CENTRAL

EAST

NORTH

TRF

DA

DVD

ID

PROP ROOM

CRIME PREV

INTELL

PATROL SUPPORT

COMPUTER ENTRY

PERSON

OPR

VEHICLE

OPR

CRIME/PROP

OPR

BOOK

OPR

HOME ADDRESS 1801 NE 162ND AV #2 ZIP HOME PHONE 254 7169

BUSINESS/SCHOOL ADDRESS ZIP GRADE WORK PHONE

SCARS/MARKS/TATTOOS TRF - L FOREARM / RICEP

DRIVERS LICENSE STATE SSN OTHER ID PROPERTY RECEIPT NO. SD3945066

COMPLAINS OF ILLNESS OR INJURY? N EVIDENCE OF ILLNESS OR INJURY? N TREATED BY:

JUVENILE ONLY LIVES WITH: PARENTS GUARDIAN OTHER PARENTS/GUARDIAN NOTIFIED BY: DATE/TIME

FATHER/GUARDIAN/LIVES WITH ADDRESS WORK PHONE: HOME PHONE:

MOTHER/GUARDIAN ADDRESS WORK PHONE: HOME PHONE:

CRIME ANALYSIS DESCRIPTORS CIRCLE NO MORE THAN THREE IN EACH CATEGORY-OTHER DESCRIPTION IN NARRATIVE N

10. Build	11. Hairstyle/Hair Length	12. Skin Tone/Complexion	13. Teeth	14. Tattoo	15. Speech/Voice	16. General Appearance
Medium 01	Afro Lg 01	Acne 01	Dirty/Decay 08	Arms 06	Efferminate 01	Conservative 01
Muscular 02	Afro Med 02	Med Brn 11	Gold Lower 04	Back 06	Nasal 09	Dirty 02
Obese 03	Short 11	Albino 02	Gold Upper 03	Chest 05	Obscene 10	Disguised 03
Other 98	Afro Short 03	Black 03	Missing Lower 02	Face 03	Gruff 03	Flashy 04
Not Applicable 97	Shtdr Lg 12	Dark 04	Missing Upper 01	High Pitch 04	Other 98	Good-looking 05
Stocky 04	Straight 13	Pocked 14	Normal 09	Plsnt/Soft 11	Regional 13	Military 06
Thin 05	Thick 14	Dark Brn 05	Silver Lower 06	Lisp 05	Raspy 12	Other 98
Unknown 99	Collar 06	Fair 06	Silver Upper 05	Low Pitch 06	Stutter 14	Unkempt 07
	Thinning 15	Freckled 07	Other 98	Medium 07	Unknown 99	Unknown 99
	Unknown 99	Tanned 17	Not Applicable 97	Monotone 08	Whining 15	Unusual Odor 08
	Curly 07	Light 08				Well-groomed 09
	Fine 08	Light Brn 09				
	Long 09	Yellow 18				
	Wavy 17	Medium 10				
	Other 98					

CHARGES IN CUSTODY OF/REFERRED TO: MCDL ADDITIONAL CHARGES LISTED IN NARRATIVE? Y ADVISED OF RIGHTS? Y RESTRICTED ARREST? Y ASSAULTED OFFICER? Y

CASE NO. 01-74196 ORS/ORD NO. 163.375 STATE LOCAL CHARGE/WARRANT/CITE NO. ATT RAPE I LIEU-OF-CITE NO. 01-10-37045 BAIL 50,000 COURT APPEAR DATE/TIME 111501/1400

01-74196 163.415 STATE LOCAL SEXUAL ABUSE III " 50,000 " "

01-75701 163.160 STATE LOCAL ASSAULT III D.V. FELONY " 50,000 " "

FOR IDENTIFICATION DIVISION USE ONLY

NAME POB

HFP

IDENTIFIERS LISTED BELOW SEX RACE DOB HT WT HAIR EYES PPB#

(b)(7)(c) FBI#

PROCESSING JAIL TECH ID TECH TYPED CHECKED SID#

REPORTING PREC/DIV RLF/SHIFT ASSN/DIST SUPERVISOR'S SIGNATURE



MULTNOMAH COUNTY
HEALTH DEPARTMENT

CORRECTIONS HEALTH

SWIS Id: 653399 Name: ABUZUBAIDAH, [redacted] SCREENING

HESHAM M

Typ: A

I.D.# _____ DOB: 0428 1976 Sex: M Race: W Assigned Fac: _____

Housing _____ MCIJ Dorm: 1268 Curr Fac: MCIJ

Date _____ EPF/Chart: C

B _____
11/22/01

- 1. Prolonged cough over two weeks YES _____ NO
- 2. Unexplained significant weight loss YES _____ NO
- 3. History of HIV positivity YES _____ NO
- 4. History of Positive PPD or diagnosis of TB YES _____ NO
- If yes, have you taken INH? _____ How long? _____
- 5. Last CXR _____

NOTES: _____

PPD Placed Date 11-22-01 Time 9:00 Site LA RA by [signature]
(circle one)

- 1. CXR yearly if PPD positive if INH not taken or confirmed
- 2. CXR every 6 months if HIV positive
- 3. CXR if cough over 2 weeks or unexplained significant weight loss

Date PPD Read 11/24/01 Results 9mm RN [signature]

Chest X-Ray scheduled for _____ RN
White - Chart Yellow - Stats Pink - Client

mm
10
20
30
40
50



**MULTNOMAH COUNTY SHERIFF'S OFFICE
INMATE PROPERTY TRANSFER LOG / TRANSFER RECEIPT**

FROM: MC 15	TO: TUSI	PERSON COMPLETING: JHI	DATE: 01 / 15 / 02	SHIFT: 1
--------------------	-----------------	-------------------------------	---------------------------	-----------------

#	INMATE'S FULL NAME (LAST, FIRST, MIDDLE)	SEALED BAG YES/NO	RECEIPT NUMBER	DESCRIPTION OF OTHER PROPERTY
1	(b)(7)(c)			
2	ABUZUBAIDAH, HESHAM	Y	657153	<hr/>
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

DATE OF RECEIPT 01 / 15 / 02	FACILITY/JURISDICTION RECEIVING ABOVE LISTED PROPERTY RECEIVING OFFICER(S): I hereby certify that the above listed property was received by me.		
SIGNATURE OF TRANSPORTING OFFICER	BPST	SIGNATURE OF RECEIVING OFFICER <i>[Signature]</i>	BPST

DISTRIBUTION: ORIGINAL WHITE—Retained by originating facility.
YELLOW—Receiving officer's copy.
PINK—Transporting officer's copy. (Return to Property Room)

(b)(5)

(b)(7)(c)

202 514 0455 P.05

Student ID: 174662

ABU-ZUBAIDAH

HESHAM

MOHAMED

Male 28 April, 1978

Saudi Arabia

Palestine

Mailing address

Contact information

Saudi Arabia

LINK ENR 14-May, 1998

100 OWES 1

LOCID: 8888 888888 CREDIT STG: STS: DATE: LVL: PF: WRS
MEL 88 07/27/1998 REG S 09/25/1998

DATE MEMO USER

ISSUE DATE 120 MAIL TO MAILBY AIRBILL MAIL DATE
05/15/1998 Y REP REG 05/15/1998

ISSUE DATE MSG NO START END WRS APPROVD

ISSUE DATE APP REVD ARRIVE DATE APP CANCEL AIRPORT PORT OF ENTRY AIRLINE FLI NO RECVD APP MISSING

To get an Additional Application Form click here

Copyright ©2001 ELS Language Centers. All rights reserved.

THIS STUDENT DID NOT ATTEND.

INS GENERAL COUNSEL

OCT-18-2001 19:26

Student ID: 174662

ABU-ZUBAIDAH

HESHAM

MOHAMED

Male 28 April, 1978

Saudi Arabia

Palestine

Mailing address

Saudi Arabia

Contact Information

LINK ENR 14-May, 1998

100 OWES

1

MECL 8B 07/27/1998 REG S 09/25/1998

DATE MEMO USER

ISSUEDATE TO MAIL TO NAME BY AIRBILL MAILDATE 05/15/1998 Y REP REG 05/15/1998

ISSUEDATE HANG START END WRS APPROVED

ISSUEDATE REP REV DATED DATE AIRLINE AIRPORT PORT OF ENTRY AIRLINE FLT NO RECVD AIR APPROVED

- To get an Additional Application Form click here

Copyright ©2001 ELS Language Centers. All rights reserved.

THIS STUDENT DID NOT ATTEND.

http://www.els.com/online/apply.asp?param1=174662

Student ID: 174667

ABU-ZUBAIDAH

HESHAM

MOHAMED

Male 29 April, 1978

Saudi Arabia

Palestine

Mailing address

Saudi Arabia

Contact Information

LINK ENR 14-May, 1998

100 CMES

SEARCH BEGS RESDAYS GRAND STR 978 DATES LVL PF HRS
MEL 8B 07/27/1998 REG S 09/25/1998

SEARCH BEGS RESDAYS GRAND STR 978 DATES LVL PF HRS
MEL 8B 07/27/1998 REG S 09/25/1998

SEARCH BEGS RESDAYS GRAND STR 978 DATES LVL PF HRS
MEL 8B 07/27/1998 REG S 09/25/1998

SEARCH BEGS RESDAYS GRAND STR 978 DATES LVL PF HRS
MEL 8B 07/27/1998 REG S 09/25/1998

RESDAYS	APP	ABOVE	APP	APPROPT	PORT OF	FLY	RECVD	APP
	NOVD	DATE	CANCEL		ENTRY	NO		ADRSID
05/15/1998	Y		REG					

- To get an Additional Application Form click here

Copyright ©2001 ELS Language Centers. All rights reserved.

THIS STUDENT DID NOT ATTEND.



U.S. Department of Justice

United States Attorney
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902

Office: (503) 727-1000
Fax: (503) 727-1190

FACSIMILE TRANSMISSION COVER SHEET

TO: TOM DAY

FAX # (503) 326-2194

DATE: October 25, 2001

PAGES (including cover sheet): 9

SENDER: AUSA CHARLES GORDER

TEL #: (503) 727-1021

DESCRIPTION OF DOCUMENTS:

INFORMATION and WARRANT for ABU-ZUBAIDAH

IF THE CORRECT NUMBER OF PAGES INDICATED ABOVE IS NOT RECEIVED, PLEASE CALL THE SENDER FOR RE-TRANSMISSION. IF AUSA GORDER IS NOT PRESENT, PLEASE CALL SUE DURHAM AT (503) 727-1062.

NOTICE TO RECIPIENT

The information contained in this facsimile is intended only for the individual or organization named above and may contain confidential or privileged information. If you are not the intended recipient, any dissemination, distribution, or copying this communication is prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of all documents transmitted.

RECORD OF DEPORTABLE ALIEN (See A.M. - 2790.31-34 for instructions)

Family Name (Capital Letters) ABU-ZUBAIDAH, Hesham		Given Name AKA: None known		Sex Male	Race Blk	Eyes Brn	Complexion Medium
Country of Citizenship Egypt (Palestine)		Passport Number and Country of Issue CN		File Number A78 737 342		Height 69	Weight 145
U.S. Address c/o US INS, 511 NW Broadway Portland, OR 97209		U.S. Address (Business) Same as birthplace		U.S. Address (Home) Same as birthplace		State or State TAT LF Arm	
Date, Place, Time, Manner of Last Entry 7/26/98 POE CHI, F-1		Manner of Last Entry Same as birthplace		Manner of Last Entry Same as birthplace		FBI No. 649415TB4	
Number, Street, City, Province (State) and Country of Present Residence Same as birthplace		Number, Street, City, Province (State) and Country of Present Residence Same as birthplace		Number, Street, City, Province (State) and Country of Present Residence Same as birthplace		Manner of Last Entry Married	
Date of Birth 04/28/1976 (25)		Date of Arrival 09/16/2001		Location Code DO/POO		Number of Visas / Approvals 511.23	
City, Province (State) and Country of Birth Riyadh, Saudi Arabia		AR Form (Type & No.) Lifted		Lifted / Not Lifted Not Lifted		City and State Portland, OR	
Was issued As-NVTA CN		Social Security Account Number CN		Social Security Account Number CN		Date of Entry Student	
Date Visa Issued N/A		Social Security No. CN		Social Security No. CN		Status When Found Seeking	
Investigation Period See Narrative		Investigation Period See Narrative		Investigation Period See Narrative		Length of Time Stayed in U.S. Over 1 year	
Name, Address, and Citizenship of Sponsor (Alien Name, if appropriate) Rosalee Abu-Zubaidah US US		Name, Address, and Citizenship of Sponsor (Alien Name, if appropriate) Rosalee Abu-Zubaidah US US		Name, Address, and Citizenship of Sponsor (Alien Name, if appropriate) Rosalee Abu-Zubaidah US US		Number and Nationality of other Children unknown	
Father's Name, Nationality, and Address if known Mohammed Hussain mohamood Abu Zubaidah Palestine		Mother's Name and Address if known Malika Furhan Abu Zubaidah Jordan Jordan		Mother's Name and Address if known Malika Furhan Abu Zubaidah Jordan Jordan		Mother's Name and Address if known Malika Furhan Abu Zubaidah Jordan Jordan	
Manner of Last Entry to U.S. Was it Transient/Permanent <input checked="" type="checkbox"/> None Claimed <input type="checkbox"/> See Form I-43		Manner of Last Entry to U.S. Was it Transient/Permanent <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Manner of Last Entry to U.S. Was it Transient/Permanent <input type="checkbox"/> Not Listed <input type="checkbox"/> Listed, Code _____		Manner of Last Entry to U.S. Was it Transient/Permanent RIC1	
Home and Address (Country/State) U.S. Employer c/o		Type of Employment laborer		Salary \$ hr		Time c/n	

Remarks (include particulars under which alien last apprehended. Include details not shown above, i.e., time, manner of last entry, and elements which establish administrative and/or criminal violation. Indicate names of travel to entering alien has been advised of communication privileges pursuant to 8 CFR 224.1(c))

Initial Date 10/02/01

(b)(7)(c)

(b)(5)

1. [Redacted] Subject was apprehended on this date at their address at 1801 NE 162nd #2, Portland, OR
2. Subject was written from Afile, LEDS, and other printouts, as well as interview with subject. Subject claims to be a native of Saudi Arabia and he stated that he has an Egyptian passport for Palestinian people. He explained that he's never been to Egypt, however, Saudi Arabia does not recognize them and gives them "greencards" one year at a time. Because his dad is from Palestine he and the whole family obtains Egyptian passports.
3. Criminal History: shows that subject was arrested on 8/14/01 for Assault IV Domestic Abuse-Felony.
4. INS History: the Afile shows that subject filed an I-130 petition, however withdrew this petition on 5/31/01. Subject's application was denied on 9/15/01 because of the withdraw. Subject claims that he did entered the United States as indicated above and never went to school in Florida. He claims he went to school in Chicago for a couple months and dropped out and never attended again.
5. REC: NTA/WA
6. Subject served list of legal services and CNF-1 Notification of Consular Rights with NTA/WA in person when in our custody.

(b)(7)(c)

(If space insufficient, show "continued" and continue on reverse, from bottom up):

Distribution 1 - A File 2 - Stats	Received (subject name) Officer: [Redacted] October 2, 2001 6:10 PM Disposition NTA/WA (Receiving Officer) _____
---	--

MEMORANDUM OF INVESTIGATION

File Number

Title

Control Office

A78 737 342

ABU-ZUBAIDAH, Hesham

POO

(b)(5)

(b)(7)(c)

25

Date

October 18, 2001

FBI:
SID:

File No.	<u>A78737342</u>
Date:	<u>11/14/01</u>

To: (Name and title of institution) <u>Multnomah County Jail</u>	From: (INS office address) <u>511 NW Broadway</u>
---	--

Name of alien: ABU-ZUBAIDAH, Hesham

Date of birth: 04/28/76 Nationality: Egypt Sex: M

You are advised that the action noted below has been taken by the Immigration and Naturalization Service concerning the above-named inmate of your institution:

- Investigation has been initiated to determine whether this person is subject to removal from the United States.
- 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.

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 _____ during business hours or _____ after hours in an emergency.

Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to _____
(Area code and facsimile number)

Return fax to the attention of _____, at _____
(Name of INS officer handling case) (Area code and phone number)

- 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 _____

	(b)(7)(c) <u>[Signature]</u> (Title of INS official)
--	--

Receipt acknowledged: _____

Date of latest conviction: _____ Latest conviction charge: _____

Estimated release date: _____

Signature and title of official: _____

(b)(5)

(b)(7)(c)



**U.S. IMMIGRATION & NATURALIZATION
SERVICE**

**OFFICE OF THE DISTRICT COUNSEL
PORTLAND DISTRICT OFFICE**

**511 N.W. BROADWAY
PORTLAND, OREGON 97209**

Telephone: (503) 326-2059
FAX: (503) 326-2194

FAX *t r a n s m i t t a l*

To:	General Counsel
ATTN:	Nader Baroukh
FAX #	202-514-0455
From:	THOMAS L. DAY
Date:	10/18/01
Subject:	Abu-Zubaidah
pages (incl header):	2

NOTE: The information contained in this facsimile message, and all attachment is legally privileged and confidential. It is intended only for the use of the individual(s) or entity named above.



PLEASE DELIVER IMMEDIATELY



INS FACSIMILE

Department of Justice
U.S. Immigration & Naturalization Service
Office of the General Counsel
425 I Street, NW, Room 6109
Washington, DC 20536

TO: Tom Day

TELEPHONE: _____

FAX NUMBER: 503 326-2194

PAGES + COVER: 7

FROM: Nader Baroudh

Office of the General Counsel (HQCOU)

TELEPHONE: 202-514-2895 / 202-616-2604

FAX: 202-514-0455

COMMENTS: Abu-Zubaidah

THIS COMMUNICATION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THE COMMUNICATION MAY BE STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IDENTIFIED ABOVE IMMEDIATELY AND RETURN THIS COMMUNICATION TO THE ABOVE ADDRESS VIA UNITED STATES POSTAL SERVICE. THANK YOU.



**U.S. IMMIGRATION & NATURALIZATION
SERVICE**

**OFFICE OF THE DISTRICT COUNSEL
PORTLAND DISTRICT OFFICE**

**511 N.W. BROADWAY
PORTLAND, OREGON 97209**

Telephone: (503) 326-2059
FAX: (503) 326-2194

FAX TRANSMITTAL

To:	INS General Counsel's Office
ATTN:	Nader Baroukh
FAX #	(202) 514-0455
From:	Jeanne Foden-Vencil
Date:	10/11/01
Subject:	A78 737 342, Abu-Zubaidah, Hesham
pages (incl header):	9 (Police Report)

(b)(7)(c)

NOTE: The information contained in this facsimile message, and all attachment is legally privileged and confidential. It is intended only for the use of the individual(s) or entity named above.



Serve Date: Time: ARST: Officer:

O/S Agcy Booked Date: Writ Name:

=====

Enter=Query F1=Help F3=Exit F5=Counts F7=Backwd F9=Fwd F12=Cancel

PPDS CASE DISPLAY

CASE NBR 0175701 AGENCY PORTLAND POLICE STATUS CLR/ARST UPDATED 08-30-0

OCCURRED DATE 08-12-01 OCCURRED TIME 21:00

REPORTED DATE 08-12-01 REPORTED TIME 21:34

LOC OF OCCUR 1801 NE 162ND AV APT 2 PORTLAND

ASSOCIATED NAMES

TYPE ASSOCIATION

PF13 846166 ANDREWS, ROSALEE MARIE

F W 03-27-79 COMPLAINANT

PF14 1751976 ABU-ZUBAIDAH, HASSAM

M W 04-28-76 CHARGED

OFFENSES

08 ASSAULT/SIMPLE

673

DOMESTIC VIOLENCE

0090 10/11/01 10:03 (5406) ** PAGE 01 **

REUR 0089 NCIC
ORINSPDS0

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/649415TB4. THE FOLLOWING WILL RESPOND TO YOUR
AGENCY:
OREGON - STATE ID/OR14321805
END

** NO MORE PAGES **

0091 10/11/01 10:03 (5406) ** PAGE 01 **

CR. ORIII0000

10:03 10/11/2001 02786

10:03 10/11/2001 03559 ORINSPDS0

*INS1OR0089

TXT

HDR/2L01QR 4INS1OR0089

(b)(7)(c)

ATN

PART 1

OREGON CCH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415TB4

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB
HGT/509 WGT/145 HAI/BLK EYE/BRO FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM

ARREST #01 08-14-2001 OR0260200-FD PORTLAND

FPN/30732076

NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683

01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY

ENTERED 08-16-2001 LAST UPDATED 09-06-2001

*** END OF RECORD ***

** NO MORE PAGES **



PF1	CRIME ANALYSIS	PF6	PROPERTY LIST	PF17	DEFENSE CASE
PF2	CRIME ANALYSIS	PF7	PROPERTY LIST	PF20	KEY CASE
PF3	CUSTODY DISPLAY	PF8	WDOC INFO	PF21	XREF CASES
PF4	ADDRESS SEARCH	PF10	ASSOC VHCLS	PF12	PRINT RECORD
PF5	REPORTS WRITTEN	PF11	STLN/RECDV VHCL		

MUCK01AP INSI Sheriff's Warrant and Inmate System 10/11/11
 MUCK295F MUCK290M *** Query Person *** DPER 10:

Cmd: DPER Id: ABU-ZUBAIDAH, HESHAM DOB: 0428 1976 Sex: M Race: W

SWIS Id: 653399 Name - Cust: Y Wnt: Entry BPST: 403
 Assigned Fac: REL Dorm: BAIL Curr Fac: PERM Caution:
 B/A: OK NO 2X P3

Name L: ABUZUBAIDAH F: HESHAM M: S:
 DOB: 0428 1976 Sex: M Race: W Ht: 509 Wt: 145 Hair: BLK Eye: BRN
 FBI: ID: SSN: Cmts: N AKA: N

Address Police Precinct: GPD Dist: 14 940

City: PORTLAND St: OR Zip: 97230 Last Date Used: 08
Free Form: Invalid -- Date:
New Addr Ind: BOE V Plat of Birth: SB Deceased: N
Phone - Typ: Hi 503 254 7169 Phone - Typ:

DNA Test Req: N Schedule Date: Test Date:
Gang Mbr: U Gang Assoc: U Code: Name:

=====
Enter=Query F1=Help F3=Exit F11=Right F12=Cancel F13=Addr F15=Cmts F20=Nav

MJCK01AP INS1 Sheriff's Warrant and Inmate System 10/11/01
MJCK332P MJCK332M *** Query Case Counts *** QCAS 10/11/01

=====
Cmd: QCAS Id: 653399 DOB: Sex: Race:

SWIS Id: 653399 Name: ABUZUBAIDAH, HESHAM Type: I
DOB: 0428 1976 Sex: M Race: W Assigned Fac: REL Dorm: BAIL Curr Fac: I
Court Nbr: DA Case: Citation: Case Type:
MCL Nbr: 789683 Bkg Date: 081401 O/S Nbr: Cust Rept Nbr:

Entry - BPST: 40575 Date: 081401 Time: 1352
Cnt: 1 ORS: 163160 DVFEL Descr: ASSAULT 4 DV-FELONY
Status: D Bail: 5000 S Date: 081401 Cls: C Lvl: FEL Sev: 0
Disp: BAIL Waiv: Date: 081401 2210 Auth: FSD SUTTON BPST: 3
Snt Typ: Tot Snt: Date: COS:

Entry - BPST: Date: Time:
Cnt: ORS: Descr:
Status: Bail: Date: Cls: Lvl: Sev:
Disp: Waiv: Date: Auth: BPST:
Tot Snt: Date: COS:
Reposition to Cnt:

=====
Enter=Query F1=Help F3=Exit F7=Bkwd F8=Fwd F12:
PPDS:
PAGE: 1

DATE PRINTED: 10/11/01

PPDS NUMBER: 1751976

NAME: ABU-ZUBAIDAH, HASSAM

FBI: 649415TB4

SEX: M RACE: W

SID: OR 14321805

HGT: 5 09 EYES: BRO

FPC:

WGT: 145 HAIR: BLK BIRTH:

HFP:

CL NBR: 789683

SCARS:

TAT LF ARM-ANGEL

PHONE NBR: (503)254-7169

LAST KNOWN ADDRESS-MOST CURRI

DATE

1801 NE 162ND AV APT 2 PORTL

-01

MISCELL

ID 789683

EX	RACE	DOB	DATE UPDATED
M	W	04-28-76	02-21-01
M	W	04-28-76	02-21-01
M	W	04-28-76	08-09-01
M	W	04-28-76	08-09-01
M	W	04-28-76	08-09-01
M	W	04-28-76	08-09-01
M	W	04-28-76	08-14-01
M	W	04-28-76	08-14-01

ASSOCIA

1FALP4044TF161350
 1996
 ODEL FORD MUS
 COUPE
 BLK

LICENSE NUMBER XPS748
 STATE OR
 EXPIRE YR 2002
 TYPE PASSENGER
 SUSPECT NO

PPDS NAMES A
 NO ASSOCIATED CRNS FOUND

ASSOCI

EMENT CHARGED
 PORTLAND
 VEH-PRISONR PROP

CASE NBR 0176399 REPORTED DATE
 LOC OF OCCURRENCE NE SANDY BLVD /
 OFFENSES 1: MISC TRAFFIC OFFENS

EMENT CHARGED
 C VIOLENCE

CASE NBR 0175701 REPORTED DATE
 LOC OF OCCURRENCE 1801 NE 162ND A
 OFFENSES 1: ASSAULT/SIMPLE

EMENT SUSPECT 1 UNVERIFIED
 BUSE-MOLEST

CASE NBR 0174196 REPORTED DATE
 LOC OF OCCURRENCE 1801 NE 162ND A
 OFFENSES 1: SEX OFF-JUV F-MOLEST

PPDS C

PAGE: 2

DATE PRINTED: 10/11/01

PPDS NUMBER: 1751976

EMENT COMPLAINT
 CASE NBR 0116887 REPORTED DATE

VIOLENCE

CUSTODY

CASE NBR: 0176399

CHARGE-

DRIVR LIC-NO/EXPI

ARGE DATE 08-14-01

DA NBR

CITATION

TRAFFIC CITE NBR

DISPOSITION-

CK OJIN/DACTS/CO

CHARGE-

NO AUTO INSURANCE

ARGE DATE 08-14-01

DA NBR

CITATION

TRAFFIC CITE NBR

DISPOSITION-

CK OJIN/DACTS/CO

CASE NBR: 0175701

CHARGE-

ASSAULT IV-FELONY

ARGE DATE 08-14-01

DA NBR

CITATION

DISPOSITION-

CK OJIN/DACTS/CO

MISCELLANEOUS

NO MISCELLANEOUS NAME INFORMATION

END OF RECORD 1751976

TERMINAL ID INS1

RUN DATE / TIME 10/11/01 10:10

RUN BY INSBCS



Portland Police Bureau Records Division

Phone # (503) 823-0043

Fax # (503) 823-0052

To: INS

Attention: (b)(7)(c)

Fax Number: 326-2330

Case Number: 01-75701

Number of pages faxed, including cover sheet: _____

DPSST of sender: 29873

IMMIGRATIONS INMATE REQUEST FORM

NAME: Hesham M ABU-Zubaidah DATE: 10/14/01 TIME: _____ AM/PM

CELL: B spcl BUNK: B-L-3 INS # A 78737342

REASON CONTACT IS NEEDED (SPECIFICS / DETAILS): _____

I can't afford a lawyer and I'm REQUEST a ATTY .plees.
I'm U.S.A Bekry hard workkar and I don't now
bevor how match th lawyer +sharg know I new
But me and may wife we can't afforded.
thank you.

X [Signature]
INMATE'S SIGNATURE

X [Signature]
RECEIVING DEPUTY'S SIGNATURE
DATE: 10/14/01 TIME: 2335

FAXED TO INS ON _____ AT _____ BY _____
DATE TIME DEPUTY'S NAME

*SEE NOTE:



**U.S. IMMIGRATION & NATURALIZATION
SERVICE**

**OFFICE OF THE DISTRICT COUNSEL
PORTLAND DISTRICT OFFICE**

**511 N.W. BROADWAY
PORTLAND, OREGON 97209**

Telephone: (503) 326-2059
FAX: (503) 326-2194

FAX *t r a n s m i t t a l*

To:	General Counsel
ATTN:	Nader Baroukh
FAX #	202-514-0455
From:	THOMAS L. DAY
Date:	10/15/01
Subject:	Abu-Zubaidah
pages (incl header):	6

NOTE: The information contained in this facsimile message, and all attachment is legally privileged and confidential. It is intended only for the use of the individual(s) or entity named above.



PLEASE DELIVER IMMEDIATELY

Confirmation Report - Memory Send

Time : Oct-05-2001 13:13
Tel line : +915033267183
Name : DETENTION & DEPORTATION POO

Job number : 802
Date : Oct-05 13:11
To : 912023053600
Document pages : 007
Start time : Oct-05 13:11
End time : Oct-05 13:12
Pages sent : 007
Status : OK

Job number : 802

*** SEND SUCCESSFUL ***



U.S. IMMIGRATION AND NATURALIZATION SERVICE
DETENTION AND DEPORTATION
PORTLAND DISTRICT OFFICE

511 N.W. BROADWAY
PORTLAND, OREGON 97209

VOICE : (503) 326-4165
FAX : (503) 326-7183

TRANSMITTED TO: HCE

ATTN: [Redacted]

FAX NUMBER: 202-305-3600

SUBJECT: NTA A78 737 342 (b)(7)(c)

SENDER: [Redacted]

DATE SENT: 10/5/01

NUMBER OF PAGES: 6 (EXCLUDING COVER)

COMMENTS: HEY [Redacted] HOW'S IT GOING?

THIS NTA WAS PERSONALLY SERVED ON FAIR

TODAY AT 12:59 PM IN PORTLAND, OR.

DELIVER IMMEDIATELY



U.S. IMMIGRATION AND NATURALIZATION SERVICE
DETENTION AND DEPORTATION
PORTLAND DISTRICT OFFICE

511 N.W. BROADWAY
PORTLAND, OREGON 97209

VOICE : (503) 326-4165
FAX : (503) 326-7183

TRANSMITTED TO: HCE

ATTN:

FAX NUMBER: 202-305-3600 (b)(7)(c)

SUBJECT: NTA A78 737 342

SENDER:

DATE SENT: 10/5/01

NUMBER OF PAGES: 6 (EXCLUDING COVER)

COMMENTS: HEY , HOW'S IT GOING?
THIS NTA WAS PERSONALLY SERVED ON EOIR
TODAY AT 12:59 PM IN PORTLAND, OR.

DELIVER IMMEDIATELY

Fax: this w/ the
last stamp on the
NTA.

**US IMMIGRATION & NATURALIZATION
SERVICE**

Investigations

511 NW Broadway
Portland, Oregon 97209
tel (503) 326-7475
fax (503) 326-2330

(b)(5)

fax t r a n s m i t

t a l

to:

[Redacted]

fax #:

202-305-3600

(b)(7)(c)

from:

[Redacted]

date:

October 4, 2001

re:

A78 737 342, NTA stamped received by
EOIR

pages:

, including this cover sheet

NOTES:

(b)(7)(c)

10/5/01
FILE STILL CHARGED
TO [Redacted] ACCEPT
IN RAFACTS WHEN
SWIP IS OVER
[Redacted]

(b)(5)

(b)(7)(c)



U.S. Department of Justice
Immigration and Naturalization Service
511 NW Broadway, Portland, Oregon 97209

RE: A98737342

CONSULAR NOTIFICATION REQUEST FORM

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Yes _____

No 

Please return this form to the above-referenced mailing address.

Como no es ciudadano de los Estados Unidos, al ser arrestado o detenido tiene derecho a pedirnos que notifiemos a los representantes consulares de su país aquí en los Estados Unidos, si lo desea. Entre otras cosas, un funcionario consular de su país puede ayudarle a obtener asesoramiento legal, ponerse en contacto con su familia y visitarle en la cárcel. Si Ud. desea que notifiemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. Después de que se haya notificado a los funcionarios consulares de su país, ellos podrán llamarle o visitarle. ¿Desea que notifiemos a los funcionarios consulares de su país?

YES (SI) _____

NO _____

Por favor, mande este forma a la direccion arriba.

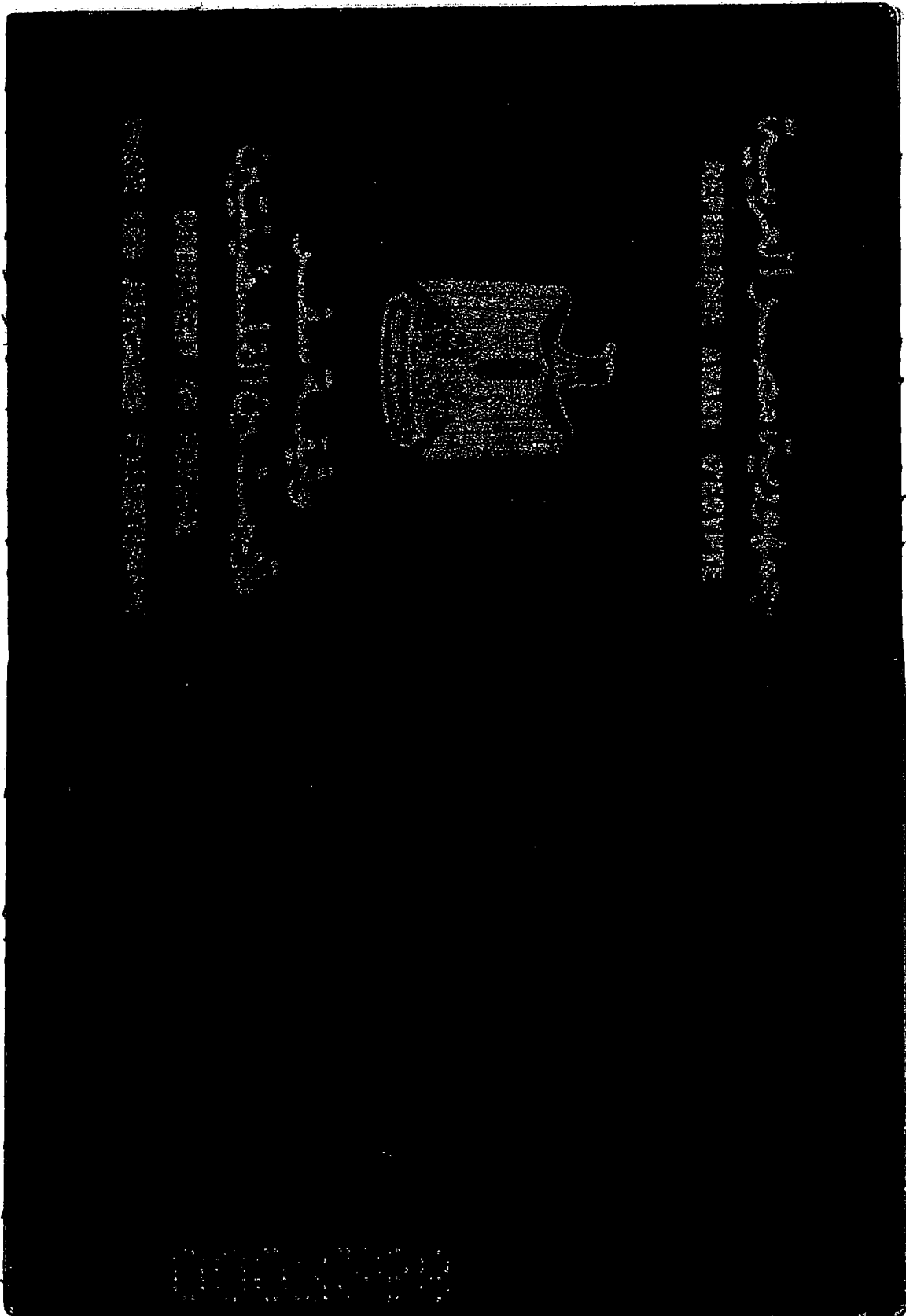
Served by certified mail

Served in person

Imma Jundera 10-4-01

CNF-1

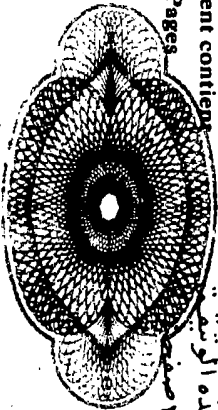
(b)(5)



Ce document contient

36 Pages

تحتوي هذه الوثيقة على ٣٦ صفحة



Document No. 3288

رقم الوثيقة ٣٢٨٨

Nom, *Alou Z. Baid*

الاسم *ألو زيد*

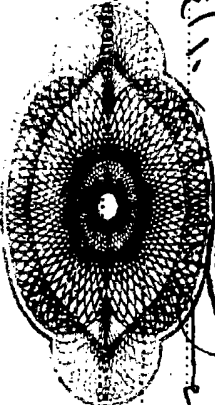
التنقيات *٢٩٥٨*

Pieces justifiant l'octroi de

التنقيات *٢٩٥٨*

Nom de l'épouse

اسم الزوجة



964335

MINISTRE DE L'INTERIEUR

وزارة الداخلية

ADMINISTRATIONS DES PASSAPORTS DE L'IMMIGRATION ET DE LA NATIONALITE



Au nom du Ministre de L'Interieur, Les Autorités interessées sont requises et priées de permettre au porteur de ce document sans entraves

بالتيسر وزير الداخلية تطلب من جميع المصنفين ومرتجوان ويسموا لاجل هذه الوثيقة بالمرور دون عائق

Director of the Administration of Passports de L'Immigration et de La Nationalite ou Consul General

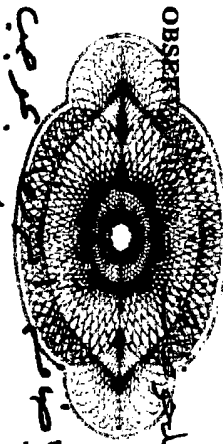
مدير عمارات التنقيات ووثائق السفر والجنسية او القنصل العام

Fait à Beyrouth le 19 9 7



000000

OBSER



معرض
معرض

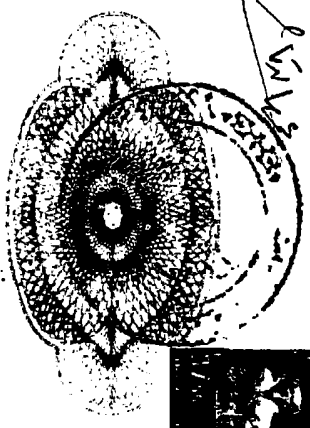
طبع مطابع بيروت

وذلك بمقتضى تعليمات السيد وزير

الداخلية رقم 114/15999

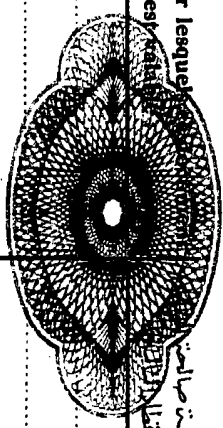
لرسم N. 114/15999

Handwritten signature or initials.



000000

Pays pour lequel



جمهورية الكويت

Blank lines for text entry.

Ce Document Expire

Le 27-7-2002

Emis par

Délivré à Riyad

Le 13-7-

Handwritten notes and dates in Arabic.

Director General or Consul General





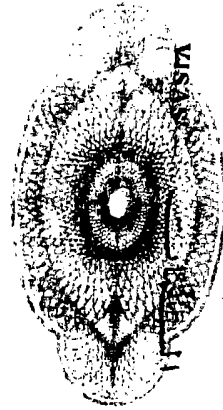
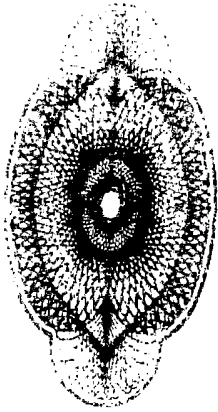
1177
 21
 1978
 19
 28
 13

NAME ALBERT
 FROM DEPARTURES DATE 11/13/78
 RETURN WITHIN 3 MONTHS
 EXPIRES 2/19/79
 NO. OF R.I.E. MONTHS 19
 MONTHS TO LEAVE

VIETNAM
 FEDERAL BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE

3
 3
 3
 3

635



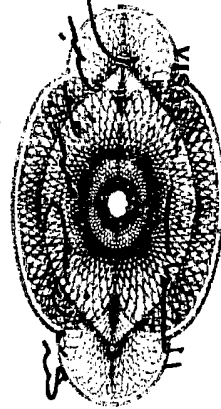
— 19 —

11



1197 1010

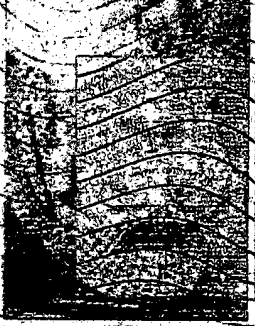
copy figure 11 1197



000000

VNSAUABU<ZUBAIDAH<<HESHAM<MOHAMED<HUSSAIN<<<<1EGY7604289M9807154F11405B50700F81A10003288<<<

ISSUING POST NAME: RIYADH
SURNAME: ABU-ZUBAIDAH
GIVEN NAME: HESHAM MOHAMED HUSSAIN
PASSPORT NUMBER: 0003288
ISSUES: M
ISSUE DATE: 15 JUL 1998
BIRTH DATE: 28 APR 1976
NATIONALITY: EGYPT
CONTROL NUMBER: 19981966820033
VISA TYPE/CLASS: R
EXPIRY DATE: 15 JUL 2002



JUL 26 1998 56909073005

U.S. IMMIGRATION AND NATURALIZATION SERVICE
NEW YORK, N.Y. 10057

Departure Number

~~50 EMT 12022~~

56909073005

Immigration & Naturalization Service
CHICAGO, ILLINOIS-565
ADMITTED

Immigration and Naturalization Service

I-94
Departure Record

JUL 23 1998

CLASS TO

R/S

14. Family Name

Abul Zubaidah

15. First (Given) Name

Hesham

17. Country of Citizenship

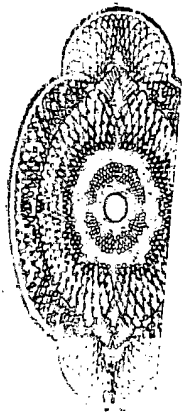
Egypt

16. Birth Date (Day/Mo/Yr)

280476

See Other Side

STAPLE HERE



تعليمات حكومية

- 1- تصدرونه القليل والحدود والمجتمعة بالناحية والحدود والحدود المستقلة الأثرية
- 2- تصدرونه هذه الوثيقة في الخارج من قنصليات جمهورية مصر العربية أو أية هيئة يهده إليها بذلك
- 3- تحصل رسوم الدخول المقررة
- 4- مدة صلاحية الوثيقة خمس سنوات ما لم ينص على مدة أقل



تفسيرية

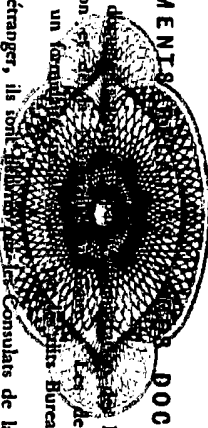
تصدرونه الوثيقة ذات شأن مطلق - ويجب الحفظ حتى لا يقع في حيازة شخص ليس له الحق في حملها... وإذا فقدت أو التقت بحسب إبلان ذلك على الفور إلى مكتب الجوازات الأخرى صدرت من الوثيقة. وفي الخارج إلى أحدى قنصليات مصر أو هيئة معهود إليها. قبل جمهورية مصر العربية للتمسك بالناحية في ذلك. وتتمتع هذه الوثيقة للمنفرد إلى البلاد المرسلة بها دون غيرها كما أنها لا يجوز سائر الدول جمهورية مصر العربية أو الدول ومنها الإقليم إذا حصل على تأشيرة دخول أو مرور أو تأشيرة عودة. ولا تصير وثيقة أصح من الوثيقة الأصلية الموجهة بسا إلى وجهه وتتمتع كما هي.



REGLEMENTS

DOCUMENTS

- 1- Ces documents sont des Passports de l'Immigration. Les demandes sont rédigées sur un formulaire dans les Bureaux.
- 2- A l'étranger, ils sont délivrés par les Consuls de la République Arabe d'Egypte ou par tout organisme chargé à cet effet.
- 3- Les droits de timbre prescrits seront perçus.
- 4- La validité du document est pour une durée de cinq ans si l'on ne mentionne pas une durée en moins.



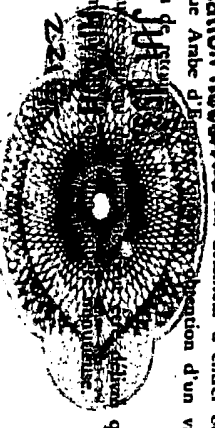
AV 18

Ces documents est précieux et toutes précautions doivent être prises pour qu'il ne tombe pas entre les mains d'une tierce personne.

En cas de perte ou de destruction, le fait doit être porté immédiatement à la connaissance du Bureau de Passport qui l'a délivré, et à l'étranger au plus proche Consulat d'Egypte ou à tout organisme chargé à cet effet par la République Arabe d'Egypte.

Ce document est valable exclusivement pour les Pays qui y sont mentionnés.

Application son détenteur à entrer ou à transiter la République Arabe d'Egypte. Attention d'un visa d'entrée de transit pour les cas ci-haut mentionnés.



A. Alien's name
ABU-ZUBAIDAH, Hesham AKA: None known

Date of birth 04/28/1976	File No. A78 737 342	Date of Processing 10/4/01
-----------------------------	-------------------------	-------------------------------

Address
c/o US INS, 511 NW Broadway, Portland, OR 97209

Factual Allegations (attach separate sheet if necessary) Charged under section 212 as inadmissible Charged under section 237 as deportable

1. You are not a citizen or national of the United States;
2. You are a native of Saudi Arabia and a citizen of Egypt
3. You entered the United States at or near New York, NY on or about July 26, 1998 as a non-immigrant student to attend the ELS Language Center in Melbourne, Florida.
4. You never attended the ELS Language Center in Melbourne, Florida.

Supporting Evidence
I-213 and Afile,

B. ADDITIONAL FACTORS TO BE CONSIDERED FOR BOND/CUSTODY DETERMINATION

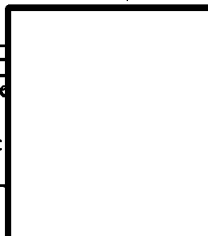
1. Is a petition or application pending for this alien or a family member? (Explain)
Unknown
2. Total times apprehended
Bonded before? Unknown How many times? _____ Released O/R before? _____
Bond breached? _____ How many times? _____ Complied with terms of O/R _____
3. Present state of health of subject, of spouse, children (if other than good, explain)
Appears Good.
4. Total time in U.S., dates and location; residing with (Family members of others)
Since Entry.
5. Personal property in U.S. (liquid and non-liquid assets)
Unknown.
6. Family members in U.S. (Wife, children, immediate relatives) address is different than subject's:
Unknown.
7. Employment history: (Other than current)
Unknown. (b)(5)



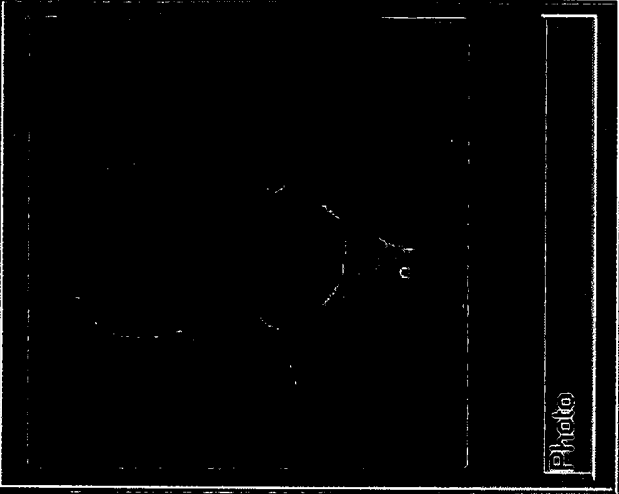
VD without NTA NTA Charge
Signature and title _____ (b)(5)
Special Agent

D. Approved as to legal sufficiency: Date: _____
Signature and title of Service counsel: _____ (b)(7)(c)

E. Based on the above information I have
Signature and title of authorizing official: _____
\$ No Bond Date: 10/4/01 Office: Portland, Oregon
Assistant District Director for Investigations



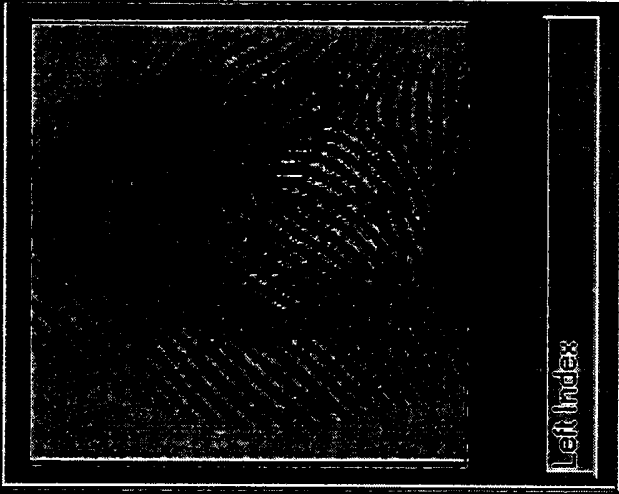
(b)(7)(c)



Photo

[View/Add Alerts](#)

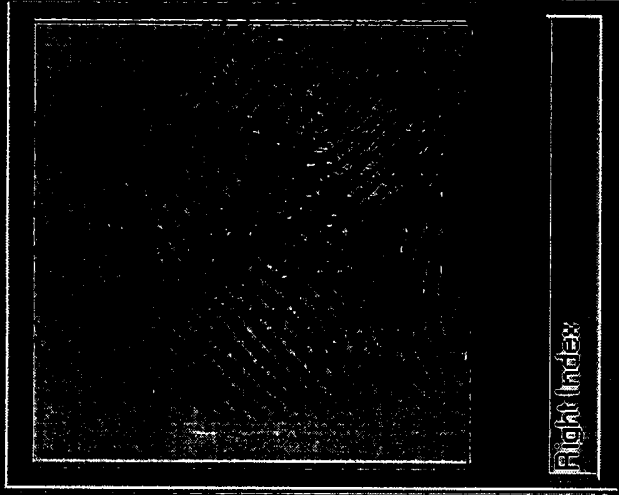
FINS



Left Index

10036422

[Details](#)



Right Index

[Print](#)

External System ID

EID

EIPO0125100201192500

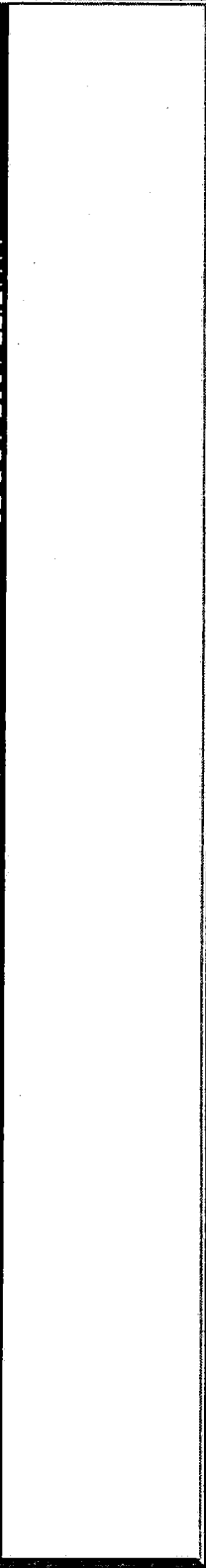
17199130

Encounter Type

EP

Encounter Date & Time

02-OCT-2001 22:27:11



[Date](#)

Family Name (Capital Letters)		Given Name		Middle Name	
ABU-ZUBAIDAH, Hesham AKA: None known					
Country of Citizenship		Passport Number and Country of Issue		File Number	
Egypt (Palestine)		C/N		A78 737 342	
U.S. Address (Residence) (Number) (Street) (City) (State) (Zip Code)					
c/o US INS, 511 NW Broadway Portland, OR 97209					
Date, Place, Time, Manner of Last Entry				Passenger Boarded at	
7/26/98 POE NYC, F-1					
Number, Street, City, Province (State) and Country of Permanent Residence					
Same as birthplace					
Birthdate		Date of Action		Location Code	
04/28/1976 (25)		09/16/2001		DO/POO	
City, Province (State) and Country of Birth		AR Form (Type & No.)		Lifted Not Lifted	
Riyadh, Saudi Arabia					
Visa Issued At-NIV No.		Social Security Account Name			
C/N		C/N			
Date Visa Issued		Social Security No.		Send C.O. Rec. Check To:	
N/A		C/N		POO	

Family Name (Capital Letters)		Given Name		Middle Name	
ABU-ZUBAIDAH, Hesham AKA: None known					
Country of Citizenship		Passport Number and Country of Issue		File Number	
Egypt (Palestine)		C/N		A78 737 342	
U.S. Address (Residence) (Number) (Street) (City) (State) (Zip Code)					
c/o US INS, 511 NW Broadway Portland, OR 97209					
Date, Place, Time, Manner of Last Entry				Passenger Boarded at	
7/26/98 POE NYC, F-1					
Number, Street, City, Province (State) and Country of Permanent Residence					
Same as birthplace					
Birthdate		Date of Action		Location Code	
04/28/1976 (25)		09/16/2001		DO/POO	
City, Province (State) and Country of Birth		AR Form (Type & No.)		Lifted Not Lifted	
Riyadh, Saudi Arabia					
Visa Issued At-NIV No.		Social Security Account Name			
C/N		C/N			
Date Visa Issued		Social Security No.		Send C.O. Rec. Check To:	
N/A		C/N		POO	

ORDER TO DETAIN OR RELEASE ALIEN

TO: (NAME and TITLE of Person in Charge of Facility) SHERIFF OR OFFICER IN CHARGE				
(Name of Facility) COLUMBIA COUNTY JAIL (CCJ)				
Please <input checked="" type="checkbox"/> Detain <input type="checkbox"/> Release			Date 10-02-2001	Time 1945H
Name of Alien ABU-ZUBAYDAH HUSAM ABUAMRO			File Number A78 737 342	
Age 25	Date of Birth (Mo./Day/Yr.) 04-28-76	Sex M	Nationality SAUDI	Foreign Address
Nature of Proceedings Removal Proceedings			Signature of Officer Receiving Alien	
REMARKS: FBI # 649415784 (b)(7)(c) OR SID # 14321805				
S [Redacted]			Title SPECIAL AGENT	Office PORTLAND OR (POO)

Form 1-203 (Rev. 7-15-78) Y

UNITED STATES DEPARTMENT OF JUSTICE—Immigration and Naturalization Service

(b)(6)

(b)(7)(c)

0273 09/07/01 13:18 (3468) ** PAGE 01 **

REUR 0272 LDDG

QWHD TLJ DRINGPDSG SA [REDACTED] NAM/ABUZUBAIDAH, HESHAM DOB/042876, RAC/W SEX
/M, PUR/C

THE SUBJECT OF UR INQUIRY MAY BE ---

BASED ON ---DOB, NAM

* IN NCIC-III AS SINGLE STATE OFFENDER *

SID/DR1321005 FBI/649415TR4

NAM/ABU-ZUBAIDAH, HESHAM DOB/24-28-1976 SEX/M RAC/W POB/BB

HGT/509 WGT/145 HAI/BLK EYE/BRO FPD/

* ADDITIONAL IDENTIFIERS *

(b)(5)

SMT/TAT LF ARM

[REDACTED]

** NO MORE PAGES **

0279 09/07/01 13:17 (5400) ** PAGE 01 **

CR. ORII0000

13:17 09/07/2001 04950

13:17 09/07/2001 02664 CRINSP050

*INSIDR0277

TXT

MOR/EL010R 4INSIDR0277

(b)(7)(c)

ATN/BA [REDACTED]

PART 1

OREGON OCH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415T84

NAME/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SS

HGT/509 WGT/145 HAI/BLK EYE/BRN FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM

ARREST #01 08-14-2001 OR0260200-PD PORTLAND FPN/30732076

NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL700603

01 ORS 163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY

ENTERED 08-16-2001 LAST UPDATED 09-06-2001

*** END OF RECORD ***

** NO MORE PAGES **

0275 09/07/01 13:16 (0400) ** PAGE 01 **

DLP 090701

DLP NO. 042076. ABUZUBAIDAH, HESHAM .M

3704110 ABU-ZUBIDAH, HESHAM M M 042076

USE THIS NO. 9662000 0100" 135

9662000 ABU-ZUBIDAH, HESHAM M 042076

100 NE 152ND AVE # PORTLAND 0100" 000

----- T H E E N D -----

** NO MORE PAGES **

757 KINGDOM OF SAUDI ARABIA 75

PRIVATE DRIVING LICENSE

FULL NAME _____

ADDRESS { OFFICE _____
HOME _____

TELEPHONE { OFFICE _____
HOME _____

NATIONALITY _____ ISSUED AT _____ DATE _____

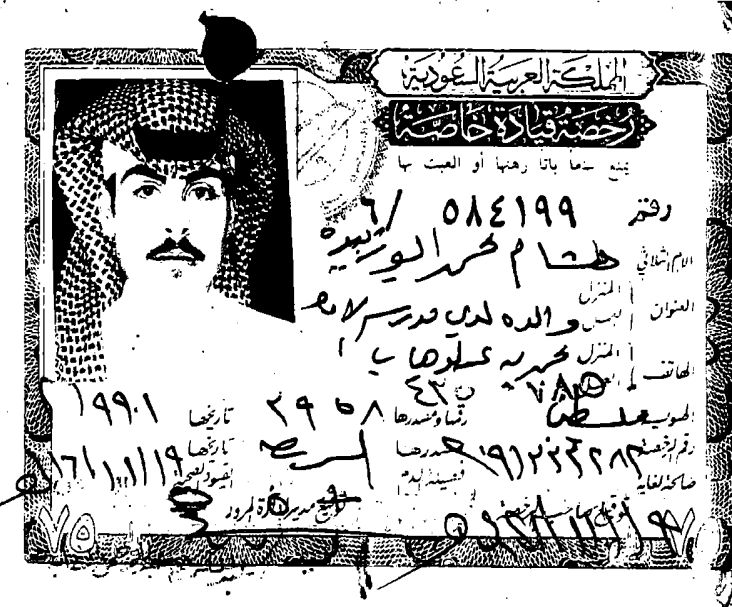
LICENSE NO. _____ ISSUED AT _____ DATE _____

VALID UNTIL _____ BLOOD TYPE _____ PH. # _____

SIGNATURE OF DRIVER _____ TRAFFIC DIR. SIGNATURE _____

SEVENTY FIVE RIYALS

سبعة طين الحكره

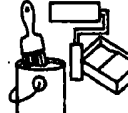


MAHER AL-KHATIB
Owner/President

M.L.K. FAST TRIP

GAS STATION AND CONVENIENCE STORE
5829 NE MARTIN LUTHER KING JR. BLVD. PORTLAND, OR 97211

(503) 283-6467



P & A PAINTING ENTERPRISES

AMIN DAMRA
Project Estimator

Fax (503) 466-4950
Office (503) 466-4788
Mobile (503) 522-8911
e-mail abuluay@mail.com

New & Remodel • Free Estimates
Fully Licensed • Bonded • Insured
MBE/ESB# 2344
OR CCB# 135432
WA CCB# PAPAIE*016NB

19 NW Aloclek Dr. Suite #1007 • Hillsboro, OR 97124


Mutasim Khan
President

Al-Petra Group, Inc.


The Pit Stop
12113 NE 4th Plain
Vancouver, WA 98682

Business: (360) 892-8518
Cell: (503) 969-6651
Fax: (360) 892-8518

E-mail: mutasimkhan@hotmail.com




AMERICAN PROPERTY MANAGEMENT



Aaliyah Azeem
Rental Representative
5664 NE 42nd
Portland, OR 97218
(503) 287-4406

"Ask our residents about us"



(b)(7)(c)

DETAIL VIEW

LN: ABUZUBAIDAH FN: MOHAMAD DOB: 04/28/1976 COC: JORDA
 PASSPORT NUMBER : 3288 GENDER: M COR: SAUDI
 ARRIVAL ADMN REC: 1 OF 1
 ADMISSION NUMBER : 56909073005
 ADMISSION CLASS : F1 MISC
 ADMISSION DATE : JUL 26, 1998
 ADMITTED TO DATE : DEC 31, 9999
 PORT OF ENTRY : NEW YORK NY (b)(7)(c)
 INSPECTOR NUMBER :
 VISA ISSUE POST :
 VISA ISSUE DATE : JUL 15, 1998
 ARRIVAL CARRIER : SV SAUDI ARABIAN
 AIRLINE FLIGHT NUMBER : 00039 TRAVEL MODE: AIR
 INTENDED STREET ADDRESS: HAYATT HOTEL
 INTENDED CITY ADDRESS : QUEENS STATE: NEW YORK
 MICROFILM NUMBER :

DEPARTURE ACTUAL DEPARTURE CARRIER :
 DEPARTURE DATE : ACTUAL DEPARTURE FLIGHT #:
 PORT OF DEPARTURE : SCREEN HELP:
 PF1=NEXT PAGE PF2=PRIOR PAGE PF4=RETURN PF5=HELP PF6=MAIN MENU
 PF7=FIRST PAGE PF8=LAST PAGE PF10=INQUIRY
 NI900047 ENTER AN "X" TO VIEW ANOTHER SCREEN

LN: ABUZUBAIDAH FN: MOHAMAD DOB: 04/28/1976 COC: JORDA

ADMISSION NUMBER : 56909073005
CLASSIFICATION DATE : JUL 26, 1998
EXTENDED ADMITTED TO DATE :
ITINERARY : ELS LANGUAGE CENTERS MELBOURNE FL
ITINERARY (CON'T) :
BOND FLAG :
NOTATIONS :
CONTROL OFFICE :
ADJUST TO PERM RESIDENT :
ALIEN NUMBER :

SCREEN HELP:

PF4=RETURN PF5=HELP PF6=MAIN MENU PF10=INQUIRY

0279 09/07/01 13:17 (540G) ** PAGE 01 **

CR. ORII10000

13:17 09/07/2001 04950

13:17 09/07/2001 05664 ORINSPDS0

*INS10R0277

TXT

HDR/2L01QR 4INS10R0277 (b)(7)(c)

ATN/SA

PART 1

OREGON COH RECORD FOR SID/14321805

SID/OR14321805 FBI/649415TB4

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB

HGT/509 WGT/145 HAI/BLK EYE/BRO FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM

ARREST #01 08-14-2001 OR0260200-PD PORTLAND

FPN/30732076

NAME USED/ABU-ZUBAIDAH, HESHAM LAN/MCL789683

01 ORS-163.160 ASSAULT 4TH DEG-DOMESTIC ABUSE FELONY

ENTERED 08-16-2001 LAST UPDATED 09-06-2001

*** END OF RECDRD ***

** NO MORE PAGES **

(b)(7)(c)

0273 09/07/01 13:16 (5406) ** PAGE 01 **

REUR 0272 LIDS

QWHD. TLJ. ORINSPDS0. SA NAM/ABUZUBAIDAH, HESHAM. DOB/042876. RAC/U. SEX
/M. PUR/C

THE SUBJECT OF UR INQUIRY MAY BE --

BASED ON --DOB, NAM

* IN NCIC-III AS SINGLE STATE OFFENDER *

SID/OR14321805 FBI/649415TB4

NAM/ABU-ZUBAIDAH, HESHAM DOB/04-28-1976 SEX/M RAC/W POB/SB

HGT/509 WGT/145 HAI/BLK EYE/BRO FPC/

* ADDITIONAL IDENTIFIERS *

SMT/TAT LF ARM



** NO MORE PAGES **

(b)(5)

A-NUM: 078737342

DCO: POO

BOP NUMBER:

STATE-ID: OR14321805

LAST NAME: ABU-ZUBAIDAH

FIRST NAME: HESHAM MOHAMED

ALIAS LAST:

ALIAS FIRST:

NATLTY: SAUDI

SEX: M

DOB: 04/28/1976

DET-LOC-ID: COLUMOR

INMATE #:

PL-OFFICE: POO

AG-FELON: NO

MAND-DET:

ALERT-CODE: (b)(7)(e)

DATE-DETAINDER-PLACED: 10/02/2001

DATE-EARLIEST-RELEASE: 10/02/2061

DATE-DETAINDER-LIFTED:

LIFT-CODE:

JAIL-CODE-LOCAL : C

IRP INFORMATION-

CODE-IRP : C

DATE-AFILE-REQUESTED:

DATE-AFILE-RECEIVED :

DATE-OF-INTERVIEW : 10/02/2001

DATE-REVW-LEGAL-SUFF:

DATE-SENTENCED :

TIME-SENTENCED : MONTHS

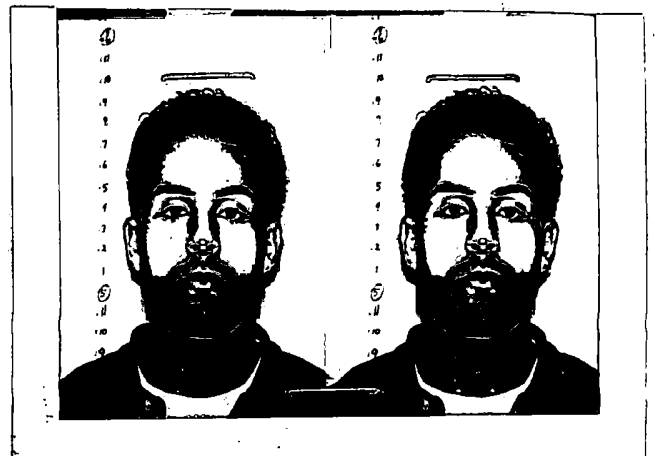
DATE-ENTERED: 10/02/2001

DATE-LAST-UPDATE: 10/02/2001

PF7--DET LOC ID LIST

COMMAND: JAIL

A-NUM: 078737342



A-NUMBER: 078737342

DCO: POO

LAST NAME: ABU-ZUBAIDAH

FIRST NAME: HESHAM MOHAMED

CRIME CODE	DESCRIPTION	STATUS CODE	STATUS DATE	DOC-ISS CODE	DOC-REQ/ REC DATE
1399	ASSAULT	P	08/14/2001		
0399	IMMIGRATION	P	10/02/2001		

*** PRESS ENTER--FOR UPDATES PF1--NEXT PAGE PF2--PREVIOUS PAGE
 PF5--HELP PF7--CRIME CODE LIST ***
 COMMAND: CRIM A-NUMBER: 078737342

NO MORE CRIMES FOUND

CRIME RECORD UPDATED

Freedom of Information/Privacy Act Request

The completion of this form is optional.

Any written format for Freedom of Information or Privacy Act requests is acceptable.

START HERE - Please type or print and read instructions on the reverse before completing this form.

1. Type of Request: (Check appropriate box)

- Freedom of Information Act (FOIA) (Complete all items except 7)
- Privacy Act (PA) (Item 7 must be completed in addition to all other applicable items)
- Amendment (PA only, Item 7 must be completed in addition to all other applicable items)

2. Requester Information:

Name of requester: Judith Kenen		Daytime Telephone: (503)231-4866 X133
Address (Street Number and Name): Catholic Charities Immigration Services 231 SE 12th Ave		Apt. No
City: Portland	State: OR	Zip Code: 97214

By my signature, I consent to the following:

Pay all costs incurred for search, duplication, and review of materials up to \$25.00, when applicable. (See Instructions)

Signature of Requester: _____

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required)

3. Consent to Release Information (Complete if name is different from Requester) (Item 7 must be completed)

Print Name of Person Giving Consent: Hesham Abu-Zubaidah	Signature of Person Giving Consent:
--	---

By my signature, I consent to the following: (check applicable boxes)

- Allow the Requester named in item 2 to see all of my records or a portion of my record. If a portion, specify what part (i.e. copy of application)

(Consent is required for records for United States Citizens (USC) and Lawful Permanent Residents (LPR))

4. Action Requested (Check One): Copy In-Person Review

5. Information needed to search for records:

Specific information, document(s), or record(s) desired: (Identify by name, date, subject matter and location of information)
Entire immigration file

Purpose: (Optional: you are not required to state the purpose for your request; however, doing so may assist the INS in locating the records needed to respond to your request.)

6. Data NEEDED on SUBJECT of Record: (If data marked with an asterisk (*) is not provided records may not be located)

* Family Name: ABU-Zubaidah	Given Name: Hesham	Middle Initial:
* Other names used, if any: none	* Name at time of entry into the U.S.:	I-94 Admissions #:
* Alien Registration #: 78 737 342	* Petition or Claim Receipt #:	* Country of Birth: Saudi Arabia
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son): Rosale Abu-Zubaidah		* Date of Birth or Appx. Year: 04-28-76
Country of Origin (Place of Departure):	Port-of-Entry into the U.S.	Date of Entry:
Manner of Entry: (Air, Sea, Land)	Mode of Travel: (Name of Carrier):	SSN: 354-94-5066
Name on Naturalization Certifications:	Certificate #:	Naturalization Date:
Address at time of Naturalization:	Court and Location:	

7. Verification of Subject's Identity: (See Instructions for Explanation) (Check One Box)

In person with ID Notarized Affidavit of Identity Other (Specify) _____

Signature of Subject of Record: _____

Date: 08-29-01

Hesham ABU-Zubaidah

Telephone No.: (50) 1231-486

NOTARY (Normally needed from individuals who are the subject of the records sought) (see below)

or a sworn declaration under penalty of perjury.

subscribed and sworn to before me this _____ day of _____ in the Year _____

Signature of Notary _____

My Commission Expires _____

OR

If a declaration is provided in lieu of a notarized signature, it must state, at a minimum, the following: (Include Notary Seal or Stamp in this Space)

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

Signature: _____

COPY

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: ABU-ZUBAIDAH, Hesham	Date: 08-29-01
	File No. 78 737 342

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: Hesham ABU-ZUBAIDAH	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)	5829 NE Martin Luther King Blvd Portland OR 97211	
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		

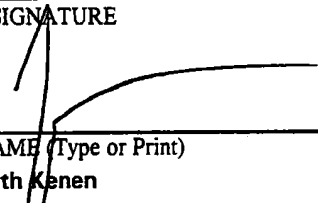
Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia _____ and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law. (Name of Court)

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board: **Catholic Charities Immigration Services**

3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain fully.)

SIGNATURE 	COMPLETE ADDRESS Catholic Charities Immigration Services 231 SE 12th Ave Portland OR 97214
NAME (Type or Print) Judith Kenen	TELEPHONE NUMBER (503)231-4866 X133

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Judith Kenen

 (Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:
Immigration matters

Name of Person Consenting Hesham ABU-Zubaidah	Signature of Person Consenting 	Date 8/29/01
---	---	------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)



U.S. Department of Justice
Immigration & Naturalization Service

Hesham Abw-Zubaidah
2934 N.E. 61st Ave.
Portland, OR 97213

Office of the District Director
511 NW Broadway
Portland, Oregon 97209

9/22/00

Dear Applicant:

This is to acknowledge receipt of your application files with the Portland District Office. Your receipt for the filing fee paid is attached below. Pending final approval of your application, please be aware of the following:

1. The current processing time for this type of application(s) is twelve (12) months. Please do not inquire into the status of your case until the above processing time has past.
2. Please note that your file number is A 78 737342. The number must be provided on any correspondence concerning your case. Should you move while your application is pending, you must immediately notify this office of your change of address. Please be sure to include your name, file number, new address, old address, and telephone number.
3. If you applied for an Employment Authorization Document (EAD), you are scheduled to appear at this office on 10/10/00 at 1:30pm. Please take a seat in Room 117 until your name is called. Be prepared to wait for approximately one hour; you will be required to show identification when you are processed. If you miss this appointment, you may present yourself at the counter prior to noon on any future date.
4. You must not leave the United States without permission while your application for adjustment of status is pending. If you desire to leave the United States, you must submit Form I-131 "Application of Travel Document". Failure to receive an advance parole prior to your departure may result in denial of your application and removal from the United States.
5. If you need to be fingerprinted in conjunction with your application, you will receive a separate notice from the Application Support Center (ASC) stating when and where to appear for fingerprinting.
6. General Questions concerning your application process can be answered by contacting the National Customer Service Center at 1-800-375-5283 or you may also visit our INS web site at: <http://www.ins.usdoj.gov>

Sincerely,

US DEPT OF JUSTICE
INS PORTLAND
RETAIN THIS RECEIPT

1:32PM Aug 29/00
00-0000 002 P00-00
#03153

A # 000000000
Last Name ABU-ZUBAIDAH
First Name HESHAM

I-485 \$220.00
FP-Fee/FD258 \$25.00
I-130 SPOUSE \$110.00
I-765 \$100.00

X TTL \$455.00
X Check \$245.00
X Check \$110.00
X Check \$100.00

XOFFICIALX
XDOCUMENTX

INS
Receipt

SEARCH CRITERIA: ANUM = 078737342

CIDN : A078737342 ORI: (SC) NBINSWANZ (LOC) ORINSPD00
A-NUMBER : 078737342 FORM#: I485
NAME (L/F/M): ABU ZUBAIDAH HERHAM MOHAMED

DATE OF BIRTH : 04/28/1976
FP REQUEST SENT: 11/22/2000 TCN: A078737342200011221521
PLACE OF BIRTH : SB TCR:

***** FBI RESPONSE INFORMATION *****

FBI RESPONSE DESCRIPTION : NON-IDENT CONTROL NO: AB2724N
DATE PROCESSED BY FBI : 11/22/2000 FNU :
RESPONSE PROCESSED BY LAN: 11/22/2000 PCN :
RESPONSE PROCESSED BY M/F: 11/24/2000
REJECT DESCRIPTION :

SUCCESSFUL FD258 DETAIL SCREEN DISPLAY

PF1 PF2 PF6 PF8
PG FWD PG BWD PRIOR SCREEN LOGOFF

I-485 PROCESSING WORKSHEET (DAO)

A 78 737 342

ADJUDICATIONS	INITIALS	DATE	REMARKS and/or CIRCLE		
Via Availability Confirmed					
Statutorily eligible to file under 245 or 245A					
Interview waiver criteria met					
Case is expedited family			Yes No		
Initial Evidence complete			Yes No		
Original I-693 returned to applicant			Yes No		
If Request for Evidence (RFE) created on I-485 call up date for RFE (12 weeks from date mailed to applicant)			Yes No DATE:		
Response by Applicant to RFE					
If Intent to Deny created on I-485, call up date for Intent (30 days from date mailed to applicant)			Yes No DATE:		
Response by applicant to Intent to Deny					
FBI Query checked			Yes No		
Final Results of FBI Query/FTRK			Yes No		
If IOBIT, Rap sheet Interfiled			IDENT NON-IDENT		
I-485 Denied			Yes No		
If denied, denial was due to:			Yes No		
Discrepancies, if any, between CIS and CLAIMS recorded			Abandonment Other Yes No N/A		
I-485 recommended for approval					
I-485 approved			Yes No		
Case Relocated to local office for interview					
For relocation of T-Files: Redirection of FTR in CIS done			Yes No Yes No		
If relocated, name of local office					
Memo created and attached to relocated case			Three letter code of local office		
Result of adjudication of accompanying applications attached to or in file (if any)			Yes No		
I-763	PS	9/22/00	Approved	Denied	Relocated
I-131			Approved	Denied	Relocated
I-824			Approved	Denied	Relocated
I-212			Approved	Denied	Relocated
I-601			Approved	Denied	Relocated
Other (Specify)			Approved	Denied	Relocated
			Approved	Denied	Relocated

I-485 PROCESSING WORKSHEET (CLERICAL)

CLERICAL	INITIALS	DATE	REMARKS and/or CIRCLE
Fees Paid	CH	8/29/00	<input checked="" type="radio"/> Yes <input type="radio"/> No
249 Penalty Fee Submitted			Yes <input type="radio"/> No <input type="radio"/>
Visa immediately available at filing date			Yes <input type="radio"/> No <input type="radio"/>
CIS search done	CH	AUG 30 2000	Yes <input type="radio"/> No <input type="radio"/>
A-File or T-File created <i>AT 78 737 342</i>	CH	AUG 30 2000	Record Found <input type="radio"/> No Record Found <input checked="" type="radio"/>
A/T files of Family Members			A-File <input checked="" type="radio"/> T-File <input type="radio"/>
N _____ Relationship to P/A			A-File <input type="radio"/> T-File <input type="radio"/>
N _____ Relationship to P/A			A-File <input type="radio"/> T-File <input type="radio"/>
N _____ Relationship to P/A			A-File <input type="radio"/> T-File <input type="radio"/>
N _____ Relationship to P/A			A-File <input type="radio"/> T-File <input type="radio"/>
Total of I-485's in Family Group			
Accompanying application in this A-File			Enter Number Here _____
Accompanying applications in separate receipt files	CH	AUG 30 2000	I-601 I-212 I-191 I-864
I-693 received in SEALED envelope	CH	AUG 30 2000	<input checked="" type="radio"/> I-765 I-131 I-824 Other: _____
FD-291 "washcard" is complete, accurate, and legible			<input checked="" type="radio"/> Yes <input type="radio"/> No
If necessary, AF is zero filled on FD-258. (e.g. A40123456 changed to A040123456)			Yes <input type="radio"/> No <input type="radio"/>
FD-258 Control # _____			
FD-258 sent to FBI			Yes <input type="radio"/> No <input type="radio"/>
If no FD-258 sent, was FD-258 rejected			Yes <input type="radio"/> No <input type="radio"/> (If No, State Reason)
If necessary, was 2nd FD-258 sent to FBI			
All receipt date entry was completed (CLAIMS/GUR, Scannly, etc.)			Yes <input type="radio"/> No <input type="radio"/>
Initial A-file transfer request was completed			Yes <input type="radio"/> No <input type="radio"/>
If necessary, 2nd A-file transfer request was made (30 calendar days)			Yes <input type="radio"/> No <input type="radio"/>
A-file relates to applicant			Yes <input type="radio"/> No <input type="radio"/>
Receipt of approved visa petition			Yes <input type="radio"/> No <input type="radio"/>
Request for approved visa petition initiated			
Visa Number requested			Yes <input type="radio"/> No <input type="radio"/>
Visa Number Allocated by DOS			Yes <input type="radio"/> No <input type="radio"/>
I-485 received and A/T file reviewed & compared			Yes <input type="radio"/> No <input type="radio"/>
			Yes <input type="radio"/> No <input type="radio"/>



292

UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE

Fingerprint Notification			NOTICE DATE NOVEMBER 4, 2000
CASE TYPE I485			INS A# A078737342
APPLICATION NUMBER	RECEIVED DATE	PRIORITY DATE	PAGE

APPLICANT NAME AND MAILING ADDRESS

ABU ZUBAIDAH, HESHAM
C/O YELENA SHRIKKER
605 SE 39TH AVE
PORTLAND, OR 97214

To continue processing your application, INS must send your fingerprints to the FBI for a criminal history check. Please appear at the Application Support Center at the date and time specified. If you are unable to appear, complete the bottom portion of this notice and return the ENTIRE NOTICE to the address below. **RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW WITHOUT A REQUEST FOR RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.**

APPLICATION SUPPORT CENTER

DATE AND TIME OF APPOINTMENT

103 SW 4th Avenue
(US Bancorp Parking Garage)
Portland, OR 97204

11/22/00
3:00:00 PM

PLEASE DISREGARD THIS NOTICE IF:

1. YOU HAVE BEEN FINGERPRINTED BY THE INS WITHIN THE LAST 90 DAYS.
2. YOUR APPLICATION HAS ALREADY BEEN GRANTED, OR
3. YOU ARE UNDER 14 YEARS OF AGE OR WERE 75 OR OLDER AT THE TIME YOUR N400 APPLICATION WAS FILED, OR OVER 79 AT THE TIME YOUR I485 APPLICATION WAS FILED.

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, State-issued photo ID, or other INS issued photo ID. School IDs are not acceptable. If you are appearing without proper identification, you may not be fingerprinted.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: Wednesday afternoon Saturday afternoon

INS cannot guarantee the day preferred, but will do so to the extent possible.
Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to

INS Application Support Center
103 SW 4th Ave.
Portland, OR 97204

If you have any questions regarding this notice, please call 1-800-375-5283.

TNC A078737342

WARNING!

Due to the limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the information worksheet should accompany you.

APPLICANT COPY

APPLICANT PLEASE COMPLETE ALL APPLICABLE INFORMATION

PROCESSING SHEET FOR FORM I-485

Alien Registration Number (To be completed by INS Officer): _____

Last Name: Abu - Zubaidah

(State entire last name. If you use more than one last name, please list them all)

First Name: Hesham Middle Name: Mohamed

Sex: M Date of Birth: 04/28/1976
(Month, Day, Year)

City of Birth: Riyadh Country of Birth: K.S.A.

Country of Citizenship: Palestin Marital Status: married

Current Job Title: none

Country of Last Residence Before Arriving in U.S.: Saudi Arabia

Current Street Address or P.O. Box: 2934 NE 61st Ave.

City, State, and Zip Code of Current Residence: Portland, OR 97213.

Your Current Nonimmigrant Class, if any: NONE

Mother's First Name: Malika Father's First Name: Mohamed

Form I-94 #: 569090730 05 Priority Date: none

American Consulate/Embassy That Issued Last Nonimmigrant Visa: Riyadh, K.S.A.

Date Nonimmigrant Visa Issued: 07-15-98 Nonimmigrant Visa #: 19981966820033

Nonimmigrant Class (B-2, K-1, F-1, etc.): F-1

Year of Entry Into U.S., Or Year of Last Change of Status Granted: 1998
(Whichever is most recent)

City of Destination at Time of Original Admission: Chicago, IL

Your Social Security Number: 354-94-5066

I-551 OR I-586 CARD DATA COLLECTION FORM TRANSACTION 1 - INITIAL CARD

(Use the Other Side For All Other Transactions)

FORM I-89 (Rev. 2/25/86) N SIDE 1
U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

1. CARD TYPE: 1. REGULAR I-551 2. COMMUTER I-551 3. MEXICAN I-586 4. CANADIAN I-586

A 78737342

2. ALIEN NUMBER

3. DATE OF THIS I-89

4. NAME (LAST/FIRST/MIDDLE)

5. MOTHER'S FIRST NAME

6. FATHER'S FIRST NAME

7. DOB (MM/DD/YY)

8. COB

9. CITY/TOWN/VILLAGE OF BIRTH

10. CITY OF RESIDENCE WHEN APPLYING FOR THIS STATUS

11. CITY OF DESTINATION AT TIME OF ORIGINAL ADMISSION

12. LOCATION OF CONSULATE (OR INS OFFICE WHERE ADJUSTED)

13. POE/POI

14. CLASS

15. ADM/ADJ DATE (MM/DD/YY)

16. AMC

17. OTHER FP

18. WAIVER/REASON

FP _____

SIG _____

PHOTO _____

19. IN CARE OF

20. NUMBER AND STREET (APT NO. IF APPLICABLE)

21. CITY

22. STATE

23. ZIP CODE

25. CERTIFICATION

I certify, based upon all available information, that this applicant is entitled to the immigration document for which this application has been made.

26. STAMPED OR PRINTED NAME OF OFFICER

24. AFFIX SEAL IN THIS SPACE

27. OFFICER'S SIGNATURE

28. LOC CODE

A 78737342

29. ALIEN NUMBER

CARD FACILITY USE ONLY

STAPLE PHOTO/OLD CARD HERE

USE THIS SIDE FOR TRANSACTIONS 2 THROUGH 7

FORM I-89 (Rev. 2/25/86) N SIDE 2

A. CARD TYPE 1. REGULAR I-551 2. COMMUTER I-551 3. MEXICAN I-586 4. CANADIAN I-586

B. TRANSACTION CODES - CHECK APPROPRIATE BLOCK

2. REPLACEMENT FOR LOST/STOLEN CARD 3. REPLACEMENT FOR MUTILATED CARD 4. REPLACEMENT FOR ADMINISTRATIVE REASONS 5. LOST/STOLEN CARD RECOVERED - NO NEW CARD TO BE ISSUED 6. CARD LIFTED - NO NEW CARD TO BE ISSUED (NOT USED FOR DEATH OR NATURALIZATION) 7. REPLACEMENT FOR CHANGE IN CARD DATA

A.

D. OLD CARD RECOVERED YES NO

E. ISSUE NO OF RECOVERED CARD

F. DATE OF THIS I-89

C. ALIEN NUMBER

G. NAME AS PRINTED ON LAST CARD (LAST/FIRST/MIDDLE)

H. IN CARE OF

I. NUMBER AND STREET (APT. NO. IF APPLICABLE)

J. CITY

K. STATE

L. ZIP CODE

M. DOB (MM/DD/YY) ON CARD

N. AMC

O. OTHER FP DESIGNATOR

P. WAIVER/INIT./REASON

FP _____

SIG _____

PHOTO _____

Q. NAME CHANGE CODE

NEW NAME

NEW NAME

R1. CHANGE CODE

NEW DATA

R1. CHANGE CODE

NEW DATA

R2. CHANGE CODE

NEW DATA

R2. CHANGE CODE

NEW DATA

R3. CHANGE CODE

NEW DATA

R3. CHANGE CODE

NEW DATA

S. AFFIX SEAL IN THIS SPACE

T. CERTIFICATION

I certify, based upon all available information, that this applicant is entitled to the immigration document for which this application has been made.

U. STAMPED OR PRINTED NAME OF OFFICER

V. OFFICER'S SIGNATURE

V. OFFICER'S SIGNATURE

W. LOC CODE

W. LOC CODE

X. ALIEN NUMBER

X. ALIEN NUMBER

STAPLE PHOTO/
OLD CARD HERE



U.S. Department of Justice
Immigration & Naturalization Service

Hesham Abu-Zubaidah
2934 N.E. 61st Ave.
Portland, OR 97213

Office of the District Director
511 NW Broadway
Portland, Oregon 97209

9/22/00

Dear Applicant:

This is to acknowledge receipt of your application files with the Portland District Office. Your receipt for the filing fee paid is attached below. Pending final approval of your application, please be aware of the following:

1. The current processing time for this type of application(s) is twelve (12) months. Please do not inquire into the status of your case until the above processing time has past.
2. Please note that your file number is A 78 737342. The number must be provided on any correspondence concerning your case. Should you move while your application is pending, you must immediately notify this office of your change of address. Please be sure to include your name, file number, new address, old address, and telephone number.
3. If you applied for an Employment Authorization Document (EAD), you are scheduled to appear at this office on 10/10/00 at 1:30pm. Please take a seat in Room 117 until your name is called. Be prepared to wait for approximately one hour; you will be required to show identification when you are processed. If you miss this appointment, you may present yourself at the counter prior to noon on any future date.
4. You must not leave the United States without permission while your application for adjustment of status is pending. If you desire to leave the United States, you must submit Form I-131 "Application of Travel Document". Failure to receive an advance parole prior to your departure may result in denial of your application and removal from the United States.
5. If you need to be fingerprinted in conjunction with your application, you will receive a separate notice from the Application Support Center (ASC) stating when and where to appear for fingerprinting.
6. General Questions concerning your application process can be answered by contacting the National Customer Service Center at 1-800-375-5283 or you may also visit our INS web site at: <http://www.ins.usdoj.gov>

Sincerely,

US DEPT OF JUSTICE
INS PORTLAND
RETAIN THIS RECEIPT

1:32PM Aug 29/00
00-0000 002 PDD-DB
#03153

A # 000000000
Last Name ABU-ZUBAIDAH
First Name HESHAM

I-485 \$220.00
FP-Fee/FD258 \$25.00
I-130 SPOUSE \$110.00
I-765 \$100.00

X TTL \$455.00
Check \$245.00
Check \$110.00
Check \$100.00

XOFFICIALX
XDOCUMENTX

INS
Receipt

Application Checklist

A# 78 737 342

Your application, although accepted as filed by the Immigration and Naturalization Service, is lacking the following required forms and supporting evidence. You **MUST** submit the forms and evidence checked below at the time of your interview (not when you come in for your Employment Authorization card).

FORMS:

<input type="checkbox"/> I-693 Medical, including supplement/Vaccinations From an approved INS Civil Surgeon	<input type="checkbox"/> I-601 Waiver of Grounds of Excludability, if applicable.
<input checked="" type="checkbox"/> I-864 Affidavit of Support, and all required Supporting documents	<input type="checkbox"/>

EVIDENCE:

<input type="checkbox"/> Copies of Approved I-130 pkg. (If in possession of Form I-797 approval notice)	<input type="checkbox"/> Original Form I-94 Arrival Record
<input type="checkbox"/> Employment Authorization Document (EAD) (Most Current Issue)	<input type="checkbox"/> Original Passport
<input type="checkbox"/> Name Change Documents	<input type="checkbox"/> Form I-512 Advance Parole Document (Most Current Issue)
<input type="checkbox"/> Proof of Bank Balances for Affiant/s	<input type="checkbox"/> Proof of Citizenship for Beneficiary <input type="checkbox"/> Birth Certificate (long form listing parents names) <input type="checkbox"/> Passport <input type="checkbox"/> Matricula del Consulado de Mexico <input type="checkbox"/> Cartilla Militar <input type="checkbox"/> Credencial del Elector
<input type="checkbox"/> Past three years tax returns for Affiant/s (Most current previous three years from date of interview)	
<input type="checkbox"/> Proof of spousal relationship (rental agreements, joint accounts, Proof of joint ownership, car and/or health insurance, Birth Certificates of children, etc.)	<input type="checkbox"/> Employment letter which states current salary, employment dates and whether employment is permanent or temporary (must be on employers letterhead stationary) for affiant/s
<input type="checkbox"/> Past three years tax returns for affiant	<input type="checkbox"/> Certified Copy of Marriage Registration received from County Clerk's Office of Vital Statistics
<input type="checkbox"/> Arrest History, including indictments, judgements, and satisfaction Of all judgements	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

By the time of the interview, each requested form **MUST** be completely filled out. Each document checked **MUST** be issued and stamped certified by the vital statistics office, county clerk's office, or other court official. Furthermore, bring to the interview certified, word-for-word English translations of every foreign language document submitted and originals of all documents submitted in support of your petition and application.

In addition, note that Title 8, Code of Federal Regulations, Section 103.2(b)(913) states in pertinent part:

- If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned, and accordingly, shall be denied... if a person requested to appear for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied.

NOTE: If you fail to provide the completed forms or original or certified copies of the evidence required at the interview, your application or petition will be denied.

Signature of Petitioner _____ date _____

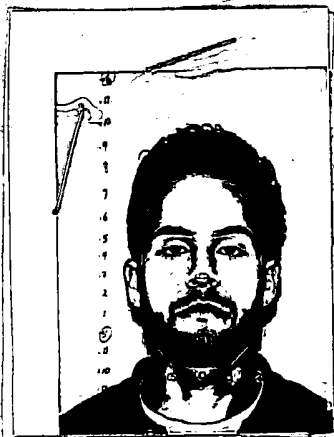
Signature of Applicant _____ date _____

Individual received copy through mail.

Individual received copy.

RS
Initials

9/22/00
date



EMPLOYMENT AUTHORIZATION
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

Name: AGU, XUBATGAN, HESSEN H.
Signature: *[Handwritten Signature]*
Valid from: 10/10/2000 to 10/09/2001
Provision of Law: P 274A.12(C)(4)(9)
Terms & Conditions: ICHS
A 4350EU 10/10/2000



FORM I-688B JAN 89

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: FBI, CJIS Division, Clarksburg, WV 26306.

(See instructions on reverse side)

FBI No. <u>649415TB4</u>		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.) NTA PENDING EOIR HEARING	
Name on Fingerprint Card Submitted to FBI Last First Middle ABU-ZUBAIDAH, HESHAM			
Date of Birth <u>04281976</u> Sex <u>M</u>			
Henry Fingerprint Classification From FBI 1-B Response			
State Bureau No. (SID) <u>OR14321005</u>	Social Security No. (SOC)	This Form Submitted By: (Name, Title, Agency, ORI No., City & State) (b)(7)(c)	
Contributor of Fingerprints (Include complete name and location of agency, together with ORI number.) ORINSPD00 USINS PORTLAND, OR		 POO3547	100201
		Signature	Date
		Title	
Arrest No. (OCA)	Date Arrested or Received 10022001	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.	
Offenses Charged at Arrest REMOVAL PROCEEDINGS / 237 R1C1		Right Four Fingers Taken Simultaneously 	

If additional space is needed, check and continue on reverse side of this form.

INSTRUCTIONS

1. The purpose of this report is to record the initial data of an individual's arrest and thereafter secure the **final disposition** of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g., RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known. Agency ultimately making final disposition will complete and mail form to: **FBI Criminal Justice Information Services Division, Clarksburg, WV 26306.**
2. **The arresting agency** should fill in all arrest data on left side of form and obtain the finger impressions of the right four fingers simultaneously. This should be done at the same time as the full set of fingerprints are taken on the arrest fingerprint card. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, then the arresting agency should fill in this final disposition and mail form to FBI Criminal Justice Information Services Division. Of course, if final disposition is known when arrest fingerprint card is submitted it should be noted thereon and this form is then unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. **The prosecutor** should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Criminal Justice Information Services Division. If court action required, the prosecutor should forward form with case file to court having jurisdiction.
4. **The court** should complete this form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty to lesser or different offense than that charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form so that FBI can return arrestee's fingerprints to original contributor.
7. It is **vitaly important** for completion of subject's record in the FBI Criminal Justice Information Services Division files that **Final Disposition Report** be submitted in every instance where fingerprints previously forwarded without final disposition noted thereon.

FOR ADDITIONAL INFORMATION

LEAVE BLANK

CRIMINAL

(STAPLE HERE)

LEAVE BLANK

STATE USAGE

NFF SECOND



SUBMISSION

APPROXIMATE CLASS

AMPUTATION

SCAR

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

000474 99
98 010 01200

ABU-ZUBAIDAH, HESHAM

SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NO.

LEAVE BLANK

ALIASES/MAIDEN

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

FBI NO.

STATE IDENTIFICATION NO.

DATE OF BIRTH MM DD YY

SEX

RACE

HEIGHT

WEIGHT

EYES

HAIR

649415TB4

OR14321805

04281976

M

W

509

145

BRO

BL

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

ID 50X50G8 TP-600 #000417 19:51:07

LXOPS

#11-LDG29

20011002-20:01

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

670

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/> TREAT AS ADULT YES <input type="checkbox"/>	DATE OF ARREST MM DD YY 10022001	ORI CONTRIBUTOR ADDRESS REPLY YES <input type="checkbox"/> DESIRED?	ORINSPD00 USINS PORTLAND, OR ORINSPD00 USINS PORTLAND, OR
--	--	---	--

SEND COPY TO: (ENTER ORI) DCINSDN00	DATE OF OFFENSE MM DD YY	PLACE OF BIRTH (STATE OR COUNTRY) RIYADH, SAUDI ARABIA	COUNTRY OF CITIZENSHIP SAUDI ARABIA
---	-----------------------------	---	--

MISCELLANEOUS NUMBERS FINS#10036422	SCARS, MARKS, TATTOOS, AND AMPUTATIONS TAT L ARM : FOREARM: WINGS		
	RESIDENCE/COMPLETE ADDRESS	CITY	STATE

OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) (b)(7)(c) [Redacted] P003547	LOCAL IDENTIFICATION/REFERENCE 78-737-342	PHOTO AVAILABLE? YES <input type="checkbox"/> PALM PRINTS TAKEN? YES <input type="checkbox"/>
---	--	--

U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.	OCCUPATION
--	------------

CHARGE/CITATION 1. REMOVAL PROCEEDINGS / 237 R1C1	DISPOSITION 1. NTA PENDING EOIR HEARING
--	--

2.	2.
----	----

3.	3.
----	----

ADDITIONAL	ADDITIONAL
------------	------------

ADDITIONAL INFORMATION/BASIS FOR CAUTION CRIMINAL ALIEN	STATE BUREAU STAMP
--	--------------------

LEAVE BLANK

CRIMINAL

(STAPLE HERE)

LEAVE BLANK

STATE USAGE

NFF SECOND

SUBMISSION

APPROXIMATE CLASS

AMPUTATION

SCAR

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

ABU-ZUBAIDAH, HESHAM

SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NO.

LEAVE BLANK

ALIASES/MAIDEN

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

FBI NO.

STATE IDENTIFICATION NO.

DATE OF BIRTH M M DD YY

SEX

RACE

HEIGHT

WEIGHT

EYES

HAIR

649415TB4

OR14321805

04281976

M

W

509

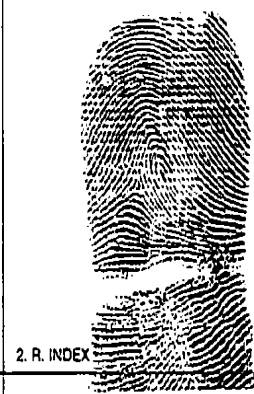
145

BRO

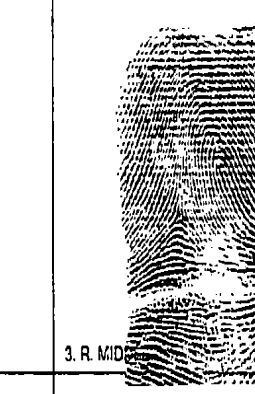
BL



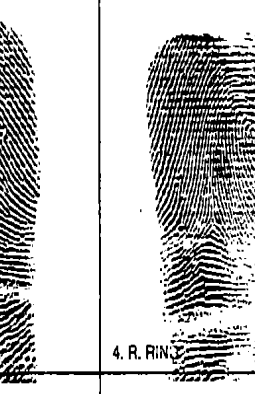
1. R. THUMB



2. R. INDEX



3. R. MIDDLE



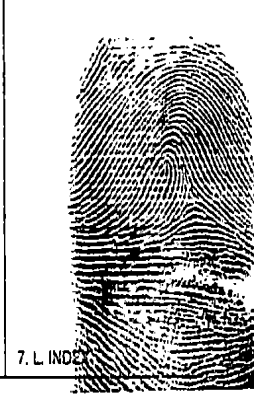
4. R. RING



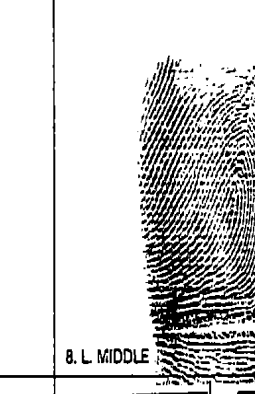
5. R. LITTLE



6. L. THUMB



7. L. INDEX



8. L. MIDDLE



9. L. RING



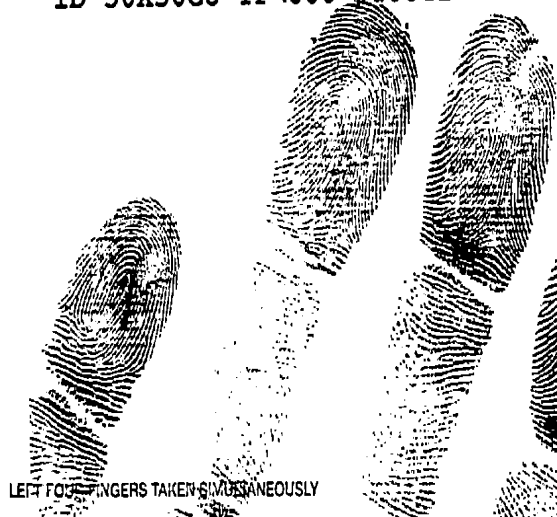
10. L. LITTLE

ID 50X50G8 TP-600 #000417 19:51:07

LXOPS

#11-LDG29

20011002-19:54



LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY



L. THUMB



R. THUMB



RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/> TREAT AS ADULT YES <input type="checkbox"/>		DATE OF ARREST MM DD YY 10022001	ORI CONTRIBUTOR ADDRESS REPLY YES <input type="checkbox"/> DESIRED?	ORINSPD00 USINS PORTLAND, OR ORINSPD00 USINS PORTLAND, OR
SEND COPY TO: (ENTER ORI) DCINSDN00	DATE OF OFFENSE MM DD YY	PLACE OF BIRTH (STATE OR COUNTRY) RIYADH, SAUDI ARABIA	COUNTRY OF CITIZENSHIP SAUDI ARABIA	
MISCELLANEOUS NUMBERS FINS#10036422	SCARS, MARKS, TATTOOS, AND AMPUTATIONS TAT L ARM : FOREARM: WINGS			
	RESIDENCE/COMPLETE ADDRESS	CITY	STATE	
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER)	LOCAL IDENTIFICATION/REFERENCE 78-737-342	PHOTO AVAILABLE? YES <input type="checkbox"/> PALM PRINTS TAKEN? YES <input type="checkbox"/>		
EM <input type="checkbox"/> (b)(7)(C) GOVERNMENT, INDICATE SPECIFIC AGENCY, UTILITY, LIST BRANCH OF SERVICE AND SERIAL NO.	OCCUPATION			
CHARGE/CITATION 1. REMOVAL PROCEEDINGS / 237 R1C1	DISPOSITION 1. NTA PENDING EOIR HEARING			
2.	2.			
3.	3.			
ADDITIONAL	ADDITIONAL			
ADDITIONAL INFORMATION/BASIS FOR CAUTION CRIMINAL ALIEN	STATE BUREAU STAMP			

LEAVE BLANK

CRIMINAL

(STAPLE HERE)

LEAVE BLANK

STATE USAGE

NFF SECOND



SUBMISSION

APPROXIMATE CLASS

AMPUTATION

SCAR

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

DC 10274153
SC 10274153

ABU-ZUBAIDAH, HESHAM

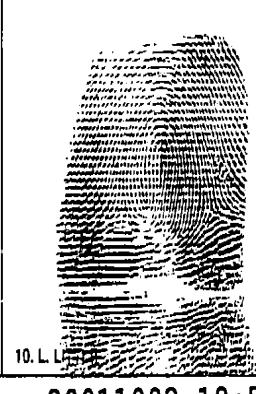
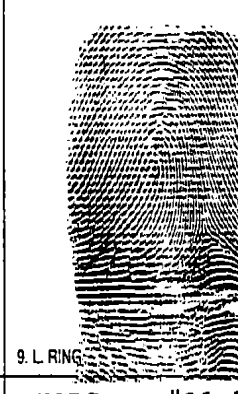
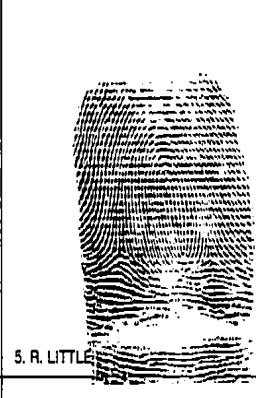
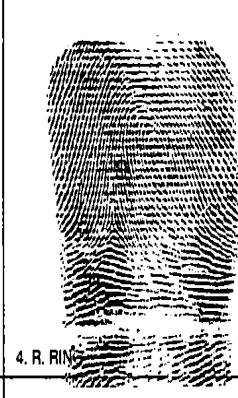
SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NO.

LEAVE BLANK

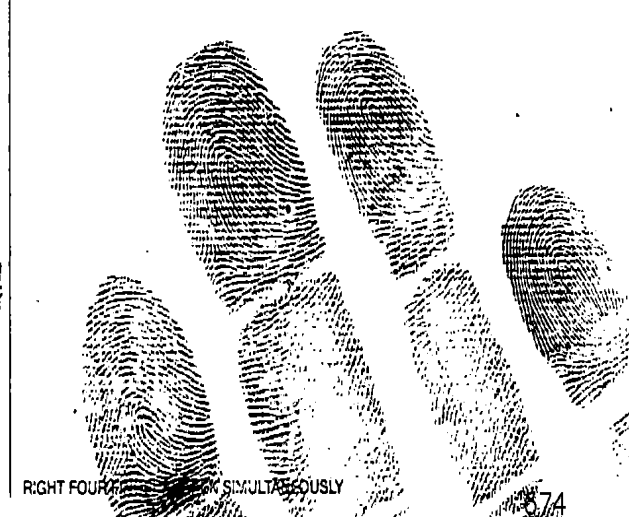
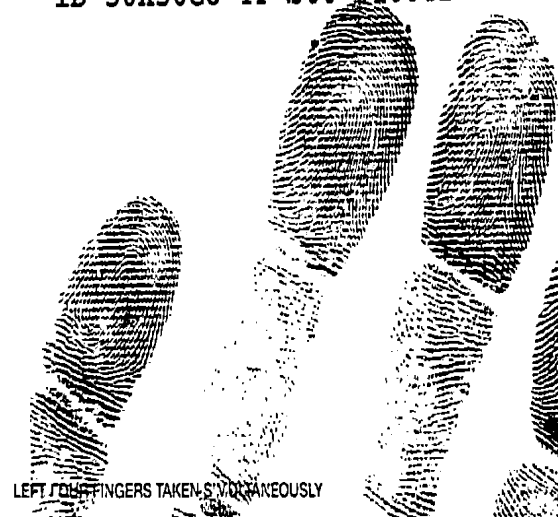
ALIASES/MAID
LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH M/M DD YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
649415TB4	OR14321805	04281976	M	W	509	145	BRO	BL



ID 50X50G8 TP-600 #000417 19:51:07

LXOPS #11-LDG29 20011002-19:57



LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

074

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/> TREAT AS ADULT YES <input type="checkbox"/>	DATE OF ARREST MM DD YY 10022001	ORI CONTRIBUTOR ORINSPD00 USINS PORTLAND, OR	ORINSPD00 USINS PORTLAND, OR
		ADDRESS REPLY YES <input type="checkbox"/> DESIRED?	

SEND COPY TO: (ENTER ORI) DCINSDN00	DATE OF OFFENSE MM DD YY	PLACE OF BIRTH (STATE OR COUNTRY) RIYADH, SAUDI ARABIA	COUNTRY OF CITIZENSHIP SAUDI ARABIA
---	---------------------------------	---	--

MISCELLANEOUS NUMBERS FINS#10036422	SCARS, MARKS, TATTOOS, AND AMPUTATIONS TAT L ARM : FOREARM: WINGS		
	RESIDENCE/COMPLETE ADDRESS	CITY	STATE

OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) (b)(7)(c) P003547	LOCAL IDENTIFICATION/REFERENCE 78-737-342	PHOTO AVAILABLE? YES <input type="checkbox"/> PALM PRINTS TAKEN? YES <input type="checkbox"/>
--	--	--

GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.	OCCUPATION
---	------------

CHARGE/CITATION 1. REMOVAL PROCEEDINGS / 237 R1C1	DISPOSITION 1. NTA PENDING EOIR HEARING
--	--

2.	2.
----	----

3.	3.
----	----

ADDITIONAL	ADDITIONAL
------------	------------

ADDITIONAL INFORMATION/BASIS FOR CAUTION CRIMINAL ALIEN	STATE BUREAU STAMP
--	--------------------

Departure Number

~~33021111705~~

56919073005

Immigration & Naturalization Service
CHICAGO, ILLINOIS-565
ADMITTED

Immigration and
Naturalization Service

JUL 23 1993

I-94
Departure Record

CLASS
TO

P/S

14. Family Name Abu Zubaidah	
15. First (Given) Name Hesham	16. Birth Date (Day/Mo/Yr) 280476
17. Country of Citizenship Egypt	

See Other Side

STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; *you must surrender it when you leave the U.S.* Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Replacement I 94. I-94
Corrected to read 'Hesham' SEP 24 1998
Call 565

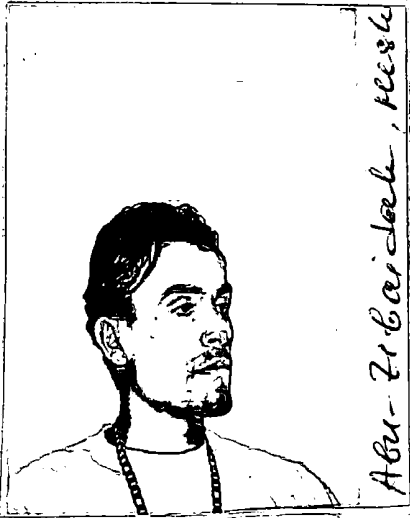
Port:

Departure Record

Date:

Carrier:

Flight #/Ship Name:



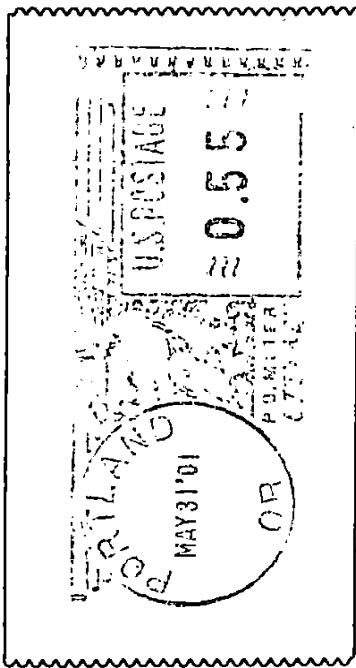
Abu-Zubaidah, Hesham

Abu-Zubaidah,
Hesham
A7873734Z

10
FORNIA QICUNE 10431

Lutheran Family Service
MULTICULTURAL COMMUNITY SERVICES
605 S.E. 39th AVENUE
PORTLAND, OREGON 97214

400-895-510



IMMIGRATION & NATURALIZATION
SERVICE
511 NW BROADWAY
PORTLAND, OR 97209

Columbian® - 55 Clasp (6 x 9)

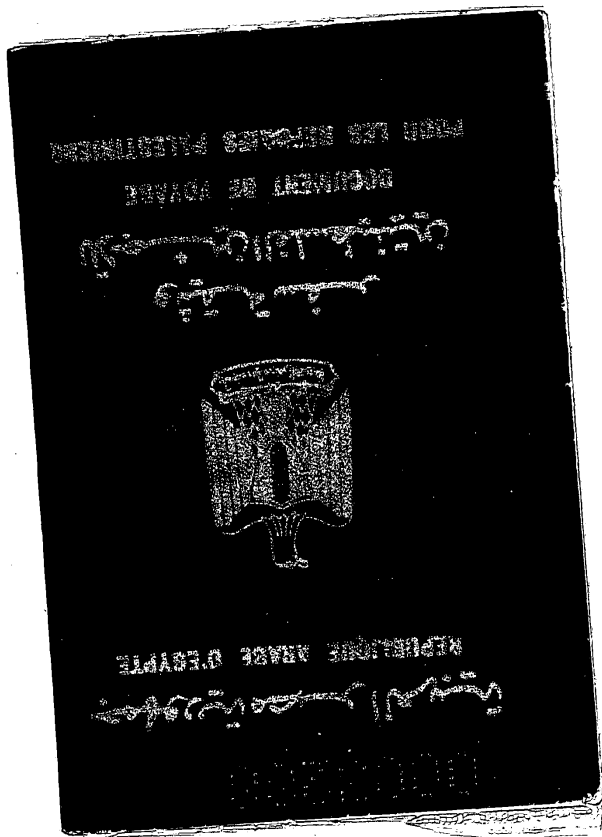
RECYCLED PAPER,
MINIMUM 20% POST-CONSUMER
FIBER CONTENT.

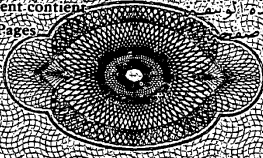


U. S. Department of Justice
Immigration and Naturalization Service

511 NW Broadway
Portland, Oregon 97209

Official Business



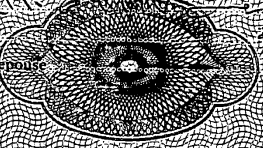


Document No 3288

Nom: *Headan*



Pieces justifiant l'octroi de ce passeport



Nom de l'Etat

964335

وزارة الداخلية
MINISTÈRE DE L'INTERIEUR
مصلحة وثائق السفر والهجرة والجنسية
ADMINISTRATION DES PASSEPORTS
DE L'IMMIGRATION ET DE LA NATIONALITE

Au nom du Ministre de L'Interieur, Les Autorites interessees sont requises et priees de permettre au porteur de ce document de passer sans entraves

باسم وزير الداخلية طلبت من جميع الجهات المختصة وترجوا لتيسر الجاهل هذه الوثيقة بالمذکور دون عائق



Director General de L'Administration des Passeports de L'Immigration et de La Nationalite ou Consul General

مدير عام مصلحة وثائق السفر والهجرة والجنسية او القنصل العام



Fait a Rabat le 19 9 7

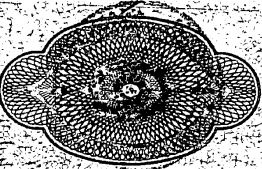
صدهدنة 19 9 7

PHOTOGRAPHIE



توقيع زوجته
Signature de l'Épouse

توقيع حامله
Signature de titulaire



SIGNATURE

Épouse

titulaire



المهنة
Profession
Riyadh

محل الميلاد
Lieu de Naissance

28/4/1976

تاريخ الميلاد
Date de Naissance

K.S. A...

محل الإقامة
Domicile



الطول
Taille

العيان
Yeux

الشعر
Cheveux

الاصناف المميزة
Signes Particuliers

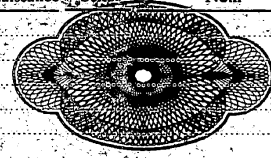


الأولاد

تاريخ الميلاد
Date de naissance

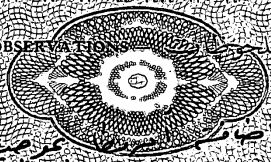
الجنس
Sexe

الاسم
Nom



- (١)
- (٢)
- (٣)
- (٤)
- (٥)

OBSERVATIONS



تم إصداره في القاهرة بتاريخ 17/2/2002

صلى الله عليه وسلم

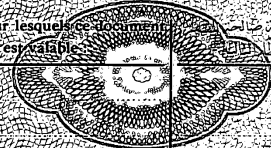
وزير الخارجية

17/2/2002

إلى السيد السفير



Pays pour lequel
est valable



جميع الدول العربيه

Ce Document Expire

le 17/2/2002

Emité par

Délivré à *Rafiq*

Le 17/2/02

Director, General
or Consul General



سيد السفير هذه الوثيقة

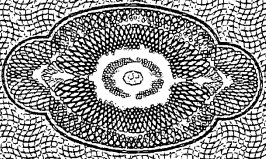
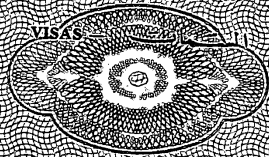
في 17/2/2002

الجهة التي أصدرتها

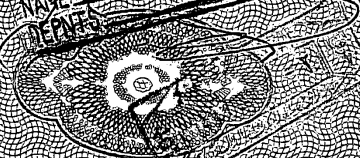
مادة في 17/2/02

تاريخ 17/2/02

التدبير
أو القنصل العام

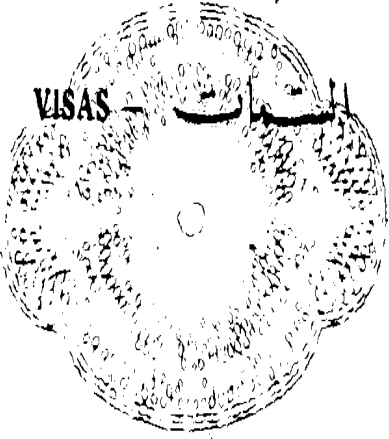


Handwritten text in Arabic script, including a date "13/11/76" and a signature. Below the signature, there are printed labels for "FROM", "ADDRESS", "DATE", "NAME", and "DEPART".



٥٥٩٧

- ١٩ -

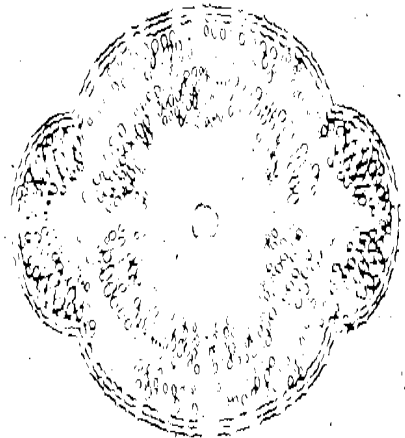


حامل هذه الترخيص منقذ ب...

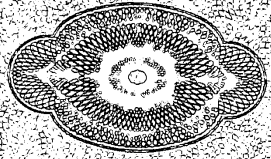
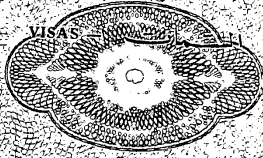
صاحبها السيد محمد...

١٠١٥ / ١٢٩٦

Handwritten signature and a diagonal line.



٥٥٩٧



U.S. IMMIGRATION
NEW YORK, N.Y. 10052

JUL 26 1998

56909073005

MEMBERSHIP
OF AMERICA



Issuing Post Name
R/VDH

Central Number
1398196820033

Surname
ABU ZUBAIDAH

Given Name
THE STAM MOHAMED HUSSAIN

Passport Number
0003288

Expiry Date
13JUL1998

Category
H

Nationality
EGY

Address
ENGLISH LANGUAGE CENTERS
HEBBOURNE, FLORIDA

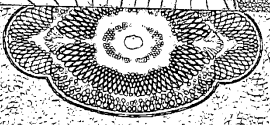
Card Type/Class
H1

Issue Date
13JUL1998

Expiration Date
13JUL2002

Card Number
25413182

VNSAUABU<ZUBAIDAH<<HESHAM<MOHAMED<HUSSAIN<<<
0003288<<1E6X76D4289M9807154F1105B50700F81A1



تعليمات بشأن هذه الوثائق

١- تصدر هذه الوثائق من مصلحة وثائق السفر والهجرة
والجنسية بالقاهرة وتقدم الطلبات على الاستمارة الخاصة
المعدة لهذا الغرض.

٢- تصدر هذه الوثيقة في الخارج من قنصليات جمهورية مصر
العربية أو أية هيئة يمهدها بذلك.

٣- تحصل رسوم الدفعة المقررة.

٤- مدة صلاحية الوثيقة خمس سنوات ما لم ينص على مدة أقل.

تنبيه

تعد هذه الوثيقة ذات شأن عظيم - ويجب الحفظ حتى لا تقع في
حيازة شخص ليس له الحق في حملها... وإذا فقدت أو تلفت يجب
إبلاغ ذلك على الفور إلى مكتب الجوازات الذي صدرت منه الوثيقة
وفي الخارج إلى أقرب قنصلية مصرية أو هيئة معهود إليها من قبل
جمهورية مصر العربية بالنظر في ذلك.

وتصلح هذه الوثيقة للسفر إلى البلاد المدونة بها دون غيرها
كما أنها لا تخول حاملها دخول جمهورية مصر العربية أو المرور منها إلا
إذا حصل على تأشيرة دخول أو مرور أو تأشيرة عودة.

ولا تصرف وثيقة أخرى جديدة إلا في الحالات الموضحة به عليه وبعد بحث
وتمحيص كاملين.

خبر الهيئة العامة للساعة

REGLEMENTS RELATIFS A CES DOCUMENTS

1- Ces documents sont émis par l'Administration des Passeports de
l'Immigration et de la Nationalité au Caire. Les demandes sont
rédigées sur un formulaire spécial délivré par les dix Bureaux.

2- A l'étranger, ils sont délivrés par les Consuls de la République
Arabe d'Egypte ou par tout organisme chargé à cet effet.

3- Les droits de timbre prescrits seront perçus.

4- La validité du document est pour une durée de cinq ans si l'on
ne mentionne pas une durée en moins.

AVIS

Ces documents sont précieux et toutes précautions doivent être prises
pour qu'il ne tombe pas entre les mains d'une tierce personne.

En cas de perte ou de destruction, le fait doit être porté immédia-
tement à la connaissance du Bureau de Passeport qui l'a délivré; et à
l'étranger au plus proche Consulat d'Egypte ou à tout organisme chargé
à cet effet par la République Arabe d'Egypte.

Ce document est valable exclusivement pour les Pays qui y sont
mentionnés.

Aussi son détenteur à entrer ou à transiter
la République Arabe d'Egypte, qu'après obtention d'un visa d'entrée
de transit ou de retour.

Aucun autre nouveau document ne peut être délivré que dans les
cas ci-haut mentionnés après une enquête minutieuse.

Application Received

14 JUL 1933

MINA

2216

ROUTING AND TRANSMITTAL SLIP

Date **8 Jan 09**

TO: (Name, office symbol, room number, building, Agency/ Post)	Initials	Date
1.		
2.		
3.		
4.		
5.		

RC 0002

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

(b)(7)(c)

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/ Post)

Room No. — Bldg.



P00

Phone No.

NSN 7540-00-935-5862
5041-103



OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA
UNICOR FPI - SST

RC 602

ICE - PORTLAND

Enr
 Page: 1 Enrollee Profile For Id 78737342 Jul 26 2007 10:50:27 CDT
 Enrollee Name: **ABU ZUBAIDAH, HESHAM MOHOMED H.**
 Start Date: **05/04/2004** End Date: **05/04/2015** Status: **ENROLLED**
 Language: **ENGLISH** Security Level: **LOW**
 Monitoring: **MINIMUM SUPERVISION**
 Supervisor: **SPAUDE, RON**

Assigned Active Phones

Phone	Status	Timezone	Address
(503) 746-6998	ACTIVE	PACIFIC	13224 SW SHORE DR, TIGARD OR 97223

MSR Call Schedules

Call Period	Calls Per Period	Phone	Schedule Status	Start-End Date
No active call schedules with active phones are found				

SETTINGS/DEFAULTS

VALIDATE_PHONE : YES
 VALIDATE_VOICE : YES
 COUNTRY : SAUDI ARABIA
 CRIMINAL : YES
 DOB : 04/28/1976
 POCR : YES
 SEX : MALE
 YOB : 1976

MSR PROMPTS

ADDRESS
 ARRESTED
 EMPLOYMENT
 PHONE

Release Notes

Automatically Released 05/04/2005
 Status changed from RELEASED to PRE-ENROLL on 05/06/2005.
 Last release date: 05/04/2005, release type TIME.
 EAD 1/17/06-4/16/06

RCV'D JAN 08 '09

ORDER OF SUPERVISION/RECOGNIZANCE
INFORMATION UPDATE

Personal Information

Subject's Name: Abu-Zubaidah Hesham A-Number: A 078-737-342

Physical Address: 13224 SW SHORE DR
Tigred 10R 97223 How long have you lived at this address? ___ Years ___ Months 15 Days

Mailing Address: 13224 SW SHORE DR
Tigred 10R 97223 How long have you used this mailing address? ___ Years ___ Months

Telephone Number: (503) 746-6998 Date of Birth: 4-28-76
(include area code)

Message Number: _____ Whose phone number is this?
(include area code) Abu-Zubaidah Hesham

E-mail Address: _____

Social Security Number: 354-94-5066 Is this a valid Social Security number?
 Yes No

Driver's License or ID Number: 9662808 Issuing state: _____

Vehicle Make & Model: _____ Vehicle License Plate: _____

Vehicle Color & Year: _____ State Issuing License Plate: _____

Parole/Probation Officer's Name: _____ How long have you been on supervised release? ___ Years ___ Months

Parole/Probation Officer's Number: _____
(include area code)

Employment Information EAD Card Expires: _____

Employer's Name: _____ How long have you worked for this employer? ___ Years ___ Months

Employer's Address: _____
_____ Type of work: _____

Employer's Phone #: _____ Hours of work: _____
(include area code)

Travel Document Information

Have you requested a travel document or passport? Yes No
(Must bring copies of all correspondence submitted for and received in response to travel document request to next report date)

Subject's Signature: [Signature] Date: 7-25-07

New address
New #

AGCY: INSR

FBI CENTRAL RECORDS SYSTEM
RESPONSE TO AN AUTOMATED INDICES RECORD CHECK
DOES NOT INCLUDE A FINGERPRINT CHECK

TAPE: RESNDO

RUN DATE: 01/04/2003

SEQUENCE NO: 1

PRT DATE: 01/30/2006

CIDN: A078737342

ORI NO: USINS0000

NAME: ABUZUBAIDAH HESHAM MOHAMED

PORT OF ENTRY:

AKA:

NATIONALITY:

DOB: 04/28/1976

CONTROL OFFICE:

POB: SAUD

US YEAR ENTRY: 2000

SOC:

NON-IMM CLASS:

SEX: F

APPL FOR PRS:

RACE: U

IN CARE OF:

ADDR: 2934 NE 61ST AVE
PORTLAND OR

CITY OF BIRTH:

MOTHERS NAME:

FATHERS NAME:

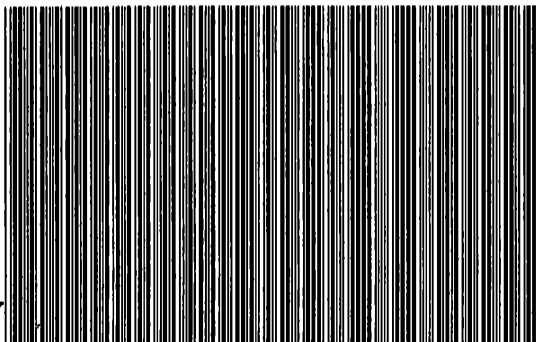
MISC:

UTD: 0000

*In response to your request
there are attached 2
reports which may pertain
to the subject of your inquiry.*

(b)(7)(e)

*This reply is a result of a
check of FBI Headquarters
investigative files only. To
check arrest records, request
must be submitted to FBI
Criminal Justice Information
Services Division. Fingerprints
are necessary for a positive
check.*



INSRRESN00A07873734200

FORM NBR: I181 RCPT NBR: LIN0106550579 REF NBR:
A-NBR: A0 78737342 APP TYPE: RECEIVED DATE: 11/06/2000
NAME: ABU ZUBAIDAH HESHAM MOHAMED
C/O:

STREET: 2934 NE 61ST AVE CITY: PORTLAND
STATE: OR PROVINCE: CNTRY: ZIP/POST: 97213
DOB: 04281976 COB: SAUDI SOC SEC NBR: PRIORITY DT: 00000000

OCCUPATN: MARITAL STATUS: M
CURR STAT: F1 LAST ENTRY STATUS: LAST ENTRY PLACE:

CARD TYPE: TRANSACT CODE: REASON FOR APPL: SEX: F
MOTHER'S FIRST NAME: MALIKA FATHER'S FIRST NAME: MOHAMED
CLS GRNTD: CR6 CR EXPIRES: ADM/ADJ DATE:
POE: POO AMC: I-89 EXEC LOC:
OTHR FNGPR: FNGPRNT WVR: N I-89 EXEC DATE:
SIG WAIVR: N PHOTO WVR: N VIEW SPONSORS: N
VIEW ADDITIONAL I-485 INFORMATION(Y/N): N

ACTION: EZ ADMINISTRATIVE CLOSE

DC997961 - VIEW MODE

PF1 PF2 PF3 PF4 PF6 PF7 PF8 PF9 PF10 PF11
CARD INFO CIS CANCEL BACK MAIN MENU CODES LOGOFF REMIT ATTY STAT HIS

RECEIPT DATE: 12/28/2000

RECEIPT NUMBER: LIN-01-065-50579

ACTION CODE	ACTION DATE	USER ID
AA RECEIVED	12272000	LINGXS01
KAD SUPERVISORY HOLD/NO I-89 ATTACHED	12272000	LINGXS01
EZ ADMINISTRATIVE CLOSE	03142007	LINDIR01

PRESS PF4 OR "ENTER" TO RETURN TO PREVIOUS SCREEN

PF1	PF2	PF4	PF6	PF7	PF8	PF11
PG FWD	PG BACK	RETURN	MAIN MENU	CODES	LOGOFF	AUDIT

CIMSIN
COMMAND:

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - DETAILED SEARCH DISPLAY

05/02/07
14:50:25

A#: 078737342 NAME: ABU ZUBAIDAH , HESHAM DOB: 04281976

LAST: ABU ZUBAIDAH
FIRST: HESHAM
MIDDLE: M
ALIASES: , HESHAM M
NATZ DATE:
COURT:
LOCATION:

SEX: M POE: POO COB: UNKNO DOE: 00000000
FCO: POO COA: F1 COC: JORDA FATHER: MOHAMED
PFCO: SFCO: DFO: 11072000 BIN: MOTHER: MALIKA

SSN: 354945066

CONSOLIDATED A-NOS

--OTHER INFORMATION--

I-94 ADM #:

PASSPORT #:

FBI #: 649415TB4

EADS-X

(b)(7)(e)

DRIVER LIC:

FINGER CD#:

CLEAR EXIT PF1 NEXT CONS A# PF2 PRIOR CONS A# PF4 RETURN PF5 HELP
PF6 CIS MAIN MENU PF7 NEXT SEARCH PF8 VIEW HISTORY PF9 VIEW EAD PF11 EOIR

14:53
TID= Q232

TECS II - NCIC/NLETS RECORD DISPLAY

050207 T2MRM401
T2PRM403

FROM NCIC ON 05/02/07 AT 14:53:40 PRESS ENTER TO CONTINUE
1L01CQUQZSN22200222
DCINS10T3

NO NCIC WANT NAM/ABU ZUBAIDAH, HESHAM DOB/19760428

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE EXTRADITION FROM THE
INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED
WITHOUT LIMITATIONS.

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

08:39

TECS I - PERSON SUBJECT QUERY

050207 T2MRE904

TID= Q231

T2PRE921

NAME- LAST ABU-ZUBAIDAH

(?) FIRST HANI

MI

INCLUDE NICKNAME X SOUNDEX

DATE OF BIRTH- (START) 04281976 -

(STOP) STC

NCIC QUERY Y

PASSPORT NBR

(?) CNTRY

SSN

DRIVER'S LIC

(?) STATE CNTRY

AFN

PILOT'S LIC

(?) CNTRY

ATF PROFILE

CASE NBR

(?)

MISC NBR

(?)

PHONE

INTL PREFX

FINANCIAL ACCOUNT

(?)

CRIMINAL AFFILIATION

(?)

ALT COMMUNICATION

(?)

LIMIT RESULTS BY RACE SEX CTZN OTTS TYPE ADDRESS- STATE CNTRY

ALSO QUERY (ENTER 'X' TO SELECT AND STATE ID AS INDICATED)

X NON-SUSPECTS

N NLETS-STATE(S)

N PROPERTY OWNED-STATE

N CRISSCROSS

X CROSSINGS

X SCNDRY INSP

X INCIDENT LOGS

X ARCHIVED RECS

FINANCIALS-

CTR

FBA

CSN

CMIR

QUERY RCN

LIMIT TO AGENCY/SUB-AGENCY (ASA)

TECS RECORD ID

NO MATCH FOUND.

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F9=ADDRESS QUERY) (F11=QUERY REASON)

* 8 NCIC RESPONSES; <F12>=CK NCIC*

08:40

TECS II NCIC/NLETS RECORD DISPLAY

050207 T2MRM401

TID= Q231

T2PRM403

FROM NCIC ON 05/02/07 AT 08:39:40
1L01CQUQYP624700247
DCINS10T2

PRESS ENTER TO CONTINUE

NO NCIC WANT NAM/ABU-ZUBAIDAH, HANI DOB/19760428

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

(b)(7)(c)

(b)(7)(e)

08:40
TID= Q231

TECS II NCIC/NLETS RECORD DISPLAY

050207 T2MRM401
T2PRM403

FROM NCIC ON 05/02/07 AT 08:40:29 PRESS ENTER TO CONTINUE
1L01CQUQYP624900249
DCINS10T2

NO NCIC WANT NAM/MOHAMED, ABUZUBAIDAH DOB/19760428
***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE EXTRADITION FROM THE
INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED
WITHOUT LIMITATIONS.

(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

(b)(5)

(b)(7)(e)



Immigration Services

June 29, 2004

U.S. Department of Homeland Security
Citizenship and Immigration Services
Portland District Office
511 NW Broadway
Portland, Oregon 97209

RE: Hesham ABU ZUBAIDAH A078737342
NOTICE OF WITHDRAWAL OF REPRESENTATION

To Whom It May Concern:

We formerly represented the above-named in immigration matters. A G-28 is on file. I write to notify you that we no longer represent the above-named individuals.

The following is the most current address for this/these individuals:

**5829 NE Martin Luther King Blvd.
Portland, OR 97211**

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Siovhán Sheridan-Ayala
Licensed in Washington State
Practice Limited to Immigration Law



2004 JUL -7 AM 11:11
PORTLAND, OR

ORDER OF SUPERVISION/RECOGNIZANCE
INFORMATION UPDATE

FILE COPY

Personal Information

Subject's Name: Abu Zubaidah - Hesham A-Number: A 78-737-342

Physical Address: 7733 SE 92nd St N How long have you lived at this address? ____ Years 1 Months

Mailing Address: Salem How long have you used this mailing address? ____ Years 1 Months

Telephone Number: 774-5918
(include area code)

Whose phone number is this? _____

Message Number: _____
(include area code)

Social Security Number: 354-94-5066

Is this a valid Social Security number?
 Yes No

Driver's License or ID Number: 9662808

Issuing state: OR

Vehicle Make & Model: _____

Vehicle License Plate: _____

Vehicle Color & Year: _____

State Issuing License Plate: _____

Parole/Probation Officer's Name: _____

How long have you been on supervised release? ____ Years ____ Months

Parole/Probation Officer's Number: _____
(include area code)

Employment Information

Employer's Name: Ron Tonkin

How long have you worked for this employer? ____ Years 3 Months

Employer's Address: 1212 NE 122nd Ave

Type of work: _____

Employer's Phone #: (563) 256-2800
(include area code)

Hours of work: Full time 8:30^{Am} to 9:00 P

Travel Document Information

Have you requested a travel document or passport? Yes No
(must bring copies of all correspondence submitted for and received in response to travel document request to next report date)

Subject's Signature:

Date: 10/12/03

ORDER OF SUPERVISION/RECOGNIZANCE
INFORMATION UPDATE

FILE COPY

Personal Information

Subject's Name: Abu Zubaidah-Hesham

A-Number: A 78-737-342

Physical Address: 7733 SE 92 KN
Port OR 97266

How long have you lived at this address? ___ Years ___ Months

Mailing Address: Stone bridge Apts.

How long have you used this mailing address? ___ Years ___ Months

Telephone Number: _____
(include area code)

Message Number: (503) 256-2800
(include area code)

Whose phone number is this? _____

Social Security Number: 354-94-5066

Is this a valid Social Security number?
 Yes No

Driver's License or ID Number: 9662808

Issuing state: _____

Vehicle Make & Model: _____

Vehicle License Plate: _____

Vehicle Color & Year: _____

State Issuing License Plate: _____

Parole/Probation Officer's Name: _____

How long have you been on supervised release? ___ Years ___ Months

Parole/Probation Officer's Number: _____
(include area code)

Employment Information

Employer's Name: RGN Tonkin, Lincoln

How long have you worked for this employer? ___ Years 2 1/2 Months

Employer's Address: 1212 NE 122nd Portland, OR

Type of work: Sales man

Employer's Phone #: (503) 256-2800
(include area code)

Hours of work: all

Travel Document Information

Have you requested a travel document or passport? Yes No

(must bring copies of all correspondence submitted for and received in response to travel document request to next report date)

Subject's Signature: [Signature]

Date: 9/14/03

7900 311

Hesham Abu Zubaidah
Sales & Leasing Consultant
Ron Tonkin
Lincoln/Mercury/Kia Inc.

Tonkin
FOR THE LOVE of CARS

www.tonkin.com

1212 NE 122nd Ave.
Portland, OR 97230
tel 503 256-2800
fax 503 257-2135
800 460-5338

RON TONKIN FAMILY OF DEALERSHIPS

RT Acura	292-0662	RT Lincoln Mercury/Kia	256-2800
RT Chevrolet	255-4100	RT Mazda/Hyundai	257-2420
RT Dodge	657-1910	RT Nissan	251-3349
RT Kia	655-5555	RT Toyota	255-0177
RT Gran Turismo	255-7560	RT Motocorsa	292-7488
RT Gresham Honda	677-7077	RT Nissan Certified	788-6789
RT Honda	255-8345	RT Truck Center	786-2577

Referred by _____ Phone _____

• ASK FOR THE SALES MANAGER AT THE DEALERSHIP

ORDER OF SUPERVISION/RECOGNIZANCE
INFORMATION UPDATE

FILE COPY

Personal Information

Subject's Name: Hesham Abu Zubaidah A-Number: A 78-737-342

Physical Address: 3730 SE 64th ave Portland
OR 97206 How long have you lived at this address? ___ Years ___ Months

Mailing Address: 3736 SE 64th ave How long have you used this mailing address? ___ Years ___ Months

Telephone Number: (503) 3588713
(include area code)

Whose phone number is this? _____

Message Number: _____
(include area code)

Social Security Number: 354-94-5066

Is this a valid Social Security number?
 Yes No

Driver's License or ID Number: 9662808

Issuing state: OR

Vehicle Make & Model: _____

Vehicle License Plate: _____

Vehicle Color & Year: _____

State Issuing License Plate: _____

Parole/Probation Officer's Name: _____

How long have you been on supervised release? ___ Years ___ Months

Parole/Probation Officer's Number: _____
(include area code)

Employment Information

Employer's Name: _____

How long have you worked for this employer? ___ Years ___ Months

Employer's Address: _____

Type of work: _____

Employer's Phone #: _____
(include area code)

Hours of work: _____

Travel Document Information

Have you requested a travel document or passport? Yes No
(must bring copies of all correspondence submitted for and received in response to travel document request to next report date)

Subject's Signature: [Signature]

Date: 4-8-03

CWS FD R17

**PARKER
BUSH & LANE**
ATTORNEYS, P.C.
A PROFESSIONAL CORPORATION

RECEIVED
AUG 30 2002
DISTRICT COUNSEL, POO

August 29, 2002

BY FEDERAL EXPRESS
Tel. (415) 556-9800

Clerk
U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†
STEVEN L. KAY

RE: PETITION FOR REVIEW / MOTION FOR STAY
Case Name: Hesham ABU-ZUBAIDAH v. ASHCROFT
Case No: New Case

Dear Clerk:

Enclosed please find the following documents for filing and consideration by the Court (original and seven copies):

- 1) **Petition for Review** attaching a copy of the Board of Immigration Appeal's **Decision dated August 1, 2002**, as well as the Immigration Judge's **March 27, 2002 Order** which the Decision affirmed without opinion;
- 2) **Motion for Stay of Deportation;**
- 3) **Certificate of Service;**
- 4) **Filing fee in the amount of \$100.00.**

Thank you for your kind attention to this matter. Should any additional information be required, please contact my office directly.

Very truly yours,
PARKER, BUSH & LANE, P.C.

Tilman Hasche
Tilman Hasche, OSB #84243

Tilman Hasche, OSB #84243
 Steven Kay, OSB # 99192
 PARKER, BUSH & LANE, PC
 1400 SW Fifth Avenue, Suite 670
 Portland, Oregon 97201
 Phone: (503) 241-1320 / Fax: (503) 323-9058
 email: th@pbl.net / slk@pbl.net

DETAINED ALIEN

Of Attorneys for Petitioner

UNITED STATES COURT OF APPEALS
 FOR THE NINTH CIRCUIT

Hesham ABU-ZUBAIDAH,	)	Case No.
)	
Petitioner,	)	INS File No. A #078- 737-342
)	
v.	)	PETITION FOR REVIEW
)	
John ASHCROFT, Attorney General;	)	STAY OF DEPORTATION REQUESTED
And U.S. IMMIGRATION &)	
NATURALIZATION SERVICE;	)	DETAINED ALIEN / EXPEDITED
	)	HEARING REQUESTED
Respondents.)	
_____)	

PETITION FOR REVIEW

Petitioner, Hesham Abu-Zubaidah, a stateless Palestinian married to a U.S. citizen and father of two U.S. citizen children, hereby petitions the Court for review of a final Decision of the Board of Immigration Appeals dated August 1, 2002, affirming, without opinion, a March 27, 2002 Order of the Immigration Judge directing Petitioner's removal to Saudi Arabia, denying voluntary departure, and denying adjustment of status. A copy of the Board's Decision (Ex. 1) and of the Immigration Judge's Order (Ex. 2) is attached.

The Board's Decision, which by its terms is a final agency determination within the meaning of 8 CFR § 3.1(a)(7), has not been upheld in any prior judicial proceeding. There is no further administrative procedure available to review the Board's Decision.

This Court has jurisdiction to review the Board's August 1, 2002 Decision pursuant to 8 USC § 1252. Rios v. Ashcroft, 287 F.3d 895 (9th Cir. 2002); Cruz-Aguilera v. INS, 245 F.3rd 1070 (9th Cir. 2001).

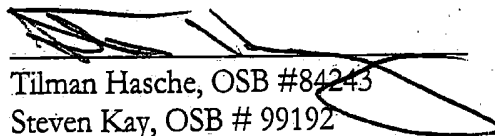
Venue properly lies with this Court because the underlying removal proceeding was conducted in Portland, Oregon. 8 USC § 1252(b)(2).

Mr. Abu-Zubaidah has been detained in INS custody since September 2001. He therefore respectfully requests that his case be heard as expeditiously as possible.

At Portland, Oregon this 29th day of August, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.

Tilman Hasche


Tilman Hasche, OSB #84243
Steven Kay, OSB # 99192
Of Attorneys for Petitioner



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Date of this notice: 08/01/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Lori Scialabba
Acting Chairman

Enclosure

Panel Members:

HESS, FRED

EXHIBIT 1
PAGE 1 of 2

WALKERA

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A78-737-342 - PORTLAND

Date: AUG 01 2002

In re: ABU-ZUBAIDAH, HESHAM

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: STEVEN L. KAY

ON BEHALF OF SERVICE: Jeanne Foden-Vencil, Assistant District Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. See 8-C.F.R. § 3.1(a)(7).

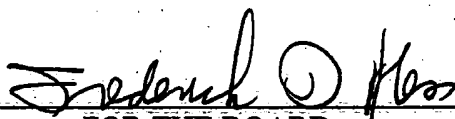

FOR THE BOARD

EXHIBIT 1
PAGE 2 of 2

IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of

Case No. 1 A78-737-342

ABU-ZUBAIDAH, HESHAM
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 3-27-02.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative to _____.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to Saudi Arabia alternative to _____.
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____.
- Respondent's application for asylum was () granted () denied () withdrawn.
- Respondent's application for withholding of removal was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA () granted () denied () withdrawn or () other.
- Respondent's application for adjustment of status under section 245 of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: 3-27-02
Appeal: Waived/Reserved

Appeal Due By: 4-26-02

Michael H. Bennett
MICHAEL H. BENNETT
Immigration Judge

GPT

EXHIBIT 2
PAGE 1 of 2

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: 7-17-02 BY: COURT STAFF [Signature]
 Attachments: EOIR-33 EOIR-28 Legal Services List Oti

EXHIBIT 2
 PAGE 2 of 2

TILMAN HASCHE, OSB # 84243
STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. Fifth Avenue, Suite 670
Portland, OR 97201
tel. (503) 241-1320
fax (503) 323-9058
email: th@pbl.net
slk@pbl.net

Of Attorneys for Petitioner

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Hesham ABU-ZUBAIDAH,	)	Case No. _____
)	
Petitioner,	)	INS File No. A 78 737 342
)	
v.)	
)	
John ASHCROFT, Attorney General,)	
And U.S. IMMIGRATION &)	
NATURALIZATION SERVICE,)	
)	
Respondents.)	
_____)	

MOTION FOR STAY OF REMOVAL

COMES NOW Petitioner, Hesham Abu-Zubaidah, by and through counsel, and pursuant to 8 U.S.C. § 1252 (b)(3)(B), respectfully moves the Court for an Order staying his removal pending a final resolution of Mr. Abu-Zubaidah's Petition for Review, filed concurrently with this motion. For cause, Petitioner would show as follows:

I. FACTS

1. Petitioner, Hesham Abu-Zubaidah is a 26-year-old stateless Palestinian, formerly resident in Saudi Arabia, where he was arrested and beaten by the authorities for traveling in a car with women. He is a resident of the State of Oregon, having entered the United States on or about July 26, 1998, in F-1 status. He is the husband of Rosalee Abu-Zubaidah, a 23-year old citizen of the United States, and he is the father of two US citizen children, born in 2000 and 2002.
2. On arrival in New York on July 26, 1998, Mr. Abu-Zubaidah found he could not afford to fly to Florida, where the English language school which had sponsored his F-1 visa was located. Mr. Abu-Zubaidah went to relatives in Dallas, Texas, and from there to Chicago to stay with another relative. He enrolled in English classes in Chicago and, after about a year there, moved to Portland, Oregon to join a friend from Saudi Arabia.
3. After being in Portland for two months, Mr. Abu-Zubaidah met his future wife, Rosalie Andrews. They married on July 14, 2000.
4. The couple's relationship was rocked by the entry into their lives of Christina Hodge, a young woman of 17 with drug and alcohol problems as well as a troubled home life who Mrs. Abu-Zubaidah welcomed into their lives. Ms. Hodge became such an irritant to their lives that Mr. Abu-Zubaidah tried to throw her out of his home. It is this incident which serves the basis conviction for Misdemeanor Harassment.
5. Soon after Ms. Hodge had left their home, Mr. and Mrs. Abu-Zubaidah had an altercation which led to his conviction for domestic violence.
6. In Fall 2001 the Service and placed Petitioner in proceedings, originally solely on INA Section 237(a)(1)(C)(i) grounds for having violated his student status. The Service later added charges under INA Section 237(a)(2)(A)(iii) (aggravated felony sexual abuse of a minor based on his conviction for Misdemeanor Harassment) and INA Section 237(a)(2)(E)(i) (conviction of a crime of domestic violence). Mrs. Abu-Zubaidah then reinstated her one-step application on behalf of her husband.

7. On February 21, 2002, Petitioner through counsel filed a motion to dismiss the charges under INA Section 237(a)(2)(A)(iii) and INA Section 237(a)(2)(E)(i). The Immigration Judge denied the motion. At the merits hearing on March 27, 2002, the Immigration Judge refused pretermitted consideration of Petitioner's application for a waiver of the grounds of inadmissibility, Form I-601, under INA s. 212(h), 8 USC s. 1182(h) and ordering Petitioner removed to Saudi Arabia, a country of which he is not a citizen, denying voluntary departure, and denying adjustment of status. A copy of the Board's Decision (Ex. 1) and of the Immigration Judge's Order (Ex. 2) is attached to the Petition for Review.
8. The Board's Decision, which by its terms is a final agency determination within the meaning of 8 CFR § 3.1(a)(7), has not been upheld in any prior judicial proceeding. There is no further administrative procedure available to review the Board's Decision.

II. LEGAL STANDARD FOR GRANTING STAY OF REMOVAL

9. Upon the filing of a motion or request for stay of deportation, the deportation is temporarily stayed pending a decision on the merits of the motion. DeLeon v. INS, 115 F.3d 643, 644 (9th Cir. 1997).
10. On the merits, stay requests are evaluated under the same standards employed by district courts in evaluating motions for preliminary injunctive relief. A petitioner must show either a probability of success on the merits and the possibility of irreparable injury, or that serious legal questions are raised and the balance of hardships tips sharply in petitioner's favor. Abbassi v. INS, 143 F.3d 513, 514 (9th Cir. 1998); Andreu v. Ashcroft, 253 F.3d 477, 479 (9th Cir. 2001)

III. MERITS OF PETITIONER'S CASE

A. Hardship to Petitioner if Stay is denied.

11. As a stateless person, Mr. Abu-Zubaidah is unlikely to be removed at any time in the near future and faces the distinct possibility of becoming an INS "lifer." Nonetheless, if Mr. Abu-Zubaidah is

removed, as an aggravated felon he will never be able to reenter the United States to be with his wife and children. Mrs. Abu-Zubaidah and the couple's children would not join Mr. Abu-Zubaidah in the Middle East (the most likely region to accept Mr. Abu-Zubaidah) due to concerns for Mrs. Abu-Zubaidah's health and the treatment of women in the region. Furthermore, Mr. Abu-Zubaidah does not have a valid travel document and thus the government of any receiving country may be placed on notice that INS was returning Mr. Abu-Zubaidah for conviction of an (alleged) sex crime. This could result in great difficulties for Mr. Abu-Zubaidah, preventing him from establishing himself in a new country.

B. Hardship to INS if Stay is granted.

12. INS will be required to continue to detain Mr. Abu-Zubaidah pending a decision on the Petition for Review or parole Mr. Abu-Zubaidah pursuant to 8 C.F.R. § 212.5(b). However, as Mr. Abu-Zubaidah does not have travel documents, INS will continue to detain Mr. Abu-Zubaidah for the foreseeable future even if the Stay is not granted.

C. Petitioner is likely to prevail on the merits.

13. The BIA violated its own procedures as set forth in 8 CFR s. 3.1(a)(7), thus clearly making its decision affirming without opinion the IJ's decision an abuse of discretion and therefore reversible.
14. The central issue in Mr. Abu-Zubaidah's case is whether he has committed a criminal offense which renders him removable. Petitioner maintains that Misdemeanor Harassment under ORS 166.065 is not, as charged, an aggravated felony sexual abuse of a minor. This is a significant legal issue which has not been examined by any court and therefore not appropriate for summary affirmance by the BIA.
15. Petitioner maintains that, contrary to the IJ's finding, that Assault IV under ORS 163.610 is not a crime of domestic violence as federally defined and therefore not a removable offense. This is a significant legal issue which has not been examined by any court and therefore not appropriate for summary affirmance by the BIA.
16. The IJ pretermitted Petitioner's eligibility for INA 212(h), 8 USC 1182(h) relief. This constitutes legal error and therefore made the case inappropriate for summary affirmance by the BIA.

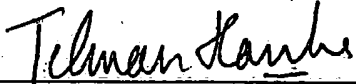
17. The IJ made other significant legal errors, holding sua sponte that Misdemeanor Harassment constitutes a crime of moral turpitude as well as a crime of child abuse. These legal errors made the case inappropriate for summary affirmance by the BIA.

IV. CONCLUSION

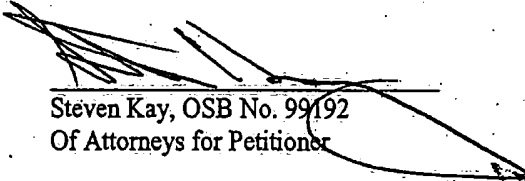
For the aforesaid reasons, Mr. Abu-Zubaidah requests that the Court stay his removal pending a final resolution of the Petition for Review.

Dated at Portland, Oregon this 29th day of August, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, PC



Tilman Hasche, OSB No. 84243



Steven Kay, OSB No. 99192
Of Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Tilman Hasche, hereby certify that I have served the enclosed documents:

Letter dated August 29, 2002
Petition for Review
Motion for Stay of Deportation

regarding Hesham Abu-Zubaidah on the following persons:

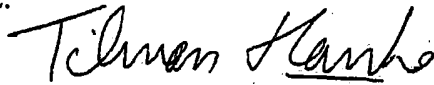
John Ashcroft, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530-0001

Ronald J. Smith, District Director
U.S. Immigration & Naturalization Service
511 NW Broadway
Portland OR 97209

Office of the District Counsel, USINS
PO Box 3361
Portland OR 97208-3361

Office of Civil Litigation
U.S. Department of Justice / Civil Division
PO Box 878 Ben Franklin Station
Washington DC 20044

by sending to the above-listed persons a true copy thereof in a sealed envelope to the above-referenced address via U.S. Mail Certified Mail / Return Receipt Requested, on this 29th day of August, 2002.



TILMAN HASCHE, OSB #84243
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, #670
Portland OR 97201
Tel. (503) 241-1320 / Fax (503) 323-9058
e-mail: th@pbl.net



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Date of this notice: 08/01/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Lori Scialabba
Acting Chairman

Enclosure

Panel Members:
HESS, FRED

6/10/02

APPROPRIATE OFFICE OF THE BOARD OF IMMIGRATION APPEALS

ERA

**U.S. Department of Justice
Executive Office for Immigration Review**

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A78-737-342 - PORTLAND

Date: AUG 01 2002

In re: ABU-ZUBAIDAH, HESHAM

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: STEVEN L. KAY

ON BEHALF OF SERVICE: Jeanne Foden-Vencil, Assistant District Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. *See* 8 C.F.R. § 3.1(a)(7).



FOR THE BOARD

Cls Dm

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. Fifth Avenue, Suite 670
Portland, OR 97201
tel. (503) 241-1320
fax (503) 323-9058

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of	)	File No. A78 737 342
)	
ABU-ZUBAIDAH, Hesham,	)	IN REMOVAL PROCEEDINGS
)	
Respondent.	)	DETAINED
)	

RESPONDENT'S SUPPLEMENTAL APPEAL BRIEF

FACTS

Respondent, Hesham Abu-Zubaidah is a 26-year-old citizen stateless Palestinian. **Tr. At 81.** He was born on April 28, 1976, in Riyadh, Iran, with his 10 brothers and sisters under the strict tutelage of their father. **Tr. At 82.** Mr. Abu-Zubaidah had a difficult relationship with his father, **Tr. At 82, 84.** In addition to problems at home, Mr. Abu-Zubaidah ran afoul of Saudi authorities, who discovered him driving in a car with female passengers. For this transgression, Mr. Abu-Zubaidah was sentenced to forty lashes. **Tr. At 83.** Finally, at the age of 22, Mr. Abu-Zubaidah decided to come to the United States to go to school and discover a better way of life. **Tr. at 84-85.** He arrived on a student visa, intending to study English at a school in

Florida. **Tr. at 85.** Mr. Abu-Zubaidah had purchased a ticket through to New York only, as it was more affordable than purchasing a ticket to Florida in Saudi Arabia and he had assumed he could get a cheap ticket to Florida upon arrival in New York. **Ibid.** When he found he could not afford to fly to Florida, Mr. Abu-Zubaidah went to relatives in Dallas, Texas, and from there to Chicago to stay with another relative. **Tr. at 86** He enrolled in English classes in Chicago and, after about a year there, moved to Portland, Oregon to join a friend from Saudi Arabia. **Tr. at 87.**

After being in Portland for two months, Mr. Abu-Zubaidah met his future wife, Rosalie Andrews. They soon began dating, fell in love, and moved in together. Then, in early 2000, Rosalie became pregnant with the couple's first child. **Tr. at 88-89.** They married on July 14, 2000.

Mr. and Mrs. Abu-Zubaidah have had a difficult relationship. Mrs. Abu-Zubaidah has a history of emotional instability; she has been diagnosed with attention deficit disorder, **Tr. at 123** (testimony of Ms. Rosaline Andrews), and she has a history of emotional outbursts, fabrication of information, and even violence. **Tr. at 123-125; 133-134; Tr. at 90, 143 (Mrs. Abu-Zubaidah's assault on her husband).** Mr. Abu-Zubaidah was a loving husband **Tr. at 144**, and tried to help her, sometimes in ways that may seem unusual. Not believing in psychiatry or other forms of counseling, Mr. Abu Zubaidah had his arrested for domestic violence after a particularly violent episode and otherwise sought to calm with wife on his own. **Tr. at 91, 166.**

The couple's loving but turbulent relationship was rocked by the entry into their lives of Christina Hodge, a young woman of 17 with drug and alcohol problems as well

as a troubled home life who Mrs. Abu-Zubaidah welcomed into their lives. Tr. at 92, 146-152. Mr. Abu-Zubaidah took an almost immediate dislike to Ms. Hodge, Tr. at 94, 147. Ms. Hodge became such an irritant to their lives that Mr. Abu-Zubaidah tried to throw her out of his home. It is this incident which serves the basis for Respondent's Harassment conviction. Tr. at 95, 154.

Soon after Christina Hodge had left their home for good, Mr. and Mrs. Abu-Zubaidah had an altercation which led to his conviction for domestic violence. Tr. at 96-97; 163-164.

In the late summer of 2001, with a few days of the aforementioned altercation, Mrs. Abu-Zubaidah withdrew her previously submitted adjustment application on behalf of her husband. Thereupon, sometime in Fall 2001 the Service and placed Respondent in proceedings, originally solely on INA Section 237(a)(1)(C)(i) grounds for having violated his student status. The Service later added charges under INA Section 237(a)(2)(A)(iii) and INA Section 237(a)(2)(E)(i). Mrs. Abu-Zubaidah then reinstated her one-step application on behalf of her husband. On February 21, 2002, Respondent through counsel filed a motion to dismiss the charges under INA Section 237(a)(2)(A)(iii) and INA Section 237(a)(2)(E)(i). The Immigration Judge denied the motion. At the merits hearing on March 27, 2002, the Immigration Judge refused to consider extreme hardship to Respondent's wife and child(ren) and ordered Respondent removed to Egypt, a country of which he is not a citizen.

QUESTIONS PRESENTED

1. DID THE IMMIGRATION JUDGE ERR IN MAKING AN ADVERSE CREDIBILITY FINDING?
2. DID THE IMMIGRATION JUDGE ERR AS MATTER OF LAW AND ABUSE HIS DISCRETION IN FINDING RESPONDENT REMOVABLE UNDER INA SECTION 237(a)(2)(A)(iii)?
3. DID THE IMMIGRATION JUDGE ERR AS MATTER OF LAW AND ABUSE HIS DISCRETION IN FINDING RESPONDENT REMOVABLE UNDER INA SECTION 237(a)(2)(E)?
4. DID THE IMMIGRATION JUDGE ERR AS MATTER OF LAW AND ABUSE HIS DISCRETION IN REFUSING TO CONSIDER HARDSHIP TO RESPONDENT'S WIFE AND CHILD AND REFUSING TO CONSIDER RESPONDENT'S ELIGIBILITY FOR A 212(h) WAIVER?

ARGUMENT

1. THE COURT ERRED IN FINDING RESPONDENT NOT CREDIBLE BASED ON HIS AND HIS WIFE'S DIFFERING MEMORY OF EVENTS.

(A). STANDARD OF REVIEW

The Board reviews the record *de novo* in deciding the ultimate disposition of a case, Matter of B-, 7 I&N Dec. 1 (BIA 1955; A.G. 1956), and balances this standard by according some deference to the Immigration Judge's findings concerning credibility. Matter of Burbano, 20 I&N Dec. 872 (BIA 1994). The applicant bears the evidentiary burdens of proof and persuasion in any application for withholding of deportation under section 241(b). Matter of Acosta, 19 I & N Dec. 211 (BIA 1985), overruled on other grounds, Matter of Mogharrabi, 19 I & N Dec. 439 (BIA 1987). It is important, therefore, that an adverse credibility finding be supported by "cogent reasons to conclude that the

alien provided incredible testimony.” In re A-S-, 21 I&N Dec. 1106 (BIA 1998). Moreover, where the IJ provides specific reasons for questioning credibility, those reasons must be valid grounds upon which to base a finding of incredibility. Vilorio-Lopez v. INS, 852 F.2d 1137 (9th Cir. 1988). Where the IJ’s credibility finding is not supported by the record, the Board may not accord deference to the finding. See Matter of B-, 21 I&N Dec. 66 (BIA 1995).

(B). ADVERSE CREDIBILITY FINDING

(i). TESTIMONY REGARDING HARRASSMENT OF CHRSTINA HODGE

The IJ denied the asylum claim largely, if not solely, on his finding that the Respondent was not credible when testifying about the conduct which led to his conviction for Harassment against Christina Hodge. The Immigration Judge based this determination that Mrs. Abu-Zubaidah’s testimony that she only saw her husband grab Ms. Hodge on the arm, combined with Ms. Hodge’s unsubstantiated statement to the police, impeached Respondent’s testimony that he had placed his hands on Ms. Hodge’s arm and buttocks in an attempt to push her out of his home. **Oral Decision at 5-6.**

Assuming *arguendo* that Misdemeanor Harassment constitutes a deportable offense, Mr. Abu-Zubaidah’s testimony was credible. He never wavered from his description of the event even when the Immigration Judge tried to browbeat the Respondent into changing testimony. **Tr. at 95, 103, 185-193.** The fact that his wife did not see her husband’s hand on Ms. Hodge’s buttocks does not mean that it did not happen. Department of Justice regulations recognize that uncorroborated but credible testimony may be credited. **8 CFR. Sec. 208. 13(a), 208. 16(b).** Mr. Abu-Zubaidah

testified that he was very upset with Ms. Hodge, that he told her he wanted Ms. Hodge's statement, that while she was standing in front of boiling water at the stove, Mr. Abu-Zubaidah came up behind her and grabbed her is of questionable reliability. By all the testimony, Ms. Hodge never made this allegation until after Mr. Abu-Zubaidah had tried to throw her out, and she stated to Mrs. Abu-Zubaidah that the incident had taken place 5 days before. **Tr. at 156.** Moreover, she also made a number of serious allegations, including rape, at the same time she reported the alleged harassment to the police, though she never mentioned any other incidents to Mrs. Abu-Zubaidah. **Ibid.** All other charges were dismissed.

(ii). TESTIMONY REGARDING ASSAULT ON MRS. ABU-ZUBAIDAH

In regards to the Respondent's testimony regarding the altercation with his wife which led to his conviction for Assault IV, the IJ erred when he concluded Respondent believes he had a right to hit his wife, **Oral Decision at 7**, or that Respondent's testimony as to the source of the accident conflicted with that of his wife. **Ibid.** Respondent testified that **at the time** he, owing to his upbringing in Arabic culture, thought he had a right to be angry with his wife for not having food on the table when he comes home and to physically control his wife, but he now knows that thinking is incorrect. **Tr. at 96, 105-106., 108-109.**

Respondent testified that his wife's being an hour and half late picking him up and not having dinner ready was the main source of the argument. **Tr. at 96, 105.** He further testified that in addition to being upset for those reasons. when he got home his wife was talking to Ms. Hodge on the telephone. **Ibid. at 96** Mrs. Abu-Zubaidah

substantially corroborated her husband's testimony in that the argument began because of she picked him up late, and that then the argument escalated into an argument about among other things, Christina Hodge. **Tr. at 163-164.**

The IJ also incorrectly based his credibility finding on the allegedly differing testimony as to who struck the first blow and why. **Oral Decision at 7.** The Respondent testified he slapped his wife's face and that his wife hit him with the phone because she was angry, **Tr. at 105.** Mrs. Abu-Zubaidah testified that "he went to slap me, and I went to try to defend myself. And I had the phone in my hand and I hit him in the elbow and he hit me." **Tr. at 164.** At no point did Respondent deny that he did hit his wife.

- 2. THE IMMIGRATION JUDGE ERRED AS MATTER OF LAW AND ABUSED HIS DISCRETION IN FINDING RESPONDENT REMOVABLE UNDER INA SECTION 237(a)(2)(A)(iii) AS MISDEMEANOR HARRASSMENT IS NOT AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR.**

The previously brief is hereby incorporated as to this issue.

- 3. THE IMMIGRATION JUDGE ERRED AS MATTER OF LAW AND ABUSED HIS DISCRETION IN FINDING RESPONDENT REMOVABLE UNDER INA SECTION 237(a)(2)(E)(i) AS MISDEMEANOR HARRASSMENT IS NOT A CRIME OF CHILD ABUSE, NOR A CRIME OF MORAL TURPITUDE, AND BECAUSE MISDEMEANOR ASSAULT IV IS NOT A CRIME OF DOMESTIC VIOLENCE.**

The previously brief is hereby incorporated as to these issues.

- 4. THE IMMIGRATION JUDGE ERRED AS MATTER OF LAW AND ABUSED HIS DISCRETION IN REFUSING TO CONSIDER HARDSHIP TO RESPONDENT'S WIFE AND CHILD AND REFUSING TO CONSIDER RESPONDENT'S ELIGIBILITY FOR A 212(h) WAIVER.**

An alien may obtain a 212(h) waiver if s/he is the spouse, parent, son, or daughter of a USC or LPR and that USC or LPR family member would suffer extreme hardship if

the person is deported. The grant of an INA Section 212(h)(1)(B) waiver requires the balancing of favorable and unfavorable factors embracing the standards used for the former INA Section 212(c) under *Matter of Marin*, 16 I&N Dec 581, 582-83 (BIA 1978). *Matter of Mendez*, Int. Dec. 3272 (BIA 1996). In this case the IJ committed reversible error by refusing to consider extreme hardship to Respondent's USC wife and child(ren) (Respondent's wife was 8 and a half months pregnant at time of trial), and refusing to consider the equitable factors, especially given that the IJ intimated that Respondent's wife would suffer extreme hardship:

I'm not going to address the 212(h) waiver because it isn't necessary. The reason being is that even if I were to find extreme hardship, **I find that Ms. Abu-Zubaidah has terrible problems.** They predate her relationship with the respondent. No one is guaranteed a lifelong partner. **When she says if he weren't there, she'd have to give up her children, and it may be true in her case. She needs help.** But although the family sees this, even if they think she needs him, in this particular case, it is clear to the Court that society can't tolerate this. **Oral Decision at 8. (emphasis provided).**

Matter of Marin, 16 I&N Dec 581, 582-83 (BIA 1978). Pursuant to *Marin*, 16 I&N 581 at 584; *Matter of Buscemi*, 19 I&N 628, 633 (BIA 1988), the factors to be considered by the Immigration Judge are as follows. On the positive side, some factors to be considered are:

- **the alien's family ties in the United States;**

Respondent's wife and two young children family live in the United States. Respondent has effectively cut off ties with his family in Saudi Arabia.

- **residence of long duration;**

As acknowledged by the Immigration Judge, the Respondent has lived in the United States since 1998.

- **evidence of hardship to the alien or his family if he is deported;**

8 - **RESPONDENT'S SUPPLEMENTAL APPEAL BRIEF / Hesham ABU-ZUBAIDAH / File No. A78 737 342**

In addition to the Immigration Judge's acknowledgement, above, that Mrs. Abu-Zubaidah has "terrible problems," the witnesses detailed the hardship she and her children would suffer if Respondent is removed. Mrs. Abu-Zubaidah testified that since her husband's incarceration, she has experienced severe psychological problems:

A. I'm very stressed out. I'm very depressed, I feel like sometimes you know I (indiscernible) anymore, you know. I want to give up. I fell like I can't do anything on my own. **Tr. at 167.**

She further testified that if Respondent is deported, she would have to give up her children and lose her home. **Tr. at 168-169.** Mrs. Abu-Zubaidah's mother testified that respondent's removal would cause her daughter to "fall apart," **Tr. at 127-128,** and her aunt, with whom Mrs. Abu-Zubaidah resided during part of her adolescence testified that Respondent has been a tremendous positive influence on his wife and that his removal would be devastating. **Tr. at 135-140,** the Immigration Judge also suggested that the family should sell the apartment complex if they can't get by with the Respondent's help. **Tr. at 63.**

An Immigration Judge must weigh all facts and circumstances in considering the equities, Matter of Edwards, 20 I&N Dec, 191 (BIA 1990), and he or she cannot rely on speculation unsupported by the record. Espinoza v. INS, 991 F.2d 1294 (7th Cir. 1993) Here, the Immigration Judge clearly did not consider the hardships flowing to the Respondent and his family at all.

- **the alien's military service in this country, if any;**

The Respondent has not served in the U.S. military.

- **his employment history;**

The Respondent worked and supported his family from the time he lived in Chicago until the time he was incarcerated in August, 2001. The Immigration Judge ignored this factor.

the existence of property or business ties; and,

The Respondent lived with his wife and child in an apartment prior to his arrest and has no property or business ties but for his employment.

if a criminal record exists, proof of rehabilitation.

While a showing of rehabilitation is not an absolute requirement, Diaz-Resendez v. I.N.S., 960 F.2d 493, 496 (5th Cir 1992), applications for relief by convicted aliens must be evaluated on a case-by-case basis, with rehabilitation to be considered as one among other factors. Matter of Edwards, Int Dec #3134 (BIA 1990).

In assessing rehabilitation, factors such as lack of subsequent criminal conduct, enrollment and attendance at a rehabilitation program, statements of remorse, and letters of good character should be considered. Georgiu v. INS, 90 F.3d 374 (9th Cir. 1996); Yepes-Prado v. INS, 10 F.3d 1363, 1372 (9th Cir. 1993). Matter of Edwards, Int Dec #3134 (BIA 1990).

The Immigration Judge here not consider rehabilitation. Respondent expressed his remorse for actions throughout his testimony. He testified that he would retreat from any future arguments with his wife and that he wanted to enter an anger management program. He wants to be a good husband and father. **Tr. at 97.**

Through the Respondent's words and deeds, he clearly demonstrated that he has broken with his past and has taken steps towards establishing himself. The Immigration Judge should have considered this factor but did not.

On the negative side the factors under Marin to be considered are:

- **the nature and underlying circumstances of the exclusion or deportation ground;**

Respondent maintains that he is not deportable under INA Section 237 237(a)(2)(A)(iii) or INA Section 237(a)(2)(E)(i). The Respondent does not dispute the seriousness of his offenses, however. He does concede removability under INA Section 237(a)(1)(C)(i) grounds for having violated his student status.

- **any additional significant violations of U.S. immigration laws;**

The Respondent has no additional violations of U.S. immigration laws, other than the violations discussed.

- **the existence of a criminal record as well as its nature, recency, and seriousness;**
and

The Respondent does not discount that his Assault conviction and the conduct which led to it are exceptionally serious, but as discussed above he regrets his past actions and is taking steps to ensure he does not react with anger to his wife again. He also concedes that his behavior toward Ms. Hodge was not proper. Neither he nor Mrs. Abu-Zubaidah has any intention of making contact with Ms. Hodge again.

- **the presence of other evidence indicative of the alien's bad character.**

Aside from the Immigration Judge's determination that the Respondent chose was not completely honest about his criminal acts, and the acts themselves, there is no other evidence that the Respondent possess a bad character. In fact, as revealed in the testimony, the Respondent is regarded by his family now as a person of good character.

The Immigration Judge here did not address each positive factor, evaluate credible evidence, or properly balance the equities of the case. Accordingly, his decision denying the Respondent adjustment of status with a 212(h) waiver is based on mistakes of law and fact and constitutes an abuse of discretion.

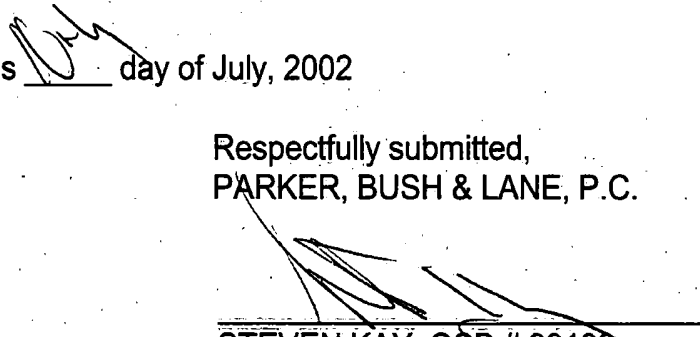
CONCLUSION

The IJ erred in making an adverse credibility finding, sustaining charges under INA237(a)(2)(A)(iii) and INA Section 237(a)(2)(E)(i), and abusing his discretion in denying the application for adjustment of status and a waiver under 212(h).

WHEREFORE, Respondent Hesham Abu-Zubaidah urges the court to vacate the Immigration Judge's March 27, 2002 Order of Removal and grant his application for adjustment of status.

DATED: This 10 day of July, 2002

Respectfully submitted,
PARKER, BUSH & LANE, P.C.



STEVEN KAY, OSB # 99192
Attorneys for Respondent-Appellant
Hesham ABU-ZUBAIDAH

THOMAS L. DAY
District Counsel
JEANNE FODEN-VENCIL
Assistant District Counsel
P.O. Box 3361
Portland, Oregon 97208-3361
(503) 326-2059
Attorneys for the Immigration
and Naturalization Service

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Board of Immigration Appeals
Falls Church, Virginia

IN THE MATTER OF	)	DETAINED
)	
Hesham Abu-Zubaidah	)	A78 737 342
)	
RESPONDENT	)	IN REMOVAL PROCEEDINGS
_____	)	Portland, Oregon

THE IMMIGRATION AND NATURALIZATION SERVICE'S
RESPONSE TO RESPONDENT'S APPEAL

The Immigration and Naturalization Service (Service) submits this memorandum in support of the decision of the Immigration Judge (IJ), issued March 27, 2002, in the above-captioned case. In an appropriate exercise of discretion, the IJ denied respondent's applications for a waiver under § 212(h) of the Immigration and Nationality Act (Act), for adjustment of status under § 245 of the Act, and for voluntary departure.

STATEMENT OF THE CASE

Respondent is a native of Saudi Arabia and a citizen of Egypt who was admitted to the United States at New York, NY on or about July 26, 1998 as a non-immigrant student, to attend the ESL Language Center in Melbourne, Florida. He never attended that program. On July 14, 2000, respondent married Rosalie Andrews, a U.S. citizen. Ms. Andrews filed an I-130 petition with the Service on respondent's behalf, and respondent filed a form I-485 application for adjustment of status. On May 31, 2001, Ms. Andrews contacted the Service in writing, indicating her desire to withdraw the I-130 petition, "due to emotional and physical abuse." See, Exh. 4, p. 5. The Service acknowledged her withdrawal of the petition and denied respondent's I-485 application. See, Exh. 4, p. 6-9. On October 4, 2001, the Service personally served respondent with a Notice to Appear (NTA) and placed respondent in removal proceedings. The NTA charged respondent as being subject to removal pursuant to § 237(a)(1)(C)(i) of the Act, in that he failed to maintain or comply with the conditions of his nonimmigrant status. See, Exh. 1.

On October 10, 2001, respondent appeared before an immigration judge (IJ) at a master calendar hearing, without counsel. After several continuances, respondent appeared at a master calendar hearing with counsel on October 29, 2001. Through counsel, respondent admitted the

factual allegations and conceded the charge in the NTA. Tr. at p. 18. The IJ later administratively closed the case, as respondent was in the custody of state authorities, facing criminal charges of assault, sexual abuse and harassment. On January 8, 2002, respondent was convicted in the Circuit Court of the State of Oregon in Multnomah County, of Assault IV in violation of ORS 163.160, and of Class A Misdemeanor Harassment (relating to offensive physical contact by touching a sexual or intimate part of the victim) in violation of ORS 166.065(4). Exh. 3.

Upon his return to Service custody, respondent again appeared with counsel at a master calendar hearing on January 23, 2002. At that hearing, respondent's counsel withdrew, and the Service submitted a form I-261, with additional factual allegations and charges. The I-261 alleged the two convictions, as well as the fact that the victim of the assault was his wife, Rosalie Andrews, and that the victim of the harassment was Christina Hodge, a person under 18. The additional charges were pursuant to § 237(a)(2)(E)(i) of the Act (a crime of domestic violence, stalking, child abuse, child neglect or child abandonment) and § 237(a)(2)(A)(iii) of the Act (aggravated felony as defined in § 101(a)(43)(A) of the Act - murder, rape or sexual abuse of a minor). Exh. 2.

At a hearing on January 30, 2002, respondent, through new counsel, admitted the new factual allegations, conceded the § 237(a)(2)(E)(i) domestic violence charge and contested the § 237(a)(2)(A)(iii) aggravated felony charge. Tr. at 35 -37. Respondent indicated that he intended to pursue relief from removal in the form of adjustment of status in conjunction with a § 212(h) waiver of inadmissibility, and voluntary departure in the alternative. Tr. at 35-36. The case was set over at respondent's request for processing of a new I-130 petition filed by Ms.

Andrews. At a hearing on February 25, 2002, the IJ sustained the two lodged charges. The I-130 was approved on March 8, 2002.

At a hearing on the merits of respondent's applications for relief from removal, the IJ heard testimony from respondent, Rosalie Andrews (his wife), Rosaline Andrews (his mother-in-law), and Patricia Naylor (his wife's aunt). The IJ concluded that respondent was not credible in his testimony about his crimes, and that respondent failed to account for his negative behavior. The IJ denied respondent's applications for adjustment of status, a §212(h) waiver and voluntary departure as a matter of discretion, and ordered respondent removed to Saudi Arabia.

STATEMENT OF THE ISSUES

- I. Did the IJ properly sustain the charges under §§237(a)(2)(E)(i) and 237(a)(2)(A)(iii) of the Act, based on respondent's convictions for Assault IV and Harassment?
- II. Did the IJ properly deny as a matter of discretion respondent's applications for adjustment of status, a §212(h) waiver of inadmissibility and voluntary departure based on respondent's recent criminal behavior and his failure to show rehabilitation?

ARGUMENT

- I. The IJ properly sustained the charges under §§237(a)(2)(E)(i) (crimes of domestic violence and child abuse) and 237(a)(2)(A)(iii) (aggravated felony as defined in §101(a)(43)(A) of the Act - sexual abuse of a minor), based on respondent's convictions for Assault IV and Harassment.

The IJ did not err in sustaining the three charges listed in the NTA and in the Form I-261.

Respondent asserts that his Assault IV conviction is not a crime of domestic violence under §237(a)(2)(E)(i) of the Act. In addition, he argues that his conviction for Harassment is neither a

crime of child abuse under § 237(a)(2)(E)(i) of the Act nor an aggravated felony under §237(a)(2)(A)(iii) of the Act.

Domestic Violence

Section 237(a)(2)(E)(i) of the Act provides that "(a)ny alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable."

In order for the charge of domestic violence to be sustained under § 237(a)(2)(E)(i) of the Act, the offense must be a "crime of violence" as described in 18 U.S.C. § 16(a) or (b): A person commits the crime of Class A Misdemeanor Assault IV under ORS §163.160(1) if the person:

- (a) intentionally, knowingly or recklessly causes physical injury to another; or
- (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

ORS §163.160(1).

Respondent was convicted under ORS § 163.160(1)(a), as the indictment charges that he "did unlawfully and intentionally cause physical injury to Rosalee Marie Abu-Zubaidah." Exh.

3. Assault IV has as an element causation of physical injury to another, which amounts to "the use, attempted use, or threatened use of physical force against the person or property of another."

18 U.S.C. § 16(a). Therefore, respondent's conviction for this offense is a crime of violence as defined by 18 U.S.C. § 16(a).

Respondent is subject to removal under § 237(a)(2)(E)(i) of the Act because of a conviction for a crime of domestic violence, if he had a "domestic relationship" with the victim of his offenses. As the victim of the Assault IV was Rosalee Marie Abu-Zubaidah, respondent's

wife and the mother of his children, the domestic relationship requirement is met.

§237(a)(2)(E)(i) of the Act.

Child Abuse

Respondent's conviction for Class A Misdemeanor Harassment amounts to child abuse within the meaning of § 237(a)(2)(E)(i) of the Act. A person commits the crime of Harassment under ORS §166.065(1) if he:

- (a) Harasses or annoys another person by:
 - (A) Subjecting such other person to offensive physical contact; or
 - (B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response.

ORS §164.065(1).

Harassment is a Class A Misdemeanor "if a person violates subsection (1) of this section by subjecting another person to offensive physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of the other person." ORS § 164.065(4). Count 3 of the indictment, to which respondent pled no contest, indicates that he "did unlawfully and intentionally harass and annoy Christina Hodge, by subjecting [her] to offensive physical contact by touching her buttocks, a sexual or intimate part of Christina Hodge." Exh. 3. At the time of the crime, Christina Hodge was under the age of eighteen years. (See, Exh. 3, count 2 of indictment; Exh. 4, pp. 12-13 (police report) and pp. 23-28 (affidavit in support of arrest warrant).

Congress included child abuse as a ground of removal in § 237(a)(2)(E)(i) of the Act without referring to a particular statutory definition, although in the same section it did designate a statutory definition for the term "crime of domestic violence." However, this statutory

definition regards only a "crime of violence" under 18 U.S.C. §§ 16(a) and (b). Interpretation of statutory language begins with the terms of the statute itself, and if those terms, on their face, constitute a plain expression of congressional intent, they must be given effect. Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 842-43 (1994).

Where Congress' intent is not plainly expressed a reasonable interpretation of the language must then be determined and any gap left, either implicitly or explicitly, by Congress, must be filled. Id. at 843-44. The rules of statutory construction dictate that the design of the statute as a whole must be taken into account. K. Mart Corp. v. Cartier, Inc., 486 U.S. 281, 291 (1988). The paramount index of congressional intent is the plain meaning of the words used in the statute taken as a whole. INS v. Cardoza-Fonseca, 480 U.S. 421, 431 (1987). The legislative purpose is presumed to be expressed by the ordinary meaning of the words used. INS v. Phinpathya, 464 U.S. 183, 189 (1984). Where Congress includes particular language in one section but omits it from another, it is presumed that Congress acted intentionally and purposefully. INS v. Cardoza-Fonseca, supra, at 432.

In Matter of Rodriguez-Rodriguez, Interim Decision 3411 (BIA 1999), the Board in its analysis of the definition of "sexual abuse of a minor" was guided by the common usage of the term "child abuse." The IJ properly found that the evidence of record established that a conviction for Harassment of a sexual nature under ORS 164.065(4), where the victim was a child, amounts to a crime of child abuse within the meaning of § 237(a)(2)(E)(i) of the Act. The IJ's finding should not be overturned simply because an alternative finding could also be supported by substantial evidence. See Arkansas v. Oklahoma, 503 U.S. 91, 113 (1992).

Aggravated Felony

The IJ did not err in sustaining the aggravated felony charge under § 237(a)(1)(A)(iii) based on a finding that respondent's Harassment conviction amounts to sexual abuse of a minor pursuant to § 101(a)(43)(A) of the Act.

As this Board explained in Matter of Rodriguez-Rodriguez, *supra*, when determining whether the respondent has been convicted of a crime involving "sexual abuse of a minor" under §101(a)(43) of the Act, this Board is not obliged to adopt a federal or state statutory provision. This Board explained that, in amending the aggravated felony definition to include sexual abuse of a minor, Congress did not use the phrase "an offense described in section" and then designate a definition found in the federal statute, as it did elsewhere in § 101(a)(43) of the Act, such as §§ 101(a)(43)(D), (E), (H), (I), (J), (K)(ii), (iii), (L), (N), (O), (P) of the Act. Further, Congress did not name an offense and then, in parentheses, state "as described in" or "as defined in" a federal statute, such as §§ 101(a)(43)(B), (C), (F) of the Act.

This Board previously held in Matter of Crammond, 23 I&N Dec. 9 (BIA 2001), withdrawn 23 I&N Dec. 179 (BIA 2001), that a conviction must be a felony conviction as defined under federal law (more than one year sentence) in order to fall within the purview of § 101(a)(43)(A) of the Act. However, that case was withdrawn and is no longer precedent. *Id.* See also, Guerrero-Perez v. I.N.S., 242 F.3d 727 (7th Cir. 2001)(misdemeanor criminal sexual abuse is aggravated felony). Further, this Board recently held that misdemeanor sexual abuse of a minor under a New York statute is an aggravated felony under § 101(a)(43)(A) of the Act. Matter of Small, 23 I&N Dec. 448 (BIA 2002). The class A misdemeanor crime in Small was punishable by imprisonment for 1 year or less, which is identical to the possible penalty for respondent's class A misdemeanor harassment conviction. *Id.* at 449; ORS §§ 164.065 and

161.615(1). Thus, the IJ properly sustained the aggravated felony charge based on a finding that respondent has been convicted of a crime involving the sexual abuse of a minor.

However, even if the IJ erred in sustaining the aggravated felony or the domestic violence/child abuse charges, these would be harmless errors. Regardless of the viability of those charges, respondent is subject to removal under § 237(a)(1)(C)(i) of the Act, as a non-immigrant student who failed to comply with the terms of the status under which he was admitted. Further, the IJ's findings on the lodged charges do not affect respondent's eligibility to apply for the requested relief.

II: The IJ properly denied as a matter of discretion respondent's applications for adjustment of status, a §212(h) waiver of inadmissibility and voluntary departure based on respondent's recent criminal behavior and his failure to show rehabilitation.

Respondent applied for relief from removal in the form of § 245 adjustment of status, §212(h) waiver of inadmissibility, and voluntary departure. The IJ did not abuse his discretion when he denied these applications for relief.

Discretion

Applicants for the discretionary relief of § 245 adjustment of status with a § 212(h) waiver of inadmissibility must demonstrate they deserve the waiver in the exercise of discretion. Matter of Mendez-Morales, 21 I&N Dec. 296 (BIA 1996). A discretionary determination requires a balance between the adverse factors evidencing the applicant's undesirability as a permanent resident, and the social and humane considerations presented on his behalf to determine whether the grant of relief appears to be in the best interest of this country. Id. at 300 (citing Matter of Marin, 16 I&N Dec. 581 (BIA 1978)).

Adverse factors include the nature and circumstances of the alien's inadmissibility; additional immigration violations; the nature, seriousness and recency of the alien's criminal history; and other evidence indicative of the alien's bad character. Matter of Mendez-Moralez, 21 I&N Dec. at 301. Favorable considerations include: family ties in the United States; residence of long duration in the U.S., especially when begun at an early age; evidence of hardship to the alien's family; service in the U.S. Armed Forces; stable employment history; business or property ties; value and service to the community; evidence of rehabilitation; and other evidence of good character. Id. As the negative factors grow more serious, the applicant must introduce additional offsetting favorable evidence. Id.

As the IJ noted, respondent's recent serious criminal behavior, coupled with his failure to demonstrate rehabilitation, indicate that society cannot tolerate respondent's behavior toward his wife and minor girls. It is clear that respondent and his wife have not resolved their domestic problems, and respondent has never directly acknowledged that he touched Christina Hodge in a sexual way. The very serious recent negative factors weigh more heavily on balance than the positive equities of his wife and children. Thus, the IJ did not abuse his discretion in denying respondent's applications for relief.

Section 212(h)(1)(B) waiver

A waiver applicant pursuant to § 212(h)(1)(B) of the Act must demonstrate that his denied admission would result in extreme hardship to his U.S. citizen spouse, parent, son or daughter. See, e.g., Matter of Ngai, 19 I&N Dec. 245, 246 (BIA 1984) (Congress did not intend that a waiver be granted on the mere fact of a qualifying relationship). The IJ did not reach this issue, as he denied § 212(h) relief as a matter of discretion. However, respondent failed to show that his wife or children would suffer extreme hardship if he were to depart the U.S.

Extreme hardship under § 212(h) depends on the facts and circumstances of each case.

Matter of Shaughnessy, 12 I&N Dec. 810, 813 (BIA 1968). “Extreme hardship” is beyond the

ordinary hardship experienced by most aliens required to leave the U.S. and return to their native

country. Bueno-Carillo v. Landon, 682 F.2d 143 (7th Cir. 1982). Relevant factors, though not

extreme in themselves, must be considered in the aggregate to determine whether extreme

hardship exists. Matter of O-J-O-, 21 I&N Dec. 381 (BIA 1996).

The birth of U.S. citizen children does not constitute extreme hardship, as there is no

legal requirement that U.S. citizen children accompany a deported parent. Marquez-Medina v.

INS, 765 F.2d 673 (7th Cir. 1985); Davidson vs. INS 558 F.2d 1361 (9th Cir. 1977). While it is

appropriate to consider the hardship of separation if the U.S. citizen children remain in the U.S.

when the deported parent returns to his native country, a parent’s decision to leave U.S. citizen

children in the U.S. generally is considered to be a matter of personal choice. Cerillo-Perez v.

INS, 809 F.2d 1419 (9th Cir. 1987); Matter of Ige, 20 I&N Dec. 880, 886 (BIA 1994).

Respondent’s wife clearly testified that she and the children (an infant daughter and a

daughter under the age of 2) would remain in the U.S. Tr. at 168. Given the volatile nature of

the relationship between respondent and his wife, it is not clear that being separated from

respondent would be a hardship to her or to their young daughters. In fact, respondent’s recent

criminal activities involving domestic violence toward his wife, as well as sexual abuse of a

minor girl, are indicators that his continued presence could amount to hardship for them. Thus,

respondent has failed to meet his burden to show that his wife and children would suffer extreme

hardship upon his removal from the U.S.

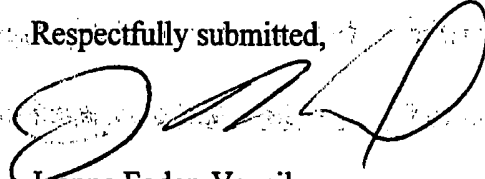
CONCLUSION

For the foregoing reasons, respondent's appeal should be dismissed, and the decision of

the IJ ordering respondent's removal to Saudi Arabia should be upheld.

July 10, 2002.

Respectfully submitted,



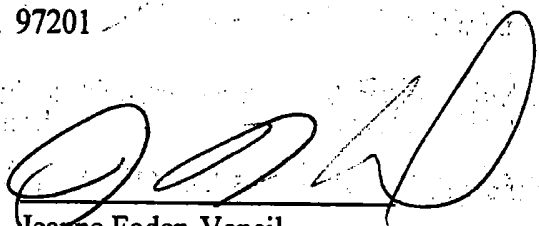
Jeanne Foden-Vencil
Assistant District Counsel

CERTIFICATE OF SERVICE

I certify that I served the foregoing INS Response to Respondent's Appeal by sending a true copy to respondent's counsel, by regular mail, postage prepaid, on July 10, 2002, to the following address:

Stephen L. Kay
1400 SW Fifth Ave., Suite 670
Portland, OR 97201

Signed:



Jeanne Foden-Vencil
INS Office of the District Counsel
P.O. Box 3361
Portland, OR 97208



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
Counsel/POO
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Type of Proceeding: Removal

Date of this notice: 05/21/2002

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 04/11/2002

NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Enclosed is a copy of the transcript of the testimony of record.
- o Appealing party is granted until 06/20/2002 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 06/20/2002 to submit a reply brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for records. Thank you for your cooperation.

Your brief must be **RECEIVED** at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is **NOT** sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

IC-POO

WALKERA

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the INS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

Board of Immigration Appeals,
Clerk's Office,
5201 Leesburg Pike, Suite 1300,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

FILING INSTRUCTIONS -- Extension Request.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be **RECEIVED** at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The Board does not grant extensions for more than 21 days. If your request is granted, the brief will generally be due 21 days from the date the initial briefing schedule expires, not 21 days from the date of the request for an extension or the date of the Board response to the request. The new due date will be stated on the notice granting the extension.

The policy of the Board is that no additional extensions will be granted.



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Type of Proceeding: Removal

Date of this notice: 04/11/2002

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 04/11/2002 in the above-referenced case.

PLEASE NOTE:

In all future correspondence or filings with the Board, please list the name and alien registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for each family member who is included in this appeal.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the INS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was

78-737-342

sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

RECEIVED
APR 11 2002
DISTRICT COUNSEL, POO

April 10, 2002

via FedEx

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5201 LEESBURG PIKE, STE. 1300
FALLS CHURCH, VA 22041

L. LESLIE BUSH
TILMAN HASCHE*
JAMES L. LANE
LAURA J. MAZEL
RICHARD J. PARKER*
GRETEL M. NESS†

re: ABU-ZUBAIDAH, Hesham (A078 737 342)

Dear Sir or Madam:

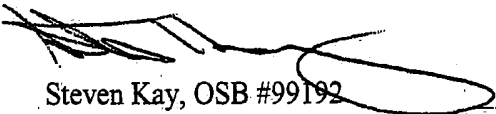
Enclosed for filing in the above referenced matter, we submit:

1. Form EOIR-27: Notice of Entry as Attorney before the Board of Immigration Appeals, Executive Office for Immigration Review with certification of service on Thomas Day, INS District Counsel, Portland, Oregon.
2. Form EOIR-26: Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge with certification of service on Thomas Day, INS District Counsel, Portland, Oregon.
3. Respondent's motion to dismiss charges under INA Section 237(a)(2)(A)(iii) and INA Section 237(a)(2)(E)(i)

Please note that undersigned counsel will submit an **additional** brief following receipt of the transcript.

If you have any questions, please contact our office.

Very truly yours,
PARKER, BUSH & LANE, PC


Steven Kay, OSB #99192

Enclosures

cc: Thomas L. Day, INS District Counsel, Portland, Oregon
Hesham Abu-Zubaidah

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

TYPE OF PROCEEDING:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Deportation | <input type="checkbox"/> Bond Redetermination | <input type="checkbox"/> Disciplinary |
| <input checked="" type="checkbox"/> Removal | <input type="checkbox"/> Motion to Reopen/Reconsider | |
| <input type="checkbox"/> Exclusion | <input type="checkbox"/> Rescission | |

DATE

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

A78-737-342

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)
HESHAM M. ABU-ZUBAIDAH

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)
c/o CCSO; 901 Port Avenue ST. HELENS OREGON 97051

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:
Name(s) of Court(s) OREGON SUPREME COURT State Bar No. (if applicable) OSB #99192

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization): _____

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE EOIR ID# TELEPHONE NUMBER (Include Area Code) DATE

 503-241-1320 **3-11-02**

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT) ADDRESS Check here if this is a new address.

STEVEN L. KAY 1400 S.W. FIFTH AVENUE, SUITE 670
PARKER, BUSH & LANE, P.C. PORTLAND OR 97201

Certificate of Service

I **STEVEN L. KAY** (Name) mailed or delivered a copy of the foregoing on **3-11-02** (Date) to the Immigration

and Naturalization Service at **THOMAS DAY, DISTRICT COUNSEL, PO BOX 3361, PORTLAND, OR 97208-33661**

(Address)

X  Signature of Attorney or Representative

OMB#1125-0005

FORM EOIR-27
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):
HESHAM ABU-ZUBAIDAH A78-737-342

! WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and "A" Numbers of everyone appealing the order must be written in Item #1.

For Official Use Only

2. Applicant/Respondent is currently DETAINED NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated 3/27/02

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

! WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The Immigration Judge erred as a matter of law in sustaining charges under INA 237(a)(2)(A)(iii) and INA 237(a)(2)(E)(i). As discussed in the attached brief in support of the motion to dismiss, the Service charged the Respondent as removable under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a "crime of child abuse" and that his Assault IV conviction qualifies as a "crime of domestic violence." The IJ also incorrectly ruled that Respondent's Harassment conviction constituted an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii).

None of the convictions which serve as the Service's bases for removal are removable offenses under the law. The Immigration Judge held that, as applied to Respondent 1) Misdemeanor Harassment constitutes an "aggravated felony...sexual abuse of a minor; 2) Misdemeanor Assault IV constitutes a "crime of domestic violence; 3) Misdemeanor Harassment constitutes a "crime of child abuse; 4) Misdemeanor Harassment constitutes a "crime of moral turpitude." These holding are in error as a matter of law.

The Immigration Judge also erred as a matter of law and abused his discretion in finding Respondent's testimony impeached and refusing to consider the hardship to Respondent's US citizen wife and children. The IJ found that the difference in Respondent's and his wife's memory of certain events impeached Respondent, although Respondent's testimony was internally consistent. The Immigration Judge also erred in that he refused to address the discretionary factors at all, resting his decision solely on the mistaken opinion that Respondent lacked credibility in that Respondent and his wife remembered certain events differently.

This appeal is NOT appropriate for affirmance without opinion under 8 CFR 3.1(a)(7) and merits review by a three-member panel for the following reasons:

The Immigration Judge erred as a matter of law in holding that Misdemeanor Harassment constitutes an aggravated felony; that Misdemeanor Harassment constitutes a crime of moral turpitude; that Misdemeanor Harassment constitutes a "crime of child abuse;" that Misdemeanor Assault IV constitutes a "crime of violence." Cases and arguments in support of position are contained in the attached brief. The IJ's refusal to consider ANY equities in this case is reversible error. Matter of Edwards, 20 I&N Dec. 191 (BIA 1990). This error are material and significant, especially in that had the charges under 237(a)(2)(E) and 237(a)(2)(A)(iii) been dismissed, Respondent would not have required a 212(h) waiver.

This appeal raises substantial legal issues. There is a split among IJs as to whether a statute that does not require as an element the use, attempted use, or threatened use of physical force against the person or property of another can serve as a crime of violence for INA 237(a)(2)(E) purposes. The issue of whether a misdemeanor harassment conviction is an aggravated felony or even a crime of sexual abuse is unresolved. The issue of whether harassment is a crime of moral turpitude is a crime of moral

(Attach more sheets if necessary)

Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

Addendum to
turpitude is unresolved.

This appeal raises a novel factual (and legal) issue, to wit, whether the differing memories of witnesses as to traumatic events can serve to impeach one of those witnesses.

The Respondent meets the eligibility criteria for relief from removal based on adjustment with a 212(h) waiver based on the extreme hardship to his US citizen family and the compelling positive equities in his case.

The IJ's errors deprived Respondent of his due process right to a full and fair hearing.

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE

Portland, Oregon

In the Matter of)
) File No. A72 687 648
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

RESPONDENT'S (REVISED) MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(A)(iii) AND INA SECTION 237(a)(2)(E)(i)

By written motion submitted on February 19, 2002, Respondent moved to dismiss charges under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii) before the EOIR in Portland, Oregon. The motion was denied at hearing on February 25. The Immigration Judge also denied the Respondent bond on grounds of his allegedly having committed the aggravated felony of misdemeanor Harassment. As further set out herein below, the basis for the motion is that **the crimes on the basis of which the Service seeks to remove Respondent, as defined by the statute, do not qualify as removable offenses.**

While Respondent is eligible to apply for a 212(h) waiver based on extreme hardship to his USC wife and infant children, Respondent seeks dismissal of the above-entitled charges so that he may adjust his status without seeking this discretionary waiver.

Page 1 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

FACTS

On January 8, 2002, Respondent was convicted of Harassment, a class A misdemeanor under ORS 166.065, and for Assault IV, a class A misdemeanor under ORS 163.160. The Service has charged that he is removable under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii). The Service has also charged Respondent with being removable under 237(a)(1)(C)(i) for having violated his F-1 student status, in that Respondent attended a different school than the one which sponsored his visa. Respondent does not contest this charge.

Section 237(a)(2)(E)(i) renders deportable “any alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment.” To date the Service has not specified which of Respondent’s convictions underlie which alleged grounds of removability, nor has the Service specified with which of the specific crimes under 237(a)(2)(E)(i) Respondent is being charged. For that reason alone, these charges should be dismissed.

Respondent speculates – and it is only speculation given the fatal imprecision in the Service’s charging document - that the Service may be seeking to remove Respondent under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a “crime of child abuse” and that his Assault IV conviction qualifies as a “crime of domestic violence.” Apparently, the Service is also charging Respondent’s Harassment conviction as an “aggravated felony...sexual abuse of a minor” under 237(a)(2)(A)(iii). In an attempt to overcome the lack of specificity in the Service’s “Additional Charges of Inadmissability/Deportability”, Respondent will address the applicability of his conviction for Assault IV under INA s. 237(a)(2)(A)(iii) as well.

In determining whether a given crime can serve as grounds for removal under INA s. 237, the Court must limit its inquiry to whether the inherent nature of the crime as defined by statute and interpreted by the courts qualifies it as a removable offense and not look to the facts and circumstances of the particular case. Taylor v. U.S., 495 U.S. 575 (1990).

The federal definition of crimes, rather than state labels, determines whether a given state criminal conviction constitutes a basis for removability under the INA. The Board of Immigration Appeals has consistently held that “in determining whether or not a specific offense falls within a classification described in deportation provisions under the Act, it is proper to look to the federal definition.” Matter of Batista-Hernandez, Int. Dec. 3321 (BIA 1997)(Rosenberg, concurring and dissenting, citing Matter of L-G, Int. Dec. 3254 (BIA 1995)); Matter of K-V-D, Int. Dec. 3422 (BIA 1999); United States v. Zazate-Hernandez, 133 F.3d 1194 (9th Cir. 1998); United States v. Garcia-Olmeda, 112 F.3d 399 (9th Cir. 1997). In Matter of L-G, *op.cit.*, the Board emphasized the strong policy concerns supporting use of a federal definition. The application of state law as the defining measure of which offenses constitute crimes serving as bases for removal would result in widely disparate consequences for similarly situated aliens based solely on what state they happen to be in. **Therefore, the federal definition of Respondent’s crimes determines whether the crimes are removable offenses.**

I. RESPONDENT’S CONVICTION FOR ASSAULT IV DOES NOT QUALIFY AS A CRIME OF DOMESTIC VIOLENCE UNDER INA 237(a)(2)(E)(i)

a. A state domestic violence conviction must conform to the federal statutory definition of domestic violence in INA s. 237(a)(2)(E)(i) in order to serve as a ground of removability.

A state domestic violence conviction will render a noncitizen of the United States removable for a crime of domestic violence under the Act only when the state offense conforms to the definition of crimes of domestic violence under INA s. 237(a)(2)(E)(i).

In relevant part, INA s. 237(a)(2)(E)(i) reads:

For purposes of this clause, the term “crime of domestic violence: means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse,*et.al.*

USC Title 18 section 16 defines “crime of violence” as:

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Respondent’s Assault IV conviction is not a felony, nor has the Service argued otherwise. Therefore, in order to sustain the instant ground of removability, the Service must show that ORS 163.610 conforms to the requirements of 16(a), i.e., that it has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” On the facts of this case, the Service cannot show this element, this tcharge must fail.

b. In a criminal prosecution for Assault IV under ORS 163.160, the prosecution does not need to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to sustain a conviction.

The Ninth Circuit has defined “an element of a crime” as a ‘constituent part’ of the offense which must be proved by the prosecution in every case to sustain a conviction under a given statute.” United States v. Innis, 7. F.3d 840 (9th Cir. 1993); United States

v. Sherbondy, 865 F.2d 996, 1010 (9th Cir. 1988). The Oregon statute under which the Respondent was convicted reads in relevant part as follows:

Assault in the fourth degree:

(1) A person commits the crime of assault in the fourth degree if the person:

(a) Intentionally, knowingly, or recklessly causes physical injury to another; or

(b) With criminal negligence causes physical injury to another by means of a deadly weapon.

As thus defined, Assault IV does not specifically require as an element the “use, attempted use, or threatened use of physical force” against another. Rather, the statute’s elementary requirements are that 1) with one of the four specified *mens rea* 2) a person causes 3) physical injury 4) to another. In the case of criminal negligence, the persons must cause physical injury to another by means of a deadly weapon.

The Oregon statute does not require that physical injury to another be accomplished by the “use, attempted use, or threatened use of physical force against the person or property of another.” For example, “D” may cause physical injury to another by pulling a chair out from under them as they sit down. While in such case “D” may be convicted of assault in Oregon, “D” has used no physical force against either a person or property, and may not be convicted of a crime of violence under 18 USC s. 16(a). The same result obtains if “D” recklessly leaves a baby unattended in a bathtub, and the baby drowns. “D” may be convicted for violating ORS 163.610 but has not committed a crime of violence. An anesthesiologist who misadministers anesthesia may cause physical injury without the use of force against the patient’s person, and a hunter may cause

physical injury to another by causing the accidental discharge of a loaded gun while cleaning it, but neither the anesthesiologist nor the hunter has engaged in conduct which rises to the level of a crime of violence under USC Title 18 section 16(a). If "P" slips on a banana peel intentionally left in her path by "D", or if "P" is hit in the eye by a champagne cork recklessly unleashed by "D", "D" has committed assault under the Oregon statute without the use of physical force against the person or property of another.

The Board of Immigration Appeals is in accord with the Oregon statute. One can cause physical injury without the use of physical force. In In re Sweetser, Int. Dec. 3390 (BIA 1999), the Board held that:

The use of physical force is an act committed by the defendant, while the risk of physical injury is a consequence of defendant's acts. Therefore although a parent who negligently leaves a young child unattended near a body of water may risk serious injury to the child, there is no risk that force will be used in the commission of the offense.

Because the prosecution is not required to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to convict someone of assault/domestic violence under ORS 163.160, a violation of this Oregon statute is not a crime of violence under 18 USC section 16(a). Therefore, Respondent's conviction for assault under ORS 163.160 does not meet the definition of "domestic violence" under INA 237(a)(2)(E)(i) and the Court should dismiss this charge.

II. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS A CRIME OF CHILD ABUSE UNDER INA 237(a)(2)(E)(i)

A. A state criminal conviction must conform to the plainly accepted definition of child abuse in order to serve as a ground of removability under INA s. 237(a)(2)(E)(i).

The above argument that the federal definition of crimes, rather than state labels, determines whether a given state criminal conviction for constitutes a basis for

removability under the INA applies to the determination whether Respondent is removable under INA s. 237(a)(2)(E)(i) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

In relevant part, INA s. 237(a)(2)(E)(i) reads:

Any alien who at any time after entry is convicted ofa crime of child abuse...is deportable.

The statute or the case law has not definitively defined what constitutes a crime of child abuse. In In Re Rodriguez-Rodriguez, Int. Dec. 3411 (BIA 1999), the Board stated:

We note that including child abuse as a ground of removal in section 237(a)(2)(E)(i) of the Act, Congress likewise did not refer to a particular statutory definition, although it did designate a statutory definition for “crime of domestic violence.”

The interpretation of what constitutes a crime of child abuse under INA 237(a)(2)(E)(i) must then begin with the terms of the statute itself and if those terms, on their face, constitute a plain expression of Congressional intent, they must be given effect. Chevron, USA, Inc., v. Natural Resources Defense Council, Inc., 467 U.S. 827, 842-43 (1984).

The legislative purpose is presumed to be expressed by the ordinary meaning of the words used. INS v. Phinpathya, 464 U.S. 183, 189 (1984).

The ordinary meaning of the term “child abuse” involves the cruel or otherwise morally turpitudinous mistreatment of a minor. See Black’s Law Dictionary, Sixth Edition, page 239 (1990)(“Child abuse. **Any form of cruelty to a child’s physical, moral or mental well-being.** Also used to describe any sexual attack which may or may not amount to rape. Such acts are criminal offenses in most states.”) See also 18 USC section 3509, which defines child abuse as the “physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.”

A crime of child abuse is a crime of moral turpitude. In Guererro de Nodahl v. INS, 407 F.2d 1405 (9th Circuit 1969), the Court determined the intrinsic nature of a crime of child abuse. There, the Court held that California Penal Code section 273d, making it a felony offense to “willfully inflict...upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition,” was a crime of child abuse and by definition a crime of moral turpitude. 407 F.2d at 1406-1407.

For a criminal conviction to serve as a ground of removal as a crime of child abuse under INA 237(a)(2)(E)(i), then, the crime must be a crime of moral turpitude involving the infliction or physical or mental cruelty, sexual abuse or sexual exploitation, or the negligent treatment of a child.

Harassment under ORS 166.065 is not a crime of moral turpitude, and it does not require proof by the prosecution of physical or mental cruelty, sexual abuse, or negligent treatment of a child.

b. Harassment under ORS 166.065 is not a crime of moral turpitude

A crime of moral turpitude “refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and duties owed between persons or to a society in general....Moral turpitude has been defined as an act which is *per se* morally reprehensible and intrinsically wrong, or malum in se so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude. Matter of Franklin, 20 I&N 867, 868 (BIA 1994), *aff’d* 72 F.3d 571 (8th Cir. 1995)

In determining a crime of moral turpitude, it is “the inherent nature of the crime as defined by statute and interpreted by the courts as limited and described by the record of

conviction” and not the facts and circumstances of the particular person’s case that determines whether it is a crime of moral turpitude. Matter of Short, 20 I&N Dec. 136 (BIA 1989); Goldeshtein v. INS, 8 F.3d 645 (9th Cir. 1993).

ORS 166.065 is a public order offense. It reads in relevant part as follows:¹

Harassment. (1) A person commits the crime of harassment if the person intentionally

(a) Harasses or annoys another person by:

(A) Subjecting such person to offensive physical contact...

(3) Harassment is a Class B misdemeanor

(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates subsection (1) of this section by subjecting another person to objective physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of another person.

Accordingly, to sustain a conviction under ORS 166.065(4), a person must 1)with intent to harass or annoy 2)make offensive physical contact 3)with another person’s 4)sexual or other intimate parts.

Before one can be convicted of a crime of moral turpitude, the statute in question by its terms must necessarily involve moral turpitude. Matter of Esfandiary, 16 I&N 659 (BIA 1979).

ORS 166.065 does not necessarily involve moral turpitude. To intentionally annoy or harass someone through offensive physical contact simply does not rise to the level of conduct that is “inherently base, vile, or depraved.” As a public order offense, one simply cannot assert that the conduct underlying the offense is “malum in se.”

Harassment as defined by the Oregon statute is certainly inappropriate conduct, but it is

¹ Respondent admits that he was convicted under ORS 166.065(4), insofar as his conviction is for a Class A misdemeanor. Respondent also admits that the victim of this offense was 17 years old, a minor.

not morally turpitudinous conduct. As a crime of child abuse is by definition a crime involving moral turpitude, Respondent's conviction under ORS 166.065 cannot serve as a ground of removability under INA s. 237(a)(2)(E)(i).

Moreover, a violation of ORS 166.065 does not involve any of the actions found under federal definitions to constitute acts of child abuse.

i. Harassment under ORS 166.065 is not a crime involving negligent treatment of a child.

Under 18 USC section 3509, child abuse can be defined as "negligent treatment of a child." The *mens rea* specified by ORS 166.065 is "intentional." Therefore, Respondent's conviction for Harassment is not a crime of child abuse under this definition.

ii. Harassment under ORS 166.065 does not require proof of physical or mental injury or cruelty

Under 18 USC section 3509, child abuse can be defined as "the physical or mental injury of a child." Similarly, Black's Law Dictionary, *op. cit.* at page 239 defines child abuse as any form of cruelty to a child's physical, moral or mental well-being. ORS 166.065 does not require a showing of cruelty or injury of any kind to the victim in order to sustain a conviction. One who with intent to harass or annoy another person by offensively touching them in an "intimate" part of that person violates the statute. No injury need be shown. If a coworker, with the intent to annoy, offends a colleague by lightly touching him or her on the buttocks, the statute is violated, although no injury occurs. Moreover, the intent to harass or annoy is qualitatively different from the

infliction of cruelty under any *mens rea*². Accordingly, under this definition Respondent's conviction for Harassment is not a crime of child abuse.

iii. Harassment under ORS 166.065 is not a crime of sexual abuse.

To intentionally annoy or harass someone by the offensive touching of a sexual or intimate part of that person is not a crime of sexual abuse. For a crime to constitute sexual abuse, the perpetrator must possess sexual or "lewd" intent, i.e. he or she must intend to seek libidinal gratification. Baron-Medina v. U.S., 187 F.3d 1144, 1147 (9th Cir. 1999)("The use of young children for the gratification of sexual desire constitutes abuse"); U.S. v. Padilla-Reyes, 247 F.3d 1158 (11th Cir. 2001), U.S. v. Zavala-Sustaita, 214 F.3d 601, 604 (5th Cir. 2000) ("the phrase 'sexual abuse of a minor' indicates the perpetrator's intent in committing the abuse is to seek libidinal gratification."); Mugalli v. Ashcroft, 258 F.3d 52 (2nd Cir 2001); U.S. v. Martinez-Parillo (7th Circuit 2001)(finding sexual penetration to constitute abuse); In Re Rodriguez-Rodriguez, Interim Decision 3411 (BIA 1999). See also National Center on Child Abuse or Neglect, "Sexual Abuse of Children: Selected Reading 1" (1980), cited in Padilla-Reyes, op. cit. at 1163 (child sex abuse is "contacts or interactions between a child and an adult when the child is being used as an object of gratification for adult sexual needs or desires.").

It should be noted that ORS 166.065 is not defined as a sex crime under ORS 181.584 and therefore individuals convicted of Harassment do not need to register under the Oregon Sex Offender Registration Act. Moreover, the ORS contains the crime of

² "Cruel" is defined as 1: disposed to inflict pain or suffering; devoid of human feeling 2: causing or conducive to injury grief or pain" (Websters's Ninth New Collegiate Dictionary , page 311 (1987), whereas "harass" means "to annoy persistently" (Webster's at 552) and "annoy" means "to disturb or irritate" (Webster's at 88).

sexual abuse of a minor ("Sexual abuse in the third degree") in ORS 163.415.

Respondent was not convicted of any sex crime as defined by the State of Oregon or federal law.

The intent to harass or annoy does not represent an intent to seek libidinal gratification. Because the prosecution need not prove sexual intent to sustain a conviction under ORS 166.065, Respondent's conviction for Harassment does not meet this definition of "child abuse" under 18 USC section 3509 and therefore cannot serve as a ground for removability as a crime of child abuse under INA s. 237(a)(2)(E)(i).

As Respondent's Harassment conviction is not a crime of child abuse under any definition of the term, this charge should be dismissed by the Court for purposes of alleged removability under INA s. 237 (a)(2)(E)(i).

III. RESPONDENT'S CONVICTION FOR ASSAULT IV/DOMESTIC VIOLENCE DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

Respondent has been charged as removable under INA s. 237(a)(2)(A)(iii) of the Act in that he has allegedly been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape, or sexual abuse of a minor. Assault IV is neither murder nor rape. Insofar as the victim of sexual abuse of a minor must be a minor, Respondent's conviction for Assault IV cannot be considered an aggravated felony as the victim of the assault was Respondent's wife, a 22-year-old woman at the time of the offense. Accordingly, assuming that the Service has charged Respondent as an aggravated felon for his Assault IV conviction, the Court should dismiss this charge.

IV. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

a. Respondent's conviction for Harassment does not constitute a crime of sexual abuse

The above argument that Respondent's Harassment conviction does not represent a crime of sexual abuse for purposes of 237(a)(A)(E)(i) applies to the determination whether Respondent is removable under INA s. 237(a)(2)(A)(iii) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

The aggravated felony of sexual abuse of minor plainly means the crime constituting the aggravated felony must constitute a crime of sexual abuse. Because ORS 166.065 does not meet the definition of "sexual abuse" under the law, this charge under INA s. 237(a)(2)(A)(iii) should be dismissed by the Court.

b. An aggravated felony sexual abuse of a minor must be a felony offense to serve as a ground for removal under INA 237 (a)(2)(A)(iii)

Assuming *arguendo* that Respondent is considered to have committed sexual abuse of a minor, his conviction was for a Class A misdemeanor offense. As an "aggravated felony" sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s. 237(a)(2)(A)(iii), this charge cannot be sustained.

In Matter of Crammond, 23 I&N Dec.9 (BIA 2001) ("Crammond I"), *vacated on other grounds*, 23 I&N 179 (BIA 179), the Board held that a conviction for "murder, rape, or sexual abuse of a minor" must be a felony offense in order for the crime to be considered an aggravated felony under INA s. 101(a)(43)(A). While later vacated solely on jurisdictional grounds, the Board's reasoned decision in Crammond I remains

persuasive authority for the proposition that a conviction for “murder, rape, or sexual abuse of minor must be a felony offense to serve as an “aggravated felony.”

The Board did not find a clear expression of Congressional intent in the plain language of section 101(a)(43). The Board’s plurality decision stated “The choice of term ‘aggravated felony’ as opposed to more generic terms such as ‘aggravated offense’ or ‘aggravated crime’ does suggest that Congress intended to restrict the listed offenses to felonies” despite the fact that 101(a)(43)(A) does not explicitly require the listed crimes to be felonies. Indeed, as Board Member Rosenberg, in her concurrence which was joined by Board Member Miller, stated, “aggravated felony”, by the plain meaning of the respective words, defines a subset of the broader category “felony”. Even Board Member Grant, writing for the dissent, recognizes that section 101(a)(43)(A) can be read to support reasonable competing interpretations.

Assuming that there is any doubt as to whether misdemeanor sexual abuse of a minor can constitute an “aggravated felony”, the fact that doubt should be resolved in favor of the alien in deportation proceedings compels as a conclusion that the underlying offense must be a felony, as the eight Members joining the plurality opinion and Board Members Rosenberg and Miller’s concurrence indicated. INS v. Cardoza-Fonesca, 480 U.S. 421 (1987); Costello v. INS, 376 U.S. 120 (1964); FongHaw Tan v. Phelan, 333 U.S. 6 (1948).

The majority of the Board looked to entire Act and to legislative history for guidance in determining whether or not Congress intended for misdemeanor offenses to qualify as aggravated felony under 101(a)(43)(A).

The Board plurality found in Act itself to lend support to the conclusion that Congress intended crimes of sexual abuse of a minor to be felonies in order to be considered “aggravated felonies.” The Board noted that grouping sexual abuse of a minor with murder and rape, crimes almost universally classified as felonies, led more support to a conclusion that Congress intended to cover only felony sexual abuse of minor in 101(a)(43)(A) than to the notion, expressed in the dissent and in the Seventh Circuit’s opinion in Guerrero-Perez v. INS, 242 F.3d 727 (7th Cir. 2001), *reaffirmed*, 256 F. 3d 546 (7th Cir. 2001), that the grouping of these crimes was “a fairly strong indication, albeit a limited one,” that Congress intended to include misdemeanor sexual abuse of a minor in 101(a)(43)(A). Moreover, noted the Board, lesser sexual abuses are covered by INA 237(a)(2)(E).

The Board further noted that history of the (expanding) history of the term “aggravated felony.” It found that from its introduction in the Anti-Drug Abuse Act in 1988 through the Immigration Act of 1990, the Immigration and Nationality Technical Corrections of 1994, and the legislative history of IIRIRA and the proposed amendments to section 101(a)(43)(A) at issue here, Congress consistently made reference to such crimes as felonies – and never as misdemeanors. For Board Member Fillipu, the legislative history, combined with the plain meaning of aggravated felony, proved conclusively that Congress intended that section 101(a)(43)(A) include only felony offenses.

A majority of the Board, through an analysis of legislative intent and, in the plurality, invocation of the rule of lenity held that “aggravated felony” sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s.

237(a)(2)(A)(iii). It is reasonable to conclude that the Board would so hold again, as the tools of statutory construction have not changed. Moreover, the Ninth Circuit appears to support the majority opinion in Crammond I. In two unpublished decisions, Soto-Armenta v. INS, 99-71547 (July 9, 2001) and Cendejas-Sanchez v. INS, No. 00-7009 (June 25, 2001), the 9th Circuit remanded to the Board for consideration in light of the Crammond decision.

Therefore, Respondent's misdemeanor conviction for harassment is not an "aggravated felony" for purposes of 237(a)(2)(A)(iii), and this charge should be dismissed by the Court.

CONCLUSION

Respondent Hesham Abu-Zubaidah has no conviction which can serve as a ground for removal under INA 237(a)(2)(E)(i) or INA 237(a)(2)(A)(iii), as charged by the Service. Accordingly, this Court should dismiss these charges.

Steven L. Kay, OSB#99192



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District Counsel/POO
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Type of Proceeding: Removal

Date of this notice: 06/19/2002

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 04/11/2002

NOTICE -- BRIEFING EXTENSION REQUEST GRANTED

Alien's original due date: 06/20/2002

INS' original due date: 06/20/2002

- o The request by the alien for an additional amount of time to submit a brief, which was received on 06/12/2002, is GRANTED.
- o The alien's brief must be **received** at the Board of Immigration Appeals on or before 07/11/2002.
- o The INS' brief must be **received** at the Board of Immigration Appeals on or before 07/11/2002.

PLEASE NOTE

The Board generally does not grant extensions for more than 21 days. Each party's current due date is stated above.

The Board rarely grants more than one briefing extension to each party. Therefore, if you have been granted an extension, you should assume that you will not be granted any further extensions.

If you file your brief late, you must file it along with a motion for consideration of your late-filed brief. There is no fee for such a motion. The motion must set forth in detail the

WALKERA

compelling circumstances that prevented you from filing your brief on time. You should support the motion with affidavits, declarations, or other evidence. Only one such motion will be considered by the Board.

FILING INSTRUCTIONS

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for records. Thank you for your cooperation.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the INS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:
Board of Immigration Appeals,
Clerk's Office,
5201 Leesburg Pike, Suite 1300,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:
Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

D.C. Cust
Dm

RECEIVED
INS
PORTLAND, OR

2002 JUN 12 AM 11:15

STEVEN KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 SW Fifth Avenue, Suite 670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058

Attorney for Respondents

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VA

_____))
In the Matter of _____))
_____))
Hesham ABU-ZUBAIDAH _____))
_____))
_____))
Respondent _____))
_____)

File No: A078 737 342

RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF
(DUE, 06/20/02)

As stated above, Respondent's brief is due at the Board on or before June 20, 2002. Respondent, through his attorney, Steven Kay, respectfully request a 21-day extension to submit the brief. Attorney of record has an extremely complex trial on June 21, 2002 for which a great deal preparation is still necessary. Counsel will also be out of the office for the American Immigration Lawyers Association Conference in San Francisco from June 12 to June 16. In addition, counsel has been working on several aggravated felony as well as asylum cases approaching the one year deadline. A grant of this motion will allow counsel sufficient time to prepare and submit Respondent's brief to the Board.

Wherefore, Respondent respectfully request a 21-day extension to submit the brief be granted.

DATED: In Portland, Oregon on this 11th day June, 2002.

Respectfully submitted,
PARKER, BUSH & LANE, P.C.

STEVEN KAY, OSB #99192
Attorney for Respondents



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

STEVEN L. KAY
Counsel/POO
1400 S.W. FIFTH AVENUE, SUITE 670
PORTLAND, OR 97201-0000

Office of the District
P.O. Box 3361
Portland, OR 97208-3361

Name: ABU-ZUBAIDAH, HESHAM

A78-737-342

Type of Proceeding: Removal

Date of this notice: 05/21/2002

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 04/11/2002

NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Enclosed is a copy of the transcript of the testimony of record.
- o Appealing party is granted until 06/20/2002 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 06/20/2002 to submit a reply brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for records. Thank you for your cooperation.

Your brief must be **RECEIVED** at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is **NOT** sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

IC-POO

WALKERA

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the INS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

Board of Immigration Appeals,
Clerk's Office,
5201 Leesburg Pike, Suite 1300,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

FILING INSTRUCTIONS -- Extension Request.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be **RECEIVED** at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The Board does not grant extensions for more than 21 days. If your request is granted, the brief will generally be due 21 days from the date the initial briefing schedule expires, not 21 days from the date of the request for an extension or the date of the Board response to the request. The new due date will be stated on the notice granting the extension.

The policy of the Board is that no additional extensions will be granted.

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):
HESHAM ABU-ZUBAIDAH A78-737-342

For Official Use Only

WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and "A" Numbers of everyone appealing the order must be written in Item #1.

2. Applicant/Respondent is currently DETAINED NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated 3/27/02

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The Immigration Judge erred as a matter of law in sustaining charges under INA 237(a)(2)(A)(iii) and INA 237(a)(2)(E)(i). As discussed in the attached brief in support of the motion to dismiss, the Service charged the Respondent as removable under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a "crime of child abuse" and that his Assault IV conviction qualifies as a "crime of domestic violence." The IJ also incorrectly ruled that Respondent's Harassment conviction constituted an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii).

None of the convictions which serve as the Service's bases for removal are removable offenses under the law. The Immigration Judge held that, as applied to Respondent 1) Misdemeanor Harassment constitutes an "aggravated felony...sexual abuse of a minor; 2) Misdemeanor Assault IV constitutes a "crime of domestic violence; 3) Misdemeanor Harassment constitutes a "crime of child abuse; 4) Misdemeanor Harassment constitutes a "crime of moral turpitude." These holding are in error as a matter of law.

The Immigration Judge also erred as a matter of law and abused his discretion in finding Respondent's testimony impeached and refusing to consider the hardship to Respondent's US citizen wife and children. The IJ found that the difference in Respondent's and his wife's memory of certain events impeached Respondent, although Respondent's testimony was internally consistent. The Immigration Judge also erred in that he refused to address the discretionary factors at all, resting his decision solely on the mistaken opinion that Respondent lacked credibility in that Respondent and his wife remembered certain events differently.

This appeal is NOT appropriate for affirmance without opinion under 8 CFR 3.1(a)(7) and merits review by a three-member panel for the following reasons:

The Immigration Judge erred as a matter of law in holding that Misdemeanor Harassment constitutes an aggravated felony; that Misdemeanor Harassment constitutes a crime of moral turpitude; that Misdemeanor Harassment constitutes a "crime of child abuse;" that Misdemeanor Assault IV constitutes a "crime of violence." Cases and arguments in support of position are contained in the attached brief. The IJ's refusal to consider ANY equities in this case is reversible error. Matter of Edwards, 20 I&N Dec. 191 (BIA 1990). This error are material and significant, especially in that had the charges under 237(a)(2)(E) and 237(a)(2)(A)(iii) been dismissed, Respondent would not have required a 212(h) waiver.

This appeal raises substantial legal issues. There is a split among IJs as to whether a statute that does not require as an element the use, attempted use, or threatened use of physical force against the person or property of another can serve as a crime of violence for INA 237(a)(2)(E) purposes. The issue of whether a misdemeanor harassment conviction is an aggravated felony or even a crime of sexual abuse is unresolved. The issue of whether harassment is a crime of moral turpitude is a crime of moral

(Attach more sheets if necessary)

Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

5. do
I do not desire oral argument before the Board of Immigration Appeals.

6. will
I will not file a separate written brief or statement in addition to the "Reason(s) for Appeal" written above or accompanying this form.

WARNING: Your appeal may be summarily dismissed if you indicate in Item #6 that you will file a separate written brief or statement and, within the time set for filing, you fail to file the brief or statement and do not reasonably explain such failure.



7. X

Signature of Person Appealing
(or attorney or representative)

4-10-02
Date

8. Mailing Address of Applicant(s)/Respondent(s)

HESHAM	ABU-ZUBAIDAH
(Name)	
c/o CCSO; 901 PORT AVENUE	
(Street Address)	
(Apartment or Room Number)	
ST. HELENS	OREGON 97051
(City, State, Zip Code)	

9.

Mailing Address of Attorney or Representative	
STEVEN L. KAY	
PARKER, BUSH & LANE, P.C.	
(Name)	
1400 S.W. FIFTH AVENUE, SUITE 670	
(Street Address)	
(Suite or Room Number)	
PORTLAND	OR 97201
(City, State, Zip Code)	

WARNING: An attorney or representative will not be recognized as counsel on appeal and will not receive documents or correspondence in connection with the appeal unless he/she submits a completed Form EOIR-27.

CERTIFICATE OF SERVICE (Must Be Completed)

10. I Steven Kay (Name) mailed or delivered a copy of this notice of appeal
on 4/10/02 (Date) to Thomas Day, District Counsel (Opposing Party)
at P.O. BOX 3361; PORTLAND, OR 97208-3361
(Address of Opposing Party)



X

Signature of Person Appealing
(or attorney or representative)

Have You?

- Read all of the General Instructions
- Signed the form
- Provided all of the requested information
- Served a copy of this form and all attachments on the opposing party
- Completed this form in English
- Completed and signed the Certificate of Service
- Provided a certified English translation for all non-English attachments
- Attached the required fee or fee waiver request

Addendum to
turpitude is unresolved.

This appeal raises a novel factual (and legal) issue, to wit, whether the differing memories of witnesses as to traumatic events can serve to impeach one of those witnesses.

The Respondent merits the eligibility criteria for relief from removal based on adjustment with a 212(h) waiver based on the extreme hardship to his US citizen family and the compelling positive equities in his case.

The IJ's errors deprived Respondent of his due process right to a full and fair hearing.

STEVEN L. KAY, OSB #99192
PARKER, BUSH & LANE, P.C.
1400 S.W. 5th Avenue, #670
Portland, OR 97201
tel. (503) 241-1320 / fax (503) 323-9058
e-mail: slk@pbl.net

UNITED STATES DEPARTMENT OF JUSTICE

Portland, Oregon

In the Matter of) File No. A72 687 648
)
Hesham ABU-ZUBAIDAH)
)
Respondent.)
_____)

RESPONDENT'S (REVISED) MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(A)(iii) AND INA SECTION 237(a)(2)(E)(i)

By written motion submitted on February 19, 2002, Respondent moved to dismiss charges under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii) before the EOIR in Portland, Oregon. The motion was denied at hearing on February 25. The Immigration Judge also denied the Respondent bond on grounds of his allegedly having committed the aggravated felony of misdemeanor Harassment. As further set out herein below, the basis for the motion is that **the crimes on the basis of which the Service seeks to remove Respondent, as defined by the statute, do not qualify as removable offenses.**

While Respondent is eligible to apply for a 212(h) waiver based on extreme hardship to his USC wife and infant children, Respondent seeks dismissal of the above-entitled charges so that he may adjust his status without seeking this discretionary waiver.

Page 1 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

FACTS

On January 8, 2002, Respondent was convicted of Harassment, a class A misdemeanor under ORS 166.065, and for Assault IV, a class A misdemeanor under ORS 163.160. The Service has charged that he is removable under INA s. 237(a)(2)(E)(i) and INA s. 237(a)(2)(A)(iii). The Service has also charged Respondent with being removable under 237(a)(1)(C)(i) for having violated his F-1 student status, in that Respondent attended a different school than the one which sponsored his visa. Respondent does not contest this charge.

Section 237(a)(2)(E)(i) renders deportable “any alien who at any time after entry is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment.” To date the Service has not specified which of Respondent’s convictions underlie which alleged grounds of removability, nor has the Service specified with which of the specific crimes under 237(a)(2)(E)(i) Respondent is being charged. For that reason alone, these charges should be dismissed.

Respondent speculates – and it is only speculation given the fatal imprecision in the Service’s charging document - that the Service may be seeking to remove Respondent under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a “crime of child abuse” and that his Assault IV conviction qualifies as a “crime of domestic violence.” Apparently, the Service is also charging Respondent’s Harassment conviction as an “aggravated felony...sexual abuse of a minor” under 237(a)(2)(A)(iii). In an attempt to overcome the lack of specificity in the Service’s “Additional Charges of Inadmissibility/Deportability”, Respondent will address the applicability of his conviction for Assault IV under INA s. 237(a)(2)(A)(iii) as well.

In determining whether a given crime can serve as grounds for removal under INA s. 237, the Court must limit its inquiry to whether the inherent nature of the crime as defined by statute and interpreted by the courts qualifies it as a removable offense and not look to the facts and circumstances of the particular case. Taylor v. U.S., 495 U.S. 575 (1990).

The federal definition of crimes, rather than state labels, determines whether a given state criminal conviction constitutes a basis for removability under the INA. The Board of Immigration Appeals has consistently held that “in determining whether or not a specific offense falls within a classification described in deportation provisions under the Act, it is proper to look to the federal definition.” Matter of Batista-Hernandez, Int. Dec. 3321 (BIA 1997)(Rosenberg, concurring and dissenting, citing Matter of L-G, Int. Dec. 3254 (BIA 1995)); Matter of K-V-D, Int. Dec. 3422 (BIA 1999); United States v. Zazate-Hernandez, 133 F.3d 1194 (9th Cir. 1998); United States v. Garcia-Olmeda, 112 F.3d 399 (9th Cir. 1997). In Matter of L-G, *op.cit.*, the Board emphasized the strong policy concerns supporting use of a federal definition. The application of state law as the defining measure of which offenses constitute crimes serving as bases for removal would result in widely disparate consequences for similarly situated aliens based solely on what state they happen to be in. **Therefore, the federal definition of Respondent’s crimes determines whether the crimes are removable offenses.**

I. RESPONDENT’S CONVICTION FOR ASSAULT IV DOES NOT QUALIFY AS A CRIME OF DOMESTIC VIOLENCE UNDER INA 237(a)(2)(E)(i)

a. A state domestic violence conviction must conform to the federal statutory definition of domestic violence in INA s. 237(a)(2)(E)(i) in order to serve as a ground of removability.

A state domestic violence conviction will render a noncitizen of the United States removable for a crime of domestic violence under the Act only when the state offense conforms to the definition of crimes of domestic violence under INA s. 237(a)(2)(E)(i).

In relevant part, INA s. 237(a)(2)(E)(i) reads:

For purposes of this clause, the term “crime of domestic violence: means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse,*et.al.*

USC Title 18 section 16 defines “crime of violence” as:

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Respondent’s Assault IV conviction is not a felony, nor has the Service argued otherwise. Therefore, in order to sustain the instant ground of removability, the Service must show that ORS 163.610 conforms to the requirements of 16(a), i.e., that it has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” On the facts of this case, the Service cannot show this element, this tcharge must fail.

b. In a criminal prosecution for Assault IV under ORS 163.160, the prosecution does not need to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to sustain a conviction.

The Ninth Circuit has defined “an element of a crime” as a ‘constituent part’ of the offense which must be proved by the prosecution in every case to sustain a conviction under a given statute.” United States v. Innis, 7. F.3d 840 (9th Cir. 1993); United States

v. Sherbondy, 865 F.2d 996, 1010 (9th Cir. 1988). The Oregon statute under which the Respondent was convicted reads in relevant part as follows:

Assault in the fourth degree:

- (1) A person commits the crime of assault in the fourth degree if the person:
 - (a) Intentionally, knowingly, or recklessly causes physical injury to another; or
 - (b) With criminal negligence causes physical injury to another by means of a deadly weapon.

As thus defined, Assault IV does not specifically require as an element the “use, attempted use, or threatened use of physical force” against another. Rather, the statute’s elementary requirements are that 1) with one of the four specified *mens rea* 2) a person causes 3) physical injury 4) to another. In the case of criminal negligence, the persons must cause physical injury to another by means of a deadly weapon.

The Oregon statute does not require that physical injury to another be accomplished by the “use, attempted use, or threatened use of physical force against the person or property of another.” For example, “D” may cause physical injury to another by pulling a chair out from under them as they sit down. While in such case “D” may be convicted of assault in Oregon, “D” has used no physical force against either a person or property, and may not be convicted of a crime of violence under 18 USC s. 16(a). The same result obtains if “D” recklessly leaves a baby unattended in a bathtub, and the baby drowns. “D” may be convicted for violating ORS 163.610 but has not committed a crime of violence. An anesthesiologist who misadministers anesthesia may cause physical injury without the use of force against the patient’s person, and a hunter may cause

physical injury to another by causing the accidental discharge of a loaded gun while cleaning it, but neither the anesthesiologist nor the hunter has engaged in conduct which rises to the level of a crime of violence under USC Title 18 section 16(a). If "P" slips on a banana peel intentionally left in her path by "D", or if "P" is hit in the eye by a champagne cork recklessly unleashed by "D", "D" has committed assault under the Oregon statute without the use of physical force against the person or property of another.

The Board of Immigration Appeals is in accord with the Oregon statute. One can cause physical injury without the use of physical force. In In re Sweetser, Int. Dec. 3390 (BIA 1999), the Board held that:

The use of physical force is an act committed by the defendant, while the risk of physical injury is a consequence of defendant's acts. Therefore although a parent who negligently leaves a young child unattended near a body of water may risk serious injury to the child, there is no risk that force will be used in the commission of the offense.

Because the prosecution is not required to prove the use, attempted use, or threatened use of physical force against the person or property of another in order to convict someone of assault/domestic violence under ORS 163.160, a violation of this Oregon statute is not a crime of violence under 18 USC section 16(a). Therefore, Respondent's conviction for assault under ORS 163.160 does not meet the definition of "domestic violence" under INA 237(a)(2)(E)(i) and the Court should dismiss this charge.

II. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS A CRIME OF CHILD ABUSE UNDER INA 237(a)(2)(E)(i)

A. A state criminal conviction must conform to the plainly accepted definition of child abuse in order to serve as a ground of removability under INA s. 237(a)(2)(E)(i).

The above argument that the federal definition of crimes, rather than state labels, determines whether a given state criminal conviction for constitutes a basis for

removability under the INA applies to the determination whether Respondent is removable under INA s. 237(a)(2)(E)(i) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

In relevant part, INA s. 237(a)(2)(E)(i) reads:

Any alien who at any time after entry is convicted ofa crime of child abuse...is deportable.

The statute or the case law has not definitively defined what constitutes a crime of child abuse. In In Re Rodriguez-Rodriguez, Int. Dec. 3411 (BIA 1999), the Board stated:

We note that including child abuse as a ground of removal in section 237(a)(2)(E)(i) of the Act, Congress likewise did not refer to a particular statutory definition, although it did designate a statutory definition for "crime of domestic violence."

The interpretation of what constitutes a crime of child abuse under INA 237(a)(2)(E)(i) must then begin with the terms of the statute itself and if those terms, on their face, constitute a plain expression of Congressional intent, they must be given effect. Chevron, USA, Inc., v. Natural Resources Defense Council, Inc., 467 U.S. 827, 842-43 (1984).

The legislative purpose is presumed to be expressed by the ordinary meaning of the words used. INS v. Phinpathya, 464 U.S. 183, 189 (1984).

The ordinary meaning of the term "child abuse" involves the cruel or otherwise morally turpitudinous mistreatment of a minor. See Black's Law Dictionary, Sixth Edition, page 239 (1990)("Child abuse. **Any form of cruelty to a child's physical, moral or mental well-being.** Also used to describe any sexual attack which may or may not amount to rape. Such acts are criminal offenses in most states.") See also 18 USC section 3509, which defines child abuse as the "physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child."

Page 7 - BRIEF IN SUPPORT OF MOTION TO DISMISS CHARGES UNDER INA SECTION 237(a)(2)(E)(i) AND UNDER INA SECTION 237(a)(2)(A)(iii)
Hesham ABU-ZUBAIDAH - A#72 687 648

A crime of child abuse is a crime of moral turpitude. In Guererro de Nodahl v. INS, 407 F.2d 1405 (9th Circuit 1969), the Court determined the intrinsic nature of a crime of child abuse. There, the Court held that California Penal Code section 273d, making it a felony offense to “willfully inflict...upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition,” was a crime of child abuse and by definition a crime of moral turpitude. 407 F.2d at 1406-1407.

For a criminal conviction to serve as a ground of removal as a crime of child abuse under INA 237(a)(2)(E)(i), then, the crime must be a crime of moral turpitude involving the infliction or physical or mental cruelty, sexual abuse or sexual exploitation, or the negligent treatment of a child.

Harassment under ORS 166.065 is not a crime of moral turpitude, and it does not require proof by the prosecution of physical or mental cruelty, sexual abuse, or negligent treatment of a child.

b. Harassment under ORS 166.065 is not a crime of moral turpitude

A crime of moral turpitude “refers generally to conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and duties owed between persons or to a society in general...Moral turpitude has been defined as an act which is *per se* morally reprehensible and intrinsically wrong, or *malum in se* so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude. Matter of Franklin, 20 I&N 867, 868 (BIA 1994), *aff’d* 72 F.3d 571 (8th Cir. 1995)

In determining a crime of moral turpitude, it is “the inherent nature of the crime as defined by statute and interpreted by the courts as limited and described by the record of

conviction” and not the facts and circumstances of the particular person’s case that determines whether it is a crime of moral turpitude. Matter of Short, 20 I&N Dec. 136 (BIA 1989); Goldeshtein v. INS, 8 F.3d 645 (9th Cir. 1993).

ORS 166.065 is a public order offense. It reads in relevant part as follows:¹

Harassment. (1) A person commits the crime of harassment if the person intentionally

(a) Harasses or annoys another person by:

(A) Subjecting such person to offensive physical contact...

(3) Harassment is a Class B misdemeanor

(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates subsection (1) of this section by subjecting another person to objective physical contact and the offensive physical contact consists of touching the sexual or other intimate parts of another person.

Accordingly, to sustain a conviction under ORS 166.065(4), a person must 1)with intent to harass or annoy 2)make offensive physical contact 3)with another person’s 4)sexual or other intimate parts.

Before one can be convicted of a crime of moral turpitude, the statute in question by its terms must necessarily involve moral turpitude: Matter of Esfandiary, 16 I&N 659 (BIA 1979).

ORS 166.065 does not necessarily involve moral turpitude. To intentionally annoy or harass someone through offensive physical contact simply does not rise to the level of conduct that is “inherently base, vile, or depraved.” As a public order offense, one simply cannot assert that the conduct underlying the offense is “malum in se.”

Harassment as defined by the Oregon statute is certainly inappropriate conduct, but it is

¹ Respondent admits that he was convicted under ORS 166.065(4), insofar as his conviction is for a Class A misdemeanor. Respondent also admits that the victim of this offense was 17 years old, a minor.

not morally turpitudinous conduct. As a crime of child abuse is by definition a crime involving moral turpitude, Respondent's conviction under ORS 166.065 cannot serve as a ground of removability under INA s. 237(a)(2)(E)(i).

Moreover, a violation of ORS 166.065 does not involve any of the actions found under federal definitions to constitute acts of child abuse.

i. Harassment under ORS 166.065 is not a crime involving negligent treatment of a child.

Under 18 USC section 3509, child abuse can be defined as "negligent treatment of a child." The *mens rea* specified by ORS 166.065 is "intentional." Therefore, Respondent's conviction for Harassment is not a crime of child abuse under this definition.

ii. Harassment under ORS 166.065 does not require proof of physical or mental injury or cruelty

Under 18 USC section 3509, child abuse can be defined as "the "physical or mental injury of a child." Similarly, Black's Law Dictionary, *op. cit.* at page 239 defines child abuse as any form of cruelty to a child's physical, moral or mental well-being.

ORS 166.065 does not require a showing of cruelty or injury of any kind to the victim in order to sustain a conviction. One who with intent to harass or annoy another person by offensively touching them in an "intimate" part of that person violates the statute. No injury need be shown. If a coworker, with the intent to annoy, offends a colleague by lightly touching him or her on the buttocks, the statute is violated, although no injury occurs. Moreover, the intent to harass or annoy is qualitatively different from the

infliction of cruelty under any *mens rea*². Accordingly, under this definition Respondent's conviction for Harassment is not a crime of child abuse.

iii. Harassment under ORS 166.065 is not a crime of sexual abuse.

To intentionally annoy or harass someone by the offensive touching of a sexual or intimate part of that person is not a crime of sexual abuse. For a crime to constitute sexual abuse, the perpetrator must possess sexual or "lewd" intent, i.e. he or she must intend to seek libidinal gratification. Baron-Medina v. U.S., 187 F.3d 1144, 1147 (9th Cir. 1999) ("The use of young children for the gratification of sexual desire constitutes abuse"); U.S. v. Padilla-Reyes, 247 F.3d 1158 (11th Cir. 2001), U.S. v. Zavala-Sustaita, 214 F.3d 601, 604 (5th Cir. 2000) ("the phrase 'sexual abuse of a minor' indicates the perpetrator's intent in committing the abuse is to seek libidinal gratification."); Mugalli v. Ashcroft, 258 F.3d 52 (2nd Cir 2001); U.S. v. Martinez-Parillo (7th Circuit 2001) (finding sexual penetration to constitute abuse); In Re Rodriguez-Rodriguez, Interim Decision 3411 (BIA 1999). See also National Center on Child Abuse or Neglect, "Sexual Abuse of Children: Selected Reading 13 (1980), cited in Padilla-Reyes, *op. cit.* at 1163 (child sex abuse is "contacts or interactions between a child and an adult when the child is being used as an object of gratification for adult sexual needs or desires.").

It should be noted that ORS 166.065 is not defined as a sex crime under ORS 181.584 and therefore individuals convicted of Harassment do not need to register under the Oregon Sex Offender Registration Act. Moreover, the ORS contains the crime of

² "Cruel" is defined as 1: disposed to inflict pain or suffering: devoid of human feeling 2: causing or conducive to injury grief or pain" (Webster's Ninth New Collegiate Dictionary, page 311 (1987), whereas "harass" means "to annoy persistently" (Webster's at 552) and "annoy" means "to disturb or irritate" (Webster's at 88).

sexual abuse of a minor ("Sexual abuse in the third degree") in ORS 163.415.

Respondent was not convicted of any sex crime as defined by the State of Oregon or federal law.

The intent to harass or annoy does not represent an intent to seek libidinal gratification. Because the prosecution need not prove sexual intent to sustain a conviction under ORS 166.065, Respondent's conviction for Harassment does not meet this definition of "child abuse" under 18 USC section 3509 and therefore cannot serve as a ground for removability as a crime of child abuse under INA s. 237(a)(2)(E)(i).

As Respondent's Harassment conviction is not a crime of child abuse under any definition of the term, this charge should be dismissed by the Court for purposes of alleged removability under INA s. 237 (a)(2)(E)(i).

III. RESPONDENT'S CONVICTION FOR ASSAULT IV/DOMESTIC VIOLENCE DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

Respondent has been charged as removable under INA s. 237(a)(2)(A)(iii) of the Act in that he has allegedly been convicted of an aggravated felony as defined in Section 101(a)(43)(A) of the Act, murder, rape, or sexual abuse of a minor. Assault IV is neither murder nor rape. Insofar as the victim of sexual abuse of a minor must be a minor, Respondent's conviction for Assault IV cannot be considered an aggravated felony as the victim of the assault was Respondent's wife, a 22-year-old woman at the time of the offense. Accordingly, assuming that the Service has charged Respondent as an aggravated felon for his Assault IV conviction, the Court should dismiss this charge.

IV. RESPONDENT'S CONVICTION FOR HARRASSMENT DOES NOT QUALIFY AS AN AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR UNDER INA 237(a)(2)(A)(iii) OF THE ACT.

a. Respondent's conviction for Harassment does not constitute a crime of sexual abuse

The above argument that Respondent's Harassment conviction does not represent a crime of sexual abuse for purposes of 237(a)(A)(E)(i) applies to the determination whether Respondent is removable under INA s. 237(a)(2)(A)(iii) due his conviction for Harassment in violation of ORS 166.065 , and is hereby incorporated.

The aggravated felony of sexual abuse of minor plainly means the crime constituting the aggravated felony must constitute a crime of sexual abuse. Because ORS 166.065 does not meet the definition of "sexual abuse" under the law, this charge under INA s. 237(a)(2)(A)(iii) should be dismissed by the Court.

b. An aggravated felony sexual abuse of a minor must be a felony offense to serve as a ground for removal under INA 237 (a)(2)(A)(iii)

Assuming *arguendo* that Respondent is considered to have committed sexual abuse of a minor, his conviction was for a Class A misdemeanor offense. As an "aggravated felony" sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s. 237(a)(2)(A)(iii), this charge cannot be sustained.

In Matter of Crammond, 23 I&N Dec.9 (BIA 2001) ("Crammond I"), *vacated on other grounds*, 23 I&N 179 (BIA 179), the Board held that a conviction for "murder, rape, or sexual abuse of a minor" must be a felony offense in order for the crime to be considered an aggravated felony under INA s. 101(a)(43)(A). While later vacated solely on jurisdictional grounds, the Board's reasoned decision in Crammond I remains

persuasive authority for the proposition that a conviction for “murder, rape, or sexual abuse of minor must be a felony offense to serve as an “aggravated felony.”

The Board did not find a clear expression of Congressional intent in the plain language of section 101(a)(43). The Board’s plurality decision stated “The choice of term ‘aggravated felony’ as opposed to more generic terms such as ‘aggravated offense’ or ‘aggravated crime’ does suggest that Congress intended to restrict the listed offenses to felonies” despite the fact that 101(a)(43)(A) does not explicitly require the listed crimes to be felonies. Indeed, as Board Member Rosenberg, in her concurrence which was joined by Board Member Miller, stated, “aggravated felony”, by the plain meaning of the respective words, defines a subset of the broader category “felony”. Even Board Member Grant, writing for the dissent, recognizes that section 101(a)(43)(A) can be read to support reasonable competing interpretations.

Assuming that there is any doubt as to whether misdemeanor sexual abuse of a minor can constitute an “aggravated felony”, the fact that doubt should be resolved in favor of the alien in deportation proceedings compels as a conclusion that the underlying offense must be a felony, as the eight Members joining the plurality opinion and Board Members Rosenberg and Miller’s concurrence indicated. INS v. Cardoza-Fonesca, 480 U.S. 421 (1987); Costello v. INS, 376 U.S. 120 (1964); FongHaw Tan v. Phelan, 333 U.S. 6 (1948).

The majority of the Board looked to entire Act and to legislative history for guidance in determining whether or not Congress intended for misdemeanor offenses to qualify as aggravated felony under 101(a)(43)(A).

The Board plurality found in Act itself to lend support to the conclusion that Congress intended crimes of sexual abuse of a minor to be felonies in order to be considered “aggravated felonies.” The Board noted that grouping sexual abuse of a minor with murder and rape, crimes almost universally classified as felonies, led more support to a conclusion that Congress intended to cover only felony sexual abuse of minor in 101(a)(43)(A) than to the notion, expressed in the dissent and in the Seventh Circuit’s opinion in Guerrero-Perez v. INS, 242 F.3d 727 (7th Cir. 2001), *reaffirmed*, 256 F. 3d 546 (7th Cir. 2001), that the grouping of these crimes was “a fairly strong indication, albeit a limited one,” that Congress intended to include misdemeanor sexual abuse of a minor in 101(a)(43)(A). Moreover, noted the Board, lesser sexual abuses are covered by INA 237(a)(2)(E).

The Board further noted that history of the (expanding) history of the term “aggravated felony.” It found that from its introduction in the Anti-Drug Abuse Act in 1988 through the Immigration Act of 1990, the Immigration and Nationality Technical Corrections of 1994, and the legislative history of IIRIRA and the proposed amendments to section 101(a)(43)(A) at issue here, Congress consistently made reference to such crimes as felonies – and never as misdemeanors. For Board Member Fillipu, the legislative history, combined with the plain meaning of aggravated felony, proved conclusively that Congress intended that section 101(a)(43)(A) include only felony offenses.

A majority of the Board, through an analysis of legislative intent and, in the plurality, invocation of the rule of lenity held that “aggravated felony” sexual abuse of a minor must be a felony offense to serve as a ground of removability under INA s.

237(a)(2)(A)(iii). It is reasonable to conclude that the Board would so hold again, as the tools of statutory construction have not changed. Moreover, the Ninth Circuit appears to support the majority opinion in Crammond I. In two unpublished decisions, Soto-Armenta v. INS, 99-71547 (July 9, 2001) and Cendejas-Sanchez v. INS, No. 00-7009 (June 25, 2001), the 9th Circuit remanded to the Board for consideration in light of the Crammond decision:

Therefore, Respondent's misdemeanor conviction for harassment is not an "aggravated felony" for purposes of 237(a)(2)(A)(iii), and this charge should be dismissed by the Court.

CONCLUSION

Respondent Hesham Abu-Zubaidah has no conviction which can serve as a ground for removal under INA 237(a)(2)(E)(i) or INA 237(a)(2)(A)(iii), as charged by the Service.

Accordingly, this Court should dismiss these charges.

Steven L. Kay, OSB#99192

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Portland, Oregon

File No.: A 78 737 342

March 27, 2002

In the Matter of

HESHAM ABU-ZUBAIDAH,) IN REMOVAL PROCEEDINGS
)
Respondent)

CHARGES: Section 231(a)(1)(C)(i); Section 237(a)(2)(E)(i);
Section 237(a)(2)(A)(iii), to wit as follows:
failure to maintain conditions of non-immigrant
student status to which you're admitted,
conviction of a crime relating to domestic
violence and conviction of an aggravated felony
regarding the sexual abuse of a minor

APPLICATION:

ON BEHALF OF RESPONDENT:

ON BEHALF OF SERVICE:

Stephen Kay, Esquire

Jeanne Foden-Vencil, Esquire

ORAL DECISION OF THE IMMIGRATION JUDGE

Respondent is a 25-year-old man who's not a citizen or national of the United States. He is a native of Saudi Arabia and a citizen of Egypt. He entered the United States at or near New York, New York on July 26, 1998 as a non-immigrant student to attend the LS language center in Melbourne, Florida. He never attended such course. He has conceded that he didn't maintain the non-immigrant status to which he was admitted. He conceded that he was in fact convicted of a crime of domestic violence,

the assault in the 4th degree committed against his wife. He denies that the crime of harassment which involved the touching of the sexual or intimate parts of Christina Hodge is a aggravated felony regarding the sexual abuse of a minor. However, the Court has found that since he specifically pled no contest to that form of harassment and since the victim was a minor at the time of the commission of the crime, now that Matter of Cramen has been withdrawn by the Board of Immigration Appeals that this is an aggravated felony.

The Court has also determined, although it's not charged directly, but that this as is charged since it involves the intentional touching of the sexual or intimate parts is a crime or act of moral turpitude requiring a waiver of inadmissibility under Section 212(h) if the respondent is to proceed with an underlying request for adjustment of status which is to be considered by the Court. And that is the matter for the Court to consider.

II. Credibility

The Court's had considerable discussion with the respondent directly and with respondent's counsel about the credibility. In the matter of credibility, the Court is guided by the following cases: INS v. Sincar, citation to be supplied later, Matter of A-S-, citation to be supplied later, Okenmati v. INS, 9th Circuit, citation to be supplied later. The Court one, determines credibility first not on demeanor but based on the coherency and

the consistency of the testimony and then secondly whether or not he is impeached by other credible testimony that the Court finds more coherent and more consistent than his own testimony and then in any other matters regarding that. And then finally, the Court does rely on demeanor. But in fact demeanor I think is the least reliable way. Looking at someone is the least reliable way to tell whether they're telling the truth. However, forms of evasiveness and being unwilling to answer a question directly, those can be looked. Those, in the Court's opinion, should only be secondary indicia and not the primary basis for any credibility determination.

First of all, the counsel for the respondent does concede that there is a credibility conflict in the case. Counsel has not directly said nor should he that his client is not credible, but he has acknowledged that on the material aspect of the crime that the Court has considered an aggravated felony, and let me make it plain, the Court sees the aggravated felony issue for the purposes of this decision not really to be relevant at all because the crime of the harassment of the touching of the sexual or intimate parts of Christina Hodge, who was a minor at the time, is a matter of moral turpitude. He was convicted of a crime involving domestic violence. He would need the 212(h) waiver whether or not it was an aggravated felony, and he can still adjust with or without an aggravated felony. So, the Court now is looking at one, that he needs the waiver and, secondly,

the facts of the case. But let me get back to the issue of credibility. So with regard to that, the issue of how it's considered under immigration law, whether it's an aggravated felony or not, those are also collateral. They are not the basis of a credibility determination and that one on top of another can be "piled up" doesn't mean that I would find him any more or less credible. The rest of the circumstances are considered.

However, the fact of this conviction is material. It along with the issue of domestic violence is at the core of the case. The domestic, the Court believes it understands that there are significant problems that not only the respondent has but of course the petitioner, his spouse, has tremendous problems, and I'm aware of that. That makes this a very difficult situation. But with regard to credibility, the Court finds that the respondent's wife is credible and in fact most all of this information about terrorist bombers and connections to nefarious organizations in the Middle East or other kinds of information she said she was saying that to get back at him. And they have nothing to do with my determination. And I find her statements and her withdrawal of those to be credible. And this case is not about that. He is not sitting there with any other kind of weight against him starting off in a negative matter because of those accusations. Those have not been brought forward as any kind of credible matter by the Immigration Service. They are not asserted as anything to be considered against him and I do not

consider them. But with regard to the matter in which he was basically accused of grabbing, the direct harassment is touching the buttocks of Christina Hodge, she was 17 years old, he testified unequivocally that this occurred when he was trying to get her out of his apartment, that where he and his spouse and their baby daughter lived. He testified that he grabbed Ms. Hodge by the hand or the arm, tried to pull her out and used his other hand to push her from behind which happened to be in the area of her buttocks, pushed her out, and as it later turned out, although that wasn't cleared up at the time, she actually didn't leave, but, and he says this is the incident. Now this did seem to be somewhat unlikely since the entire case work-up, the reports, there's no statement by him, the affidavit in support of the arrest warrant and any of the factual basis. Now the affidavit is important because that's upon which the charge was made and under INS v. Larios-Mendez it does become part of not the police report which may or may not be given the same kind of weight, but it becomes part of the legal case. And in those statements, those track exactly what the respondent's wife said. Now she didn't necessarily believe, although she was worked up on August 12th, but she didn't necessarily believe Christina Hodge, but it was clear that the reports all along were that he came up behind Ms. Hodge when there was a pot of boiling water for Ramen on the stove and grabbed her butt. That's what was the work-up of the affidavit of the charges, that's the only report, and it's

the only thing that appears to have been in the case. That alone would tend to undermine his statement, even without Ms. Hodge being here. But we have more than that. The respondent's wife was present during the incident he says this harassment took place; she was two feet away. And he tried to reconcile their two testimonies. And the Court, however, asked Ms. Abu-Zubaidah, the respondent's wife, about the circumstances, whether it was possible that he did anything else to her. Where was she; she was two feet away. Did he grab her, push her or do anything else then taking her by the arm; she said well that may have been considered pushing, but that was it. There was nothing, I just came in from the other room; I didn't see him start pushing her. No, I was two feet away and I saw it. He said she didn't see the whole thing. That isn't born out by the testimony; they are contradictory. And since the totality of the rest of the evidence supports her version and that no one ever heard of his version before and that it would have been that kind of version of the affidavit of the charges to begin with that he would plead no contest, the Court has to find that. And I find that he is not credible.

Additionally, there is some other non-credible indications on this respondent's behalf. That he wasn't forthright with the Court when explaining what the assault of August 12th was about. Now, there are some significant problems with the mentality of what he said it was about. He said his was his anger at his

wife; one, for being late, okay. Maybe anger or frustration. But anger might be not the right way, and certainly for her being late picking him up, he doesn't then have licence to hit her so much that she's down on the floor in the corner and punch her while she's down in a ball in the corner of a room. There's no license because she's late. But he also said that because she hadn't fixed his dinner. He didn't mention that the root of the argument was his unwillingness to address Ms. Hodge's claim that he had tried to sexually accost her. And this is somewhat ironic because in the end he entered a no contest plea to what appears to be those same series of facts. And I'm not going to find that there are another set of phantom facts that only he had in his mind. There's no reality to it, and it just isn't going to go that way.

So his inability to be honest about what the source of the argument was; he wasn't entirely honest about the nature of the assault; his witness, his wife came today. She didn't hit him with the phone, she tried to defend herself. Yet he claimed that she affirmatively hit him with the receiver and tried to attack him. She said today like she said in August that it was defensive move and that it ended up hitting his elbow. So he tries to give rationale. Part of the problem with his rationale is that there are rationale that make it worse. Because this idea of, that he has the right to control or as he said, make his wife a better person, but his better person is in by physically

disciplining her, physically hurting her. That was his pretext to then the assault happening. So, I don't find him credible. I don't find him entirely credible and candid about the assault itself. And I find him completely impeached about his version of the events of the grabbing of her buttocks.

III. Discretion

I'm not going to address the 212(h) waiver because it isn't necessary. The reason being is that even if I were to find extreme hardship, I find that Ms. Abu-Zubaidah has terrible problems. She has terrible problems. They predate her relationship with the respondent. No one is guaranteed a lifelong partner. When she says if he weren't there, she'd have to give up her children, and it may be true in her case. She needs help. But although the family sees this, even if they think that she needs him, in this particular case, it is clear to the Court that society couldn't tolerate this. Society couldn't tolerate this because even if she has her problems, his response to her problems was to grab the buttocks of a 17 year old street urchin who's hanging around their house; that was one of the responses. He hasn't been honest about that. Society can't tolerate that. That girl, according to the respondent's wife, is even more messed up than the respondent's wife. It can't be tolerated and it shows that he believes anyone that comes within his area of concern that he takes control over; he has license to abuse his wife, to abuse this young girl apparently because they

look like they're in the position of that they don't have the power. And sadly even his wife started to apologize for what she shouldn't have apologized for. Maybe she was in his face, but she was entitled to hear from him and to have him account for what Ms. Hodge had said. And he's not the answer to this. We can't take the risk of having this kind of problem going on in our society, and this is his request for discretion. So he comes to the United States and never attends what he comes here for. All right, he has his explanation for that. It's kind of an odd explanation that he couldn't quite figure out what to do, but yet he was coming here for that stated purpose. So that, whatever. That isn't really the issue. But when he comes here and gets married, if it was just a problem in the relationship between the two, it would be difficult for the Court because of the manner of his approach to this case. But the Court would have that to weigh in discretion. But he in his offending has offended beyond just the matter of his family, husband and wife, but to other persons, and this is too much. It's too much to expect that he can come to the United States in 1998, get married in the year 2000, beat his wife, have his wife come back and forth requesting one day to drop the petition, then back on and then back not again, having engaged in violent confrontations with her. Whatever her problem is, he's bigger and stronger than her. He can get away from her. He didn't do it. And then go out and offend a 17 year old minor girl who was in their employ; that's

AMM

too much to expect. He will not be granted his adjustment of status in the United States.

And, as a matter of discretion, even if the Court were to consider the extreme hardship to his wife and/or daughter, I would deny as a matter of discretion for the reasons stated, because of the negative behavior, the misconduct, and the lack of accountability for that and what that means into the future. It is ordered as follows.

ORDER

The respondent's request for adjustment of status is denied. Any alternative requests for voluntary departure is denied.

IT IS ORDERED the respondent be removed to Saudi Arabia.

DATED March 27, 2002.

MICHAEL H. BENNETT
Immigration Judge

CERTIFICATE PAGE


I hereby certify that the attached proceeding before MICHAEL
BENNETT, in the matter of:

HESHAM ABU-ZUBAIDAH

A 78 737 342

Portland, Oregon

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.



Amanda M. Malek, Transcriber

Deposition Services, Inc.
6245 Executive Boulevard
Rockville, Maryland 20852
(301) 881-3344

May 7, 2002
(Completion Date)

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

Respondent

)
)
)
)
)

IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date: October 10, 2001

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter:

Language:

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire Pro se



AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett conducting a
3 removal hearing in Portland, Oregon on October 10, 2001 in the
4 matter of Mr. Hesham Abu-Zubaidah, file A 78 737 342. The
5 respondent is present in court without an attorney. On behalf of
6 the Immigration Service is Assistant District Counsel Jeanne
7 Foden-Vencil.

8 JUDGE TO MR. ABU-ZUBAIDAH

9 Q. Mr. Abu-Zubaidah, I'm the Immigration Judge, and
10 the first matter in your case is whether or not you speak English
11 or if you want an interpreter in these proceedings.

12 A. I speak English.

13 Q. Do you want to have English be the language of the
14 hearing?

15 A. Yeah, I don't mind, but still I don't mind have
16 like somebody, with some words I can't really understand it so
17 maybe it will help me a lot.

18 Q. Okay. Well, that sounds like you're requesting an
19 interpreter for assistance.

20 A. Well, I can, I can speak, sir. I can speak
21 English, and I'll pray to the God I'll do good.

22 Q. Pardon me?

23 A. I'll try to do good, I mean speak (indiscernible).

24 Q. Well, I still have to make sure your rights are
25 protected. What language do you speak best, sir?

AMM

1 A. Arabic.

2 Q. Arabic. Okay. This is what I'm going to do, sir.
3 I'm going to advise you of your rights. I'm going to also
4 continue your case until next Monday, and we'll order an Arabic
5 interpreter, but I'm going to advise you today. I'm also going
6 to give you an opportunity to contact counsel so that if you take
7 the time to get an attorney as well. Do you understand that,
8 sir?

9 A. Yes, sir.

10 Q. Okay. First of all, you are in removal
11 proceedings, and the Immigration Service has filed charges. They
12 say that you're not a citizen or national of the United States,
13 that you're a native of Saudi Arabia and a citizen of Egypt.
14 They say that you entered the United States at New York, New York
15 on July 26, 1998 as a non-immigrant student to attend the ELS
16 Language Center in Melbourne, Florida and that you never attended
17 that language center in Melbourne, Florida. They say, therefore,
18 that you failed to comply with the conditions of your non-
19 immigrant student status to which you are admitted. I don't want
20 you to answer that today. Do you understand those allegations,
21 sir?

22 A. Yes, sir, I understand.

23 Q. I'm going to show you a copy of the charges here.
24 Did you get a copy of these along with the list of attorneys and
25 free services?

AMM

1 A. Yes, sir.

2 Q. All right. Now, you do have the right to be
3 represented by an attorney of your own choice and at your own
4 expense. Like I said, I'm going to give you more time both so we
5 can get a full interpreter, but also you can look for an attorney
6 in that time. Do you understand that, sir?

7 A. I totally understand.

8 Q. All right. You also have the right to make your
9 own statements, present your own witnesses or documents. You
10 have the right to review, question, cross-examination witnesses
11 or documents presented by the Immigration Service, and if at the
12 end of the hearing when I make a final decision, if you disagree
13 with it, you'll have the right to an appeal. An appeal means you
14 can ask a higher court in the area of Washington D.C. to change
15 my decision if you think it is wrong. Do you understand that,
16 sir?

17 A. Yes, sir.

18 Q. Now, you also have the responsibility if you were
19 released to appear as ordered. If you fail to appear, you could
20 be ordered removed in your absence if there is evidence to
21 support it, and in addition to that, if you fail to appear, the
22 following consequences would apply for 10 years.

23 You wouldn't be eligible for any adjustment of
24 status. That would mean if a petition could be filed for you or
25 by you to get your lawful permanent residence, you wouldn't be

AMM

1 eligible for 10 years even if otherwise you qualify. You
2 wouldn't be eligible for what's called cancellation of removal.
3 That's a waiver or pardon of being here illegally. I'm not
4 saying you're eligible, but even if you were, you couldn't get
5 that for 10 years, or even voluntary departure for 10 years if
6 you fail to appeal. Do you understand the consequences of
7 failing to appear?

8 A. Yes, sir.

9 Q. And also you could be excused of those
10 consequences if the reason you fail to appear was because of an
11 exceptional circumstance beyond your control such as your own
12 serious illness, or, God forbid, the death of an immediate family
13 member. Something as serious, but not less serious than that.
14 Do you understand that?

15 A. Yes, sir.

16 Q. Okay. Now, I don't want to discuss the details of
17 your case today, one, because I want to make sure that we have an
18 interpreter. Have you understood me today?

19 A. Totally understand, sir.

20 Q. You totally understood me. Well, all right. Do
21 you want time to try to get an attorney to help you as well, sir?

22 A. Yeah, that's help my case. I do appreciate that.

23 Q. Okay. Then I will continue your case. I'm also
24 going to continue the bond case for five days until Monday so
25 that you can get an attorney or other legal assistance to help

AMM

1 you. Do you understand that, sir?

2 A. I understand.

3 Q. Do you have any questions at this time? Any
4 questions?

5 A. No, sir. Just one question is like just how
6 probably somebody else going to let me know how much the bond and
7 things 'til, you know, contact with my wife. She was with me
8 today, and she visit me. She would like to come with me, but I
9 think I'm (indiscernible) for now. She had left somewhere.

10 Q. Well, right now you're being detained without
11 bond.

12 A. Okay.

13 Q. But I'll look at that issue on Monday. All right?

14 JUDGE TO MS. FODEN-VENCIL

15 Q. Anything further from the Service today, Ms.
16 Foden-Vencil?

17 MR. ABU-ZUBAIDAH TO JUDGE

18 Q. So I'll be released today, sir?

19 A. No, we haven't had the bond hearing.

20 Q. Yeah, so Monday?

21 A. You're held without bond. That will be on Monday.

22 Q. There's no way I can be released?

23 A. Well, sir, one you've indicated that you might
24 need an interpreter. Now, you said you understood me totally.

25 Q. Yes, sir.

AMM

1 A. Okay. But you didn't say to begin with that you
2 didn't want an interpreter. You said it might be helpful to you.

3 Q. Yes, sir.

4 A. So that makes it difficult for the Judge, for me
5 to say okay you don't need one. Plus, there may be very
6 difficult issues in your case, and you may want to have legal
7 assistance because you're only entitled to one bond hearing, and
8 if the bond hearing doesn't go well for you, you may not get
9 another one, and so it is recommended that if you're going to try
10 to get a lawyer, that you wait for your bond hearing until you
11 have a lawyer to help you. You understand that?

12 Q. I understand.

13 A. So do you want to wait until you get a lawyer or
14 to look for a lawyer to try to help you, sir?

15 Q. Well, sir, I cannot request, do appreciate that
16 you just go on my case today, and I be appreciate that.

17 A. Well, I'm not going to do that because you started
18 off the case by saying you needed some interpreter assistance.

19 Q. Yes, sir.

20 A. So, I'm going to, if you don't want time to find a
21 lawyer, I'll change the reason that we need to get an interpreter
22 in your case, and because that's what you said. Now, you may
23 have understood me totally, but it's very hard for me to change
24 the record.

25 Q. Yes, sir.

AMM

1 A. I would suggest you still look for an interpreter,
2 excuse me, you don't need to look for an interpreter, you still
3 look for the lawyer to help you. I recommend that to you in your
4 case. Do you understand that?

5 Q. I understand.

6 A. Okay. Any other questions?

7 Q. No, sir.

8 JUDGE FOR THE RECORD

9 Okay. We'll be continued until Monday, October the
10 15th at 9 o'clock in the morning.

11 MR. ABU-ZUBAIDAH TO JUDGE

12 Q. Thank you very much.

13 A. Thank you.

14 HEARING CONTINUED

15

16

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date: October 15, 2001

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

Thomas Day, Esquire

For the Respondent:

Pro se

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in the matter of Mr. Hesham Abu-Zubaidah,
4 the file A 78 7373 342. The respondent is present in court
5 without an attorney. On behalf of the Immigration Service is
6 District Counsel Thomas Day. We have a contract interpreter
7 through Berlitz, Mr. Pierre Boutros (phonetic sp.). I'll place
8 Mr. Boutros under oath at this time to be sworn.

9 JUDGE TO INTERPRETER

10 Q. Please raise your right hand. Do you swear that
11 you'll well and faithfully interpret from the English language to
12 the Arabic language and the Arabic language to English language
13 to the best of your ability so help you God?

14 A. I do.

15 Q. Thank you. If you would begin then.

16 JUDGE TO MR. ABU-ZUBAIDAH

17 Q. Mr. Abu-Zubaidah, we have the interpreter today.
18 Now, I do note that you speak English actually quite well in my
19 opinion. At the last hearing you began by being uncertain. You
20 said you would try in English. Now, I have to inquire. There
21 are two ways to use the interpreter. We can use the interpreter
22 as we're using him now simultaneously, or we can have the
23 interpreter just on standby not interpreting so that you could
24 just listen and respond in English, but available if you need any
25 further explanation, but we have the interpreter, and the

AMM

1 interpreter will continue interpreting if that is best for you.

2 Do you want to continue with the interpreter?

3 A. (In English) Yes, please.

4 Q. Okay. Then I'll ask you one last thing. It's a
5 little harder to do, is to please respond in Arabic then just so
6 it is clear who is speaking. All right, sir?

7 A. (In English) Yes, sir.

8 Q. Okay. Well, please try if you can. All right.
9 Now, I advised you of all of your rights in English on October
10 10, but I'm going to re-advise you with the interpreter this
11 time. These are of course, you have the right to be represented
12 by an attorney of your own choice and at your own expense. Now,
13 you're here today without an attorney, and you had been given
14 time, well, the Court continued this for an interpreter actually,
15 but I also advised you that you had time to look for an attorney.
16 Were you able to contact an attorney, or you make any efforts to
17 get an attorney, Mr. Abu-Zubaidah?

18 A. Well, I'm sorry. I tried to find attorney, but
19 I'd like attorney of the Court to get the case going today.

20 Q. Well, I don't have an attorney of the Court for
21 you today, but I also want you speak loudly too so that your
22 words in Arabic could be recorded rather than just to the
23 interpreter. Okay. So, do you want more time to find your own
24 attorney?

25 A. I want to continue the trial today. I want to

AMM

1 represent myself today and pay the bond, and when I get out, I'll
2 have more time to look for an attorney.

3 Q. All right.

4 JUDGE TO MR. DAY

5 Q. Now, is the Service ready to proceed today, Mr.
6 Day?

7 A. No, Your Honor. We would request one week
8 continuance. There's currently the Service is investigating the
9 person's background and have not concluded the investigation.

10 Q. Okay. Do you want the bond hearing continued
11 also?

12 A. Yes, Your Honor.

13 Q. Okay. All right. This is what the Court will do.
14 I will grant this one continuance to the Service based on that,
15 but anything else we'd have to start considering that there would
16 be facts which would warrant any further continuance.

17 A. Yes, Your Honor.

18 JUDGE TO MR. ABU-ZUBAIDAH

19 Q. This will be the Service's request for
20 continuance. I will grant it at this point based on their
21 representations, Mr. Abu-Zubaidah, but after this I will start to
22 consider the case. That is, if they want more time, they'll have
23 to show me evidence that would convince me that they should get
24 more time. Now, have you been able to make calls or communicate
25 and try to find a lawyer on your own, sir?

AMM

1 A. I tried. Most attorneys I talked to asked for too
2 much money. I really would like more time to find attorneys I
3 can afford. If there's an attorney that actually in the Court
4 that will help, the Court provide for me, that will be great so
5 it will, I guess move faster with this case. After the
6 continuance next week if there's, if there an attorney that the
7 Court might be able to provide for me, that'll be great. At my
8 next appointment if there is an attorney so I can the money and
9 get out. Because I'm married, I've got a wife and a daughter at
10 home, and I'm the head of the house, and I'd like (indiscernible)
11 in this case, and that I need to be by their side.

12 Q. Okay. I will continue it for the one week. You
13 can look at what options that you have. You may contact the free
14 services. I'll give you a list. At that time if there is no one
15 to help you, the Court will consider any other options available
16 at that time, but as far as a continuance, the Court would not
17 expect to continue the case again unless there is some good
18 cause, some evidence, but I will grant the Service this one
19 request based on their representation that they are doing further
20 investigation of this. It will be continued then, the removal
21 that is the deportation part as well as the bond, for one week
22 until October the 22nd. Do you have any other questions, Mr.
23 Abu-Zubaidah?

24 A. I'm inquiring if I can't find an attorney by next
25 week, will it be over next week? Will I be able to pay the money

AMM

1 and take care of the matter next week?

2 Q. Well, I never promise anyone because that would
3 suppose that decisions that I make before I've made them, and I
4 haven't made those decisions yet, but I do promise I will start
5 to look at the facts of your case one way or the other next week.
6 That's the only promise I can make.

7 Now, let me finish advising you of the rest of
8 your rights in Arabic though as I indicated I would do. Through
9 the Arabic interpreter, in addition to the right to have an
10 attorney, which we've been discussing, you also have the right to
11 make your own statements, but I'm going to ask you not to make
12 any other statements today until you have more opportunity to
13 exercise your right to get an attorney. You have the right to
14 present witnesses or documents on your own, and you will have the
15 right to present witnesses in your case, including next Monday.
16 You have the right to review or question or cross-examination
17 documents presented by the Immigration Service.

18 And if I make a decision, the bond or the removal
19 which is the same as deportation, if you disagree with my
20 decision, you'll have the right to an appeal. An appeal means
21 you can ask a higher court in the area of Washington D.C. to
22 change my decision if you think it is wrong. Do you understand
23 these rights that I have explained to you?

24 A. Yes, I understand.

25 Q. You also have, if you are released, you have the

AMM

1 responsibility to appear as ordered. If you fail to appear, you
2 could be ordered removed in your absence without further hearing
3 if there is evidence to support it. In addition, for 10 years
4 from the date of your failure, you would be ineligible for
5 certain benefits under immigration law. These benefits are --

6 A. (Indiscernible.)

7 Q. There are the benefits. You could not qualify for
8 what's called adjustment of status to permanent residence. That
9 is if a petition could be filed for you to get your permanent
10 residence, if you fail to appear even if you qualify, you
11 wouldn't be eligible for 10 years. You wouldn't qualify for
12 what's called cancellation of removal which is a waiver or pardon
13 of being here illegally for 10 years, or even for voluntary
14 departure for 10 years. Do you understand the consequences of
15 failure to appear?

16 A. I understand. Thank you.

17 Q. Now, the exception to that is you could be excused
18 of those consequences if the reason you fail to appear was
19 because of an exceptional circumstance beyond your control. This
20 is something such as your own serious illness or, God forbid, the
21 death of an immediate family member. Something as serious but
22 not less serious than that.

23 A. I understand.

24 Q. Okay. Now, again I'll tell you the charge is, and
25 I repeat this as I did last week, you're charged that you're not

AMM

1 a citizen or national of the United States, that you're a native
2 and citizen of, that you're a native of Saudi Arabia, meaning
3 that you were born in Saudi Arabia, citizen of Egypt, that you
4 entered the United States at New York, New York on July 26, 1998
5 as a non-immigrant student to attend the ESL Language Center in
6 Melbourne, Florida, and that you never attended the ESL Language
7 Center in Melbourne, Florida, and they say that you have failed
8 to comply with the status of your admission as a non-immigrant.

9 Again, you do not have to answer that now, but do
10 you understand the allegations?

11 A. Yes, I do.

12 Q. Okay.

13 JUDGE TO MR. DAY

14 Q. Anything further, Mr. Day?

15 A. No, Your Honor.

16 Q. Okay. We'll be continued then as stated.

17 JUDGE FOR THE RECORD

18 We're back on the record.

19 JUDGE TO MR. ABU-ZUBAIDAH

20 Q. You've asked me what date. It's one week from
21 today, October 22nd.

22 A. Thank you.

23 Q. Thank you.

24 HEARING CONTINUED

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date: October 29, 2001

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

Thomas Day, Esquire

For the Respondent:

Denis McCaffrey, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in Portland, Oregon on October 29, 2001 in
4 the matter of Mr. Hesham Abu-Zubaidah, file A 78 737 342. The
5 respondent is present in court. He is represented by attorney
6 Denis McCaffrey of Salem, Oregon. On behalf of the Immigration
7 Service is District Counsel Thomas Day. Now, in this case Ms.
8 Jeanne Foden-Vencil, Assistant District Counsel is present. I've
9 been advised by Mr. Martine (phonetic sp.) other than the Service
10 officers, the other person is Assistant U.S. Attorney.

11 JUDGE TO MR. DAY

12 Q. Is that correct, Mr. Day?

13 A. Yes, it is.

14 Q. Okay.

15 JUDGE FOR THE RECORD

16 The Court will find it appropriate since it's part of
17 the department, --

18 JUDGE TO MR. DAY

19 Q. And you want him here as well, Mr. Day?

20 A. Yes, Judge.

21 Q. Okay.

22 A. That's fine.

23 JUDGE FOR THE RECORD

24 The contract interpreter from Berlitz Mr. Pierre
25 Boutros. I'm placing Mr. Boutros under oath.

AMM

1 JUDGE TO INTERPRETER

2 Q. Please raise your right hand. Do you swear that
3 you will well and faithfully interpret from the English language
4 to the Arabic language and the Arabic language to the English
5 language to the best of your ability so help you God?

6 A. I do.

7 Q. Thank you.

8 JUDGE TO MR. McCAFFREY

9 Q. Mr. McCaffrey, do you acknowledge Mr. Abu-
10 Zubaidah's rights, the nature of these proceedings, and
11 consequences of failure to appear on his behalf?

12 A. Yes, Your Honor.

13 Q. Okay. Now, this the initial time that you've
14 appeared.

15 A. Yes, Your Honor.

16 Q. We did conduct a fairly in depth bond hearing last
17 week in the matter, and the respondent was held without bail,
18 without bond at the time, and this is just a discussion of the
19 case. I understood that he was about to be charged in State
20 court. I see that he's still here so let me go ahead and here
21 from the Service as to that.

22 MR. DAY TO JUDGE

23 Q. The charges were filed, Your Honor. I gave Mr.
24 McCaffrey a copy. I have copy for the Court as well.

25 A. Okay.

AMM

1 Q. Is he still in INS custody then?

2 A. Yes, he is.

3 Q. It looks like there's some, well, did he pay bond?
4 There's some (indiscernible) about security. Does that refer to
5 the State bond determination?

6 A. I don't know what that refers to, Your Honor.

7 Q. Okay.

8 JUDGE TO MR. McCAFFREY

9 Q. Mr. McCaffrey?

10 A. Yes, Your Honor?

11 Q. Well, you would probably understand that I do
12 think that the determination of the State court charges is
13 probably something that this Court would think to be reasonable
14 before I go forward. Did you have in mind, this time I'll ask
15 you since I have verified that the respondent received a copy of
16 the Notice to Appear. Do you have any objection to the Notice to
17 Appear being admitted as Exhibit 1?

18 A. No, Your Honor.

19 Q. Do you acknowledge its proper service at this
20 time?

21 A. Yes, Your Honor.

22 Q. Okay. Did you want to enter a plea to those
23 allegations today?

24 A. Yes, Your Honor.

25 Q. How do you plead?

1 A. I plead that he is not, the respondent is not a
2 citizen or national of the U.S., that he is a native of Saudi
3 Arabia. His citizenship, I don't understand after having spoken
4 with him. He tells me that he was actually, he was actually
5 Palestinian and that he uses an Egyptian passport.

6 Q. Okay. Well, I'm going to have, I'll take
7 allegation 2 as admitted substantially, though the other details
8 are something that would really only come in at the removal side
9 or order side of the case if that's what occurs.

10 A. Yes, Your Honor. Understood. Then yes he was
11 admitted as a non-immigrant student and did come for that
12 purpose. I do not know, with regard to allegation 4 and I
13 apologize to the Court for not having the answer as solid as I
14 should, I believe that he did begin an educational program and
15 abandoned it.

16 Q. Okay. So he's not now in compliance?

17 A. He is not now a student. No, Your Honor.

18 Q. Okay. I'll take the charge as being conceded as
19 far as the charge. Allegation 4 I'm going to put as an open
20 question as to the specifics since it does say he never attended,
21 but never attended doesn't require to be proven in order to be
22 out of status.

23 A. Yes, Your Honor.

24 Q. You concede he's out of status as a student?

25 A. Yes, Your Honor.

AMM

1 Q. Okay. So that will taken as conceded, the charge
2 sustained based upon that. If that is clarified, the Court would
3 either take a written amendment or I may just pen and ink amend
4 it to conform with whatever he's pleading since you haven't
5 specifically responded to it.

6 A. Yes, Your Honor.

7 Q. Now, I know that these pending criminal charges
8 obviously will have quite a bit to do with if there is any
9 eligibility for relief. Do you have an idea about whether or not
10 the respondent would apply for relief?

11 A. Yes.

12 Q. If it's available to him legally.

13 A. Well, the Court I believe is already aware that
14 the respondent is married --

15 Q. Right.

16 A. -- to a United States citizen, that they have a
17 child together, and that the wife is expected a second child.

18 Q. I am aware of all of that because of the prior
19 hearing.

20 A. True. I apologize for having to repeat all these
21 things, but --

22 Q. There is an I-130 also filed.

23 A. An I-130 has been filed. The wife had then,
24 according to her, written to the Service to withdraw it, but now
25 she regrets having done that and so if nothing else where an

AMM

1 issue in the case, I think what we would probably like to do
2 would be to apply to adjust status in proceedings, either by
3 reactivating the application that had already been filed or, if
4 that were not possible to do, then by starting over. I
5 understand, however, that there are, Your Honor, additional
6 complications.

7 Q. Right. Okay. The only thing then is that
8 ordinarily the Court wouldn't see the respondent in INS custody
9 when there's an open-ended question of pending State charges so
10 that leaves it, this would be an ordinary kind of case that I
11 wouldn't expect him to be in INS custody and the case would be
12 closed pending those charges because I wouldn't have it on the
13 docket without having an immediate way to resolve it. I could
14 resolve it, but it doesn't appear that it would be in the
15 interest of justice to do that. One, either I'm not going to
16 ignore the allegations, and then he's not in a position to
17 respond to them so it leaves it not very, it's not too
18 appropriate for me to try to adjudicate the adjustment of status
19 or something like that.

20 A. All I know at this point about the State's intent
21 is that they are planning to wait and see what happens in our
22 proceedings.

23 Q. Well, and that speaks of the lack of understanding
24 of what they're doing. There's no need for them to wait. If
25 fact, if they do wait, it will mean that we're never resolve it

AMM

1 then because as long as they wait, I can't very well, since they
2 have charged him, but even if they hadn't, there's still the
3 issue of his Fifth Amendment right not to incriminate himself.

4 Now, and you have a test of whether the Court can
5 honor that but still consider the evidence that in essence his
6 remaining silent is held against him. It's not held against him,
7 but I could consider the other evidence, but he's still pending
8 that trial. If he weren't pending that trial and he wanted to
9 remain silent, no charges were pending, then he could do that.
10 We would just have it like a criminal case. I would hear
11 whatever evidence that there was, but this, the State court needs
12 to know that their pending charges make it much more difficult.

13 The Court has often adjudicated alleged misconduct
14 outside of the scope of criminal charges, and that's not that
15 rare, and we can do that, but I'm quite reluctant to do that when
16 he's pending that trial because I think it's not only his Fifth
17 Amendment right, but then there's the aspect of his right to a
18 fair trial which could be compromised if we start having another
19 trial in the same matter here.

20 Somehow this issue of these allegations that are
21 pending criminally, either the State needs to go ahead and
22 proceed on them or I have to consider, you'll have to file a
23 motion to reopen that petition or file another petition, Mr.
24 McCaffrey. I'm not visiting the bond matter at this time. You
25 haven't made a written request, but what I assured Mr. Abu-

AMM

1 Zubaidah is that those allegations are the reason for his being
2 held without bond at this time. There's no other reason. I
3 don't have any other evidence or any other reason to hold him.
4 There's nothing changed in that. Although it's in a little bit
5 of an odd posture, there's nothing changed with regard to that.

6 You would still have to have this case continued
7 to do what you need to do, and it appears to me that you're going
8 to have to try to follow that track concurrently with whatever's
9 going on in State court.

10 A. That's what I explained to Mr. Abu-Zubaidah, that
11 it seemed as though that the first thing that needs to be
12 clarified is what is the outcome of these three charges, State
13 criminal charges, will he be acquitted, will he be convicted, and
14 depending upon, because if he were acquitted of all three, then
15 he appears to have a reasonably bright future from an immigration
16 point of view.

17 Q. I have to remind you there is a little, that's
18 possible, but the Federal courts have upheld the fact that I
19 could still consider the nature of any misconduct even if he
20 weren't found guilty by the criminal standard. That could still
21 be reconsidered. It's not, it doesn't vanish --

22 A. I know that.

23 Q. -- if he's acquitted.

24 A. But it would seem that if the case were back in
25 front of the Court in the posture that he had received an

AMM

1 acquittal on all three counts, that he would be in far better
2 shape than he is today. Similarly, if he were back in front of
3 the Court having been convicted certainly of the second or the
4 third count, then he basically has no options. He will be
5 removed as an aggravated felon, and so yes what I told him was
6 that it would seem as though we would like to obtain time for him
7 to defend himself with regard to the criminal charges.

8 Q. Well, I guess you're both in the same situation
9 from what you're telling me. I just have to ask District Counsel
10 to ask the State to proceed. I'm not going to wait indefinitely.
11 If they proceed, then they also need to address, it needs to be
12 addressed whether he's in the custody of the department because
13 as long as he's in custody of the department, it's still an
14 active case that I have to address. If those things go about
15 that his not in custody and it's a regular criminal prosecution,
16 ordinarily I wouldn't keep it on the active docket, but I say
17 ordinarily, I'm not going to sua sponte close the case. That
18 would have to be up to, that's ordinarily the motion of the
19 Service. (indiscernible) say that, but when it comes up, that's
20 how it technically goes down as.

21 I still need to know, because I really don't want
22 to set this over for many weeks because that doesn't really tell
23 me, sometimes this waiting game, there have been occasions where
24 this has happened. We just kind of like the checkers, you're
25 jumping over, but they're not actually doing anything. And you,

AMM

1 I suppose with whatever criminal counsel he may have, you want to
2 have some communication going.

3 A. What I would like to do would be turn it back to
4 the family to find defense counsel for him in the State criminal
5 court system and try to get a relatively rapid adjudication. I
6 have no idea, since it's not an area of law that I practice, I'm
7 not very familiar with how things work through the criminal
8 justice system in Mullet (phonetic sp.) county. I have no way
9 of, no statement I can make to the Court with regard to
10 expectation as to what could happen or how long it would take.

11 JUDGE TO COUNSEL

12 Q. Why don't we call it back in three weeks. Either
13 one of you can make, in the interim if something changes, you can
14 make an appropriate motion to be addressed by the Court before
15 that time. (indiscernible) not have anything else in mind.

16 A. (Mr. Day) That's fine.

17 Q. Okay.

18 JUDGE TO MR. McCAFFREY

19 Q. Mr. McCaffrey?

20 A. Yes, Your Honor, if I could just check my
21 calendar. Three weeks.

22 Q. That would be November --

23 A. Is that the 18th? 19th?

24 Q. The 19th. All right.

25 JUDGE FOR THE RECORD

AMM

1 We'll be continued to that date as stated.

2 JUDGE TO MR. McCAFFREY

3 Q. Thank you.

4 A. Thank you, Your Honor.

5 HEARING CONTINUED

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date:

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire Denis McCaffrey, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in the matter of Mr. Hesham Abu-Zubaidah,
4 file A 78 737 342. The respondent is present in court with his
5 counsel, Mr. Denis McCaffrey of Salem, Oregon. On behalf of the
6 Immigration Service is --

7 JUDGE TO MS. FODEN-VENCIL

8 Q. Who's appearing?

9 JUDGE FOR THE RECORD

10 Ms. Foden-Vencil for the Service. Also Mr. Day is
11 present, District Counsel, as well as Assistant District Counsel.
12 We have a contract interpreter through Berlitz, Mr. Pierre
13 Boutros for the Arabic language. He's rendering a simultaneous
14 interpretation. I'll place him under oath at this time.

15 JUDGE TO INTERPRETER

16 Q. Please raise your right hand. Do you swear that
17 you'll well and faithfully interpret from the English language to
18 the Arabic language and the Arabic language to the English
19 language to the best of your ability so help you God?

20 A. I do.

21 Q. Thank you.

22 JUDGE FOR THE RECORD

23 This case was administratively closed as State court
24 had taken jurisdiction of the prosecution of the respondent, but
25 apparently that has been completed in one way or another. I know

AMM

1 not which, but he was taken into State custody.

2 JUDGE TO MR. McCAFFREY

3 Q. And, Mr. McCaffrey, do you re-acknowledge your
4 client's rights, the nature of these proceedings, consequences of
5 failure to appear on his behalf?

6 A. Yes, Your Honor.

7 Q. Okay. Now, previously he had conceded failure to
8 comply with the terms of being a non-immigrant.

9 A. I think that's correct, Your Honor.

10 Q. Okay. And the Court, unless there was some good
11 cause to revisit that, wouldn't plan to revisit it. Is there
12 some request for relief from removal?

13 A. Your Honor, I would like to enter a motion to
14 withdraw as Mr. Abu-Zubaidah's lawyer.

15 Q. Okay.

16 JUDGE TO MR. ABU-ZUBAIDAH

17 Q. Is this correct, Mr. Abu-Zubaidah, that you do not
18 want Mr. McCaffrey to be your lawyer?

19 A. My wife came to me today and told me that she's
20 not sure what's going on between her and Mr. McCaffrey, and she's
21 not going to use his service anymore, she's not going to need his
22 service anymore, and she's looking for another attorney --

23 Q. Okay.

24 A. -- to represent him.

25 Q. It's your case. Is that what you want?

AMM

1 A. I don't have any problem with Mr. McCaffrey, but
2 my wife is the one who's handling everything from outside so --

3 Q. Well, sir, you have to tell me. Your wife is not
4 in proceedings. You are. It is --

5 A. Yes, I don't want Mr. McCaffrey's services.

6 JUDGE TO MR. McCAFFREY

7 Q. Okay. Mr. McCaffrey, you're discharged and an
8 order will be sent to you to be excused.

9 A. Thank you, Your Honor.

10 JUDGE TO MR. ABU-ZUBAIDAH

11 Q. Sir, do you want additional time to try to find an
12 attorney to help you with the rest of your case?

13 A. Yes, but I'd like to add one more thing if you let
14 me, Your Honor.

15 Q. Yes?

16 A. I'm asking to speak in English.

17 Q. Well, sir, if you're asking for time for an
18 attorney, it is better not to take the additional time, I mean
19 not to make any additional statements until you receive the
20 advice of counsel and so I'm reluctant to have you give me a lot
21 of information. If you want more time to find an attorney, you
22 should consult with the attorney before you make any other
23 statements.

24 A. My wife is, is delivering next month. Can I have
25 a month so I can go be with her?

AMM

1 Q. Well, that's an issue with regard to, you're
2 entitled to have an attorney with you when you have that. Now,
3 do you want to waive your right to an attorney, sir?

4 A. (In English) No, I will take his advice. I will
5 take my attorney.

6 Q. Okay.

7 A. I take advice. I take my attorney.

8 Q. All right. I will continue the case for your
9 request for counsel.

10 JUDGE TO MS. FODEN-VENCIL

11 Q. Anything else from the Service, Ms. Foden-Vencil?

12 A. Yes, Your Honor. I would like to lodge an
13 additional charge and submit, two additional charges, and submit
14 recent conviction records.

15 Q. Okay. All right.

16 JUDGE FOR THE RECORD

17 The charges will be entered then. The Court will
18 continue the case. We'll go onto the next tape.

19 (Off the record.)

20 (On the record.)

21 JUDGE FOR THE RECORD

22 This is Tape 2.

23 JUDGE TO MS. FODEN-VENCIL

24 Q. Ms. Foden-Vencil, harassment is not a crime of
25 sexual abuse. The elements of it, unless they are specifically

AMM

1 alleged under that section, let me take a look here.

2 Specifically the crime he was convicted of was not touching of
3 sexual parts. It says he was convicted of count 3 harassment.

4 A. Yes.

5 Q. Not count 4. Count 3 is alleged under 1660653,
6 and specifically there is specific count, the next count is under
7 1660654, which is the sexual part.

8 A. Under count 3 in the indictment, the language in
9 the count reflects the sexual --

10 Q. The language in the count though can't be the rule
11 of the language, the law of the statute. The only way I'll find
12 it to me a sex crime is if it reflects the one under 1660654
13 because that's the specific language that requires sexual contact
14 in order for there to be a conviction. 3 doesn't require that.
15 It could sexual or non-sexual contact so he can't be considered
16 to have been convicted of a crime of sexual abuse of a minor
17 because those are not the necessary elements to regular
18 harassment. The next section would require those elements. It
19 doesn't require that it be a minor either, but it's not a crime
20 of sexual abuse.

21 A. I'm not sure what you're referring to.

22 Q. Well, he had indictments for violation, and I take
23 the indictments line up one is for count 1, two is for count 2.
24 I see. I see there. Let me take a look there at something else.
25 I see. Now, I'll take this under consideration. This issue is

AMM

1 it looks like whether those are counts or whether those are the
2 subsections, the last two after the line up under subsections for
3 the same statute, but now looking at it again, they're probably
4 the counts. I'll have to look at this carefully because he
5 specifically wasn't found guilty of the sexual abuse crimes
6 charged to him. I'll look at it carefully to see.

7 I do agree with you. If they use the language of
8 the section that is covered by that, then I have to consider
9 whether that crime could be it.

10 A. Right.

11 Q. If they use that language, but they use the
12 generic harassment and just find generic harassment, I would find
13 categorically it isn't because they couldn't use the generic
14 statute even if they allege enhanced conduct, it doesn't make it
15 that crime. What I was, where I was off is that where they say
16 indictment for violation of, they could be, it would be better if
17 they put count 1 and then put the whole statute section there,
18 and I still have to look at it, but I thought we had it, the last
19 two categorically line up with two other --

20 A. Right. I understand.

21 Q. -- with the two crimes exactly under the Oregon
22 statute --

23 A. Right. I understand the confusion.

24 Q. -- with 3 being the one that isn't.

25 A. Right.

AMM

1 Q. But then I looked at count 4 is actually the
2 conduct alleged that isn't the sexual conduct.

3 A. Right.

4 Q. There still may be a question whether that crime
5 of harassment could be, but it's not the same as categorically
6 not. There's no categorical, I will have to look it. It is
7 obviously outside of the sexual abuse statutes, and the Court
8 will have to determine whether that can be such a crime, but it's
9 not what it appeared to be, or I'm not sure that it isn't that,
10 but it looks, I haven't looked at the others. If the other 1, 2
11 don't line up to the other statutes, it's clear that those mean
12 the counts, and the Court will take it, I'll have to construe it
13 in the light that's reasonable to construe it in.

14 Okay. I will take these now. I don't have to
15 adjudicate them immediately.

16 JUDGE TO MR. ABU-ZUBAIDAH

17 Q. You should get an attorney because this new charge
18 is serious, and it could make it very difficult for you to remain
19 in the United States. Okay?

20 A. (In English) Yes.

21 Q. So I'll continue your case until January 30th.
22 I'll call you back in a week. That way I can see whether you're
23 getting any assistance. That will be at 9 o'clock.

24 A. (In English) Thank you very much, Your Honor.
25 Thank you.

AMM

1 Q. Okay. Thank you.

2 JUDGE FOR THE RECORD

3 That will be all for today.

4 HEARING CONTINUED

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date:

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire Stephen Kay, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in the matter of Mr. Hesham Abu-Zubaidah,
4 file A 78 737 342. The respondent is present in court with
5 attorney Stephen Kay of Portland, Oregon. On behalf of the
6 Immigration Service is Assistant District Counsel Jeanne Foden-
7 Vencil. District Counsel Thomas Day is also present. We have a
8 contract interpreter from Berlitz, Mr. Pierre Boutros. I'll
9 place Mr. Boutros under oath.

10 JUDGE TO INTERPRETER

11 Q. Please raise your right hand. Do you swear that
12 you will well and faithfully interpret from the English language
13 to the Arabic language and the Arabic language to English
14 language to the best of your ability so help you God?

15 A. I do.

16 Q. Okay. Thank you.

17 JUDGE TO MR. KAY

18 Q. Mr. Kay, do you acknowledge Mr. Abu-Zubaidah's
19 rights, the nature of these proceedings, consequences of failure
20 to appear on his behalf?

21 A. Yes, I do, Your Honor.

22 Q. Okay. Now, there was a lodged charge made, and at
23 the time Mr. Abu-Zubaidah was still being represented by Mr.
24 McCaffrey.

25 A. I see.

AMM

1 Q. Have you --

2 A. I now represent Mr. and Mrs. Abu-Zubaidah.

3 Q. Right. Right. The question I have, however, is
4 that do you have a copy of the lodged charge?

5 A. Yes, I do, Your Honor.

6 Q. Okay.

7 A. I received it this morning.

8 Q. All right. Then are you prepared to plead to the
9 allegations in the lodged charge?

10 A. I am, Your Honor.

11 Q. Okay. And how do you plead?

12 A. As to the first charge, violation of
13 237(a)(2)(E)(i), crime of domestic violence, we admit the charge.
14 As to 237(a)(2)(A)(iii), commission of an aggravated felony, we
15 deny the charge.

16 Q. And do you intend to pursue relief from removal in
17 this matter?

18 A. Yes, we do, Your Honor. We would like to pursue
19 adjustment of status with an I-601 waiver.

20 Q. Okay. All right. Now, has an adjustment of
21 status, has an I-130 been filed in this case?

22 A. An I-130 had been filed but withdrawn. Currently
23 there is no I-130 pending.

24 Q. Okay. Do you want an opportunity to file it?

25 A. Yes please, Your Honor.

AMM

1 Q. All right. And any other anticipated relief?

2 A. In the alternative we would be asking for
3 voluntary departure.

4 Q. Okay. All right. Well, the issue on the I-130
5 would be for the Court as follows. Since there was one filed,
6 withdrawn, while the Court ordinarily continues cases during the
7 pendency of the I-130, the issue could be raised by the Service
8 as to that matter as to whether there is good faith in the I-130,
9 and the Court would look at that as it has in other cases if that
10 comes up. How long do you want to be able to have to submit that
11 I-130?

12 A. We would be prepared to submit the I-130 and
13 supporting documents within two weeks.

14 Q. Okay. Anything else at this time, Mr. Kay?

15 A. Well, we would like to apply for bond, but of
16 course with the 237(a)(2)(A)(iii) problem, I'm not sure if we're
17 eligible.

18 Q. Well, you're always eligible to apply.

19 A. We would like to apply.

20 JUDGE TO MS. FODEN-VENCIL

21 Q. Your Honor, before we go to bond, I'm not clear if
22 the respondent is admitting all the factual allegations. He just
23 spoke to the charges.

24 A. All right.

25 MR. KAY TO JUDGE

AMM

1 Q. Yes, we admit the factual charges.

2 A. Okay. So you --

3 Q. Our point of tension is --

4 A. You concede the domestic violence --

5 Q. Yes, we do.

6 A. -- crime, and you deny that it's an aggravated
7 felony in the other?

8 Q. Yes, that's right, Your Honor.

9 JUDGE TO MS. FODEN-VENCIL

10 Q. And the Service is of the opinion in Matter of
11 Cramen, (phonetic sp.) the rationale does not apply?

12 A. Yes, Your Honor, and also for the reason that
13 there is case law in other circuits, six circuits, that an
14 aggravated felony can be a misdemeanor.

15 MR. KAY TO JUDGE

16 Q. However, in this circuit there have been two
17 unpublished decisions which followed Matter of Cramen while it
18 was still good law.

19 A. Okay. Well, are you prepared to address the
20 issues of bond hearing today, or do you want that set for a
21 hearing to be prepared on those issues legally and factually, Mr.
22 Kay?

23 Q. I'd like it to be set over so I can properly
24 assess --

25 A. Okay.

AMM

1 Q. -- my client's eligibility for bond.

2 JUDGE TO COUNSEL

3 Q. I'll note the bond request, and I'm not going to
4 be requiring memos for that, but you're both free to submit what
5 you like on that.

6 JUDGE TO MR. KAY

7 Q. I'd like to do this the week of the 11th if that's
8 long enough for you to prepare. The reason being the following
9 week is a holiday week which means that that Wednesday is usually
10 quite busy. I could do it next week if you think you're ready to
11 address the issues of bond next week.

12 A. I believe we'll be able to address the issues of
13 bond next week, Your Honor.

14 Q. Okay. Then next Wednesday.

15 A. Next Wednesday.

16 Q. At 9 o'clock.

17 MS. FODEN-VENCIL TO JUDGE

18 Q. That would be the 6th, Your Honor?

19 A. Yes, it would be the 6th.

20 JUDGE TO MR. KAY

21 Q. Okay. Then anything else beyond that, Mr. Kay?

22 A. We have nothing further, Your Honor.

23 Q. Okay.

24 JUDGE TO MS. FODEN-VENCIL

25 Q. Ms. Foden-Vencil?

AMM

1 A. No, Your Honor.

2 JUDGE FOR THE RECORD

3 Okay. We'll be continued as stated. Thank you.

4 HEARING CONTINUED

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date:

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire Stephen Kay, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in the matter of Mr. Hesham Abu-Zubaidah,
4 file A 78 737 342. The respondent is present in court.

5 JUDGE TO MR. ABU-ZUBAIDAH

6 Q. Last time we had English, but you want Arabic?
7 You want the interpreter, sir?

8 A. Yes, sir.

9 Q. Okay. We'll continue.

10 JUDGE FOR THE RECORD

11 Mr. Kay represents the respondent. Ms. Foden-Vencil
12 for the Service. We have a contract interpreter through Berlitz,
13 Mr. Boutros.

14 JUDGE TO INTERPRETER

15 Q. I'll place you under oath. Raise your right hand.
16 Do you swear that you will well and faithfully interpret from the
17 English language to the Arabic language and the Arabic language
18 to English language to the best of your ability so help you God?

19 A. I do.

20 Q. Thank you.

21 JUDGE TO MR. KAY

22 Q. Mr. Kay, do you acknowledge your client's rights,
23 nature of these proceeding, consequences of failure to appear on
24 his behalf?

25 A. I do, Your Honor.

1 Q. Okay. Now, you indicated just before going on the
2 record without us having any material or substantial discussion
3 about it that you had an issue for the Court?

4 A. That is right, Your Honor.

5 Q. Okay.

6 A. With the Court's permission, I would like to
7 retract my prior admission on his removability under INA
8 237(a)(2)(E) and would like to file a motion for termination of
9 proceedings for the Service's failure to establish grounds of
10 removability.

11 Q. Well, okay. You could file the motion. I found
12 under, that's the lodged charge. He conceded it was a crime of
13 child abuse, but you denied a domestic, excuse me, denied an
14 aggravated felony.

15 A. At this time I also deny that it is a case of
16 sexual abuse, of harassment.

17 Q. Okay. You concede the facts are true --

18 A. Yes.

19 Q. -- that he was convicted of that.

20 A. Yes, I do.

21 Q. And you wish to argue that it isn't --

22 A. That is neither an aggravated felony nor sexual
23 abuse of a minor.

24 Q. Okay. Well, you'll have leave to argue the law on
25 it since that's what you're requesting, is leave to do that, and

AMM

1 A. That's true.

2 Q. So that still remains. However, we still have the
3 concession of being a non-immigrant out of status. That was from
4 a prior representation. Does that still remain?

5 A. Yes, that remains.

6 Q. Okay. And do you have --

7 A. But that's not been charged.

8 Q. -- expected application, pardon me?

9 A. Excuse me. I'm sorry, Your Honor.

10 Q. It has been charged.

11 A. I didn't mean to speak, excuse me?

12 Q. In the Notice to Appear, the stayed longer than
13 permitted as non-immigrant student has been conceded. In fact,
14 that's the only charge that I have marked sustained from the last
15 hearing --

16 A. Your Honor, I think I can explain this. I have
17 additional charges of inadmissability and deportability.

18 Q. Additional, but not --

19 A. I was not provided the original NTA.

20 Q. Well, I don't know that you needed to be provided
21 the original.

22 A. No.

23 Q. Because that was served on him so it's not --

24 A. Right.

25 Q. But the other charge is stayed longer than, not

AMM

1 stayed longer than permitted, failure to maintain non-immigrant
2 student status.

3 A. That is correct.

4 Q. That has already been, that's the only charge that
5 I have marked sustained actually. You conceded the other one.
6 You can withdraw that concession based on your legal argument,
7 but the Court would only, the Court still has to decide that
8 issue.

9 A. I understand that, Your Honor.

10 Q. In fact, I'm not sure that I indicated that at the
11 last hearing because I haven't decided the issue myself.
12 Frankly, plain language, before Cramen sexual abuse of a
13 minor, --

14 JUDGE TO MS. FODEN-VENCIL

15 Q. You don't have a charge of sexual abuse of a
16 minor, do you?

17 A. I believe that is how it's charged, Your Honor.

18 JUDGE TO MR. KAY

19 Q. Sexual abuse of a minor, the Court was satisfied
20 that it could be a misdemeanor because there wasn't, for an
21 aggravated felony there are some State misdemeanors which count,
22 but at this point, although the Service position, clearly Matter
23 of Cramen isn't the law, but Service position is that the
24 misdemeanors count. I'm not "bound by the Service position." I
25 have to certainly take very significantly the withdrawn precedent

AMM

1 as a construction of how the Board may decide the case. Okay.

2 Do you expect to apply for relief from removal
3 because it appears that he's still going to be deportable for
4 having not maintained student status?

5 A. Yes, Your Honor, then I would still be applying
6 for relief, adjustment.

7 Q. Okay.

8 A. The 212(h).

9 Q. Has a petition been approved in that?

10 A. No, Your Honor, we had hoped to file it today, but
11 we still, I still need a chance to meet with my client so that he
12 can sign the necessary papers and for the Service to photograph
13 him.

14 Q. Okay. All right. Shall we adjourn to the bond
15 hearing now then?

16 A. Yes, Your Honor.

17 (Off the record.)

18 (On the record.)

19 JUDGE FOR THE RECORD

20 Okay. We're on the removal record.

21 JUDGE TO MR. KAY

22 Q. Mr. Kay, how long do you want, with regard to the
23 issue on the aggravated felony, time to prepare that?

24 A. Approximately two weeks, Your Honor.

25 Q. Okay. I'm not setting briefing schedules, but if

AMM

1 you don't give me anything, --

2 A. Of course.

3 Q. -- it will be hard for me to, you'll just be
4 leaving it up to the Court.

5 A. I will submit my brief within two weeks, Your
6 Honor.

7 Q. So you can --

8 JUDGE TO MS. FODEN-VENCIL

9 Q. Service, I'm not going to ask for anything in
10 particular either. You have a variety of approaches to submit it
11 by a variety of opinions from published or other sources. It's
12 up to you.

13 A. Yes, Your Honor.

14 Q. But same thing, any guidance you want to give to
15 the Court though, the Court will consider those.

16 A. Thank you, Your Honor.

17 JUDGE TO MR. KAY

18 Q. I think I've said it on this record, but I ruled
19 before Cramen that a misdemeanor was the aggravated felony.
20 During Cramen I followed it. Since Cramen my main concern is the
21 nature of the majority of the Board's appearance on that case,
22 but I also, if I recall correctly, there was a dissent written in
23 that case as well.

24 A. (Indiscernible.)

25 Q. (indiscernible) present those to you. February

AMM

1 20th?

2 A. February 20th.

3 Q. At 9 o'clock. Actually let me change that. I'm
4 sorry, but February 20th is going to be the first day after the
5 Monday holiday, and that makes it a burden to the Court.
6 February 25th will be better for the Court to set that. Anything
7 you want to brief me on, sooner is better.

8 A. Of course, Your Honor.

9 Q. Anything further, Mr. Kay?

10 A. Excuse me, Your Honor?

11 Q. Anything further?

12 A. Not at this time, Your Honor.

13 JUDGE TO MS. FODEN-VENCIL

14 Q. Ms. Foden-Vencil?

15 A. Your Honor, I would just like to clarify. I'm a
16 bit confused as to what concessions the respondent is now wishing
17 to withdrawn regarding the charges.

18 Q. I'm going to ask him to do that in writing.

19 A. Okay.

20 Q. And so rather than, I would rather not engage in
21 this which can become a circular chase here. Let Mr. Kay present
22 in writing, present the cause for doing that. Now, he has
23 changed counsel. Factual admissions I take somewhat different
24 than having to decide the law. I have to decide the law anyway,
25 and I haven't made a final decision, it's really not much of a

AMM

1 reconsideration just to advise me on the law because that's what
2 I'm supposed to make that right decision, but factual concessions
3 are taken in a different light as far as their cause. It's much
4 easier to reconsider a legal ruling saying that we were wrong, we
5 thought this way, but we think it's this way, but as far as the
6 factual concessions, the Court does follow the good cause rule,
7 and if there's good cause, then that's a different matter. I
8 don't know what it would be because I haven't seen it yet.

9 A. If I were to write a brief without saying Mr.
10 Kay's --

11 Q. Well, primarily the focus that I have now is going
12 to be on the aggravated felony matter. I haven't heard from Mr.
13 Kay him saying that his client is not an alien, and since he
14 hasn't said that, since there's been a concession of alienage,
15 I'm not greatly concerned about some of the others. Again, the
16 concession of alienage is the major factual concession. If it
17 gets down to the right country of origin, I mean good cause in
18 that as also the Court wants to make the right decision if he has
19 documents to support a finding. If it's just his affidavit, then
20 we have to compare statements and statements. I don't know what
21 that would go, but I have to look at that evidence if that's
22 presented to me.

23 A. Okay.

24 Q. Okay? I don't think there's anything else to go
25 into now because I'd like to see Mr. Kay set that out. He has

AMM

1 several burdens of wanting the Court to reconsider these things
2 and let him have the burden of going forward and demonstrating
3 why or how these things should be done, but the aggravated felony
4 charge, we know where that issue is already.

5 A. Right.

6 Q. So I don't see any reason not to set this up for
7 that. He's conceded alienage so we don't have a challenge on
8 that so we're proceeding. The rest of those things can always be
9 decided in due time.

10 A. Okay.

11 Q. Okay. Anything else, Ms. Foden-Vencil?

12 A. No, Your Honor.

13 Q. Okay. Thank you.

14 JUDGE FOR THE RECORD

15 We'll be continued as stated. Thank you.

16 HEARING CONTINUED

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date:

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Pierre Boutros

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire Stephen Kay, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing in
3 a removal hearing in the matter of Mr. Hesham Abu-Zubaidah, file
4 A 78 737 342. The respondent is present in court with his
5 attorney Mr. Stephen Kay of Portland, Oregon. On behalf of the
6 Immigration Service is Assistant District Counsel Jeanne Foden-
7 Vencil. We have a contract interpreter from Berlitz, Mr. Pierre
8 Boutros.

9 JUDGE TO INTERPRETER

10 Q. Mr. Boutros, stand and raise your right hand. Do
11 you swear that you will well and faithfully interpret from the
12 English language to the Arabic language and the Arabic language
13 to the English language to the best of your ability so help you
14 God?

15 A. I do.

16 Q. Thank you.

17 JUDGE TO MR. KAY

18 Q. Mr. Kay, do you re-acknowledge your client's
19 rights, the nature of these proceedings, and consequences of
20 failure to appear on his behalf?

21 A. I do, Your Honor.

22 Q. Okay. Let me get up to speed. You have file a
23 motion to dismiss the charge and motion to reconsider the bond
24 redetermination.

25 A. Yes, Your Honor.

1 Q. Okay. Let me get back to that.

2 A. I filed a supplement to my motion on Friday the
3 21st.

4 Q. Well, --

5 A. Thursday. I'm not sure if you received it.

6 Q. Well, I have, no, last I have is dated February
7 19th, filed February 20th which would have been Wednesday. I
8 don't have your supplement. Do you have a copy that I could
9 examine?

10 A. Certainly, Your Honor.

11 Q. Okay.

12 A. You can have my copy. I have it in the computer.

13 Q. Okay. Now, I haven't really taken this robeless
14 decision and considered that yet.

15 JUDGE TO MS. FODEN-VENCIL

16 Q. Are you aware of that decision, Ms. Foden-Vencil?

17 A. Yes, Your Honor. I received the supplement on
18 Friday.

19 Q. Yes, and did you look into it though?

20 A. I have a copy of the case.

21 Q. Okay.

22 A. I have looked at it.

23 Q. Do you have a copy that I could look at?

24 A. Sure, I could share my copy with the Court.

25 Q. Okay. Make sure, is this a published decision?

1 A. I had determined, maybe you thought with good
2 reason I was going to stop, but I had determined that a
3 conviction for assault in the fourth degree committed against a
4 child was a crime of child abuse in previous rulings of this
5 Court under that Oregon law provision. Now, okay so go ahead.
6 The issue of the aggravated felony is an issue with regard to,
7 which is also bond as well as the issue of deportability, but why
8 would I dismiss the entire proceeding if he's already --

9 Q. Simply the charges under 237(a)(2)(E)(i) and
10 237(a)(2)(A)(iii). I'm not filing to dismiss the violation of
11 student status and the grounds of removability there.

12 A. Okay. All right.

13 Q. I believe, as regards to 237(a)(2)(E)(i)
14 violations, those violations must fit the federal definitions of
15 the respective offenses whether domestic violence or child abuse.
16 I believe that the statute by its element in Oregon does not
17 satisfy, as I showed in my brief, the requirements for a crime of
18 violence under 18, let me check the cite to be sure.

19 A. Well, I found that harassment where physical force
20 is actually used does satisfy that. I've already found that.

21 Q. That harassment by its definition doesn't require
22 the use of physical force.

23 A. Well, it does require it under certain sections,
24 and I have found --

25 Q. Not the section under which Mr. Abu-Zubaidah was

AMM

1 convicted.

2 A. Well, let's take a look at that again. I think
3 that was the issue that the Court had, under what section again?
4 Do I have that conviction record?

5 MS. FODEN-VENCIL TO JUDGE

6 Q. Yes, Your Honor.

7 A. I probably do.

8 Q. It was the section involving offensive --

9 MR. KAY TO JUDGE

10 Q. Physical contact.

11 MS. FODEN-VENCIL TO JUDGE

12 Q. -- physical contact involving sexual contact.

13 MR. KAY TO JUDGE

14 Q. Or other intimate parts.

15 A. At one point it looked like because of the order
16 of the number of the counts, that the State had charged your
17 client with the harassment section that didn't amount to the
18 contact, but upon close examination, that's not what they did at
19 all. Those are just the numbering of the counts. When you look
20 at the indictment, it's just one, two, three, four in order of
21 the counts. At first it looked like there was a subsection
22 (indiscernible) to one of them that would have appeared not to
23 have, clearly taken it out of the realm of any contact so as to
24 not make it a, it couldn't be argued as a misdemeanor that could
25 be a crime of violence because there has to be actual force.

AMM

1 Q. I agree, Your Honor.

2 A. Force is considered offensive contact.

3 Q. Force is indeed considered offensive contact, but
4 there are other forms of contact which don't amount to force
5 which could violate the statute.

6 A. Well, okay, but not --

7 Q. An unwanted kiss --

8 A. -- just a minute. Just a minute.

9 Q. -- is offensive physical contact.

10 A. Except that they specifically plead the part that,
11 let me see, he was found guilty of count 3,

12 Q. That would be 166065184.

13 A. Right. Which contains not simply, 184 would not
14 be a kiss.

15 Q. Well, Your Honor, insofar --

16 A. Well, not a kiss on the lips, and that's not the
17 point. As far as what I'm, this was, it says consists of
18 touching of the sexual or other intimate parts.

19 Q. Yes, Your Honor.

20 A. And I'm satisfied that that is force. I'm not
21 necessarily agreeing that an unwanted kiss wouldn't be force. I
22 think an unwanted kiss under the common law would be a battery,
23 and I'm, to be candid with you, I'm reasonably satisfied that
24 that would be considered force, and so I don't accept your
25 violence argument as to the issue of the child abuse. The Court

AMM

1 has indicated that it has serious concerns about the issues on
2 the aggravated felony, but I can tell you before Matter of
3 Cramen, that I held consistently that it didn't have to be a
4 felony.

5 Q. I'm aware of that, Your Honor.

6 A. That that was the holding the Court. What has
7 given me pause was because Cramen was issued and it was made mute
8 and no longer a precedent decision because of an unrelated
9 procedural matter, not because of any reconsideration of it on
10 its merits, and I have to bear that in mind, but it isn't a
11 precedent authority. So I'm going to, at this point, find also
12 the 237(a)(2)(E). I am satisfied that it fits the definition of
13 child abuse, and so I'm not going to dismiss that charge.

14 Now, as I understand, your client is being held
15 without bond.

16 Q. May I ask a question, Your Honor?

17 A. Yes, you can ask a question.

18 Q. As I indicated in my motion, I wasn't quite clear
19 whether the Service is charging him as having violated
20 237(a)(2)(E)(i) for domestic violence and child abuse or just
21 child abuse. Could you address the portion of brief that regards
22 the domestic violence claim?

23 A. Well, okay. Let me go back over this. I believe
24 that my finding. Okay. At this point I can base my finding
25 entirely on the harassment of Christina Hodge (phonetic sp.).

AMM

1 Q. Yes, Your Honor. I'm satisfied, but I understand
2 your decision as regards 237(a)(2)(E)(i) --

3 A. Let me look again --

4 Q. -- as regards crime of child abuse.

5 A. Where was the conviction of the harassment against
6 his wife?

7 MS. FODEN-VENCIL TO JUDGE

8 Q. It was actually assault 4, Your Honor, I believe.

9 MR. KAY TO JUDGE

10 Q. Ms. Foden-Vencil is correct.

11 MS. FODEN-VENCIL TO JUDGE

12 Q. That should be attached to the harassment
13 conviction. It follows the harassment conviction.

14 A. Okay.

15 JUDGE TO MR. KAY

16 Q. Pardon me on this. I did go over your brief
17 carefully, but I'm looking at, frankly there's a line of
18 demarcation between the 237(a)(2)(E). I concluded that there was
19 no question in my mind that that's sufficient, but I'm trying to
20 get to find this --

21 A. Page 3 of my brief, Your Honor?

22 Q. Is the conviction record?

23 A. The conviction record. I'm sorry, Your Honor.

24 Q. For the assault in the fourth degree? That's
25 again what I'm looking for now.

AMM

1 MS. FODEN-VENCIL TO JUDGE

2 Q. Okay. It was related to the same indictment. It
3 was count 1.

4 A. And he was found guilty of both 1 and 3.

5 Q. Yes.

6 A. Yes.

7 JUDGE TO MR. KAY

8 Q. Okay. So it's a misdemeanor assault. It's still
9 an assault in the fourth degree. There's no reason why that
10 wouldn't qualify.

11 A. Yes, because under the Oregon statute, violation
12 of, where is it, well, conviction for assault 4 does not
13 constitute a crime of violence as defined in U.S.C. Title 18, and
14 therefore, it cannot serve --

15 Q. Why does it not?

16 A. Because the Oregon statute does not require as an
17 element the use of, attempted use, or threatened use of physical
18 force against the person or property of another. It requires the
19 intentional, knowing, or reckless causation of physical injury,
20 and as the Court held in Sweetser (phonetic sp.), it is perfectly
21 possible to cause physical injury without applying force.

22 Q. Okay. That finding I'm going to reject also. I
23 find him deportable under both --

24 A. All right.

25 Q. -- of those. I have held consistently that

AMM

1 assault in the fourth degree under Oregon law is a crime of
2 violence as defined. It's not a crime involving moral turpitude
3 per se, but it is a crime of violence, and I'm satisfied that it
4 is, and I'm not going to change that now, and if I'm wrong, I'm
5 wrong, but I'm satisfied with that. How else did you want to
6 proceed?

7 A. Well, Your Honor, we still need to address the
8 portions of my brief which move for dismissal of the
9 237(a)(2)(A)(iii).

10 JUDGE FOR THE RECORD

11 Okay. We'll go to the next tape.

12 (Off the record.)

13 (On the record.)

14 JUDGE FOR THE RECORD

15 This is Tape 3.

16 JUDGE TO MR. KAY

17 Q. Let me go ahead. Let's see. Let me go ahead and
18 what is your interest as far as, your client is already
19 deportable on the non-compliance part. I've found him deportable
20 on the domestic violence or child abuse section, and even the
21 aggravated felony section in this actually, because he hasn't
22 been a permanent resident, as I understand it, he was looking at
23 filing, still considering adjustment of status. Is that correct?

24 A. That is correct, Your Honor, and he has filed his
25 I-130, or his wife filed the I-130 petition on February 7.

AMM

1 Q. And you're asking for bond reconsideration,
2 correct?

3 A. Right.

4 Q. Okay. All right. This is my determination. I do
5 not have a clear line of authority that a crime, that in the
6 Court's opinion constitutes the, just a minute, the sexual abuse
7 of a minor has to be a felony. It's very close, but the Court's
8 going to hold consistently as it has in the past and find that
9 this does constitute an aggravated felony as a matter of law in
10 that the Court has found that these crimes that constitute a form
11 of sexual abuse that the victim's age can be a matter of explicit
12 proof rather than doesn't have to be part of the elements of the
13 crime, and --

14 A. That wasn't my argument.

15 Q. I know. I know that's not your argument, but I'm
16 still addressing the apparent weaknesses. The only other
17 argument is about felony or not.

18 A. And whether the crime of sexual abuse or not.

19 Q. Well, I'm satisfied that it is sexual abuse as is
20 commonly understood, and so the Court will make that finding in
21 this case. I will address the bond issue separately, and I will
22 indicate to you my evaluation of the case on the aggravated
23 felony or not.

24 JUDGE FOR THE RECORD

25 We'll go on the record.

AMM

1 (Off the record.)

2 (On the record.)

3 JUDGE TO MR. KAY

4 Q. So, Mr. Kay, how long do you want to get this
5 going? I'm not sure what else you need to do as far as medical,
6 as far as, in fact, do you have an I-45 prepared?

7 A. Yes, we have one prepared, but we've not submitted
8 it because the Service first needs to adjudicate the I-130 --

9 Q. Okay.

10 A. -- as I understand the procedure.

11 Q. Has that been resubmitted then?

12 A. Yes, Your Honor, on February 7th.

13 Q. Okay.

14 JUDGE TO MS. FODEN-VENCIL

15 Q. Ms. Foden-Vencil, do you have any other
16 information about that?

17 A. I don't, Your Honor. This is the first I've heard
18 that it's been filed.

19 MR. KAY TO JUDGE

20 Q. We have the certified mail receipt.

21 A. Okay. Did you submit though copies to the Trial
22 Attorney, to the Court of that?

23 Q. Yes.

24 A. Okay.

25 Q. Well, I'll resubmit copies. Something went wrong.

AMM

1 A. I don't know if anything went wrong or not, just
2 Ms. Foden-Vencil not being aware of it doesn't mean it's not
3 being adjudicated, but within the confines though of how they
4 have to get in touch with your wife's, excuse me, with your
5 client's spouse, because she's in the process of delivering a
6 baby, the Court, just a minute.

7 JUDGE TO MR. ABU-ZUBAIDAH

8 Q. Did you need something, sir?

9 A. Yeah, I like drink glass of water.

10 Q. Okay.

11 A. Please.

12 Q. Well, that would be better for the attorney to
13 take care of that than the interpreter. I don't want that kind
14 of communication with the interpreter. All right?

15 JUDGE TO MR. KAY

16 Q. Mr. Kay?

17 A. Yes, Your Honor?

18 Q. I'm going to ask the Service to try to expedite
19 it, but they'll need to be able to try to get in touch with her I
20 assume.

21 MS. FODEN-VENCIL TO JUDGE

22 Q. Your Honor, I will need to know when and where it
23 was filed. Just a belated follow up on that.

24 MR. KAY TO MS. FODEN-VENCIL

25 Q. Sent from my office by certified mail on February

AMM

1 7th. Where it has gone since then --

2 A. To where?

3 Q. To here.

4 A. The Portland district office?

5 Q. The Portland district office.

6 JUDGE TO MR. KAY

7 Q. I'm looking to see though that we received that in
8 our, if we received a copy of this. I don't have anything like
9 that it had been resubmitted. I don't have it in the file.

10 A. Well, Your Honor, if I may be given a day or two
11 to track it down and take care of it?

12 Q. Yes, that's fine. It's not a matter that you have
13 done it, it's just that I'm looking for it as did we get notice
14 that you've already done it, and I don't seem to have that in the
15 file.

16 A. Okay.

17 Q. What we're talking about right now is not about
18 whether you've done or haven't done. It's what we need to do.

19 A. I understand.

20 Q. Just for a practical matter it has to all be put
21 together and then the matter has to be taken care of so let's
22 call this back in two weeks and see where we're at. Anything
23 further?

24 A. No, Your Honor.

25 Q. Yes, Mr. Kay?

AMM

1 A. My client asked if he could be released in order
2 to be with his wife when she delivers their baby, and I advised
3 him that you had denied bond.

4 Q. The order applies 24 hours a day, every day.
5 There's not an exception.

6 A. That's what I explained to my client, Your Honor.

7 Q. All right.

8 MR. ABU-ZUBAIDAH TO JUDGE

9 Q. (In English) Thank you, Your Honor.

10 JUDGE FOR THE RECORD

11 We'll be continued then. Thank you.

12 HEARING CONTINUED

13

14

15

16

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

)

IN REMOVAL PROCEEDINGS

)

Respondent

)

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date: March 11, 2002

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Walib Jenani

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

For the Respondent:

Jeanne Foden-Vencil, Esquire

Stephen Kay, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in Portland, Oregon on March 11th, 2002 in
4 the matter of Mr. Hesham Abu-Zubaidah, file A 78 737 342. The
5 respondent is present in court with his attorney Mr. Stephen Kay
6 of Portland, Oregon. On behalf of the Immigration Service is
7 Assistant District Counsel Jeanne Foden-Vencil. We have a
8 contract interpreter from Berlitz, Mr. Walib Jenani. I'll place
9 Mr. Jenani under oath at this time.

10 JUDGE TO INTERPRETER

11 Q. Please stand and raise your right hand. Do you
12 swear that you will well and faithfully interpret from the
13 English language to the Arabic language and the Arabic language
14 to the English language to the best of your ability so help you
15 God?

16 A. I do.

17 Q. Thank you.

18 JUDGE FOR THE RECORD

19 Let's go ahead and begin then.

20 JUDGE TO MR. KAY

21 Q. Mr. Kay, do you acknowledge your client's rights,
22 the nature of these proceedings, and consequences of failure to
23 appear?

24 A. I do, Your Honor.

25 Q. Okay. You need to go out with the child.

AMM

1 JUDGE TO INTERPRETER

2 Q. Mr. Jenani, you need to be interpreting.

3 A. Yes, Your Honor.

4 MR. ABU-ZUBAIDAH TO JUDGE

5 Q. Yes.

6 A. Okay.

7 JUDGE FOR THE RECORD

8 Basically this was --

9 JUDGE TO MS. FODEN-VENCIL

10 Q. What is the status of the adjudication of this
11 petition? Go ahead.

12 A. It was approved on Friday, Your Honor.

13 JUDGE TO MR. KAY

14 Q. Okay. So how long do you need for this to be
15 completed?

16 A. We're having a couple of problems that I need to
17 address to the Court.

18 Q. Okay.

19 A. Mr. --

20 Q. Do you --

21 A. May I?

22 Q. You need the interpreter for all of this? I know
23 your client --

24 A. I can explain to my client.

25 Q. I also know that he speaks some English. I don't

AMM

1 know if it's helpful having the two at the same time or not.

2 MR. ABU-ZUBAIDAH TO JUDGE

3 Q. Only when you ask me directly, Your Honor.

4 A. Okay. Then we'll do it that way for now.

5 JUDGE TO INTERPRETER

6 Q. And, Mr. Jenani, that's fine. You're still the
7 interpreter, and the language will still be Arabic, but I know
8 that Mr. Abu-Zubaidah understands, and sometimes it's harder to
9 follow the discussion when you have another discussion going also
10 in the different language.

11 JUDGE TO MR. KAY

12 Q. Okay, Mr. Kay. Excuse me. So the interpretation
13 will be waived except for when there's direct discussion with the
14 respondent.

15 A. Very good, Your Honor.

16 Q. Okay. Go ahead.

17 A. We have called every doctor in Portland area to go
18 out to St. Helens and re-perform the medical examination because
19 it has timed out, the previously submitted one.

20 Q. What do you mean it's timed out? It's --

21 A. Well over a year.

22 Q. Well, the medical, if it meets the requirements,
23 we don't, unless there's some reason to believe there's some
24 problem, we don't look at a time out on the medical unless it's
25 just not adequate.

AMM

1 JUDGE TO MS. FODEN-VENCIL.

2 Q. Do you have the medical in the record?

3 A. Yes, I do, Your Honor.

4 Q. And?

5 A. It appears to be complete. It's from August of
6 2000.

7 JUDGE TO MR. KAY

8 Q. I think that would be fine.

9 A. Very good.

10 Q. It has been so far and the regulations don't, we
11 would apply more of a commonsense application of that. It's
12 still the same application.

13 A. I appreciate it. I appreciate that, Your Honor.
14 We would also like to request that we reopen the previously filed
15 and fee'ed in I-485. In the alternative --

16 Q. That's how it would be.

17 A. That's how it will be?

18 Q. Yes. That's --

19 A. Okay.

20 Q. -- how it will be.

21 A. Then we can file everything within a couple days,
22 the supplementary materials. I-601 waiver and a new affidavit of
23 support by Mr. Abu-Zubaidah's father.

24 MS. FODEN-VENCIL TO JUDGE

25 Q. Your Honor, I think that that prior application

AMM

1 was withdrawn. I don't know how technically that would work.
2 The respondent's wife petitioned and then withdrew everything.

3 A. Well, --

4 MR. KAY TO MS. FODEN-VENCIL

5 Q. The application is his --

6 A. Right.

7 Q. -- so she can only withdraw the petition.

8 A. Right.

9 Q. She can't withdraw his application. There is
10 some, although it's not, there is still jurisdiction to look into
11 those things even, I don't know how many people expect to be
12 granted with a petition that requests to be withdrawn, but --

13 JUDGE TO MR. KAY

14 Q. As far as I'm concerned, what he needs to have, if
15 he paid the fee for the I-485, he doesn't have to do that. It
16 doesn't take a new application. The problems along the way of
17 adjudicating this is still the same petition and the same
18 application in my opinion, and I don't see that position of a new
19 application with a new fee would be required, but he has to meet
20 current requirements, meaning he has to meet them with the
21 medical, with the I-864.

22 JUDGE TO MS. FODEN-VENCIL

23 Q. I'm assuming that all fingerprint requirements
24 have been met in this case. Am I correct in that, Ms. Foden-
25 Vencil?

AMM

1 A. Actually, I don't know that, Your Honor.

2 MR. KAY TO JUDGE

3 Q. Insofar as Mr. Abu-Zubaidah --

4 JUDGE TO MS. FODEN-VENCIL

5 Q. How could they not be?

6 MR. KAY TO JUDGE

7 Q. -- did have employment authorization --

8 JUDGE TO MS. FODEN-VENCIL

9 Q. How could the FBI review of his background not be
10 --

11 A. That is not reflected in the Service file, Your
12 Honor, through the normal processing of adjustment applications.

13 MR. KAY TO JUDGE

14 Q. I have a copy in here from November 19, 2001.

15 MS. FODEN-VENCIL TO JUDGE

16 Q. I'm sure he's been fingerprinted, but I don't have
17 a printout of the result right here.

18 A. Okay. In this particular case, I'm going to
19 conclude that he's had his thorough reviews as one could have,
20 but you could advise me on that, but you may, I'm going to
21 conclude that his fingerprint review is complete.

22 MR. KAY TO JUDGE

23 Q. Very good. Well, we could move forward with an
24 individual hearing in about --

25 A. Do we have the I-864 or is that --

AMM

1 Q. We will.

2 A. -- to be prepared?

3 Q. It's prepared. I need to get it signed and the
4 tax records from Mr. Andrews.

5 A. Well then, this would be set for hearing on the
6 merits regarding the application with a, it will take a 601 --

7 Q. Yes, Your Honor.

8 A. -- in this case.

9 Q. We have the form prepared.

10 A. Okay. So we'll set it for trial on those matters.

11 Q. We request that it be set out far enough to that
12 Mrs. Abu-Zubaidah can recover from, she's giving birth on
13 Wednesday.

14 A. Okay. Well, your client is detained so I'm trying
15 to --

16 Q. We'd like a nice balancing of those.

17 A. He's detained because the criminal conviction that
18 the Court still found to be an aggravated felony, but I have
19 plenty of dates open. I have early to mid-April. I don't know
20 how much longer you'd want to go.

21 Q. Might I ask my client or confer with my client
22 very briefly?

23 A. I have also March 27th.

24 Q. March 27th date is acceptable.

25 A. Okay. That would be instead of like in two days

AMM

1 or nine days. That would be that time. So, I'll set it for
2 March 27th at, I'm going to set this at 2 o'clock. No, I'm not.
3 1 o'clock. I'm sorry.

4 Q. 1? Okay.

5 A. I'm not going to set it for 2.

6 Q. All right.

7 A. I'll set it for 1, and I'll order a pre-hearing
8 conference statement in the case also, and you have to have all
9 of the, well, that gives you about, you should get the rest of
10 things in in about a week. The 10 days will kind of be a little
11 bit before then, --

12 Q. I understand.

13 A. -- but the Court is a little bit more flexible
14 when we're really less than 20 days away from that.

15 Q. Yes, Your Honor.

16 A. I wouldn't want to see those documents the day
17 before in case there's some problem. Then you'd have a trial,
18 and we wouldn't be ready.

19 Q. I understand, Your Honor.

20 A. Okay.

21 JUDGE TO MS. FODEN-VENCIL

22 Q. I understand what you're saying about the
23 fingerprint review, but, Ms. Foden-Vencil, if we look at this
24 case logically, we couldn't be where we were --

25 A. I understand, Your Honor.

AMM

1 Q. -- without that as a matter of fact having been
2 done so I'm not going to delay the case for that. I do need
3 though copies of what was filed so if you would give me copies of
4 that I would appreciate that. You can do that in the pre-hearing
5 statement that you file.

6 A. Yes, Your Honor.

7 JUDGE TO MR. KAY

8 Q. Okay. Anything else, Mr. Kay?

9 A. No, Your Honor.

10 Q. Okay.

11 JUDGE TO MS. FODEN-VENCIL

12 Q. Ms. Foden-Vencil, anything further?

13 A. No, Your Honor.

14 JUDGE FOR THE RECORD

15 Okay. We'll be continued then as stated. Thank you.

16 HEARING CONTINUED

17

18

19

20

21

22

23

24

25

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File No.: A 78 737 342

HESHAM ABU-ZUBAIDAH,

Respondent

)
)
)

IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before: MICHAEL BENNETT, Immigration Judge

Date: March 27, 2002

Place: Portland, Oregon

Transcribed by DEPOSITION SERVICES, INC. At Rockville, Maryland

Official Interpreter: Zaidun Abdalah

Language: Arabic

Appearances:

For the Immigration and
Naturalization Service:

Jeanne Foden-Vencil, Esquire

For the Respondent:

Stephen Kay, Esquire

AMM

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Michael Bennett continuing
3 with a removal hearing in the matter of Mr. Hesham Abu-Zubaidah,
4 file A 78 737 342. The respondent is present in the court being
5 represented by attorney Stephen Kay of Portland, Oregon. On
6 behalf of the Immigration Service is Assistant District Counsel
7 Jeanne Foden-Vencil. We have a contract interpreter through
8 Berlitz, Mr. --

9 JUDGE TO INTERPRETER

10 Q. Is it Zaidun (phonetic sp.)?

11 A. Zaidun.

12 JUDGE FOR THE RECORD

13 Zaidun Abdalah (phonetic sp.). I'll place Mr. Abdalah
14 under oath at this time.

15 JUDGE TO INTERPRETER

16 Q. Please stand and raise your right hand. Do you
17 swear that you will well and faithfully interpret from the
18 English language to the Arabic language and the Arabic language
19 and the English language to the best of your ability so help you
20 God?

21 A. Yes, I do.

22 Q. Okay. Thank you. Please be seated. If you
23 begin.

24 JUDGE TO MR. KAY

25 Q. Mr. Kay, do you acknowledge Mr. Abu-Zubaidah's

AMM

1 rights, the nature of these proceedings, and consequences of
2 failure to appear?

3 A. I do, Your Honor.

4 JUDGE FOR THE RECORD

5 Let me go over the records of file regarding their
6 admissibility as exhibits.

7 MR. KAY TO JUDGE

8 Q. Your Honor?

9 A. Yes.

10 Q. May I have an additional submission? Ms. Rosalie
11 Abu-Zubaidah's medical records which I obtained yesterday. My
12 apologies to the Court.

13 A. Okay. Well, let me go over what I have first, and
14 then I'll take your additions after I account for what's in the
15 record.

16 Q. Very good, Your Honor.

17 JUDGE FOR THE RECORD

18 The Notice to Appear has already been admitted as
19 Exhibit 1, and I didn't formally admit the I-261, but I took the
20 pleading on it so that would have been my oversight.

21 JUDGE TO MR. KAY

22 Q. Do you have any objection to the I-261 in this
23 matter?

24 A. Not to its introduction, Your Honor. No.

25 JUDGE FOR THE RECORD

AMM

1 Okay. It will be admitted as Exhibit 2. Then there
2 was the conviction record and police report submitted in this
3 case.

4 JUDGE TO MR. KAY

5 Q. Do you have any objection to that, Mr. Kay?

6 A. I would like to note for the record that I object
7 to the police report as unduly prejudicial. Otherwise I have no
8 objection to the admission of the conviction records.

9 Q. Prejudicial as to what?

10 A. In that the allegations made by Mr. Hodge that are
11 contained in the police report were not taken under oath, and if
12 true, do not support the record of conviction in this matter.

13 Q. Okay.

14 JUDGE FOR THE RECORD

15 The objection is overruled. The Court determines that
16 the, one, I've already made a determination of deportability, and
17 that's not further at issue, but, secondly, the issue in the
18 police report would be more a matter of the weight that I give
19 them, but they're not entirely inconsistent. The statements of
20 Ms. Hodge are not particular to the fact that Ms. Hodge, being a
21 minor, was the victim of the crime so the Court doesn't find that
22 they're completely at variance, meaning her allegations are not
23 so different that which he was ultimately convicted as to be of
24 no weight. Beyond that they're highly relevant for the issue of
25 discretion, and it's fair since he did plead guilty to harassment

AMM

1 of a sexual nature of Ms. Hodge. They're admitted then
2 collectively with the conviction record as Exhibit 3.

3 Then there is the pre-hearing statement of the Service
4 which incorporates the previously submitted records and has other
5 documents as well and other police reports.

6 JUDGE TO MR. KAY

7 Q. Do you have any objection to this?

8 A. I do not, Your Honor.

9 JUDGE FOR THE RECORD

10 This will be admitted as Exhibit 4 without objection.

11 JUDGE TO MS. FODEN-VENCIL

12 Q. Ms. Foden-Vencil, did you receive the pre-hearing
13 statement of the respondent?

14 A. I did, Your Honor.

15 Q. Do you have any objection to it?

16 A. I don't other than some of it is illegible on my
17 copy regarding the medical records.

18 JUDGE TO MR. KAY

19 Q. The medical records also are illegible regarding
20 Nautica (phonetic sp.) Abu-Zubaidah. I can't read them.

21 A. I received them in that state, Your Honor.

22 Q. Okay.

23 A. And given the lateness of my filing --

24 Q. Well, I'm not going to take them out of the
25 submission and the notation that Ms. Foden-Vencil has indicated

AMM

1 is correct so they really have no weight to the extent that they
2 can't be read.

3 A. They're possibly legible, at least the diagnosis,
4 Your Honor.

5 Q. Part of the partial is I can't read the entire
6 thing to know what it says.

7 A. Fair enough, Your Honor.

8 Q. So it isn't good enough that some words are
9 legible. I have to be able to read the entire document so I can
10 understand it.

11 A. Yes, Your Honor.

12 Q. Okay. And you have the additional documents you
13 wish to submit?

14 A. Yes, Your Honor.

15 Q. Have you given copies to Ms. Foden-Vencil?

16 A. I plan to do so. May I approach?

17 Q. Yes. Did you wish to switch with her? Is that
18 what you wanted to give me?

19 A. Well, the certificate of service is in there.

20 Q. Why don't you switch it and give me the one that
21 you, okay. Thank you.

22 JUDGE FOR THE RECORD

23 This is admitted.

24 JUDGE TO MR. KAY

25 Q. Mr. Kay, I really haven't had time to read these.

AMM

1 A. I'm aware, Your Honor.

2 Q. Okay. What witnesses do you intend to call today?

3 A. The respondent Hesham Abu-Zubaidah, Rosaline
4 Andrews, Patricia Naylor, and Rosalie Abu-Zubaidah.

5 Q. Patricia Naylor?

6 A. Yes, Your Honor.

7 Q. And the respondent's spouse Rosalie Abu-Zubaidah?

8 A. Yes.

9 JUDGE TO MS. FODEN-VENCIL

10 Q. Do you wish exclusion of witnesses, Ms. Foden-
11 Vencil?

12 A. Yes, Your Honor.

13 Q. Okay.

14 JUDGE TO WITNESSES

15 Q. Then I'll ask for Ms. Andrews, Ms. Naylor, and Ms.
16 Abu-Zubaidah to please wait outside and not discuss this case or
17 your testimony until all of you have finished testifying and are
18 released by the Court so if you would kindly wait outside. Thank
19 you.

20 JUDGE FOR THE RECORD

21 Go to the next tape.

22 (Off the record.)

23 (On the record.)

24 JUDGE FOR THE RECORD

25 This is Tape 4, a continuation of proceedings.

AMM

1 JUDGE TO MR. KAY

2 Q. Who do you wish to call first?

3 A. The respondent, Hesham Abu-Zubaidah.

4 Q. Okay. You should remember to ask me to consider
5 admitting the records you've just submitted at a later time so
6 that the Court has had more time to review them and allow the
7 Service to do the same.

8 A. I make such request now, Your Honor.

9 Q. Pardon me?

10 A. I make that request at this time.

11 Q. Don't make it now because I don't want to have to
12 remember it.

13 A. I make it now.

14 Q. I want you to do it later because --

15 A. All right.

16 Q. -- you've given it to me late and you need to
17 remind me. When you give them to me on the date of trial, I
18 don't want to have to keep track of it myself.

19 A. Yes, Your Honor.

20 Q. Okay.

21 JUDGE TO MR. ABU-ZUBAIDAH

22 Q. Mr. Abu-Zubaidah, would you please stand and raise
23 your right hand to be sworn? Do you swear the testimony you're
24 about to give will be the truth, the whole truth, and nothing but
25 the truth so help you God?

AMM

1 A. (In English) Yes, Your Honor.

2 Q. Did you want to speak English or Arabic?

3 A. He would like to speak through the translator.

4 JUDGE TO INTERPRETER

5 Q. Don't use third person, sir. That's the first
6 protocol as the interpreter. You have to say it first person. I
7 would.

8 A. I would.

9 Q. Because then I don't know who's speaking.

10 A. I would like to speak through the translator.

11 JUDGE TO MR. ABU-ZUBAIDAH

12 Q. Okay. Then please speak only Arabic then since
13 that is your choice and wait for the interpreter.

14 JUDGE TO MR. KAY

15 Q. You may proceed, Mr. Kay.

16 A. Thank you, Your Honor.

17 MR. KAY TO MR. ABU-ZUBAIDAH

18 Q. Would you please state your name for the record?

19 A. Hesham Abu-Zubaidah.

20 Q. Where did you grow up?

21 A. In Riyadh, Saudi Arabia.

22 Q. Are you a citizen of that country?

23 A. I am a Palestinian refugee living in Saudi Arabia
24 with a Palestinian refugee document, with the Egyptian
25 (indiscernible) document.

AMM

1 Q. Can you tell us a little bit about your growing up
2 in Saudi Arabia?

3 A. I lived in Saudi Arabia with my father along with
4 10 brothers and sisters. My father was a very strong person, and
5 everybody listened to his word in the house. My father didn't
6 give me choices in my life. Even when I went to university, it
7 was his choice. I told my father one time after two years of
8 college that I could not take it, I could not continue. He told
9 me that since I'm spending money on you and I'm paying for your
10 car, you should listen to me. I told my father that I want to
11 depend on myself, I want to find my life, and I want to be
12 responsible for my own. I tried to do this in Saudi Arabia, but
13 it was extremely difficult.

14 JUDGE TO MR. ABU-ZUBAIDAH

15 Q. Just a minute.

16 JUDGE TO INTERPRETER

17 Q. Just interpret what he just said. Just tell me
18 the last words he said.

19 A. I tried to do that on my own in Saudi Arabia, but
20 it was very difficult.

21 JUDGE TO MR. KAY

22 Q. Would you please ask your client questions now
23 since I don't think I want to have a speech at this point. Thank
24 you.

25 MR. KAY TO MR. ABU-ZUBAIDAH

AMM

1 Q. Have you ever had a conflict with Saudi
2 authorities?

3 A. The only problem that I face in Saudi Arabia is
4 that I was in my car with my neighbor. A committee that directs
5 people to the right way of doing things caught me. They told me
6 that I could not give a ride to my neighbors, my female neighbors
7 unless they have their brother with them. The committee
8 sentences me to 40 slaps on the back because it's against the
9 rules.

10 A. (In English) That's it. That's the only thing I
11 have.

12 A. That's the only thing that he had.

13 JUDGE TO MR. ABU-ZUBAIDAH

14 Q. Are you speaking English now?

15 A. (In English) Sorry.

16 Q. Mr. Abu-Zubaidah, as I've done in the past, I've
17 given you the option of testifying in either English or Arabic,
18 but not in both at the same time so you have to choose and you
19 have to stick to the language. Otherwise, the record isn't clear
20 who is speaking so again I've given you the choice. We still
21 have the interpreter, but please you have to follow though that
22 choice that you've made.

23 A. (In English) Yes, Your Honor.

24 JUDGE TO MR. KAY

25 Q. Go ahead, Mr. Kay.

AMM

1 head that if I work hard and prove myself, I would be able to
2 find a family and prove my father wrong since he always told me
3 that I would never be able to find a family.

4 Q. What status did you have when you came to the
5 United States?

6 A. I came on a visitor visa to study English
7 language, and I applied to that in an institute in Saudi Arabia I
8 paid some fees and they got me the visa to study English.

9 Q. Where were you to study?

10 A. The institute told me that the closest place that
11 has similar (indiscernible) is Florida. I didn't go directly to
12 Florida. I went first to New York because the ticket was
13 cheaper, and they told me if you buy one from New York to Florida
14 it's cheaper. That didn't happen. When I got there, I found out
15 that if you don't book a week or two in advance, the ticket is
16 going to be extremely high, and it was extremely high. I was
17 very afraid and didn't know what to do.

18 Q. So what did you do then?

19 A. There was a person next to me in the airplane. He
20 was a Saudi next to me, and he noticed that I was very afraid and
21 I had a phone number with me for a person to call. He saw that I
22 was confused, and when the plane landed, he told me that I was
23 going to help you. I called some relatives, very far relatives,
24 and I told them that I'm in New York, and I don't know what to do
25 so they advised me to take a train and go to them. When I went

AMM

1 there, the family was basically an old woman with her son.

2 Q. Excuse me. Where is there please?

3 A. Dallas, Texas.

4 Q. Okay. So what happened when you got to Dallas?

5 A. They advised me to stay with them two, three days
6 to relax and then to go to Chicago and become roommates with
7 their son who's studying there, but he didn't do that. He went
8 there the second day. When I went there, he advised me to go to
9 Wright (phonetic sp.) Institute to study English because my
10 English was very weak and he advise since my life is
11 (indiscernible) from Saudi Arabia that I need to study the Wright
12 Institute and improve my English.

13 Q. And what did you do?

14 A. When I went there to the Wright Institute, it
15 wasn't the free one that I had in mind that was given to other
16 nationalities. When I tried to apply to the institute, it was
17 closed. They were not taking anybody in. I was able to go the
18 second semester. My friend never advised me that I needed to
19 transfer my papers from Florida to Chicago, and the same with the
20 institute there, it was a free courses, but they never advised me
21 that I needed to transfer my paperwork from Florida to Chicago.
22 I had some money with me, and I called my family, and I told them
23 that I couldn't go to this semester, I have to wait to the second
24 one, and they advised me to come back. I told my family I'm not
25 coming back and I wanted to work because the money with me was

AMM

1 going to run out, and I didn't want that to happen.

2 Q. So what did you do? Did you take a job?

3 A. I work as a dishwasher. Then I worked as a
4 busboy.

5 Q. So how long were you in Chicago?

6 A. About a year.

7 Q. Where did you go then?

8 A. My friend who was with me in the car in Saudi
9 Arabia when I had the 40 slaps on my back, and he had the same
10 thing also. He came to Portland. I called my friend who is in
11 Portland, and he asked me what I was doing in Chicago. I told
12 him I was a busboy and he advised that I come to Portland. Then
13 I came to Portland, and then worked at Arco (phonetic sp.) gas
14 station.

15 Q. When was this?

16 A. The last three or four months of 1999.

17 Q. All right. And you stated that you started
18 working. Could you tell us where?

19 A. I worked in Arco gas station. I worked in more
20 than gas station, (indiscernible), and I wanted to make more
21 money for my life.

22 Q. When did you meet --

23 JUDGE TO INTERPRETER

24 Q. I didn't hear the last one. You wanted to make
25 more money for my wife is what you --

AMM

1 A. For my life.

2 Q. For my life. More money for my life.

3 A. Yes.

4 Q. Okay. Thank you.

5 JUDGE TO MR. KAY

6 Q. Go ahead, Mr. Kay.

7 A. All right.

8 MR. KAY TO MR. ABU-ZUBAIDAH

9 Q. When did you meet Rosalie Andrews?

10 A. I met her approximately after two months of coming
11 here towards the end of 1999.

12 Q. Where?

13 A. In Arco gas station. She started working there
14 when I was working there.

15 Q. Could you tell us how your relationship developed?

16 A. She was a good person, and I worked with her, and
17 after two weeks working there, I offered her to take her to
18 lunch. After taking her to lunch, we went and she started
19 talking to me about herself. I started talking to her about
20 myself, and we got acquainted.

21 Q. Okay. And what happened in your relationship
22 after that?

23 A. I used to live with my roommate, and she used to
24 live with her friend. She used to live with her friend, and her
25 friend had a boyfriend, but she used to pay half the rent.

AMM

1 MR. KAY TO JUDGE

2 Q. May I advise my client?

3 MR. KAY TO MR. ABU-ZUBAIDAH

4 Q. Arabic.

5 JUDGE TO MR. ABU-ZUBAIDAH

6 Q. The question is what did you do after that, but I
7 don't want to hear every conversation you had because every
8 conversation would be too long. You're supposed to just give me
9 the summary of what you did, and then if your lawyer wants to ask
10 more questions. You're not supposed to say well I told her this,
11 and then she told me that, and I then I did this. This is just
12 to get to the point of what happened in your relationship with
13 your wife now so let's not go to those details unless you're
14 asked please.

15 MR. ABU-ZUBAIDAH TO MR. KAY

16 Q. We started dating. She moved into my house.
17 After she moved in with me, she got pregnant. I went and met her
18 family. I told them everything about my life and her life. I
19 loved her because she is a very simple person from the inside.
20 That's why I loved her. Her family treated me extremely well. I
21 asked her if I propose to your family will they accept me because
22 in the back of my mind I kept remembering my father telling me
23 nobody is going to accept you.

24 JUDGE TO MR. KAY

25 Q. Mr. Kay, would you please ask a question.

AMM

AMM

1 1 A. Yes, Your Honor.

2 2 MR. KAY TO MR. ABU-ZUBAIDAH

3 3 Q. How did you come to marry Rose?

4 4 A. She's a very simple person. I loved her so much.

5 5 As an adult since she's pregnant with my son, I wanted to marry

6 6 her. She's the person I chose to become my life partner.

7 7 Q. All right. When did you marry?

8 8 A. (In English) July 14, 2000.

9 9 A. July 14, 2000.

10 10 Q. Please respond in Arabic.

11 11 A. How am I, I'm not sure how to say July 14th in

12 12 Arabic.

13 13 JUDGE TO MR. ABU-ZUBAIDAH

14 14 Q. We don't need to go over that again. Let's just
15 15 go forward please.

16 16 MR. KAY TO MR. ABU-ZUBAIDAH

17 17 Q. How has married life been with Rose?

18 18 JUDGE TO MR. KAY

19 19 Q. Let's ask more specific questions.

20 20 MR. KAY TO MR. ABU-ZUBAIDAH

21 21 Q. Were there any problems in your relationship with
22 22 Rose?

23 23 JUDGE TO MR. KAY

24 24 Q. Just a minute. Based on the testimony I've gotten
25 25 so far, that question, we don't have enough time to hear that I'

AMM

1 fix this problem.

2 A. Okay. When did you two move in together?

3 Q. The end of 1999.

4 A. Have you lived together since then?

5 Q. To the day I was put in jail.

6 A. Who is Christina Hodge?

7 Q. She was sitting on the stairs in new year's eve,
8 and she wanted to use our phone so we let her into our apartment.

9 A. Was that the first time you met her?

10 Q. Yes, this was the first time we met her.

11 A. All right. Did you and Rose develop a
12 relationship with her?

13 Q. After she use our phone, she took our phone
14 number. Rose didn't have that many friends, and they started
15 talking, and they started, she started visiting us.

16 A. About how often?

17 Q. Many, many times. She always had problems with
18 her mother and wanted to spend the night at our place, and I told
19 Rose in order for us to help her, we have to go and talk to her
20 mom and try to mediate between them. I went with Rose and took
21 her to her mother, and we told her mother we want mediate. Her
22 mother told us that she has so many problems, and I never asked
23 her to leave, she went and left on her own. That's all.

24 A. Okay. When was your daughter Nautica born?

25 Q. September 5th.

AMM

1 A. Of what year?

2 Q. 2000.

3 A. Okay. Did you have Christina at your home with
4 the baby?

5 Q. She tried to babysit few times. She spent, she
6 did babysit. She stayed with us. She came in late few times,
7 and I wasn't happy with that.

8 A. How did she take care of Nautica?

9 Q. I was watching her all the time. I didn't feel
10 good about her babysitting. She wanted to stay with us, and she
11 would leave at night and come back at 5 in the morning, and she
12 wanted to stay with us to watch (indiscernible).

13 JUDGE TO MR. ABU-ZUBAIDAH

14 Q. Just a minute. Don't correct the interpreter.
15 That's not your job.

16 A. Sorry.

17 JUDGE TO INTERPRETER

18 Q. Interpret that.

19 JUDGE TO MR. ABU-ZUBAIDAH

20 Q. Let the interpreter finish what he's saying. Then
21 if you think something's wrong, you say it, but don't correct him
22 while he's speaking.

23 JUDGE TO MR. KAY

24 Q. Okay. Go ahead. Ask a question, Mr. Kay.

25 MR. KAY TO MR. ABU-ZUBAIDAH

AMM

1 Q. I don't know if we finished so I'm going to re-ask
2 the question. How did he feel about Christina Hodge babysitting?

3 JUDGE TO MR. KAY

4 Q. That's the third person.

5 A. Excuse me?

6 MR. KAY TO MR. ABU-ZUBAIDAH

7 Q. How did you feel about Christina Hodge babysitting
8 Nautica?

9 A. I never liked her. I always felt she's not
10 normal, and I called my mother, and I told her I'm not happy with
11 the babysitter, and she told me there is one who's licensed, and
12 you can call her, and she'll take care of your daughter.

13 Q. Hesham, can you tell us who you're referring to
14 when you say you called your mother?

15 A. I called my mom because Christina left at midnight
16 and came back at 5 in the morning, and I told my wife this is not
17 acceptable. The way Christina behaves I don't like, and I want
18 the person who can take care of my daughter.

19 Q. Okay. Did you have ever a physical relationship
20 with Christina Hodge?

21 A. No. I don't have any reason to do that.

22 Q. Did you ever have a physical altercation with
23 Christina Hodge?

24 A. I discuss it with my wife about the pay that was
25 supposed to pay Christina and I discuss it with Christina since

AMM

AMM

1
2 working
3 and she
4 and she
5 other, a
6 find the
7 her a be
8
9 I was tr
10 how, and
11 very ups
12 not cont
13 and the
14
15 with the
16 pushed r
17 but I dc
18 her down
19 hit the
20
21 and she
22 down, ar
23 wrong wa
24 trying t
25 months i

A 78 73'

1 she lived with us and use our food, that that wasn't fair
2 very upset with her, and she told me that the deal wasn't
3 you, it was with your wife, and I became very nervous so
4 grabbed her hand and I put my other hand on her bottom and
5 pushed her away, and she dropped her duffel bag.

6 I am really sorry for the way I acted. I'
7 willing to correct that. I'm willing to go seek therapy,
8 feel very sorry for the way I've acted. I admit that what
9 done is completely wrong, and I'm willing to do anything
10 wife, for myself, and for my daughter.

11 Q. What were the circumstances? Why did you
12 her?

13 A. After I discuss the matter with my wife's
14 and advise me to use a different babysitter, I talked to
15 and we agreed that we wanted to replace her, and when I t
16 Christina and told her that she said I've never discussed
17 payment with you. I had a deal with your wife, and that
18 acceptable to me since I am the man of the wife. I didn't
19 that acceptable so I became nervous and I grabbed her and
20 her.

21 I am extremely sorry for doing this. I made
22 mistake. I admit to it. All I need is my family and my
23 daughter, and I'm a human, and I need one more chance.

24 Q. After this incident with Christina, how did
25 affect your relationship with Rose?

A 78 737 342

95

March

AMM

1 need right now is one more chance to live with my wife and my
2 daughter.

3 Whatever I do right now is not going to change the
4 facts. I'm a human. All I'm asking for is one chance. All I'm
5 asking for is just this one chance to change myself and to go
6 back to my wife and family.

7 Q. Okay. What would you do in the future if there's
8 an excited argument like the one at issue here with Rose in the
9 future?

10 A. After spending all this time in jail, if I come
11 into any argument with her in the future, I'm going to go to a
12 different room and calm down and I'm going to go and seek anger
13 program counseling. If anything happens in the future, I'm going
14 to try to calm myself and step away from it. All I want to do is
15 take any possible program that will change my attitude, and all I
16 need is to live with my wife and my daughter and prove my father
17 wrong and pursue my dream. He always told me that I will never
18 have any life, and I will prove him wrong.

19 Q. Are you and Rose planning to have any children in
20 the future?

21 A. Right now I have two daughters, and my goal is to
22 work extremely hard to try to better my life, make more money,
23 and hopefully after four to five years, I would love to have a
24 baby boy with her.

25 Q. Okay. Now, were you arrested for the incident

AMM

1 with Christina and the incident that you testified to with Rose?

2 JUDGE FOR THE RECORD

3 We'll go to the next tape.

4 (Off the record.)

5 (On the record.)

6 JUDGE FOR THE RECORD

7 This is Tape 5.

8 JUDGE TO MR. KAY

9 Q. Go ahead. Repeat your question.

10 MR. KAY TO MR. ABU-ZUBAIDAH

11 Q. Were you arrested for the incident that you
12 testified to with Christina Hodge and the incident you testified
13 to with your wife?

14 A. After the State took me in and put me in jail 60
15 days. Then they transfer me to the Immigration.

16 Q. Well, were you arrested by the criminal
17 authorities, the criminal law?

18 A. I don't understand the question.

19 Q. Were you subject to criminal prosecution for the
20 incidents against Christina and your wife?

21 A. How? I don't understand the question.

22 Q. Have you ever appeared in any criminal court?

23 A. I went to a State court, and I did plead for more
24 than one reason. I did plead concerning the case with my wife.
25 Once again I'm really sorry for my actions. I did plead

1 concerning the Christina case because I admit I pushed her, and I
2 admit that I want to seek help, and I want to improve myself. I
3 did convict myself. That's why I did plea before anyone else
4 convicts me because I believe that I made a mistake, and I'm
5 trying to correct my actions.

6 Q. Okay. What would happen to you if you were
7 deported today?

8 A. I don't know where I will go. All my dreams will
9 be demolished, and after my father demolished everything in my
10 life, I don't know where I will go. I don't know where I will
11 end. All I need is to stay with my wife and my two daughters.
12 This is the land of dreams. This is the land of freedom. This
13 is the land of human rights. If I end up going to Saudi Arabia,
14 there are no human rights. Women don't have any rights, and
15 it's, it's, I feel it because I'm a foreigner who lived outside
16 the U.S., and U.S. citizens don't know the good life that they
17 live in and the freedom and the human rights that they have, and
18 I can feel that because I've never lived here, and all I want is
19 to stay here with my wife and my daughters.

20 Q. Would your wife and daughters join you in whatever
21 country you would go to?

22 A. I talked to my wife, and she agreed to go with me
23 everywhere I go because before we got married, I did swear to her
24 that I'm going to end up living with her for the rest of my life
25 whether I was poor or rich, and she promised me the same thing,

AMM

1 but I don't want to go and take her to Saudi Arabia because I
2 don't want her to wear the veil and completely black and black.
3 She's not going to have the same rights that she has here, and
4 she's an American. My daughters are Americans, and they're not
5 going to live the same life that they live here.

6 I'm willing to do anything to live with my wife
7 and daughters. I'm willing to do anything to make over, make up
8 for the mistake I made. In Saudi Arabia if you do anything
9 wrong, they might cut your hand. They might chop your hand. If
10 it's going to take cutting my hand, I'll willing to do that. All
11 I need is another chance. All I want to do is just live with my
12 wife and two daughters.

13 I'll willing to do anything. I'm willing to do
14 anything to stay in this country. I love my wife. I love her
15 family. When I went to her father and mother, and they accepted
16 me. They welcomed me. They treated me as a family member. It
17 was something that I've never seen and felt with my family back
18 home.

19 Q. Okay. Is there anything further that we have not
20 previously discussed that you would like to tell the Court?

21 A. I'm a human. If you take my dream away from me,
22 my father is going to be 100% right. He said I'm nothing. I
23 will never accomplish anything in my life. I proved him wrong.
24 I worked hard. I worked 16 hour days trying to improve myself.
25 Look at me. I'm a human who made a mistake, and all I'm asking

AMM

1 you is just one chance. I don't want to go back to the failure.
2 My father keeps saying I'm nothing. I will never accomplish
3 anything. I'm proving him wrong. I need that one chance.

4 My father told me if you go to the States, you'll
5 never find family and family values. When I came in here,
6 everything here proved him wrong. My wife's family helped me.
7 They gave me money. They helped me find a job. They welcome me
8 all the time. They made me a happy person. I changed. I'm a
9 happy person, and I made a mistake that I'm paying for, and all
10 I'm asking for is the one chance to correct (indiscernible).

11 Q. Thank you.

12 JUDGE TO MR. KAY

13 Q. That's enough.

14 A. Nothing further.

15 JUDGE TO MS. FODEN-VENCIL

16 Q. Ms. Foden-Vencil.

17 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

18 Q. When did Christina Hodge begin living with you and
19 your wife?

20 A. She never lived with us. She used to come in and
21 sleep few nights, but she never lived with us.

22 Q. When did that arrangement first start?

23 A. We met her new year's eve, and after about one
24 week or two weeks, she started coming and spending the night
25 over.

AMM

1 Q. New year's eve of what year?

2 A. 2000.

3 Q. Was there a time when she went away to Europe?

4 A. I don't understand. What are you saying?

5 Q. Did Christina Hodge take a trip to Europe?

6 A. Yes, she told my wife that she went to Europe.

7 Q. When was that if you know?

8 A. I was always working, always busy. I don't know.

9 Q. Christina Hodge told the police that you forced
10 her to have sexual intercourse in January of 2001. Are you aware
11 of that?

12 A. I have no reason to do that.

13 Q. Are you aware that she told the police that?

14 A. She told my wife everything, and she's filing a
15 report with the police. I read all of her police reports. The
16 lawyer gave me copies of all the police reports.

17 Q. So then you're aware that she stated that you took
18 her to someone's house and smoked marijuana with her?

19 A. No.

20 Q. You're not aware she made those statements?

21 A. All I know is that she mentioned that I pushed
22 her, but I don't know of anything else.

23 Q. Now, when you pushed her, can you explain exactly
24 why you put your hand on her behind?

25 A. I discussed with her that it's not fair that

AMM

1 amount that she was asking for for babysitting, and I explained
2 to her that she lived with us, she ate from our food, and smoked
3 from our cigarettes, and that's not fair that she's asking for
4 this much money, and she was very upset with me, and I was very
5 upset with her. I could not control myself. I got very upset.
6 I grabbed her hand and I grabbed her bottom, and I pushed her.

7 I'm extremely sorry for the mistake that I made.
8 I'm trying to seek counseling. Once again I made a mistake.
9 I've already convict myself. I did something wrong, and I'm
10 going to try to behave good from now on, and I'm trying to seek
11 every possible way to correct that.

12 Q. Why did you touch her bottom as opposed to another
13 part of her body?

14 A. She's the same height as mine, and when I tried to
15 push her first thing I though is a grabbed her hand, and in order
16 for me to push her, I just put my hand on her bottom, and I
17 shoved her. I'm really sorry. I know it's a mistake. I was
18 very upset, and I'm willing to do anything to correct it.

19 JUDGE TO MR. ABU-ZUBAIDAH

20 Q. Sir, you know you've said that about 20 times, and
21 when I hear it once or twice it might be acceptable, but not
22 every time because you're not being asked that, and when somebody
23 repeats it too much, I can tell you it can be a basis to find
24 that they're not believable because it's called protesting too
25 much. So, you seem to be into that pattern of with every answer

AMM

1 of anything you've done wrong to always say that you're very
2 sorry and you want counseling to correct it. I've heard that.
3 Just answer the question that's asked please.

4 JUDGE TO MS. FODEN-VENCIL

5 Q. Go ahead, Ms. Foden-Vencil.

6 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

7 Q. So was it an accident that your hand touched her
8 bottom?

9 A. Yes.

10 JUDGE TO INTERPRETER

11 Q. The answer was yes.

12 A. Yes.

13 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

14 Q. Now, with regard to the incident with your wife,
15 didn't the incident begin with your wife confronting you with
16 Christina's accusation that you had touched her improperly?

17 A. I was very upset with my wife because she was an
18 hour and a half late picking me up from work, and that's what
19 made me so angry. She went to lunch with her aunt, and she was
20 an hour and a half late. When we went home, she was upset, and
21 she started talking about Christina, and I was upset because she
22 was late picking me up from work, and I expected her to have some
23 food for me at home, and then she got extremely angry, and she
24 started hitting everywhere.

25 Q. So are you saying she didn't confront you?

AMM

1 A. My wife did discuss that with me, but deep inside
2 she knew all the accusations were wrong.

3 Q. The police report indicates that your wife told
4 the police that you slapped her across her left cheek. Is that
5 true?

6 A. I did hit her. I can't remember if it was on the
7 right or the left cheek, but I did hit her.

8 Q. She also stated that she hit you in the elbow with
9 the phone as she was reaching up to protect herself. Do you
10 recall that?

11 A. No, she hit me with the phone handset because she
12 was angry, and when she gets extremely angry, she just starts
13 hitting everything. She knows that I have the right to be angry
14 because she never picked me up on time, and she knows that I have
15 the right to be angry because she didn't have food for me ready,
16 but that's her thing. She can't control her emotions, and I'm
17 willing to help her. I'm trying to help her.

18 JUDGE TO MR. ABU-ZUBAIDAH

19 Q. So I want to make sure I understand this. You
20 have the right to be angry with her when she doesn't have food
21 ready for you?

22 A. I admit that I don't have a right to be angry, but
23 this is how I was brought up, and when I came to this country I
24 realized that the hard way, and now I've learned from it, and I'm
25 trying to move on.

AMM

1 Q. Well, you just said she knows I have a right to be
2 angry because she was an hour and a half in picking me up, an
3 hour and a half late in picking me up, and she knows I have the
4 right to be angry because she didn't have food prepared for me.
5 You just said that in the current. You didn't say that you
6 learned that lesson. You just said that she knows that. Is that
7 what you believe, sir?

8 A. I believe that at the time that she should have
9 made food for me, but right now as we speak, I don't believe
10 that.

11 Q. Why did you just say it then?

12 A. Because that was the main reason that triggered
13 the whole thing and started the whole problem. I explained to
14 her that I expected the food to be ready, and I learned from
15 that.

16 JUDGE TO MS. FODEN-VENCIL

17 Q. Okay. Go ahead, Ms. Foden-Vencil.

18 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

19 Q. Did you push your wife down on the floor?

20 A. Yes, I did push her down on the floor.

21 Q. And while she was down on the floor, did you punch
22 her in the head and neck and shoulders?

23 A. Yes, I grabbed her hands, and I was extremely
24 angry, and this is my first time getting married. This is my
25 first time dealing with a woman, and I made a mistake, and I've

AMM

1 learned from it.

2 JUDGE TO MR. ABU-ZUBAIDAH

3 Q. Well, it doesn't seem like it was your first time
4 actually because you say that it was an accident with Ms. Hodge,
5 that it wasn't sexual in nature from what you said, but you said
6 the same thing. You were extremely angry. You grabbed her
7 hands. You pushed her, and you're extremely sorry, but that
8 wasn't the first time then with a woman that you had the problem
9 because the problem with Ms. Hodge happened before the problem
10 with your wife, correct? And Ms. Hodge was a young girl, a young
11 woman, 17 years of age, and according to your own testimony, if I
12 believe it, if I believe it wasn't sexual in nature, then it was
13 your anger at that time, correct?

14 A. Yes, Your Honor.

15 Q. And so when you say this was the first time, well,
16 it's not the first time. You plead guilty or no contest, and
17 your description was it was anger with Ms. Hodge also, correct?
18 Am I correct? Is there something wrong with what I'm saying?

19 A. You're right. You're right. That's, I understand
20 now. At the time I did not know that it was wrong, but right now
21 I understand it's completely wrong, and I'm willing to go to
22 anger programs.

23 Q. You didn't know it was wrong to have a woman
24 crouched down on the floor and hit her when she was crouched
25 down? You didn't know it was wrong to push a young girl? You

AMM

1 didn't know those things were wrong? You thought it was okay to
2 do that?

3 A. I admit it was wrong. I admit that I need some
4 serious help, and I'm willing to get the help, and I hope that
5 you give me this chance. I want to go and get some help.

6 Q. You didn't answer my question. You said you
7 didn't know these things were wrong at the time you did them? If
8 I accept the way you said it, they were anger and control
9 problems, but you didn't know it was wrong to do these things to
10 your wife and to this girl when you did them? You thought that
11 it was okay?

12 A. You're right, Your Honor. You're right, Your
13 Honor. I'm sorry. I'm sorry. I've learned now. I've learned
14 now.

15 Q. But you just said five minutes ago, your testimony
16 was I didn't know it was wrong when I did it. That's an attempt
17 at making what you did not seem so bad to the Judge. I know
18 that. I've been doing this for 13 years so I know when somebody
19 tells me, oh I didn't know it was wrong. Like if I have a person
20 who's 40 years old tells me I didn't know it was wrong to steal,
21 then my reasonable question you mean you went through 40 years of
22 life, wherever it was you grew up, and you didn't know it was
23 wrong to steal.

24 So what I'm saying is that you just told me when
25 you did this you didn't know it was wrong. So, I'm saying you

AMM

1 didn't know it was wrong to grab a young girl and push her, and
2 you didn't know it was wrong to hit your wife when she was down
3 on the floor? That's what you're saying? You didn't know it was
4 wrong when you did it? Is it that you didn't know it was wrong,
5 or you couldn't control yourself? You knew it was wrong, but you
6 couldn't control yourself anyway.

7 A. I admit that what I've done is completely wrong,
8 but the environment that I was brought up in, in the country that
9 I grew up in taught me different things. Now I'm over 20 years
10 old, and I've been living here for a while, and I've learned
11 things differently and the hard way.

12 Q. When you committed these crimes, did you know it
13 was wrong to do to these young women what you did?

14 A. (In English) It's wrong. It's wrong. It's
15 wrong.

16 Q. You're not answering the question. You're saying
17 it's wrong, but you're not answering my question.

18 JUDGE TO INTERPRETER

19 Q. Please interpret.

20 JUDGE TO MR. ABU-ZUBAIDAH

21 Q. I'm not asking you to agree with me now that it's
22 wrong.

23 A. Yes, Your Honor, that's --

24 Q. I don't need your agreement with me that it's
25 wrong. What I'm asking you is when you committed these crimes,

AMM

1 did you know it was wrong when you did that?

2 A. At the time I was angry, and I didn't know what I
3 was doing, but after the fact, I admit I was wrong.

4 Q. Okay. So you did know it was wrong when you did
5 it then?

6 MR. KAY TO JUDGE

7 Q. May I ask a question?

8 A. No.

9 Q. Okay.

10 A. You can ask questions later.

11 Q. I know.

12 A. I didn't hold his head under water and make him
13 testify that he didn't know it was wrong.

14 Q. I see.

15 A. That was his own voluntary word as he's given many
16 words, many of them not really to any question, but just his own
17 plea if you will. It's almost in the manner of the testimony as
18 one long emotional explanation for all of this, but part of that
19 explanation was I didn't know it was wrong when I did it, and the
20 last answer was almost that, but I'm not quite sure that he's
21 acknowledged his prior testimony.

22 Q. Yes, Your Honor.

23 A. And so I'm asking whether he's going to
24 acknowledge that or whether he's going to tell me something
25 different.

AMM

1 Q. Yes, Your Honor.

2 JUDGE TO MR. ABU-ZUBAIDAH

3 Q. When you, like your wife is in the corner and
4 you're beating on her, so when you were doing that beating of
5 your wife, you're telling me you didn't know it was wrong at the
6 time you were doing it?

7 A. Yes, it's wrong. It's wrong, but at the time I
8 could not control myself, and I need help in order for me to
9 start controlling myself.

10 Q. Okay. And what help have you gotten so far?

11 A. The six months that I've spent in jail, my wife
12 kept visiting me with my daughters. Her family kept visiting me.
13 Then I felt the importance of being with them, and I've learned a
14 lot, and I'm willing to do anything not to be put in the same
15 situation again.

16 Q. But you haven't gotten any counseling or any other
17 kind of assistance?

18 A. Before coming here I did write down a request to
19 seek counseling, but I've never received a reply. Then I was
20 moved to St. Helen's, and I started going to church and to the AA
21 program.

22 Q. But the AA is not for domestic violence though.

23 A. That's what they told me. Any person with a
24 problem can go attend AA programs and church programs, but if I
25 get the chance to go out, I will seek professional counseling and

AMM

1 counseling and anger management, but that's what was available
2 (indiscernible).

3 Q. That's enough. That's enough.

4 JUDGE TO MS. FODEN-VENCIL

5 Q. Ms. Foden-Vencil.

6 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

7 Q. Did you threaten your wife that you would take
8 your child to Saudi Arabia?

9 A. No.

10 Q. Do you know what sort of injuries your wife had
11 because of that?

12 A. I can't really remember what type of injuries
13 happened to her. I read in the report that she had some red
14 spots, but I didn't know anything more than that. I read few
15 things, but not the whole thing. My lawyer used to send me all
16 the police reports. Some of it I understood. Other part I did
17 not, but I didn't want to get any help because I didn't want
18 anybody to know about the whole thing.

19 Q. Do you use marijuana?

20 A. No.

21 Q. Have you ever smoked marijuana?

22 A. No, but I smoke the shisha (phonetic sp.) before
23 which is an Arabian water pipe. Arabian tobacco. Arabian joint
24 cigarettes.

25 Q. Did you ever bring home crack-cocaine?

AMM

1 A. No.

2 Q. What about hashish?

3 A. I've never brought hashish home, but I brought
4 shisha home, a water pipe, and there's a place downtown called
5 Hush Hush (phonetic sp.) café. They have that.

6 Q. Other than the incident we've discussed, did you
7 slap your wife on other occasions?

8 A. I don't recall.

9 JUDGE TO MR. ABU-ZUBAIDAH

10 Q. Are you telling me you wouldn't remember if you
11 hit your wife other than one time?

12 A. That was the only time. We've had several
13 arguments, but there was no physical altercation, just arguments.

14 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

15 Q. You stated earlier to your attorney that you
16 wanted to make your wife a better person. What did you mean by
17 that?

18 A. I could not figure out what makes my wife so angry
19 all of a sudden, what triggers her, and I'm trying to help her.
20 I try to understand her, but I couldn't, but when I went to jail
21 and I started listening to people talking around me, I understood
22 that there are people in life who have problems, and they need
23 help. They need counseling. They need anger management, and one
24 time I remember I went with her to the market, and she left me.
25 She just walked away from me, and she left me, and I was after

AMM

1 JUDGE TO MS. FODEN-VENCIL

2 Q. Ms. Foden-Vencil.

3 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

4 Q. You stated that the police took her away that one
5 time. When was that?

6 A. I can't recall exactly when. My whole intention
7 when I called the police authorities was for them to come home
8 and have her write a piece of paper so she can (indiscernible)
9 and she doesn't act this way again, and I can't recall again the
10 date, but there's a police report, and there's a picture attached
11 to it. She got very angry. They took her, and I didn't want to
12 file any charges against her so they released her in few hours.

13 Q. Did you get a copy of this police report?

14 A. I remember going to court the following day. Her
15 parents were there, and there were no charges. Her aunt paid for
16 a bail, and they gave me a copy of it, and she got a copy, but
17 there were no charges.

18 Q. And when was the conflict you had with the Saudi
19 authorities with regard to the female in your car?

20 A. Roughly I remember it was in '90. 1990. After
21 1990 roughly, but I can't remember when exactly.

22 Q. And when did you leave Saudi Arabia?

23 A. In '98. I'm sorry. My tongue is used to saying
24 '98.

25 JUDGE FOR THE RECORD

AMM

1 statements. Do you have your bank statements to give to me to
2 support what you're saying? You seem to forget that this is your
3 request to become a permanent resident. You're not being
4 prosecuted now for this so do you have your bank statement for to
5 look at, sir?

6 A. My whole intention is to tell you the truth. My
7 wife says a lot of things, and how am I supposed to prove what
8 I'm saying is right.

9 Q. Well, don't challenge the Court. If you don't
10 have your bank statements, don't challenge me to go look at
11 something because what you're answering to her is to me, and your
12 testimony is to me, sir.

13 JUDGE TO MS. FODEN-VENCIL

14 Q. Go ahead, Ms. Foden-Vencil.

15 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

16 Q. Did you tell your wife that your brother Hani
17 (phonetic sp.) is a bomb terrorist?

18 A. I've never knew that I was a bomb terrorist. I
19 knew that he had his own problems and left the country, but I
20 never knew that he was a bomb terrorist.

21 Q. Did you tell your wife that he was?

22 A. I never told her that. I told her that he had
23 problems and left the country, but I never knew what his problems
24 were.

25 Q. Did your brother Hani send you money at one point?

AMM

1 A. When my wife was pregnant, we needed money. I was
2 working so many hours, but we didn't have enough money. My wife
3 kept telling me that I need to call my family to help us out,
4 which I did. I called my family. They sent us money, but I
5 never, I don't know if it was from Hani or not. They sent me
6 \$2,000. We used them all to pay all the outstanding bills.

7 MS. FODEN-VENCIL TO JUDGE

8 Q. I don't have any other questions at this time,
9 Your Honor.

10 JUDGE TO MR. ABU-ZUBAIDAH

11 Q. Mr. Abu-Zubaidah, I want to just make sure I
12 understand your testimony. You understand that Ms. Hodge's
13 statement, I don't have her grand jury statement, but she
14 testified to the grand jury, and you were indicted on the sex
15 abuse crime charge and the harassment, and you plead no contest
16 to the harassment. Her statement was that your contact was of a
17 sexual nature, that the grabbing of her buttocks was not an
18 accident or was not in the act of pushing her, that you
19 intentionally grabbed her buttocks in a sexual nature. Do you
20 understand that that's her testimony or statement about that
21 incident, sir? Do you understand that?

22 A. Yes, I understand it, Your Honor.

23 Q. And I understand your testimony is that your
24 action was an action of anger and not a sexual matter, correct?

25 A. (In English) Yes, Your Honor.

AMM

1 A. Yes, Your Honor.

2 Q. Okay. And where was Ms. Hodge in your home when
3 you grabbed her and pushed her as you say? Where was she? Where
4 were the two of you I guess?

5 A. We were in the living room in front of the table
6 of the living room, and she was standing in front of me.

7 Q. Okay. And how far away from the door were you?

8 A. Very close to me the apartment door, and we lived
9 in a small apartment.

10 Q. Okay. And why didn't you just tell her to leave?

11 A. When she told me it's not your word about the
12 whole thing, she made me extremely angry. I am the man, and it's
13 my word, and she made me angry. I grabbed her and I pushed her
14 towards the door, and she had her bag with her.

15 Q. So, it seems though like, from what you're saying,
16 if you had just told her in a strong way to leave, she probably
17 would have left then.

18 A. (In English) I don't think so.

19 A. I don't think so. I told my wife so many times I
20 wanted her out, I wanted her out, and she wouldn't listen. She
21 said it's my wife's work.

22 Q. I see. You understand that she said something
23 completely different, that you actually pursued her apparently
24 when your wife wasn't around to see this, that you pursued her
25 saying I'm going to rape, I'm going to fucking rape you, and that

AMM

1 you pursued her around, she got away, you tried to get her up
2 against the wall, and that as she went to boiling water in the
3 kitchen as she got away, then you came up and grabbed her
4 buttocks while she was at boiling water in the kitchen. You
5 understand this is her statement? It's not about that you
6 grabbed her buttocks on the way being pushed out the front door.
7 Do you understand that?

8 A. Yes, I understand what you're telling me.

9 Q. Okay. And did that happen?

10 A. No.

11 JUDGE TO MR. KAY

12 Q. Mr. Kay, redirect?

13 A. Briefly, Your Honor. Permission to lead? Ask
14 leading questions?

15 Q. No.

16 A. Okay.

17 MR. KAY TO MR. ABU-ZUBAIDAH

18 Q. Have you ever attempted to have sex with Christina
19 Hodge?

20 A. No.

21 Q. Have you ever used drugs, illegal drugs with
22 Christina Hodge?

23 A. I don't do any drugs, no.

24 Q. Is domestic violence counseling available in the
25 jail in which you're housed?

AMM

1 A. (indiscernible) had these problems, and he wrote
2 down, I wrote down a request, but St. Helen's don't have these
3 programs. (indiscernible), yes.

4 Q. What happened between you and your wife that made
5 you call the police on your wife?

6 A. My wife gets angry very quickly. She doesn't
7 control her anger, and when she gets angry, she starts hitting
8 everything around her, and she made me angry, and that's what
9 happened. She hit me on my hand. She hit me on my hand, and I
10 didn't know that there were anger programs and counseling out
11 there, and I thought if I called the police, she'd get scared and
12 she'd improve.

13 Q. Was anyone else present in the apartment when you
14 pushed/grabbed Christina, the incident that we've been talking
15 about?

16 A. My wife and my daughter were in the house.

17 MR. KAY TO JUDGE

18 Q. Thank you. I have no further questions.

19 JUDGE TO MR. ABU-ZUBAIDAH

20 Q. Did they see this incident?

21 A. My wife was in the room, and I think she heard her
22 screaming, and she, Christina talked to my wife. My wife told me
23 that she was going to leave.

24 Q. So your wife after the incident, after Christina
25 told her immediately thereafter, your wife said that she was

AMM

1 going to leave.

2 A. Christina talked to my wife, and my wife asked me
3 to calm down and told me that Christina is going to leave tonight
4 or tomorrow morning the latest and kept telling me to calm down.

5 JUDGE TO MS. FODEN-VENCIL

6 Q. Ms. Foden-Vencil?

7 A. No further questions, Your Honor.

8 JUDGE FOR THE RECORD

9 Then we'll take about a 10-minute recess at this time
10 and continue with the examination after.

11 (Off the record.)

12 (On the record.)

13 JUDGE TO MR. KAY

14 Q. Okay. You can call your witness, Mr. Kay.

15 A. I called Rosaline Andrews.

16 JUDGE TO MS. ANDREWS

17 Q. Ms. Andrews, would you come forward please. Raise
18 your right hand please. Do you swear the testimony you're about
19 to give shall be the truth, the whole truth, and nothing but the
20 truth so help you God?

21 A. I do.

22 Q. Have a seat please. Would you state your true and
23 correct name please?

24 A. Rosaline Lynn Andrews.

25 Q. Thank you.

AMM

1 JUDGE TO MR. KAY

2 Q. Mr. Kay, you may proceed.

3 A. Thank you, Your Honor.

4 MR. KAY TO MS. ANDREWS

5 Q. Are you Rosalie Abu-Zubaidah's mother?

6 A. Yes.

7 Q. Thank you. Can you tell us about any behavioral
8 problems she had as a child and adolescent?

9 A. She was born with this condition, this is the way
10 it was explained to me as we went through raising her through the
11 years, and she's diagnosed with an attention deficit disorder --

12 Q. I see.

13 A. -- in kindergarten.

14 Q. And how did the ADHD manifest itself in her
15 behavior?

16 A. As she got older, it progressed to get worse as
17 far as getting along with others, acting out, tempers and
18 frustration.

19 Q. All right. Did she ever receive treatment for --

20 A. Yes.

21 Q. What kind?

22 A. Ritalin.

23 Q. Did it help?

24 A. No.

25 Q. How did she develop emotionally?

AMM

1 A. Poorly.

2 Q. Could you please explain what you mean by she
3 developed poorly?

4 A. Well, very immature. I rephrase that. Poorly.
5 Immaturely. Poorly.

6 Q. How did she get along with other people?

7 A. With most her peers pretty good. Teachers,
8 authoritative, the ones that she had problems with.

9 Q. All right. What kinds of problems did she have
10 with authority figures?

11 A. Just basically she just didn't want to follow
12 directions for example. The teachers in school telling her, you
13 know, sit down more and be quiet (indiscernible) they were
14 speaking.

15 Q. How would she behave in the home with you?

16 A. Well, everything had to go her way or no way at
17 all.

18 Q. What did she do to ensure that it went her way or
19 no way at all?

20 A. She would get into her frustration. She would act
21 out.

22 Q. What do you mean by that?

23 A. Tempers. She'd pester me until she got it her
24 way, until I'd give in to be exact.

25 Q. Okay. Did she ever fabricate stories?

AMM

1 A. Yes, many times.

2 Q. And what was her purpose in doing that to your
3 mind as her mother?

4 A. To get attention.

5 Q. Has that behavior continued?

6 A. Yes.

7 Q. Do you know Hesham Abu-Zubaidah?

8 A. Yes.

9 Q. When did you meet him?

10 A. November of '99.

11 Q. All right. Did Rose introduce you to him?

12 A. Yes.

13 Q. All right. Were you able to observe Rose and
14 Hesham together?

15 A. Yes.

16 Q. On what occasions?

17 A. Well, they moved in with us on April 9th of 2000,
18 and they had, it seemed like they were okay for a while until
19 they, you know, got onto a certain subject matter that they'd
20 clash.

21 Q. Okay. Did you see any changes in Rose's general
22 behavioral characteristics while she was living with Hesham?

23 A. Just that she wanted to be a ruler again.

24 Q. Okay. Did she continue to act out?

25 A. Yes.

AMM

1 Q. Do you know Christina Hodge?

2 A. I met her once.

3 Q. What were the circumstances?

4 A. My daughter told her that she couldn't spend the
5 night at our home. There was too many people that lived there as
6 it was, and that my parents don't know you, and that you couldn't
7 stay here.

8 Q. And how did she react?

9 A. Christina said to Rosalie that she's going to stay
10 there no matter what, at our home, and that caused some friction
11 between Hesham and Rosalie. Hesham ran out the door, and Rosalie
12 ran out behind him, and then she come downstairs and sat on the
13 ottoman and threw off her backpack there and said that she's
14 going to stay with the night with us, and my husband got up off
15 the couch and said no you're not. My daughter just went out the
16 door behind her husband and so are you because we don't know you.

17 Q. And what did she do?

18 A. And she got her backpack, and she asked if she
19 could use our phone, and Paul says no, my husband Paul said no,
20 there's a phone up the street that you can use. Out, he said.

21 Q. And how did she react?

22 A. She got up, and she, like I said, packed her bag
23 and went out the door finally. She did not hesitate then.

24 Q. Okay. And when did this incident occur?

25 A. 2000. November I think.

AMM

1 Q. Okay. How have you observed Rose in the recent
2 past since Hesham has been arrested and imprisoned?

3 A. Very distraught. Very emotionally withdrawn
4 because her husband is not with her.

5 Q. Has it changed her behavior since he was arrested?

6 A. Yes. I'd say so. Most definitely.

7 Q. All right. Are you involved in supporting Rosalie
8 at this point?

9 A. Yes.

10 Q. How so?

11 A. Financially. Rent. All of her utilities.
12 Responsibility of taking care of those children as well,
13 grandchild, diapers and such.

14 Q. Has Rose asked you to take care of Nautica?

15 A. Yes.

16 Q. And why has she asked you?

17 A. Because I have extra money that I saved from work,
18 and I'm able to do that while my husband is able to take care of
19 our home. I support her home.

20 Q. All right. Do you believe that Rose can take care
21 of Nautica by herself?

22 A. No, I do not believe that.

23 Q. Why do you not believe that?

24 A. Because it takes two parents to raise children.

25 Q. And what do you think would happen to Rose if

AMM

1 Hesham is deported?

2 A. She'd fall apart.

3 Q. How do you mean fall --

4 A. Emotionally fall apart.

5 Q. What would happen to, say Nautica?

6 A. She'd never get to know her father. She'd never
7 be able to see him again period.

8 Q. And would it impact you and your family?

9 A. We'd be absolutely devastated because we love him.

10 Q. All right. Thank you.

11 MR. KAY TO JUDGE

12 Q. I have nothing further.

13 JUDGE TO MS. FODEN-VENCIL

14 Q. Ms. Foden-Vencil.

15 MS. FODEN-VENCIL TO MS. ANDREWS

16 Q. How long did Rosalie and Mr. Abu-Zubaidah live in
17 your home?

18 A. 10 months.

19 Q. And so when did they move out?

20 A. February the 11th.

21 Q. Of this year?

22 A. Of 2001.

23 Q. Does Rosalie work now?

24 A. No.

25 Q. And do you and your husband live in Portland?

AMM

1 A. Yes.

2 Q. Have you spoken to your daughter about what
3 happened between her and her husband that resulted in his
4 conviction?

5 A. Yes, yes we have.

6 Q. And what did she tell you about what happened?

7 A. That got into an argument over Christina, Mrs.
8 Hodge anyway, living with them, and he wanted her to move out.
9 That's how it began.

10 Q. Have you ever talked to her husband about what
11 happened?

12 A. No, I have not.

13 Q. Okay. Thank you.

14 MS. FODEN-VENCIL TO JUDGE

15 Q. I don't have any other questions.

16 JUDGE TO MR. KAY

17 Q. I don't have any questions. Redirect?

18 MR. KAY TO MS. ANDREWS

19 Q. Did your daughter ever discuss the actual
20 violence, violent incident with you between herself and --

21 A. Yes, she did.

22 Q. -- Hesham.

23 A. With Hesham and her, yes.

24 Q. What did she say?

25 A. She said that he hit her on the back.

AMM

1 Q. Is that all she said?

2 A. And brought her down to the floor, and that was
3 about it.

4 MR. KAY TO JUDGE

5 Q. I have nothing further.

6 JUDGE TO MS. ANDREWS

7 Q. I have a question. If instead the argument was
8 over Ms. Hodge, if the argument was because he was angry because
9 she hadn't fixed him dinner, would you feel the same way about
10 it?

11 A. I don't know. I don't live with them anymore. I
12 don't know.

13 Q. But would you think that would be an appropriate
14 way for your son-in-law to treat your daughter?

15 A. No, absolutely not.

16 Q. And if she were cowering in a corner and he was
17 still punching her with his fists, do you think that would be an
18 appropriate way?

19 A. (No audible response.)

20 Q. And has anybody ever talked to you about that kind
21 of thing going on?

22 A. No.

23 JUDGE TO MR. KAY

24 Q. Okay.

25 MR. KAY TO MS. ANDREWS

AMM

1 Q. How would you characterize Rose and Hesham's
2 relationship now based on your observations?

3 A. They both have anger problem issues I'd say.

4 Q. All right. Is that the only thing that
5 characterizes their relationship?

6 A. No.

7 Q. What else characterizes their relationship?

8 A. I saw that deep down the both care a great deal
9 about one another, that they're crazy in love with each other. I
10 just don't think they're able to express it 24/7.

11 Q. Do you fear at all for your daughter's safety in
12 her relationship with Hesham?

13 A. No, because I've never seen that side of him.

14 Q. Thank you.

15 JUDGE TO MS. FODEN-VENCIL

16 Q. Ms. Foden-Vencil?

17 A. No more questions, Your Honor.

18 Q. Okay.

19 JUDGE TO MS. ANDREWS

20 Q. Thank you. You can be excused. If you want to
21 stay in the courtroom you can.

22 JUDGE TO MR. KAY

23 Q. Mr. Kay?

24 A. I call Patricia Naylor, Your Honor.

25 Q. Okay.

AMM

1 JUDGE TO MS. NAYLOR

2 Q. Just come forward if you would, ma'am.

3 A. Certainly.

4 Q. Just stand if you would. You'll be seated there,
5 but please raise your right hand to be sworn. Do you swear the
6 testimony you're about to give will be the truth, the whole
7 truth, and nothing but the truth so help you God?

8 A. Yes, Your Honor.

9 Q. Go ahead and have a seat. Would you say your true
10 and correct name please?

11 A. My name is Patricia Lynn Naylor (phonetic sp.).

12 Q. Okay. Thank you very much.

13 JUDGE TO MR. KAY

14 Q. Mr. Kay, you may proceed.

15 A. Thank you, Your Honor.

16 MR. KAY TO MS. NAYLOR

17 Q. Mrs. Naylor, what is your relationship to Rosalie
18 Abu-Zubaidah?

19 A. I am her aunt. I'm Rosaline's sister.

20 Q. All right. Have you ever lived with Rosalie Abu-
21 Zubaidah?

22 A. Yes, I have.

23 Q. What were the circumstances of her coming to live
24 with you?

25 A. Well, she spend weekends with me many many times

1 (indiscernible), and she's always been a handful, you know, I'm
2 sure you heard (indiscernible). She graduated from high school.
3 She was doing pretty good, and then she kind of got off track,
4 starting hanging out with drug people, and so she came to live
5 with me (indiscernible) the summer. She kind of was going
6 through a rebellious stage. She didn't want to live with her
7 parents, and so she came back from her excursion (indiscernible),
8 she came and she stayed with me for three months.

9 Q. And how did that go?

10 A. At first she was just going to visit, and it
11 seemed like things were going along okay, and so we thought maybe
12 we can keep her in a more permanent, and it just, her behavior
13 got increasing worse as time gone on, time went on. We'd get
14 into arguments. Basic behavior like keeping us up at night and
15 getting mad (indiscernible), and that type of thing. Then she
16 got a job and let me take her to work every day and pick her up,
17 but it just got to the point where she wanted to go with me
18 everywhere. She wanted to go with my friends. You know, I'm
19 over 21 so I can go to some places she (indiscernible). She
20 didn't understand that.

21 She would get mad and act out, threats, that type
22 of thing, and so finally it just culminated many, many, many
23 arguments and then the blow out, and then blow out was was when
24 she threatened me that she was going to burn the house down, was
25 going to burn the (indiscernible) down, was going to break the

AMM

1 windows. She was going to lay on the street and get hit by a
2 truck. Just, I don't think she would have ever carried any of
3 those things out, but it got to the point, I just couldn't handle
4 it. I think the best place for you is to go back home to your
5 parents who want you there. You do have a place to go, but she
6 didn't want to go there so that's when she ended up, she ended up
7 moving with some friends that she had made here in town, in
8 Portland.

9 So she went to (indiscernible) and stayed I think
10 three days, and the lady that she was staying with, who I also
11 know, a friend of ours, she was trying to intervene also, but it
12 got to the point where Rose, she said she was going to get a job,
13 all these things, but in actuality, she really, she didn't go get
14 a job. She laid at home, watched tv all day. When Cleo would
15 come home, there was Rose. She asked well did you go look for a
16 job, no. There's a bus system in Esticada (phonetic sp.). She
17 could have got around, and she didn't. Just blatantly didn't
18 want to go with the program.

19 So, you know, she ended up moving there. She
20 moved to Trap Hill (phonetic sp.) with Kim and her husband, and
21 she ended up getting a job at a gas station, and first she didn't
22 call me for a while, but then after a while (indiscernible)
23 happen, and she told me that she got a job at this gas station
24 and that she met a really nice guy.

25 Q. Who was that guy?

AMM

1 A. That was Hesham, and so anyhow, then I got to meet
2 him I guess at Thanksgiving when the family all got together, and
3 that's when I got to meet Hesham for the first time.

4 Q. Have you been able to observe Hesham and Rose
5 together?

6 A. Yes, I have.

7 Q. On what kinds of occasions? How often?

8 A. A lot. Thanksgiving, Christmas, new year's,
9 birthdays. They'd come out to our place. We'd have barbeques.
10 Just family life, that type of thing.

11 Q. All right. Have you observed any change, or did
12 you observe any changes in Roses behavior after she began her
13 relationship with Hesham?

14 A. Yes, I did. She seemed to kind of get a direction
15 in life. You know, she sort of, this was I think her first real
16 big love. She fell head over heels in love with Hesham, and she
17 sort of was settling down. She seemed like she wanted a home
18 life. They would talk about getting married. Then she turned up
19 pregnant. She also stopped biting her nails. She's a very
20 nervous person. She bites her nails. She stopped biting her
21 nails. I couldn't believe it. I almost fell over. So I thought
22 well you know if he's got some positive impact on her, and she's
23 coming around so anyhow we thought the two of them were going to
24 have good life.

25 Q. Do you know from personal observations any

AMM

1 problems, any altercations in their relationship?

2 A. While they were living with Rose, they did have
3 fights off and on. They would have arguments. Rose would always
4 get mad, and just, you know, she would start her tantrums and so
5 Hesham started realizing that maybe there was more to Rose than
6 what he suspected at first, and so I think he realized that she
7 was very immature. He often would talk to me.

8 He would call me on the phone occasionally and ask
9 for my advice. He said I don't know what to do about Rose. I
10 love her so much. She has behavior problems. Maybe we can, I
11 would like to get her into counseling, you know, and all these
12 things. Of course when she came up pregnant so there was the
13 baby to consider, and so I gave him the advice when he called me
14 one time he asked me if I thought it would be a good idea for him
15 to get married, and I said I thought it would because, number
16 one, it would make the child legitimate. You two seem like you
17 really love each other, and maybe you could help Rose overcome a
18 lot of this behavior difficulties that she, you know, because he
19 did seem like he had a real positive effect on her. Aside from
20 their arguments, it's high and low, but, you know.

21 Q. Do you know anything about physical fights between
22 the two?

23 A. Yeah, she, well, that's what started this whole
24 thing was their initial argument that caused her to assault
25 Hesham. He had her arrested. I don't know (indiscernible).

AMM

1 Q. What can you tell us about that incident?

2 A. I don't really know the details because I wasn't
3 there, but it ended up to be an argument that turned into a
4 physical confrontation and then he had called the police because
5 she hit him, and so he called the police on her. She was
6 arrested at Domino's Pizza where she was working, and then that
7 just really did not set well with her. It made her very, very,
8 very angry, and she tried to forgive him I think, but deep down
9 inside she just did not get over that. She kind of had a
10 revenge, she's vengeful after that.

11 Q. When did this incident happen?

12 A. You know, I think, it was after they got married.
13 I'm thinking June. I'm not sure when Rose was arrested.

14 MS. NAYLOR TO WITNESSES

15 Q. Do you guys remember?

16 JUDGE TO MS. NAYLOR

17 Q. Wait, wait. It doesn't go that way.

18 A. I'm sorry.

19 JUDGE TO MS. ANDREWS

20 Q. Don't give her any cues. I don't want you to
21 acknowledge her testimony.

22 MS. NAYLOR TO JUDGE

23 Q. I'm not sure of the date.

24 A. Just a minute. I know.

25 JUDGE TO MS. ANDREWS

AMM

1 Q. If you're going to be in the courtroom, you have
2 to not give any indication or acknowledgment. You can stay in,
3 ma'am. I'm just giving you that because I noticed you agreeing,
4 but at this point that can't go, and let's just cut the rest out.

5 JUDGE TO MR. KAY

6 Q. Go ahead, Mr. Kay.

7 A. Thank you.

8 MR. KAY TO MS. NAYLOR

9 Q. Do you know about the incident, or as anyone
10 spoken with you about the incident where Hesham was arrested for
11 domestic violence?

12 A. Like I said, when she was initially arrested, she
13 was very (indiscernible), and I don't think she got over it, and
14 I think she set out to frame Hesham, and then after that she
15 would threaten him all the time that she wanted, if he didn't
16 walk the walk, you know, do what she told him, that she was going
17 to have him sent out of this country and cancel his immigration
18 papers and (indiscernible), and she did this constantly.

19 Q. Were you there for any of these?

20 A. She would tell me. Yeah, I was there a couple of
21 times I did hear her threaten him. So, then the incident of the
22 Christina thing, I knew of the girl back in, I think it was in
23 January when she came over to visit my parents. She came with
24 Rose to the house, and I just remember Rosaline (indiscernible)
25 not wanted her at the house. She's just sort of a wayward girl

AMM

1 in trouble, drugs, the whole nine yards. Rosaline called,
2 advised Rose and Hesham she's troubled. Stay away from her. She
3 is not a reputable person, and, but Rose she's always befriended
4 (indiscernible), for some reason she has a very kind heart
5 towards people that are down and out, and so that's where I think
6 she befriended Christina.

7 Now the August incident when Hesham and Rose ended
8 up fighting, I believe that they were fighting over Christina,
9 and I know Hesham did not want her there, and I know that he did
10 not want her babysitting his child.

11 Q. Did he tell you that?

12 A. Pardon?

13 Q. How do you know that? Did he tell you that?

14 A. He told me that, and Rose also told me that, and
15 then so when they got into that fight, she, she was part of that.
16 I mean, it started off with an argument. Then they ended up
17 (indiscernible), and then they ended up getting physical, and she
18 pushed him. She threw the phone at him. He pushed her back, and
19 I think he ended up hitting her.

20 JUDGE TO MS. NAYLOR

21 Q. Did you see that?

22 A. No, she told me about it.

23 Q. Okay.

24 MR. KAY TO MS. NAYLOR

25 Q. Have you been able to observe any changes in

AMM

1 Rose's behavior since Hesham has been incarcerated.

2 A. She's, she's having a tough time (indiscernible).

3 Q. How does that manifest itself?

4 A. Well, she's frustrated. She's back to biting her
5 nails. She's smoking cigarettes more than she's ever smoked.
6 She's sort of lost her direction. She doesn't have a partner
7 anymore. Everything is doubly hard. Plus compounded being
8 pregnant the last six months, you know, no moral support, no
9 emotional support, and I think that she is, she is very sorry for
10 what she's caused. I know that she thinks that a lot of this
11 could have been avoided, and I think she's realizing that. She
12 told me she's getting counseling, and that she's willing to
13 (indiscernible) counseling to try to make their marriage work
14 out.

15 Q. What do you think would happen to her if Hesham is
16 deported?

17 A. I don't think she's going to be able to handle
18 these two children, and I don't know if our family can help.
19 (Indiscernible.) (indiscernible) Hesham back in our family. I
20 think he's learned his lesson. I think she has too, and I think
21 that they brought the law in to try to just settle their
22 disputes, not realizing the ramifications of what could --

23 MR. KAY TO JUDGE

24 Q. I have nothing further.

25 MR. KAY TO MS. NAYLOR

AMM

1 Q. Thank you, ma'am. Please remain seated.

2 JUDGE TO MS. FODEN-VENCIL

3 Q. Ms. Foden-Vencil, do you have cross-examination?

4 A. I don't have any questions, Your Honor.

5 JUDGE TO MS. NAYLOR

6 Q. I don't have any questions. You can be excused.

7 You can remain in the courtroom if you like.

8 JUDGE TO MR. KAY

9 Q. Mr. Kay?

10 A. (indiscernible), Your Honor. I call Rosalie Abu-
11 Zubaidah.

12 JUDGE TO MS. ABU-ZUBAIDAH

13 Q. Come forward, and remain standing. Raise your
14 right hand to be sworn. Do you swear the testimony you're about
15 to give will be the truth, the whole truth, and nothing but the
16 truth so help you God?

17 A. Yes.

18 Q. Be seated. Thank you. Would you state your true
19 and correct name please?

20 A. Rosalie Abu-Zubaidah.

21 Q. Okay. Thank you.

22 JUDGE TO MR. KAY

23 Q. Mr. Kay, you may proceed.

24 A. Thank you, Your Honor.

25 MR. KAY TO MS. ABU-ZUBAIDAH

AMM

1 Q. Rose, could you tell us how you first met Hesham?

2 JUDGE TO MR. KAY

3 Q. Particularly go with having witnesses addressed by
4 their first names --

5 A. I'm sorry.

6 Q. -- unless they're children.

7 MR. KAY TO MS. ABU-ZUBAIDAH

8 Q. Ms. Abu-Zubaidah, --

9 JUDGE TO MR. KAY

10 Q. Okay. Go ahead.

11 MR. KAY TO MS. ABU-ZUBAIDAH

12 Q. -- could you please tell me how you first met your
13 husband.

14 A. I met him at Arco am/pm gas station
15 (indiscernible).

16 Q. All right. How soon after you met did you start
17 dating?

18 A. We started dating about maybe three weeks, four
19 weeks after we met.

20 Q. All right. And can you tell us a little bit about
21 how the relationship developed from there?

22 A. It was very friendly. It was very nice. We did
23 have a complication of communicating because he didn't speak very
24 much English at the time, and (indiscernible) differences. As
25 soon as we start to get to know each other, (indiscernible), you

AMM

1 know, we started arguing, you know, a little bit here and there,
2 and two months, about two, right up there about two months later
3 I found out that I was pregnant, and, and then that was like
4 January 14th when I found out, and then in April of 2000, we had
5 moved in with my parents, and then July 14th is when we had
6 gotten married. I would say that --

7 Q. It's all right. Take a moment.

8 A. The fighting began with me. I know that I have a
9 problem and I just never took care of it --

10 Q. Excuse me. Tell us what kind of problem do you
11 have?

12 A. I have a lot of problems. I'm very emotional.
13 I'm very sad, very depressed, not a very happy person. I'm not
14 happy with myself. I'm not happy with the way my life
15 (indiscernible), and basically what Hesham has done to my life
16 was try to help me better myself, and I thought that that was him
17 attacking me, and so I kept him back many times.

18 JUDGE FOR THE RECORD

19 We're going to go to the next tape.

20 (Off the record.)

21 (On the record.)

22 JUDGE FOR THE RECORD

23 This is tape 7, continuation proceedings.

24 JUDGE TO MR. KAY

25 Q. Go ahead, Mr. Kay.

AMM

1 A. All right.

2 MR. KAY TO MS. ABU-ZUBAIDAH

3 Q. You testified that he tried to help you with your
4 problems. Could you tell us what kind of help he tried to
5 provide?

6 A. When I would get angry or mad about something that
7 was so little, he would like, you know, don't worry about it,
8 don't worry about it. You know it's okay. And I'd just go off
9 on him. I would be mad at him and it would be about just
10 (indiscernible) things (indiscernible).

11 Q. And this went throughout?

12 A. This is throughout our relationship.

13 Q. Did you feel any different about yourself while
14 you were together with Hesham as you did before he came into your
15 life?

16 A. I didn't, I didn't like want him to die in
17 (indiscernible). But I hated myself as much. Let's just say
18 since he's been gone I have not been emotionally, not stable. I
19 have, I don't even want to say it, (indiscernible).

20 Q. Well what kinds of problems are you having?

21 A. I don't have any (indiscernible) very depressed.
22 (Indiscernible) healthy thinking at all. I find it very hard to
23 take care of my daughter so I'm always over at (indiscernible)'s
24 house. I can't stand being by myself because I (indiscernible)
25 it is too hard. I have too many problems myself. And

AMM

1 (indiscernible) leaves (indiscernible) target for all of it,
2 everything.

3 Q. How is Hesham as a father to Nautica?

4 A. He's been very good to her. He's never
5 (indiscernible) to her.

6 Q. How does she respond to him?

7 A. She loves her father. She's never rejected him
8 one time. She listens to him more than me. I have difficulties
9 feeding her. She doesn't want to eat for me. She'd always eat
10 for him. She does not eat for me. When I discipline her, she
11 won't listen to me. When he disciplines her, she listens to him.

12 Q. All right.

13 A. It's true. (Indiscernible).

14 JUDGE TO MR. KAY

15 Q. Okay, Mr. Kay, you're going to need to have--

16 A. Can we take a brief recess?

17 Q. No, we're not going to take a recess. But Ms.
18 Abu-Zubaidah is going to have to control herself a little bit
19 more to be a witness in the case. Otherwise, she can't continue
20 as a witness. And that's not the Court's--

21 A. I know, Your Honor.

22 Q. I mean this isn't even the particularly the, we
23 haven't even gotten to the incidents that are the primary issues
24 that the Court's looking at, discretion. So if we can't have a
25 little better control, then we're not going to be able to go on

AMM

1 with this testimony.

2 A. I understand.

3 Q. We need to have some control here. All right. Go
4 ahead, Mr. Kay.

5 A. Okay.

6 MR. KAY TO MS. ABU-ZUBAIDAH

7 Q. Who is Christina (phonetic sp.) Hodge (phonetic
8 sp.)?

9 A. She is the girl that (indiscernible) and 123199 to
10 be exact.

11 Q. How did you meet her?

12 A. (Indiscernible) home from grocery shopping and
13 (indiscernible) and (indiscernible) she was at the bottom of our
14 stairs, of our apartment with the boys. If you want to say
15 friends, boys; they were guys. And they were drinking alcohol
16 and she had asked if she could use the restroom and so of course
17 I let her use the restroom. So then we struck a conversation and
18 we talked for a little while. And then we exchanged phone
19 numbers because she (indiscernible). Well, after that she
20 called. I had called her a couple of times. And, let's see, it
21 got into where I was her escape goat, basically.

22 Q. What do you mean by that?

23 A. Whenever she needed help. Her husband would be
24 always (indiscernible), always constantly (indiscernible) and I
25 thought (indiscernible) I had problems. This girl has big

AMM

1 problems. And she would always call me and say, Rose, I need a
2 place to stay. Can you please help me for a couple of days. And
3 I would always let her come over. My heart went out to her. She
4 needed help.

5 Q. Okay. How did that work out with Hesham?

6 A. Hesham did not like her at all, at all. He just
7 did not like her. He did not like all the problems that she had.
8 He said we've got a mess of our own, why do we need more.

9 Q. And when was this going on?

10 A. This? Let's see, at first (indiscernible)
11 January, beginning of January of 2000. This was the first time
12 when her mother kicked her out (indiscernible) know her. Her
13 mother kicked her out. And she had come and stayed with us, I
14 think, for probably a week (indiscernible). She was supposed to
15 find a place to stay but she did not and so then like a couple of
16 days, and after a week went by her aunt and uncle ended up
17 letting her move in to their place.

18 Q. When was this?

19 A. That was the beginning of February.

20 Q. Of?

21 A. 2000.

22 Q. 2000.

23 A. Yes. And so she stayed with her aunt and uncle
24 till, I think, April or May, somewhere in that time. We had
25 helped her at least, her aunt and uncle ended up picking her up

AMM

1 and that was because her, she had, supposedly her uncle was
2 sexually touching her and making sexual accusations to her. And
3 somehow her aunt had found out about that and they got into an
4 argument and so they kicked her out. She ended up going back
5 home.

6 Q. All right.

7 A. Okay. Then, and then the, and then like at the
8 beginning of April is when I moved in with my parents and she had
9 called there occasionally, but I was working, you know, and I
10 didn't want to work (indiscernible). You know, there was too
11 many problems, you know. And she wanted to come (indiscernible)
12 and I didn't let her. I (indiscernible). And let's see she had
13 called me before Nautica was born and asked (indiscernible)
14 address of the house. I want to see the baby and I was like
15 well, you know, I'll see. So she calls me again (indiscernible)
16 after the baby was born (indiscernible) so nice (indiscernible)
17 you know. And then about a month and a half later she calls and
18 she's like well I haven't seen your baby and how have you been.
19 And I was like well I've been all right and (indiscernible) come
20 over, you know. Her parents (indiscernible) rest of my life
21 (indiscernible).

22 Q. All right.

23 A. Are either--

24 Q. What happened when she came over?

25 A. She came over and we were up in my room and she

AMM

1 was holding the baby and we talked, you know, about you know what
2 she had been doing. She still wasn't working, you know. Her and
3 her mom were still having problems. And she had spoken about
4 that she doesn't have any children (indiscernible). She was
5 thinking about (indiscernible) and you know going over to
6 (indiscernible). And then she had asked later on that night if
7 she could stay the night, and I told her no. And she said why,
8 and I said it's just my parents won't let you, they don't know
9 you. And she's like, well why not. And I said because. And she
10 was like well can I ask, and I said no. I said my parents will
11 tell you no. They do not know you. And so (indiscernible) to
12 take her home and she was (indiscernible) parents, you know.

13 Q. Right. Did you leave the house then?

14 A. Yeah.

15 Q. When did you see her again?

16 A. I didn't see her until last year, July, like--

17 Q. Where was--

18 A. --like the beginning, right at the beginning of
19 July.

20 Q. Where was she in (indiscernible). Why didn't you
21 see her?

22 A. She was in Germany, and she never called me. She
23 had called me a week before she was leaving to go to Germany
24 (indiscernible), and asked for my address to keep in touch. And
25 so, of course, (indiscernible) think anything (indiscernible) and

AMM

1 she had wrote me a letter so I (indiscernible). No more
2 problems. This is great, you know. And she comes back and she
3 calls (indiscernible) to see if, you know, Hesham was still
4 working there and he was there. But Rashar (phonetic sp.) was
5 his friend and his friend gave her my phone number, gave her our
6 phone number. She ended up calling. She's like I'm back. And
7 I'm like, oh great, you know. How was it, you know. She's like
8 this and this and that and that, you know. She relayed the whole
9 story on what she did (indiscernible).

10 Q. Well, did you--

11 A. And then she had called a week later after that
12 and she was really not there. She was crying. And she was like
13 Rose, I need a lot of help right now. She said I don't know what
14 I'm going to do with my life. She goes the whole purpose of me
15 going to Europe was to stop doing drugs and to stop hanging out
16 with people I was hanging out with. And she goes now I've come
17 back and she goes I'm starting to hang out with the same people
18 that I hung out with before and she started doing drugs again.
19 And I said well, why are you doing that, you know. She was like,
20 I don't know. I don't know. I just can't stop. And I'm like,
21 Christina, you know I trusted you on drugs.

22 Q. Then did you invite her to your home?

23 A. Uh?

24 Q. Did you invite her to your home?

25 A. When?

AMM

1 Q. Pursuant to that conversation?

2 A. Oh, yes. I'm sorry. Yes, I did. I told her that
3 she could come and babysit for me and get a part-time job on the
4 weekend because I was thinking that maybe I could detour her onto
5 a good track. She doesn't (indiscernible) that road so she knows
6 that I've always tried to influence her to do better with her
7 life. You know, be a big sister in her life.

8 Q. Okay.

9 A. You know. And influence her to do good, you know.
10 She didn't even graduate from high school, you know; she dropped
11 out. She didn't care anymore. I don't know what she wanted to
12 do. She didn't know what she wanted to do with her life
13 (indiscernible) do better.

14 Q. So how much time when she was babysitting did she
15 spend in your apartment?

16 A. A week and a half.

17 Q. Solid?

18 A. Uh-huh.

19 Q. Okay.

20 JUDGE TO MS. ABU-ZUBAIDAH

21 Q. Okay, yes, I know. You just said Uh-huh, but we
22 need to know--

23 A. Yes.

24 Q. --yes or no for the record.

25 A. Yes.

AMM

1 Q. Okay. Thank you.

2 A. I'm sorry.

3 MR. KAY TO MS. ABU-ZUBAIDAH

4 Q. And how was her behavior?

5 A. For the, for the, let's see, for the first week it
6 was, you know, okay. The second week is when I let her go out a
7 couple of nights with her friends. You know I mean I'm not her
8 parent, I can't stop her, you know. And I would let her back in
9 at night. She'd call on her cell phone and I would open the door
10 for her. When she had come to babysit, Hesham came to me like on
11 the third day that she had been babysitting and this when he was
12 driving me to work. And he had told me that he didn't like the
13 way she was babysitting because of the fact she was always on the
14 phone. She was (indiscernible) and she was not paying attention
15 to (indiscernible).

16 Q. Okay.

17 A. Okay. That being that. And I (indiscernible) her
18 about that and she was like that's not true. And I said well the
19 last couple of times I tried calling home, my phone has been
20 busy. She was like oh, well I was talking to this person and
21 (indiscernible), you know. She'd make up some excuse.

22 Q. All right. Did she, in the week and a half what
23 happened to her then? Where did she go?

24 A. What do you mean?

25 Q. You, she said, you said that, you testified that

AMM

1 she lived with you for a week and a half?

2 A. Yeah.

3 Q. And this was, when did this happen?

4 A. Okay, this was, okay. Hesham got his job at
5 (indiscernible). And so I had her come babysit for that first
6 week, you know, while Hesham was going to be there to see how she
7 was with Nautica, you know, supervision. You know, see how she
8 was with Nautica. She had been a nanny (indiscernible) with
9 Nautica before, you know. And she, I'm sorry.

10 Q. It's all right. Did she, did she move out of your
11 place?

12 A. She never had any of her real personal belongings,
13 just a bag with clothes in there.

14 Q. All right.

15 A. Just that and a (indiscernible) and that was it.
16 So the way she would (indiscernible) and then she would go home
17 to get some things and bring them back (indiscernible).

18 Q. What did you observe in her relationship with
19 Hesham, with your husband?

20 A. Nothing. Nothing. He's never liked her, from the
21 beginning.

22 Q. Okay.

23 A. I had always brought her around and that's my
24 fault and I should have listened to him from the first day that
25 he came to me (indiscernible). My fault.

AMM

1 Q. Did you ever observe your husband and Christina
2 Hodge arguing and/or fighting?

3 A. Yes, that was the day that I had come home early
4 from work and I (indiscernible) from work so it was
5 (indiscernible) that day. And me and him had had a conversation
6 on the way home and when we got home, he confronted her and told
7 her that he wanted her to leave. And he had told me that she was
8 going to leave, and I was like well then we need a babysitter
9 still, you know. Let me find somebody that will babysit. And he
10 was like no, I want her out of the house now. Now, now, now,
11 now. And I was like no. We still need her here, you know. I
12 said I had to go to work for two more days. We didn't have
13 nobody to babysit. You know.

14 Q. And then what happened?

15 A. And he went and he took the (indiscernible) things
16 from my room, her things and took them to the front door and
17 grabbed her by the arm and said she's leaving. And I said no,
18 she can't. We need her to stay.

19 Q. All right. Did she then leave?

20 A. She left the next morning.

21 Q. She spent the night?

22 A. Yes, she did. Hesham had left after the, after he
23 had grabbed her arm because (indiscernible) and he was, you know,
24 a little argument there and he was just like that's it, I'm
25 leaving and he walked out. And then later on me and Christina

AMM

1 were talking and she had told me that he had supposedly touched
2 her bottom while she was cooking (indiscernible) in the kitchen.
3 This was five days prior, five days before.

4 Q. Before what?

5 A. Before she had made the report. So the night that
6 she had told me--

7 Q. Well how does it relate, what night was it in
8 relation to the night where--

9 A. (Indiscernible).

10 Q. Okay.

11 A. Yeah. And I believe that she made the report some
12 time in the middle of the night. I don't know, I was sleeping.

13 Q. All right. So she told you that he had made a
14 sexual advance?

15 A. Uh-huh. And I said well why didn't you tell--

16 JUDGE TO MS. ABU-ZUBAIDAH

17 Q. Yes or no? Yes or no? Yes or no, please? Yes or
18 no? You said uh-huh. I believe you mean yes.

19 A. Yes. Yes. I'm sorry.

20 Q. Okay. Go ahead.

21 A. I'm sorry.

22 Q. Okay.

23 MR. KAY TO MS. ABU-ZUBAIDAH

24 Q. And what did she tell you?

25 A. She had told me that he, she was cooking

AMM

1 (indiscernible) and he came in and he was getting some things
2 from the closet and that he came up and grabbed her butt. And I
3 said well why didn't, what did he do that for, you know? Why?
4 Well, I don't know. You know. And I'm like well, you know, did
5 you, you know, did you do anything to bring that onto yourself?
6 And she's like well, come on now. And I said you know why didn't
7 you tell me this five days ago. You know why are you telling me
8 now all of a sudden.

9 Q. Did she tell you about any other sexual incidences
10 with Hesham?

11 A. No.

12 Q. (Indiscernible).

13 A. No.

14 Q. How did you feel about what she, what Christina
15 Hodge told you?

16 A. I was confused and I didn't know what to believe,
17 you know. And I kept thinking maybe I should confront Hesham.
18 You know, maybe I should ask him about this and then I said no,
19 you know, I'll just leave it alone and let it rest, you know.
20 You know I started thinking maybe she's trying to cause problems
21 between me and Hesham, maybe she's, you know, trying to put
22 something between me and him because she was jealous of what me
23 and Hesham have. You know, I didn't know what to do and then it
24 was, August 12th came and I was an hour and a half late picking
25 him up (indiscernible) and that's when I had asked him what

AMM

1 Christina had told me. I relayed it to him and he was like no.
2 He goes that never happened at all. He goes I was working on the
3 car the whole time. And he goes you can even ask Rashir my
4 friend, you know. He, she was over at the house, you know.
5 Everyday they were working on our cars, you know. And then I got
6 home and I continued--

7 JUDGE TO MS. ABU-ZUBAIDAH

8 Q. Before, just a minute. Before you go on to that,
9 I want to ask something about the dates we're talking about. So
10 this is August 12th when you were late picking him up?

11 A. Right.

12 Q. And the night that he grabbed her hand and with
13 her bag there to get her to leave, what day was that or how many
14 days before the August 12?

15 A. That was five days before. That was four, that
16 was August the 8th.

17 Q. August the 8th was the?

18 A. It was a Wednesday.

19 Q. That was when?

20 A. I left work early.

21 Q. And?

22 A. And Hesham came and picked me up. We had come
23 home.

24 Q. And that's when he told her to get out?

25 A. Yes.

AMM

1 Q. And then he left?

2 A. Yes, and then he left because I would not let
3 Christina leave.

4 Q. Okay. Now and so then was he gone all night? Did
5 he go some other place?

6 A. No, he came back home and he went to bed.

7 Q. Okay.

8 A. And he didn't say nothing to me or Christina.

9 Q. Now where did, where did Ms. Hodge go? Did she
10 stay there?

11 A. Yes, she stayed the night there.

12 Q. Okay. And you saw this incident when he grabbed
13 her?

14 A. Yes, I did.

15 Q. And how did he grab her then?

16 A. He grabbed her by her arm and walked her to the
17 door and said you're going to leave my apartment.

18 Q. Okay. And what happened--

19 A. This is my house. And Christina's like this is
20 Rose's house too.

21 Q. What happened after that?

22 A. What happened after that?

23 Q. Yes.

24 A. Me and Hesham got into a little spat.

25 Q. Okay. She didn't leave then?

AMM

1 A. No, she did not.

2 Q. Did he let go of her or did he--

3 A. Yes, he did.

4 Q. --try to push her out or do something then to her?

5 A. No. He just grabbed her by her arm.

6 Q. Okay.

7 A. And said you're leaving my house. Go, go in.

8 Q. And when did she tell you about his apparent, what
9 she called a sexual advance, when he grabbed her?

10 A. It was later on that night.

11 Q. That same night?

12 A. Yes.

13 Q. And when did she say that had happened?

14 A. Five days before.

15 Q. Approximately August 3rd then?

16 A. Yeah.

17 Q. Okay.

18 A. August 3rd, August 4th, somewhere in there.

19 Q. Okay.

20 A. And I had asked her why didn't you tell me then.

21 Why didn't you come to me. Well I was afraid we're not going to
22 be friends anymore.

23 Q. Okay. Then she stayed. Did she eventually leave
24 your house?

25 A. Yes, she did. She left Thursday, August 9th.

AMM

1 Q. The, and when did she leave?

2 A. She left at about 8:30, 9:00 o'clock in the
3 morning. Her mom came and picked her up.

4 Q. Okay. And that's when she left the house?

5 A. Yes.

6 Q. And was your husband Hesham at work at that time?

7 A. No, he was sleeping.

8 Q. He was sleeping.

9 A. Yes.

10 Q. And you were there at the house?

11 A. Uh-huh.

12 Q. And she left then?

13 A. Yes.

14 Q. Okay. Did she come back to your house after that?

15 A. No.

16 Q. Okay.

17 MR. KAY TO MS. ABU-ZUBAIDAH

18 Q. Did you have any contact with her--

19 JUDGE TO MR. KAY

20 Q. Just a second.

21 A. Oh, I'm sorry, Your Honor. I thought you were
22 finished.

23 Q. Okay.

24 MR. KAY TO MS. ABU-ZUBAIDAH

25 Q. Was he violent with her beyond grabbing her arm

AMM

1 when he was trying to escort her out? Was he violent or hurt her
2 or do anything?

3 A. No.

4 Q. Did he push her or do anything else like that?

5 A. Well I remember her, I don't remember him pushing
6 her. I mean you can call it pushing just by grabbing her arm and
7 you know.

8 Q. But did he push her on any other part of her body
9 or?

10 A. Oh, no.

11 Q. No other contact?

12 A. No.

13 Q. Okay. And you saw this then?

14 A. Yes, I did.

15 Q. Okay.

16 MR. KAY TO MS. ABU-ZUBAIDAH

17 Q. Where were you in relation--

18 MR. KAY TO JUDGE

19 Q. Oh, may I?

20 A. You may.

21 Q. Thank you.

22 MR. KAY TO MS. ABU-ZUBAIDAH

23 Q. Where were you in relation to your husband and
24 Christina Hodge when he and she, during this incident when he
25 grabs her and pushes her towards the door?

AMM

1 A. Where was I?

2 Q. In relation to--

3 A. I was standing--

4 JUDGE TO MR. KAY

5 Q. Well, that's not a proper question. Because he
6 didn't otherwise push her to the draw, to the door. He tried to
7 get her to go out the door. So let's don't make that--

8 MR. KAY TO MS. ABU-ZUBAIDAH

9 Q. Where were you in relation to the parties when
10 this incident happened?

11 A. I was standing right there.

12 Q. Well, right there?

13 JUDGE TO MR. KAY

14 Q. Just a minute.

15 JUDGE TO MS. ABU-ZUBAIDAH

16 Q. How far away were you?

17 A. I was like two or three feet.

18 Q. Two or three feet. So there's no--

19 A. Like you know, right there.

20 Q. --you could see every, right.

21 A. Right.

22 Q. You weren't in another room and just stuck your
23 head out?

24 A. No. No.

25 Q. Everybody was right there?

AMM

1 A. Yes. I was right there. I saw the whole thing.

2 Q. All right. So there was no other kind of violence
3 of shoving or anything that?

4 A. No.

5 Q. Okay.

6 A. No, no, no.

7 Q. Okay.

8 MR. KAY TO MS. ABU-ZUBAIDAH

9 Q. Let's go back to August 12th.

10 A. Okay.

11 Q. Okay. You testified that you were an hour and a
12 half late picking him up and had an argument in the car and then
13 you got home. What happened then?

14 A. The (indiscernible) escalated from there because I
15 had continued it and he didn't want to confront it anymore. And
16 I had, I had, I guess you could say forced him, like you know I
17 was very confrontation, confrontive about it. You know, why
18 would she say this, you know. Why is this being said, you know.
19 I don't know what to believe here, you know. And he's like well
20 I'm your husband, you know. I would never do that to you, you
21 know. If I did, I would tell you. You know, I have nothing to
22 lie to you about at all.

23 Q. Was he angry about anything else?

24 A. No. He was mad about that, was very mad about it.
25 I was mad about it. I was furious.

AMM

1 Q. Okay, so what happened?

2 A. So anyways I got up into his face and he was like
3 I don't want to talk about it anymore. I don't want to talk
4 about it anymore. And I said I do; I do. We need to talk about
5 this, you know. And he was like I don't want to talk about it no
6 more. Then get out of my face, get out of my face. And I said,
7 you know, what are you going to do about it. What are you going
8 to do about it (indiscernible). And he went to slap me and I
9 went to try to defend myself. And I had the phone in my hand and
10 I hit him in his elbow and he hit me. And I went down to the
11 ground, and he started punching me on my back. And he stopped
12 and he went out onto the deck and shut the doors and I went
13 running into the bathroom crying. And I was like, oh my God, oh
14 my God, oh my God, oh my God. And I was going to call the police
15 and then I (indiscernible) stopped myself and I was like oh my
16 God, you know. You know why did I have to bring it up. Why did
17 I have to ask him. Maybe I should have just taken his word for
18 it, you know. I was confused, you know. And then I was thinking
19 you know well maybe I shouldn't have gotten up into his face, you
20 know. Maybe I shouldn't have been so confrontive, you know,
21 trying to challenge him and things like this, you know. Which is
22 what I was doing (indiscernible).

23 Q. Subsequent to this incident what happened between
24 you and your husband?

25 A. Prior to (indiscernible)?

AMM

1 JUDGE TO MS. ABU-ZUBAIDAH

2 Q. After.

3 MR. KAY TO MS. ABU-ZUBAIDAH

4 Q. After. October, August 13th.

5 JUDGE TO MS. ABU-ZUBAIDAH

6 Q. Any, after this, you ran into the bathroom, right?

7 MR. KAY TO MS. ABU-ZUBAIDAH

8 Q. Yeah, after this. You ran into the bathroom.

9 JUDGE TO MS. ABU-ZUBAIDAH

10 Q. What happened after?

11 A. I called a friend and I had her come pick me up
12 and remove me from the situation. I had to get out of there.
13 And we went and talked and it wasn't me that had called the
14 police. It was my friend's mother that had called the police and
15 said that her daughter, her daughter had beaten her daughter. It
16 was not me that made the phone call.

17 MR. KAY TO MS. ABU-ZUBAIDAH

18 Q. Then after, well was he then arrested?

19 A. Yes, he was.

20 Q. And how did you react to that?

21 A. How did I react to it?

22 Q. How did you react to it?

23 A. I was kind of happy. I was. And--

24 Q. What made you happy about that?

25 A. Because he had had me arrested, and I kind of

AMM

1 wanted him to make, I wanted to make him feel like
2 (indiscernible) to be arrested.

3 Q. All right. What--

4 A. I wanted him to feel what I felt.

5 Q. Let's go back to that. He had you arrested? What
6 was the incident there?

7 A. That was February of last year, 2001. And that
8 was because I had assaulted him with a baby's car seat, and he
9 had a bruise on his arm. And it was over me not being able to
10 take the car.

11 Q. All right. And so you testified you were happy
12 that he felt what you felt?

13 A. (No audible response).

14 Q. That's okay. All right. All right, have you
15 resided with your husband since that time?

16 A. Meaning have I?

17 Q. Lived with him?

18 A. Yes.

19 Q. During what period?

20 A. He came back and lived with me about two weeks
21 after I had got the restraining order off and we got back
22 together and we had a very long talk with each other about how to
23 communicate with each other and how we should do things
24 differently and we were even going to get some counseling
25 (indiscernible) centers which is where I have, where I'm, where I

AMM

1 get counseling now because I've finally admitted to myself that I
2 do have a problem and I have a very (indiscernible) anger
3 problem. I do. I do lash out in rages, violent. I, there's
4 many times I've hit Hesham and he's not hit me back.

5 Q. Well.

6 A. (Indiscernible). I would say I was more violent
7 to him than he's been violent to me. It's just--

8 Q. So how long did you then live together after?

9 A. I would say, let's see he came back like September
10 4, September 5th, somewhere in there. I can't remember the date.

11 Q. Okay, that's all right.

12 A. The dates?

13 Q. More or less?

14 A. And then October 2nd is when Immigration came and
15 took him.

16 Q. Okay. And you've not lived with him since October
17 2nd of last year?

18 A. No.

19 Q. Okay. How has that affected you?

20 A. I'm very stressed out. I'm very depressed. I
21 feel like sometimes you know I (indiscernible) anymore, you know.
22 I want to give up. I feel like I can't do anything on my own.

23 Q. Take your time.

24 A. It's just too much. It's been too hard.

25 Q. Are you having any medical type symptoms?

1 A. Let's just say that I'm very emotionally
2 disturbed. If Hesham was to get out, I've kind of resorted to,
3 it hurts me to say it but I know myself. I know how much I can
4 take and I know that I would not be able to take care of two
5 children by myself. I am strong in many aspects, but I am not
6 strong in that aspect. I don't see myself doing that. I would
7 end up (indiscernible) my parents. I know I would. I don't want
8 to be just right afterwards. I know just shortly down the road
9 from now it would happen. It would.

10 Q. That what would happen?

11 A. The children would go to my parents.

12 Q. Are you saying you would give them custody?

13 A. Yes.

14 Q. Would you accompany your husband if he were to be
15 removed?

16 A. No, I would not (indiscernible).

17 Q. Why not?

18 A. The customs over there are not my desire. I'm
19 sorry. They (indiscernible) there. They'd kick me out the door,
20 I know. I couldn't live like that. Sorry.

21 Q. All right. Are you, where are you currently
22 residing?

23 A. Residing?

24 Q. Where are you living?

25 A. Oh, 1801 North 162nd, apartment number two.

AMM

1 Q. Apartment, okay. Would you be able to remain in
2 your home if he were deported?

3 A. I don't know. My parents have been paying rent.
4 Welfare will not, that's another thing, you know. My parents,
5 you know, financially you know kind of, in that spot where it's
6 hard for them to stand because my mom has no work. You know she
7 works every other day or you know like once a week, you know.

8 Q. Okay.

9 A. For them to be paying my phone, my electricity, my
10 rent, my gas. I only get \$78 from unemployment. You know, that
11 goes, you know, some of it to my bills.

12 Q. Okay.

13 A. And, and for gas.

14 Q. How has Nautica been affected if at all since
15 Hesham has been incarcerated?

16 A. Let's just say that we have pictures up on the
17 wall of Hesham and Maddy (phonetic sp.) and baby and she always
18 points at the pictures and says da da. In her baby books so she
19 has the mom and the dad the little babies and the children which
20 (indiscernible) and she always (indiscernible).

21 Q. Does she have any medical problems?

22 A. She has (indiscernible) to her right eye.

23 Q. And how is that--

24 A. That's an undeveloping (indiscernible). She can't
25 see out of it very well. Her left eye is the only lid that she

AMM

1 has normal vision. And we were trying to fix that with patches
2 and that's very hard to do because she likes to take them off and
3 you have to have constant supervision on her and that's very
4 difficult to do. It's very hard.

5 Q: All right.

6 A: I have a hard time dealing with her.

7 Q: How so? What do you mean by you have a hard time?

8 A: Just the normal things, you know. Like she's in
9 something that she's not supposed to and it's not even that
10 fattening at all, snap, you know, (indiscernible) purse. No.
11 You know and--

12 MS. ABU-ZUBAIDAH TO JUDGE

13 Q: Oh I'm sorry, Your Honor.

14 MS. ABU-ZUBAIDAH TO MR. KAY

15 Q: Mom's just not well right now. And I always tell
16 her that, mom's not well. Mom's not well.

17 A: In August of 2001 did you give statements or
18 interviews to any U.S. Government agencies?

19 Q: Yes, I did.

20 A: To which agencies?

21 Q: F.B.I.

22 A: Anybody else?

23 Q: Immigration.

24 A: Okay.

25 Q: When they interviewed me.

AMM

1 A. Oh, all right. What did you tell the F.B.I.?

2 Q. I told them a lot of things.

3 A. Such as?

4 Q. I don't remember all what's the report. I like to
5 remember saying that he lived in Chicago and (indiscernible)
6 people and he had got something for the mob.

7 A. Where did you get that?

8 Q. How did I (indiscernible). I lied.

9 A. All right.

10 Q. And the reason why because I was very mad at him,
11 and this was like a week after the incident that happened between
12 me and him. Then I wanted so much revenge on him. It hurts me
13 to say it, I wanted to hurt him badly, very bad I wanted to screw
14 him in any way I could. I knew how (indiscernible).

15 A. Has Hesham ever bought, brought illegal drugs into
16 your home?

17 Q. One time and that was, oh gosh, November 1999,
18 December 1999 and he had received it from a guy at his work at
19 Fast Trip and (indiscernible) ever see. They^x passed the drug
20 around like she can handle people. So like when you see somebody
21 shaking hands, they're not just shaking hands (indiscernible),
22 they're passing you something in the hand. You see it happen.
23 And that's what they would do to all the gas attendants there.
24 (Indiscernible) one of the guys had done that to Hesham and he
25 had brought it home and I had put it in the toilet

AMM

1 (indiscernible).

2 JUDGE TO MR. ABU-ZUBAIDAH

3 Q. What kind of drug was it?

4 A. Marijuana?

5 Q. Okay.

6 JUDGE TO MR. KAY

7 Q. Go ahead.

8 MR. KAY TO MS. ABU-ZUBAIDAH

9 Q. Anything else, any other drugs?

10 A. No.

11 Q. Has he brought any kind of tobaccos into the
12 house?

13 A. There was this tobacco which I took it as hash,
14 but it was not hash. It was shish.

15 Q. What's shisha?

16 A. Seesha is the Arabic tobacco, I believe. I don't
17 know how to really pronounce it, but (indiscernible) as hash.

18 Q. All right. And--

19 A. That's the way I can remember.

20 Q. --what happened to it?

21 A. It was gone.

22 Q. How?

23 A. I don't know. He got rid of it, I guess. I
24 scared him.

25 Q. How do you know what it was?

AMM

1 A. How do I know what it was?

2 JUDGE TO MR. KAY

3 Q. Well she didn't say she exactly knew what it was.
4 She said she thought it was--

5 A. Oh well, but now she says--

6 Q. Just a minute. She said she thought it was
7 hashish but then it wasn't. So, I mean?

8 A. Okay.

9 Q. She then said it was some sort of tobacco.

10 A. All right.

11 MR. KAY TO MS. ABU-ZUBAIDAH

12 Q. Now if Hesham is removed from the United States,
13 oh well we've been over that a little bit. What, okay, what are
14 you doing right now for a living?

15 A. I applied to Apollo (phonetic sp.) College right
16 now.

17 Q. What are you studying?

18 A. Health (indiscernible) examiner.

19 Q. All right.

20 A. I'm trying to better myself.

21 Q. Okay. Would you continue with that if Hesham is
22 removed?

23 A. No. Actually I've spoken, no.

24 Q. What would you do?

25 A. I don't know. I was thinking of dropping out.

AMM

1 Q. All right. What would you, have you given any
2 (indiscernible)--

3 A. (Indiscernible) not doing. Sorry.

4 Q. Have you given any thought to what you would do
5 for a living?

6 A. No. I don't know what I'm going to do. Honestly
7 I don't. I would stay at home. Things aren't the same without
8 Hesham there. I was, I would say I've become more crazy since
9 he's been gone. You can ask my family. I have said things. I
10 have done things. I have, I've said awful things
11 (indiscernible). But I (indiscernible) eventually do, that's why
12 I've taken up counseling. It's (indiscernible). The situation
13 in my (indiscernible) husband.

14 Q. Have you and Hesham--

15 A. Lying. Because I was mad and because I wanted to
16 get back at him. I wanted to hurt him mentally (indiscernible).

17 JUDGE TO MS. ABU-ZUBAIDAH

18 Q. You can take those if you like. Just calm down
19 just a little bit and just sit there, please.

20 JUDGE TO MR. KAY

21 Q. Do you have other questions that you're going to
22 ask her now?

23 A. I'll just ask her if she has anything else she'd
24 like to tell the Court.

25 Q. Okay.

AMM

1 MS. ABU-ZUBAIDAH TO MR. KAY

2 Q. I would like for Hesham to remain here in America.
3 I would like for us to have a new start. I've already talked to
4 his probation office. I told her my goals that what I would like
5 to do with (indiscernible).

6 A. What would you like to do with your lives?

7 Q. Number one, we're having to communicate with each
8 other. And we (indiscernible) block away. He's better at that
9 than I am. I'll tell you that much right now. I can't
10 (indiscernible) violent (indiscernible) shake the person.

11 A. Are you and Hesham planning to have anymore
12 children?

13 Q. We talked about it. We've talked about, you know,
14 having a child (indiscernible) try for a boy because we've got
15 two girls. And I was hoping this one would be a boy. I'd have a
16 girl and a boy (indiscernible) girl just fine.

17 A. All right.

18 MR. KAY TO JUDGE

19 Q. I have nothing further.

20 JUDGE TO MS. FODEN-VENCIL

21 Q. Ms. Foden-Vencil?

22 MS. FODEN-VENCIL TO MS. ABU-ZUBAIDAH

23 Q. Do you recall sending a letter to the Immigration
24 Service in May of last year withdrawing your petition on behalf
25 of your husband?

AMM

1 A. (No audible response).

2 Q. And in that letter you said and I'm going to quote
3 "do to emotional and physical abuse, I can't stay in that
4 marriage anymore and I'm going to file a divorce". What prompted
5 you to write that letter?

6 A. It was because me and Hesham had an argument and I
7 had always held his papers over his head. You know, kind of like
8 the (indiscernible). You don't do this, or if you don't listen
9 to me, I'm going to cancel your papers. I always did
10 (indiscernible)--

11 JUDGE TO MS. ABU-ZUBAIDAH

12 Q. Just a minute.

13 JUDGE FOR THE RECORD

14 We're going to go to the next tape.

15 (OFF THE RECORD)

16 (ON THE RECORD)

17 JUDGE FOR THE RECORD

18 This is tape eight, a continuation of proceedings in
19 matter of Mr. Hesham Abu-Zubaidah.

20 JUDGE TO MS. FODEN-VENCIL

21 Q. Okay, go ahead, Ms. Foden-Vencil.

22 MS. FODEN-VENCIL TO MS. ABU-ZUBAIDAH

23 Q. Now you also stated to the F.B.I. that your
24 husband had slapped you prior to the August of last year
25 incident?

AMM

1 A. Yes, he had slapped me one time. Once in the
2 fāce, but that was because I had punched him in his arm.

3 Q. After the incident in August of last year, did you
4 tell the police that your husband had threatened to take your
5 daughter to Saudi Arabia?

6 A. That was only because I had threatened him that I
7 was going to take his daughter away from him, and that he was
8 going to have to pay child support for her (indiscernible).

9 Q. So did he threaten to take your child to Saudi
10 Arabia?

11 A. Not necessarily in that aspect. He worded it
12 differently.

13 Q. What did he say?

14 A. He said he would take her away (indiscernible)--

15 JUDGE TO MS. ABU-ZUBAIDAH

16 Q. You have to speak up so I can understand you. You
17 said he would take her away but what?

18 A. But he didn't say Saudi Arabia.

19 Q. But he said he would take her away then? Okay.

20 A. Yes.

21 Q. Okay. But he didn't--

22 A. He didn't say Saudi Arabia.

23 Q. Okay.

24 A. I (indiscernible), I was mad. It was very bad
25 (indiscernible).

AMM

1 Q. Okay. But the truth is though that he did say, he
2 did threaten to take her away after you said you would--

3 A. Right. It was like--

4 Q. --keep, get custody of her?

5 A. It was like I threatened him so he threatened me.

6 Q. Okay.

7 A. So we threatened each other, but I had said it
8 first.

9 Q. Okay.

10 JUDGE TO MS. FODEN-VENCIL

11 Q. Go ahead, Ms. Foden-Vencil.

12 MS. FODEN-VENCIL TO MS. ABU-ZUBAIDAH

13 Q. Now with regard to this interview with the F.B.I.,
14 were any of the things you told them the truth?

15 A. Well--

16 Q. Nothing?

17 A. No. At the time when they had interviewed me, I
18 was very mad at him. I wanted to get back at him so bad. Nobody
19 has any idea. I was so hurt.

20 Q. Well you gave them basic information about his
21 family and the names of his siblings. Were those true?

22 A. Yeah, those are his family and then the fight with
23 his dad, that was a fight where, I don't remember the exact
24 situation, but his dad had taken the turban off of his head, they
25 wear over there, the turban, and started whipping Hesham with it

AMM

1 across the back and the face. And his mom had come out to defend
2 her son and he ended up whipping his mother and that's when
3 Hesham (indiscernible).

4 Q. Did Hesham tell you that his brother Hani was a
5 bomb terrorist?

6 A. No. He told me that he was good on computers and
7 that he was going to Paris and he hadn't been in the family for
8 like years and years and years and years and years
9 (indiscernible) ever.

10 Q. Did you tell the F.B.I. that?

11 A. Yes, I did. But it was a lie. Because I wanted
12 to screw him. I'm telling you I was (indiscernible). And it's
13 like no, you're not, you can't but I was like okay, I'll show
14 him.

15 Q. Did you discuss the situation with Christina Hodge
16 with the F.B.I.?

17 A. Yes. I had told them what she had told me.

18 Q. Did you tell them the truth about what happened?

19 A. I told them what she had told me and what happened
20 between me and him, how the fight happened. It was referring to
21 her. That's what I remember telling them.

22 Q. Did you tell them that you told Christina to go
23 ahead and press charges and--

24 A. No.

25 Q. --that you wouldn't be upset?

AMM

1 A. No. I told her that I--

2 JUDGE TO MS. ABU-ZUBAIDAH

3 Q. Did you tell the F.B.I. that, that you told
4 Christina to press charges, that's the question?

5 A. No.

6 Q. Okay. You didn't tell the F.B.I. that? So if
7 they wrote that down, they wrote it down wrong?

8 A. I don't remember saying that.

9 Q. Okay.

10 A. I don't remember saying that.

11 Q. That's fine.

12 JUDGE TO MS. FODEN-VENCIL

13 Q. Go ahead. Go ahead.

14 MS. ABU-ZUBAIDAH TO JUDGE

15 Q. I don't remember saying it.

16 JUDGE TO MS. FODEN-VENCIL

17 Q. Ms. Foden-Vencil, go ahead.

18 MS. FODEN-VENCIL TO MS. ABU-ZUBAIDAH

19 Q. Did you tel them that your husband brought home
20 crack cocaine in a napkin in January 2000?

21 A. Yes, I did.

22 Q. And did that happen?

23 A. No. I wanted to get him in trouble. I always
24 (indiscernible) Christina (indiscernible) F.B.I. agent like in
25 September, October. I think it was October (indiscernible) some

AMM

1 of the things I said on there and (indiscernible) weren't really
2 true. And she goes yeah, you know I could kind of tell that.
3 And I said you know you could kind of tell that I was pretty
4 pissed off at him and I really wanted to get back at him and she
5 said yeah (indiscernible). Because I was. I was so
6 (indiscernible). (Indiscernible) violence counseling
7 (indiscernible). I wish that (indiscernible) never had called
8 because then we wouldn't be here today. We wouldn't be here
9 today (indiscernible).

10 MS. FODEN-VENCIL TO JUDGE

11 Q. I don't have any other questions, Your Honor.

12 JUDGE TO MS. ABU-ZUBAIDAH

13 Q. Well, the concern I have, Ms. Abu-Zubaidah, is
14 that in addition to the assault against you that he was convicted
15 of, he pled no contest to grabbing Christina Hodge's buttocks. I
16 mean and that's something outside of your relationship with him.
17 Did you talk to him about his plea and what he was pleading to in
18 that matter? Do you know--

19 A. I, I--

20 Q. Okay.

21 A. I wasn't very aware of what the charges were
22 exactly.

23 Q. Okay. But you are aware that he did plead no
24 contest and he accepted his guilt--

25 A. Yes, he pleaded no, he pleaded no contest to her

AMM

1 because (indiscernible) supposed to be trial but he ended up
2 pleading guilty to what he had done to me.

3 Q. He pled guilty to what he had done to you?

4 A. Yeah. With the judge (indiscernible), you know,
5 say well if you plead guilty to the (indiscernible) and one of
6 the harassments on Christina then we'll give you two
7 misdemeanors.

8 Q. But do you understand that when, when he pleads no
9 contest legally he's found to have done that. It's not a matter
10 of--

11 A. I did not know that.

12 Q. Okay. So I have to consider that he grabbed her
13 buttocks as a matter of law. I can't decide that he didn't do
14 that. Do you understand that? And I have to decide it because
15 he pled to it. He didn't fight it. He was charged and he didn't
16 fight it.

17 A. I suppose. The thing is, I don't know.

18 Q. Do you have any explanation for that? Is that
19 because apparently he did come up to her when she was cooking the
20 top Ramen and grab her butt?

21 A. I don't believe that. I don't.

22 Q. Okay. Then why would he plead no contest to that
23 then?

24 A. Hesham told me he did not plead guilty to any of
25 her, he would plead guilty to what he did to me. He would not

AMM

1 plead guilty to anything about Christina.

2 Q. Okay. All right then. So he pled no contest and
3 I have to find that he did that. Do you understand that now?

4 A. Yes.

5 Q. Okay. Because that means in this case there's
6 more than just his relationship with you. Do you understand
7 that?

8 A. (No audible response).

9 Q. Okay.

10 JUDGE TO MR. KAY

11 Q. Redirect, Mr. Kay?

12 MR. KAY TO MS. ABU-ZUBAIDAH

13 Q. Did you ever observe any behavior of a sexual
14 nature between your husband and Christina Hodge during the time
15 she was living in your apartment?

16 A. No. None. None whatsoever.

17 MR. KAY TO JUDGE

18 Q. I have nothing further.

19 A. Okay.

20 JUDGE TO MS. FODEN-VENCIL

21 Q. Ms. Foden-Vencil?

22 A. No, Your Honor.

23 Q. Okay.

24 JUDGE TO MS. ABU-ZUBAIDAH

25 Q. You can, you can be excused and you can remain in

AMM

1 the courtroom. Well you can, of course, I mean you don't have to
2 stay in here.

3 JUDGE FOR THE RECORD

4 I am recalling Mr. Abu-Zubaidah as the Court's own
5 witness now.

6 JUDGE TO MR. ABU-ZUBAIDAH

7 Q. Mr. Abu-Zubaidah, you've heard the testimony of
8 your wife. Is your wife telling the truth?

9 A. Yes, Your Honor.

10 Q. Okay. You have?

11 A. Yes.

12 Q. Okay. And so she described the incident of when
13 you grabbed Christina to escort her out the house, correct?

14 INTERPRETER TO JUDGE

15 Q. He doesn't understand the question.

16 A. He? You mean I.

17 MR. ABU-ZUBAIDAH TO JUDGE

18 Q. I don't understand the question.

19 A. Sure. Okay, your wife described the incident when
20 you tried to escort Christina Hodge out of your house. Correct?

21 Q. Yes, she described that he pushed her, yes.

22 JUDGE TO INTERPRETER

23 Q. That he? Are you--

24 A. That I pushed her. I apologize, Your Honor.

25 Q. Okay.

AMM

1 JUDGE TO MR. ABU-ZUBAIDAH

2 Q. But she didn't describe it as you said. And
3 there's no report, nobody's reported that when you grabbed her
4 buttocks is when you escorted her out of the house. Only you
5 have said that and it is clear from your wife's testimony that
6 you didn't grab her buttocks. She was only two feet away, and if
7 you had done that, she would have seen it. So, was your wife
8 telling me the truth about that incident?

9 A. My wife told the truth. She was in the room when
10 the argument first started and then she came out and saw me
11 pushing her. She didn't see me push her. My wife was inside the
12 room.

13 Q. That's now how she described it. So you can't
14 have it both ways. Either your wife isn't telling me the truth
15 or you're not telling me the truth, one or the other. So you
16 tell me who's lying, you or your wife. She said she saw you grab
17 her arm. She said she saw the whole thing. She didn't say she
18 was in another room. She didn't say she came in from another
19 room. She said she was standing right there. I asked her. I
20 asked her all around the circumstances of it and so you tell me
21 is your wife telling me the truth or is your wife lying to me?

22 A. My wife told the truth. If she saw me holding her
23 or pushing her then she saw me holding her or pushing her.

24 Q. But she didn't see you grab her buttocks. She
25 didn't see you come close to doing anything like that. She

AMM

1 didn't see any other action, any other violence and she saw the
2 whole thing. So now, sir, your two stories are not the same, and
3 so I've been doing this a long time and I know when I hear the
4 same story. And there's no other report, nothing else. You were
5 asleep the next morning when Christina Hodge left and that was
6 the end of it. So there's no other story. There's no other
7 report. There's no other grabbing of the buttocks other than
8 what your wife said Christina said and that's the only report
9 that there is. So it appears to me that your earlier testimony
10 was a lie because there was no grabbing of the buttocks in the
11 incident that you described according to your wife.

12 A. When they asked me to plead and what exactly
13 happened, I told them that I grabbed her arm and I grabbed her
14 bottom and I pushed her.

15 Q. Sir, you--

16 A. That's why they--

17 Q. You didn't do that. Because in a no contest plea,
18 you don't have to describe what you did. That's especially what
19 that plea is for. You accept what somebody else reported.
20 There's no other report. Your wife's testimony today is exactly
21 like what's in the reports. The only report. And I am confirmed
22 now in what the report was to the police because the first person
23 that Christina Hodge told of her report was your wife, and there
24 is no other report of grabbing the buttocks. Your statement
25 today was about when you tried to get her out of your apartment

AMM

1 and your wife said it, saw it, and it didn't happen. You didn't
2 grab her butt at that time. Your wife was only two feet away. I
3 asked her all about. Now, so what did you plead no contest to?

4 A. I believe that I pushed her, I grabbed her--

5 JUDGE TO MS. ABU-ZUBAIDAH

6 Q. You cannot say something, ma'am.

7 A. (Indiscernible).

8 Q. Okay.

9 JUDGE TO MR. ABU-ZUBAIDAH

10 Q. I don't believe you're credible and I'm telling
11 you right now in your case, I will determine that you're lying to
12 me. And I think you have an idea what that means to you. I have
13 to say that you and your wife have one of the most difficult
14 relationships that's ever been presented to the Court ever. And
15 it would be an extraordinary matter for the Court to try to
16 overcome all of that. But I have to say you make it very easy.
17 One, because you're lying. And two, you didn't keep yourself to
18 problems with you and your wife. You have pled guilty to
19 intentionally grabbing the buttocks of Christina Hodge, and
20 there's no other report in here, sir. And your statement about
21 this idea of trying to get her out the door now I regard as so
22 much fiction because it didn't hold up when your wife, your
23 witness described the event. And I'm just letting you know that
24 right now. Do you understand that?

25 A. (Untranslated).

AMM

1 Q. Do you want to give any other explanation?

2 A. No explanation. All I need is just one chance to
3 become the best person in this world. All I need is just one
4 chance to live with my wife and my kid. All I need is one chance
5 to correct myself and prove how good I am (indiscernible).

6 Q. Okay. Sir, you realize you haven't taken
7 responsibility yet for what appears to be the truth of the
8 grabbing of Christina Hodge since the event that you described
9 didn't happen the way you described it. You haven't told me yet
10 the true event, what you truly, what you truly did. Do you
11 understand that?

12 A. I understand.

13 Q. Okay.

14 JUDGE TO MR. KAY

15 Q. Mr. Kay, do you have anything else to present in
16 this case?

17 A. May I ask my client one question?

18 Q. You may.

19 MS. FODEN-VENCIL TO MR. ABU-ZUBAIDAH

20 Q. Did you ever and under what circumstances did you
21 touch Christina Hodge in the buttocks?

22 MS. FODEN-VENCIL TO JUDGE

23 Q. I'm going to object, Your Honor.

24 A. Objection sustained.

25 JUDGE TO MR. KAY

AMM

1 Q. It's a compound question.

2 A. Okay.

3 MR. KAY TO MR. ABU-ZUBAIDAH

4 Q. Did you ever touch Christina Hodge in the
5 buttocks?

6 A. Intentionally I didn't. The only time I did is
7 when I pushed her and I held from up and from the bottom and I
8 just pushed her.

9 JUDGE TO MR. ABU-ZUBAIDAH

10 Q. But that, that event didn't occur that way, sir.
11 Your wife described it to me and it didn't occur that way. So
12 either your wife is a liar and I don't think she is. She
13 described it fairly, fairly succinctly and the description that
14 she's given has stayed the same since the summer. Her story has
15 stayed the same. This is the only story about this pushing in
16 the buttocks and you weren't convicted of pushing her in the
17 buttocks by accident. That's not what you were, that's not what
18 you pled to. You didn't plead to that, sir.

19 MR. KAY TO MR. ABU-ZUBAIDAH

20 Q. Why did you--

21 JUDGE TO MR. KAY

22 Q. Just a minute.

23 A. Oh, sorry, Your Honor.

24 Q. Just a minute.

25 JUDGE TO MR. ABU-ZUBAIDAH

AMM

1 Q. It's an intentional action. It's not an accident.
2 And so when you say that it was just an accident or you didn't
3 mean to, that's not what you pled to, sir.

4 MR. KAY TO MR. ABU-ZUBAIDAH

5 Q. Why did you plea--

6 MR. KAY TO JUDGE

7 Q. Oh, may I?

8 A. Yeah, you may. Sure.

9 MR. KAY TO MR. ABU-ZUBAIDAH

10 Q. Why did you plea to Class A harassment?

11 A. I touched myself and (in English)--

12 JUDGE TO MR. ABU-ZUBAIDAH

13 Q. Arabic.

14 MR. ABU-ZUBAIDAH TO MR. KAY

15 Q. I decided to convict myself on my own. I just
16 decided to convict myself of my own, on my own.

17 JUDGE TO MR. ABU-ZUBAIDAH

18 Q. You mean the court and the district attorney and
19 Christina Hodge had nothing to do with convicting you? You just
20 convicted yourself on your own? It was your own choice, sir?
21 That fact that you were charged with felony sex abuse didn't have
22 anything to do with you accepting a plea to a Class A
23 misdemeanor?

24 A. I said that because I know I'm mistaken. I am
25 mistaken and I need a chance to live with my wife and with my

AMM

1 daughter and I did that, said that because I know I made a
2 mistake. I made a mistake and (indiscernible).

3 Q. Did you do it or not?

4 A. Sorry for what I did (in English).

5 Q. So you're saying you're sorry for what you did?

6 And it was just the accident when you were guiding her hand out
7 and you just pushed her and it ended up being her buttocks that
8 you pushed against accidentally, that's your statement then? Is
9 that, do I understand you correctly?

10 A. (No audible response).

11 Q. Yes or no?

12 A. (No audible response).

13 Q. Do I understand your testimony correctly? That's
14 where you're leaving it?

15 A. Your Honor, I admit to my mistake. Just give me
16 one chance. Your Honor, I admit to my mistake.

17 Q. You're not answering my question.

18 MR. KAY TO JUDGE

19 Q. Or mine.

20 JUDGE TO MR. ABU-ZUBAIDAH

21 Q. And when you don't answer my question, I take it
22 as a form of evasiveness.

23 A. Yes, Your Honor (in English).

24 Q. So, and I've told you this already earlier in your
25 testimony so you know what, what I'm getting at. I want you to

AMM

1 tell me, so you still stand by your original testimony which says
2 that you were grabbing her hand or her arm trying to get her out
3 of your apartment when you used your other hand to push her, and
4 it just happened to accidentally with no intention, the push was
5 on her buttocks, and that's your testimony, correct?

6 A. (No audible response).

7 Q. Is that, that's your testimony today, correct?

8 A. (No audible response).

9 Q. Am I correct in understanding your testimony, sir?

10 A. (No audible response).

11 Q. Yes or no? Am I correct, sir?

12 A. (No audible response).

13 Q. If the answer is no then you can explain it. But,
14 am I correct to understand your testimony of that incident?

15 A. I admit that I was mistaken and I admit when I
16 tried to push her I did grab her buttocks to push her out and I
17 made a mistake and I need one chance to live with my wife.

18 Q. You didn't answer my question again. I'm not
19 asking you to repeat. I'm asking do I understand your testimony
20 correctly that you say the incident that you grabbed her buttocks
21 is when you grabbed her arm and tried to escort her out of you're
22 apartment is when you pushed her or grabbed her buttocks to push
23 her out, that is your testimony, sir? That's your testimony
24 about the harassment, about the grabbing of the buttocks, and do
25 I understand you correctly, sir?

AMM

1 A. (No audible response).

2 Q. Do I understand you correctly?

3 A. You understand me clearly. You understand me
4 clearly. I'm sorry for the mistake that I've made and I need my
5 chance to live with my wife and daughter.

6 Q. Okay. But really that's not an admission to
7 anything wrong. You're entitled to have an, and even if the
8 person won't leave, it's your house. You could try to escort
9 them out and that would not show any intent to harass her. And
10 you also understand that your wife contradicts you. That your
11 wife doesn't agree with what you just said. That how you
12 explained it isn't how she explained it.

13 MS. ABU-ZUBAIDAH TO JUDGE

14 Q. (Indiscernible).

15 A. Ma'am, you will be out of this room. You can't
16 sit back there and, I mean now. I don't mean now. I don't mean
17 another chance. I mean now. I've sat through enough of that.

18 JUDGE TO MR. ABU-ZUBAIDAH

19 Q. All right, you understand your wife doesn't agree
20 with you?

21 A. Yes.

22 Q. Okay.

23 JUDGE TO MR. KAY

24 Q. Anything else, Mr. Kay?

25 A. No further questions.

AMM

1 JUDGE TO MS. FODEN-VENCIL

2 Q. Ms. Foden-Vencil?

3 A. No, Your Honor.

4 Q. Okay.

5 JUDGE TO MR. KAY

6 Q. Final argument or statement, Mr. Kay?

7 A. Yes. Statutory eligibility or adjustment on
8 212(h) waiver is dependent on first showing of extreme hardship
9 to a U.S. citizen spouse or parent, a spouse or child--

10 Q. Just a minute.

11 INTERPRETER TO JUDGE

12 Q. Your Honor, I'm sorry. The first part was too
13 fast for me.

14 A. Okay.

15 JUDGE TO MR. KAY

16 Q. Do you want to waive the translation of your, of
17 the final statement that you're going to make?

18 A. I would prefer not to make (indiscernible). I'll
19 speak more slowly.

20 Q. Okay, well then you'll have to do it more slowly
21 then.

22 A. Yeah.

23 Q. It's your, I mean, go ahead.

24 A. Yes.

25 Q. All right.

1 A. Statutory eligibility for adjustment of status
2 with 212(h) waiver depends first on a showing of extreme hardship
3 to a U.S. citizen or LPR immediate relative. In this case, the
4 showing of extreme hardship to Rosalie Abu-Zubaidah, Nautica Abu-
5 Zubaidah and the Abu-Zubaidah's unborn child could not be
6 clearer. Rosalie Abu-Zubaidah has a history of emotional
7 instability, attention deficit disorder and other neurosis which
8 have been exacerbated since the respondent's incarceration and
9 she has testified that her life and that of her daughter's would
10 be completely devastated should her husband be deported.

11 It is unclear how Mrs. Abu-Zubaidah would or could
12 continue with life itself. Her daughter's would never know their
13 father. The 9th Circuit has held that family separation is in
14 the correct circumstances the most critical issue in an
15 assessment of hardship.

16 Q. What about his offending people outside of the
17 family?

18 A. We'll get to that.

19 Q. I mean Mister, well Mr. Kay, but I mean--

20 A. Yeah, I'll get to that, but I want to start with
21 the hardship, Your Honor.

22 Q. Well, let's say I can get through all of that.

23 A. Okay.

24 Q. Let's say the issue of his, of that I've already
25 told--

AMM

1 A. Christina.

2 Q. --you that I think that he's lying and--

3 A. As to the incident--

4 Q. Just a minute. As to the incident and having
5 violated the law in a personal way that is this kind of taking
6 advantage of a 17 year old girl, which is what he pled to, and
7 then not being honest about. I mean isn't there an aspect where
8 that removes--

9 A. Well I think the testimony shows that at least--

10 Q. Just a minute.

11 A. Okay.

12 Q. Isn't there something that that tends to remove
13 his case from just an analysis of the two of them and in fact
14 wasn't it when he beat her was when she, she says I'm sorry I
15 challenged him. But why shouldn't a wife, if she's received a
16 report, challenge her husband and at least require him to answer
17 instead of what she said is he didn't want to talk about it.

18 A. She testified that she's sorry because Christina
19 Hodge isn't believable to begin with.

20 Q. If Christina Hodge is not believable, why did he
21 plead to it?

22 A. Because he did commit some sort of act against
23 her. I recognize that there is a conflict there. But he
24 obviously did something to her and--

25 Q. Well if he can't tell me what--

1 A. --and he accepts responsibility for that. And
2 certainly why would he want to go to trial with him against an
3 American teenager.

4 Q. He accepts responsibility.

5 A. For harassment.

6 Q. But he doesn't tell me, but there's no credible
7 explanation of it?

8 A. It might be that he is, that he is telling the
9 truth and that Rose has forgotten.

10 Q. Well Rose didn't forget, the reports have been
11 consistent since August.

12 A. It's at least possible, Your Honor.

13 Q. Okay. But if you're going with that realm of
14 possibility, I deal in reality and anything is possible.

15 A. But I don't think that we have the absolute truth
16 here as regards the incident with Christina.

17 Q. We don't deal in absolutes.

18 A. We don't know what the truth is.

19 Q. I've got a good idea. Okay.

20 A. All right. But as--

21 Q. He wasn't convicted of accidentally pushing her on
22 the butt trying to get her out of her, his apartment.

23 A. He didn't, he corrected that testimony. He did
24 say it was intentional.

25 Q. Okay. Yeah. But you know he's the only one that

AMM

1 saw it. No other report saw it that way.

2 A. Well he doesn't--

3 Q. There, if there was no report--

4 A. He doesn't deny that he touched her on the
5 buttocks.

6 Q. Well it isn't credible that that's what he pled no
7 contest to because there was no report, there was no affidavit,
8 there was nothing in the criminal proceeding that would support
9 his version that that's what he pled to.

10 A. He wasn't required. When they--

11 Q. Okay. Mr. Kay, I think I understand the criminal
12 procedure pretty well and--

13 A. I know you do, Your Honor.

14 Q. I think you're getting into some deep water if
15 you're going to tell me that he wasn't required to. You're
16 right, he's not required to. But what he does is he accepts that
17 the elements of the crime are met and he accepts legal
18 responsibility. And the only way that those elements are met is
19 based on the affidavit in support of it and the indictment by the
20 grand jury. And his explanation is a total phantom not known or
21 heard by anyone before today. Having been heard today,
22 contradicted by his wife who was two feet away from when he said
23 it happened. Okay? Now that's what he's going with?

24 A. Well, that's his testimony.

25 Q. Okay.

AMM

1 A. I said we weren't having any further testimony so.

2 Q. Okay.

3 A. But in the exercise of discretion, Your Honor,
4 this was one incident. There was obviously a tortured
5 relationship between Christina and Rose--

6 Q. Yet he could have told me that he had an affair
7 with this girl.

8 A. I recognize that.

9 Q. That would have been a little easier for me to try
10 to put the things together.

11 A. But as regards, the, as regards to the other
12 factors, there are still compelling equities here aside from the
13 question of credibility as to this one issue. I'm not sure if
14 the Court is saying all, his entire testimony is not credible?

15 Q. Well his entire testimony has some, is considered
16 compromised by his lack of credibility on a very material matter.

17 A. We don't discount that it's a material matter, but
18 we continue to assert that the other equities in this case are
19 extremely compelling.

20 Q. So that he doesn't, I don't have to get a straight
21 story on the aggravated felony, on the commission of a crime of a
22 sexual nature against a minor and it's not important for that to
23 be crystal clear. It's, he's asking for discretionary relief as
24 well as an extraordinary waiver and I shouldn't get from him a
25 clear unambiguous statement of what happened not contradicted by

1 this other witness, his wife?

2 A. Well that's the problem. His statement is clear.
3 It's just contradicted by his wife.

4 Q. Yeah.

5 A. Right.

6 Q. Sure.

7 A. But he has stuck by his story. He couldn't have
8 been clearer.

9 Q. There's, he never made that statement before.

10 A. That's true.

11 Q. There's no report of that.

12 A. That's also true.

13 Q. Nobody previously reported that the incident of
14 her being escorted out the door of the apartment or his attempt
15 at it was any kind of sexual problem. There was no observation
16 of anything else.

17 A. Well, the harassment statute doesn't require
18 sexual intent, Your Honor.

19 Q. Okay.

20 A. Intent to harass--

21 Q. I understand. But I'm, you're mixing apples and
22 oranges.

23 A. I misunderstood.

24 Q. There's no other support that that incident ever
25 occurred the way that he said. In fact, the facts weren't into

AMM

1 the record until today so he couldn't have been pleading no
2 contest to something only he knew, only he's had in his mind. It
3 was never part of a record before then. That's your problem.

4 A. I don't discount the fact that it's a serious
5 problem.

6 Q. Okay.

7 A. I still maintain that the other equities in this
8 case are so compelling that the positive exercise of discretion
9 is warranted and I recognize an extraordinary case. I know that.

10 Q. Okay.

11 JUDGE TO MR. ABU-ZUBAIDAH

12 Q. You're finished? I'm not taking further
13 testimony.

14 JUDGE TO MS. FODEN-VENCIL

15 Q. Ms. Foden-Vencil?

16 A. Your Honor, in the interest of time, I'll waive
17 closing argument.

18 Q. All right.

19 JUDGE RENDERS ORAL DECISION

20 JUDGE TO MR. KAY

21 Q. Mr. Kay, do you wish to reserve an appeal in this
22 matter?

23 A. Yes, I do, Your Honor.

24 Q. Okay. An appeal is reserved for the respondent
25 until April 26th.

AMM

1 JUDGE TO MS. FODEN-VECIL

2 Q. On behalf of the Immigration Service?

3 A. The Service waives appeal, Your Honor.

4 JUDGE FOR THE RECORD

5 That concludes this matter. This hearing is closed.

6 HEARING CLOSED

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):
 HESHAM ABU-ZUBAIDAH A78-737-342

WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and "A" Numbers of everyone appealing the order must be written in Item #1.

For Official Use Only

2. Applicant/Respondent is currently DETAINED NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated 3/27/02

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The Immigration Judge erred as a matter of law in sustaining charges under INA 237(a)(2)(A)(iii) and INA 237(a)(2)(E)(i). As discussed in the attached brief in support of the motion to dismiss, the Service charged the Respondent as removable under INA s. 237(a)(2)(E)(i) asserting in effect that his Harassment conviction amounts to a "crime of child abuse" and that his Assault IV conviction qualifies as a "crime of domestic violence." The IJ also incorrectly ruled that Respondent's Harassment conviction constituted an "aggravated felony...sexual abuse of a minor" under 237(a)(2)(A)(iii).

None of the convictions which serve as the Service's bases for removal are removable offenses under the law. The Immigration Judge held that, as applied to Respondent 1) Misdemeanor Harassment constitutes an "aggravated felony...sexual abuse of a minor; 2) Misdemeanor Assault IV constitutes a "crime of domestic violence; 3) Misdemeanor Harassment constitutes a "crime of child abuse; 4) Misdemeanor Harassment constitutes a "crime of moral turpitude." These holding are in error as a matter of law.

The Immigration Judge also erred as a matter of law and abused his discretion in finding Respondent's testimony impeached and refusing to consider the hardship to Respondent's US citizen wife and children. The IJ found that the difference in Respondent's and his wife's memory of certain events impeached Respondent, although Respondent's testimony was internally consistent. The Immigration Judge also erred in that he refused to address the discretionary factors at all, resting his decision solely on the mistaken opinion that Respondent lacked credibility in that Respondent and his wife remembered certain events differently.

This appeal is NOT appropriate for affirmance without opinion under 8 CFR 3.1(a)(7) and merits review by a three-member panel for the following reasons:

The Immigration Judge erred as a matter of law in holding that Misdemeanor Harassment constitutes an aggravated felony; that Misdemeanor Harassment constitutes a crime of moral turpitude; that Misdemeanor Harassment constitutes a "crime of child abuse;" that Misdemeanor Assault IV constitutes a "crime of violence." Cases and arguments in support of position are contained in the attached brief. The IJ's refusal to consider ANY equities in this case is reversible error. Matter of Edwards, 20 I&N Dec. 191 (BIA 1990). This error are material and significant, especially in that had the charges under 237(a)(2)(E) and 237(a)(2)(A)(iii) been dismissed, Respondent would not have required a 212(h) waiver.

This appeal raises substantial legal issues. There is a split among IJs as to whether a statute that does not require as an element the use, attempted use, or threatened use of physical force against the person or property of another can serve as a crime of violence for INA 237(a)(2)(E) purposes. The issue of whether a misdemeanor harassment conviction is an aggravated felony or even a crime of sexual abuse is unresolved. The issue of whether harassment is a crime of moral turpitude is a crime of moral

(Attach more sheets if necessary)

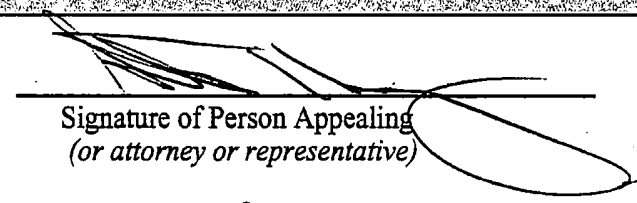
Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

5. I do do not desire oral argument before the Board of Immigration Appeals.

6. I will will not file a separate written brief or statement in addition to the "Reason(s) for Appeal" written above or accompanying this form.

WARNING: Your appeal may be summarily dismissed if you indicate in Item #6 that you will file a separate written brief or statement and within the time set for filing, you fail to file the brief or statement and do not reasonably explain such failure.

 SIGN HERE

7. X 
Signature of Person Appealing
(or attorney or representative)

4-10-02
Date

8. Mailing Address of Applicant(s)/Respondent(s)

HESHAM	ABU-ZUBAIDAH
(Name)	
c/o CCSO; 901 PORT AVENUE	
(Street Address)	
(Apartment or Room Number)	
ST. HELENS	OREGON 97051
(City, State, Zip Code)	

9. Mailing Address of Attorney or Representative

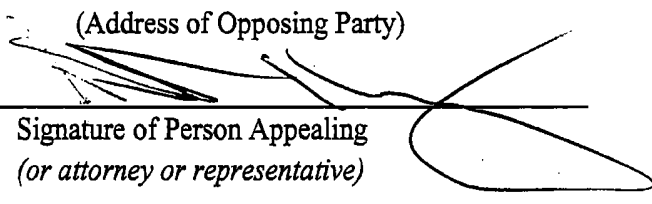
STEVEN L. KAY
PARKER, BUSH & LANE, P.C.
(Name)
1400 S.W. FIFTH AVENUE, SUITE 670
(Street Address)
(Suite or Room Number)
PORTLAND OR 97201
(City, State, Zip Code)

WARNING: An attorney or representative will not be recognized as counsel on appeal and will not receive documents or correspondence in connection with the appeal unless he/she submits a completed Form EOIR-27.

CERTIFICATE OF SERVICE (Must Be Completed)

10. I Steven Kay mailed or delivered a copy of this notice of appeal
(Name)
on 4/10/02 to Thomas Day, District Counsel
(Date) (Opposing Party)
at P.O. BOX 3361; PORTLAND, OR 97208-3361
(Address of Opposing Party)

 SIGN HERE

X 
Signature of Person Appealing
(or attorney or representative)

Have You?

- | | |
|---|---|
| <input type="checkbox"/> Read all of the General Instructions | <input type="checkbox"/> Signed the form |
| <input type="checkbox"/> Provided all of the requested information | <input type="checkbox"/> Served a copy of this form and all attachments on the opposing party |
| <input type="checkbox"/> Completed this form in English | <input type="checkbox"/> Completed and signed the Certificate of Service |
| <input type="checkbox"/> Provided a certified English translation for all non-English attachments | <input type="checkbox"/> Attached the required fee or fee waiver request |

© 1998 SWISS MADE BY
DURABLE



IMMIGRATION COURT
1220 SW THIRD AVENUE, SUITE 218
PORTLAND, OR 97204

In the Matter of

Case No.: A 078/737/342

Abu-Zubaidah, Hesham

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 7/15/10. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion of the case.

- The respondent was ordered removed from the United States to _____.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ in the alternative to _____.
- Respondent's application for voluntary departure was granted until ___/___/___ upon posting a bond in the amount of \$ _____ by: _____ with the alternate order of removal to _____.
- Respondent's application for asylum was () granted () denied () withdrawn.
- Respondent's application for withholding of removal was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(b) was () granted () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.
- Respondent's application for adjustment of status under section _____ of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until ___/___/___.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: Respondent withdraws request to reopen; to pursue matter at the Board of Immigration Appeals.

Date: 7/15/10

Appeal: (WAIVED) (RESERVED) By: (A/ITB)

Appeal Due By: _____

Immigration Judge: [Signature]

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] INS
 DATE: _____ BY: _____ COURT STAFF _____
 Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

SCANNED INTO GEMS
POO

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

Search FYI - MTR
RECEIVED
Office of the Chief Counsel

JUN 10 2010

Portland, OR

DAVID P CHO & ASSOCIATES
CHO, DAVID P
3900 DAIRY RD., UNIT 1-B
MELBOURNE, FL 32904

IN THE MATTER OF
ABU-ZUBAIDAH, HESHAM

FILE A 078-737-342

DATE: 6/9/10

___ UNABLE TO FORWARD - NO ADDRESS PROVIDED

___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
P.O. BOX 8530
FALLS CHURCH, VA 22041

___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

___ OTHER: ORDER ON MOTION TO CHANGE VENUE.

NIZ

COURT CLERK
IMMIGRATION COURT

FF

CC: OFFICE OF CHIEF COUNSEL
1220 SW THIRD AVE., SUITE 618
PORTLAND, OR, 97204

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

In the Matter of:
ABU-ZUBAIDAH, HESHAM

Case No.: A078-737-342
Docket: PORTLAND, OR

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon due consideration of the Motion for Change of Venue filed in the above entitled matter, it is
HEREBY ORDERED

that venue is changed to _____


The Office of the Immigration Judge having administrative control over this hearing location is

Alien's new address is _____

Alien's new attorney/representative (if any) is _____

that the Motion to Change Venue is denied for the following reason(s): Although government did not submit any opposition to Motion until four weeks after it was filed, and two days after court reopened; propriety jurisdiction raised and will be determined by this court.*

the other party had been given notice and an opportunity to respond.


Immigration Judge
Date: June 8, 2010

Appeal: RESERVED/WAIVED (A / I / B)

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] DHS
DATE: 6/9/10 BY: COURT STAFF WZ
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other EOIR - 34

* Counsel may appear telephonically and Respondent's appearance waived. WZ 6-8-10

Sarah
FYI

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

RECEIVED
Office of the Chief Counsel
JUN 10 2010
Portland, OR

DAVID P CHO & ASSOCIATES
CHO, DAVID P
3900 DAIRY RD., UNIT 1-B
MELBOURNE, FL 32904

IN THE MATTER OF
ABU-ZUBAIDAH, HESHAM

FILE A 078-737-342

DATE: 6/9/10

___ UNABLE TO FORWARD - NO ADDRESS PROVIDED

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:
BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
P.O. BOX 8530
FALLS CHURCH, VA 22041

___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
1220 SW THIRD AVE., SUITE 218
PORTLAND, OR 97204

OTHER: _____

COURT CLERK
IMMIGRATION COURT

CC: OFFICE OF CHIEF COUNSEL
1220 SW THIRD AVE., SUITE 618
PORTLAND, OR, 97204

FF

SCANNED INTO GEMS
POO

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of:

Case No.: A 078-737-342

ABU-ZUBAIDAH, HESHAM

Docket: PORTLAND, OR

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of respondent's / applicant's / government's

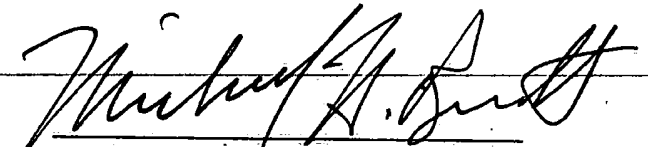
Motion to Reconsider an Immigration Judge's decision

Motion to Reopen proceedings

filed in the above entitled matter, it is HEREBY ORDERED that the motion

be granted.

be denied for the reasons indicated in the attached decision.



Immigration Judge

Date: 

COPY

DOROTHY STEFAN
Chief Counsel
GREGORY FEHLINGS
Deputy Chief Counsel
SARAH C. SCHRECK
Assistant Chief Counsel
U.S. Immigration and Customs Enforcement
Department of Homeland Security
1220 SW Third Avenue, Suite 618
Portland, OR 97204
(503) 326-2059

NON DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

RECEIVED
DEPARTMENT OF JUSTICE
10 JUN -4 PM 2:43
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
PORTLAND, OREGON

In the Matter of:	)	IN REMOVAL PROCEEDINGS
)	
ABU-ZUBAIDAH, Hesham,	)	File No: A78 737 342
)	
Respondent.	)	Immigration Judge: Michael H. Bennett
_____	)	Immigration Hearing: N/A

DEPARTMENT OF HOMELAND SECURITY
OPPOSITION TO MOTION TO REOPEN

The Department of Homeland Security ("DHS"), having reviewed the submissions of Respondent and the procedural history of this matter, hereby opposes Respondent's motion to reopen proceedings. After the Immigration Judge issued a decision in 2002, this matter was appealed to the Board of Immigration Appeals ("Board"). Consequently, jurisdiction for reopening lies with the Board, rather than the Immigration Court.

The relevant procedural history of this case is as follows:

- On February 25, 2002, the Immigration Judge sustained the charges of removability against Respondent, including an aggravated felony charge.
- On March 13, 2002, Respondent filed an interlocutory appeal of this decision with the Board.
- On March 28, 2002, the Board declined to take action on the interlocutory appeal and returned the record to the Immigration Court. (See Ex. A).
- On March 27, 2002, The Immigration Judge denied adjustment of status and ordered Respondent removed to Saudi Arabia. (See Ex. B).
- On April 11, 2002, Respondent filed an appeal of the final decision with the Board.
- On August 1, 2002, the Board affirmed the decision of the Immigration Judge without opinion. (See Ex. C).

Because the final decision of the Immigration Judge was appealed to the Board, jurisdiction remains with the Board for any subsequent motions to reopen. While Respondent properly identified the interlocutory appeal in his motion to reopen, the subsequent case appeal was not acknowledged as clearly. In fact, the Board decision submitted as Respondent's Exhibit B is the Board's summary affirmance of the Immigration Judge's removal order.

In light of the procedural history of this case, the Immigration Court does not have jurisdiction to consider this motion to reopen. However, should the court find that jurisdiction exists, DHS requests an extension of time to file a substantive opposition to the motion.

Dated: June 4, 2010.

Respectfully submitted,

Sarah C. Schreck

Sarah C. Schreck
Assistant Chief Counsel
U.S. Department of Homeland Security

Falls Church, Virginia 22041

File: A78 737 342 - Portland, OR

Date: MAR 28 2002

In re: HESHAM ABU-ZUBAIDAH

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Steven L. Kay, Esquire

IN REMOVAL PROCEEDINGS

The respondent has filed an interlocutory appeal from an Immigration Judge's decision denying a motion to dismiss two charges of removability. To avoid piecemeal review of the myriad of questions which may arise in the course of exclusion and deportation proceedings, this Board does not ordinarily entertain interlocutory appeals. See *Matter of Ruiz-Campuzano*, 17 I&N Dec. 108 (BIA 1979); *Matter of Ku*, 15 I&N Dec. 712 (BIA 1976); *Matter of Sacco*, 15 I&N Dec. 109 (BIA 1974). The same is equally true in removal proceedings. We have, however, on occasion ruled on the merits of interlocutory appeals where we deemed it necessary to address important jurisdictional questions regarding the administration of the immigration laws, or to correct recurring problems in the handling of cases by Immigration Judges. See, e.g., *Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991), and cases cited therein; *Matter of Dobere*, 20 I&N Dec. 188 (BIA 1990). We do not find that the circumstances of this case present a recurring problem involving a significant issue in the administration of the immigration laws which could not be considered on appeal during the regular course of proceedings.

IT IS THEREFORE ORDERED that the record be returned to the Immigration Court without further action.



FOR THE BOARD

IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of

Case No. : A78-737-342

ABU-ZUBAIDAH, HESHAM
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 3-27-02.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative
- Respondent's application for voluntary departure was denied and respondent was ordered removed to Saudi Arabia alternative to _____
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____
- Respondent's application for asylum was () granted () denied () withdrawn.
- Respondent's application for withholding of removal was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA () granted () denied () withdrawn or () other.
- Respondent's application for adjustment of status under section 245 of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: 3-27-02
Appeal: Waived/Reserved Appeal Due By: _____

INS Resp.

4-26-02

Michael H. Bennett
MICHAEL H. BENNETT
Immigration Judge

GPT

EXHIBIT 2 15
PAGE 1 of 2

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: 7-27-02 BY: COURT STAFF [Signature]

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

EXHIBIT 2 16
 PAGE 2 of 2

**U.S. Department of Justice
Executive Office for Immigration Review**

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A78-737-342 - PORTLAND

Date: AUG 01 2002

In re: ABU-ZUBAIDAH, HESHAM

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: STEVEN L. KAY

ON BEHALF OF SERVICE: Jeanne Foden-Vencil, Assistant District Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. *See* 8 C.F.R. § 3.1(a)(7).


FOR THE BOARD

CERTIFICATE OF SERVICE

The undersigned hereby declares as follows:

I am a citizen of the United States over the age of 18 years and not a party to the within-entitled action. I am an employee of the U.S. Department of Homeland Security and my business address is 1220 SW 3rd Ave, Suite 618, Portland, OR 97204.

- I served a true and correct copy of the foregoing document in person.
- I served a true and correct copy of the foregoing document by sending a true copy to him/her by regular mail, postage prepaid, to the following address:

David P. Cho
David P. Cho & Associates
3900 Dairy Road, Unit 1-B
Melbourne, FL 32904

DATED: June 7, 2010 at Portland, Oregon.

Sarah C. Schreck
Sarah C. Schreck
Assistant Chief Counsel
U.S. Immigration and Customs Enforcement

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT, ORLANDO, FLORIDA

In the Matter of: }
 }
HESHAM M. ABU-ZUBAIDAH }
 }
 }
 }
In Removal Proceedings }

File No: A078-737-342

SCANNED INTO GEMS
POO

MOTION TO REOPEN

AND

MOTION TO CHANGE VENUE

David P. Cho, Esq.
David P. Cho & Associates
3900 Dairy Road, Unit 1-B
Melbourne, FL 32904
Tel: (321) 984-0742
Fax: (321) 984-0084

RECEIVED
Office of the Chief Counsel

MAY -7 2010

Portland, OR

David P. Cho & Associates

Immigration & Business Services

3900 Dairy Road
Unit 1-B
Melbourne, FL 32904

Tel: (321) 984-0742
Fax: (321) 984-0086

TABLE OF CONTENTS

Please accept the following documents in support of the Respondent's concurrently filed Motion to Reopen and Motion to Change Venue:

<u>Document</u>	<u>Tab</u>	<u>Page</u>
- Motion Cover Page	--	1
- Table of Contents	--	2
- Form EOIR-28	--	3
- Motion to Reopen	Motion 1	5
- Certificate of Service	Motion 1	8
- Motion to Transfer Case and Change Venue	Motion 2	9
- Certificate of Service	Motion 2	12
- Order	Motion 2	13
- Order of Immigration Judge Dated 03-27-2002	A	15
- Order of the Board of Immigration Appeals Dated 08-01-2002	B	18
- Statement of Criminal Convictions	C	20
- Jose Padilla v. Kentucky, 558 U.S. __ (2010)	C	25
- Marriage Certificate	D	44
- State Identification of Spouse: Jody E. Hammond	D	46
- Birth Certificate of Jody E. Hammond	D	47
- AR-11 Change of Address for Respondent	E	48

Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person: NAME: <u>HESHAM M. ABU ZUBAIDAH</u> (First) (Middle Initial) (Last) ADDRESS: <u>5026 PINWOOD DRIVE, N.E.</u> (Number and Street) (Apt. No.) <u>PALM BAY, FL 32905</u> (City) (State) (Zip Code)	DATE (mm/dd/yy): <u>4/28/2010</u> ALIEN NUMBER(S) and NAME(S) (List lead alien number and all family member alien numbers and names, if applicable. Continue on next page as needed.) A078-737-342
--	--

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia:

Full Name of Court	State Bar No. (if applicable)
<u>NEW YORK Ct. of Appeals</u>	

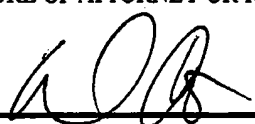
(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization and expiration date of accreditation):

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side).

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Immigration Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

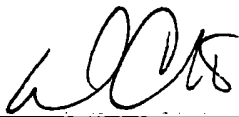
SIGNATURE OF ATTORNEY OR REPRESENTATIVE X 	EOIR ID#	DATE (mm/dd/yy) 4/28/2010
---	----------	----------------------------------

NAME OF ATTORNEY OR REPRESENTATIVE (type or print) DAVID P. CHO	ADDRESS <input type="checkbox"/> Check here if new address 3900 DAIRY ROAD UNIT 1-B MELBOURNE, FL 32904
PHONE NUMBER (with area code) 321-984-0742	FAX NUMBER (with area code) 321-984-0086

Proof of Service

I DAVID CHO (Name) mailed or delivered a copy of the foregoing Form EOIR-28 on 04/28/2010 (Date-mm/dd/yy)

to the DHS (U.S. Immigration and Customs Enforcement - ICE) at 1220 SW 3rd Ave, Ste 618, Portland, OR 97204 (Number and Street, City, State, Zip Code)

X 
Signature of Attorney or Representative

APPEARANCES - An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that appearances for limited purposes are not permitted, unless specifically authorized by the Immigration Judge. A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Further proof of authority to act in a representative capacity may be required.

Indicate type of appearance

I am entering an appearance as attorney or representative in this Form EOIR-28 in the capacity of:

Primary Attorney or Representative Non-primary Attorney or Representative On behalf of _____

Check this box if you are entering your appearance pro bono.

AVAILABILITY OF RECORDS - During the time a case is pending, a party to a proceeding or his/her attorney or representative shall be permitted to examine the Record of Proceeding in the Immigration Court having administrative control over the Record of Proceeding, in accordance with the standard procedures of the Court.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representatives as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

All representatives must comply with the specific requirements to represent aliens before the Board of Immigration Appeals. For more information on the requirements, see 8 C.F.R. § 1292.1 and the particular subsections referenced above as applicable. Note that law students and law graduates must submit additional materials pursuant to 8 C.F.R. § 1292.1(a)(2).

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 28 C.F.R. §§ 16.1 - 16.11 and appendices. For further information about requesting records from the EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available through the EOIR's website at <http://www.usdoj.gov/eoir>.

CASES BEFORE THE EOIR - Automated information about cases before the EOIR is available by calling 1-800-898-7180.

ADDITIONAL INFORMATION:

(Please attach additional sheets of paper if necessary.)

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

David P. Cho & Associates

Immigration & Business Services

3900 Dairy Road
Unit 1-B
Melbourne, FL 32904

Tel: (321) 984-0742
Fax: (321) 984-0086

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT, PORTLAND, OREGON**

In the Matter of: }

File No: **A078-737-342**

HESHAM M. ABU-ZUBAIDAH }

In Removal Proceedings }

Honorable _____

Hearing Date: _____

MOTION TO REOPEN

COMES NOW, Respondent Hesham Mohamed Abu-Zubaidah through counsel David P. Cho, and moves this court to reopen the case against the Respondent and to reexamine the decision of the immigration court judge ordering deportation because of changed circumstances, and in support thereof would show unto this Honorable Court the following, to-wit:

1. On March 27, 2002, the Immigration Judge denied voluntary departure and ordered Respondent removed to Saudi Arabia, a country of which he is not a citizen. A true and accurate copy of the Immigration Court decision is attached as Exhibit "A".

2. Respondent timely filed an interlocutory appeal of the Immigration Court decision to the Board of Immigration Appeals (BIA), but Respondent's interlocutory appeal was denied on March 28, 2002. A true and accurate copy of the BIA's decision is attached as Exhibit "B".

3. Respondent requests a motion to reopen the immigration court case against Respondent pursuant to 8 C.F.R. § 1003.23(b)(4).

4. According to the U.S. Code of Federal Regulations, a motion to reopen may be filed outside the time and number limits only in specific circumstances, that include changed circumstances. See 8 C.F.R. § 1003.23(b)(4).

5. Respondent's removal order is based, in part, on his guilty plea, as part of a plea bargain, of Harassment, a Class A misdemeanor under Oregon statute 166.065, and for Assault IV, a Class A misdemeanor under ORS 163.160. At all time, Respondent maintained throughout the Immigration Court Hearing that he was not advised of the immigration consequences of his plea. The United States Supreme Court has recently held that the attorney of an alien charged with a deportable crime had an obligation to advise the alien that the offense to which the alien was pleading guilty would result in his removal from this country (*Padilla v. Kentucky*, 253 S. W. 3d 482, decided March 10, 2010). A true and correct copy of the Oregon convictions and Supreme Court decision are attached at Exhibit "C"

6. Respondent has been married since May 29, 2009 to a U.S. citizen who is willing to file an I-130 petition for permanent residence on Respondents behalf. Respondent maintains that his marriage is an additional personal changed circumstance that warrants the reopening of his

immigration court case. A true and correct copy of the marriage certificate of May 29, 2009, are attached at Exhibit "D".

7. Respondent has resided continuously in the United States since on or before July 26, 2001, and maintains he is rehabilitated and a person of good moral character, who plead guilty to the crimes of which he is convicted because he had no knowledge of the immigration consequences of his pleas.

8. Respondent maintains that he is eligible for relief from removal, including a waiver under 212(h), and that in light of the recent Supreme Court decision that he court should reexamine and review its decision of March 27, 2002.

9. The interests of justice would be served and not impaired by reopening the case against respondent to examine the evidence of changed circumstances.

WHEREFORE, PREMISES CONSIDERED, Respondent Hesham Mohamed Abu-Zubaidah, through Counsel, David P. Cho, prays that the court reopen the case against Respondent and reexamine the decision of the immigration court judge ordering deportation in light of the changed circumstances. In addition, Respondent requests the court to grant his concurrent motion to change venue to Orlando, Florida.

RESPECTFULLY SUBMITTED, this the 29 day of April, 2010.



David P. Cho

David P. Cho & Associates

Immigration & Business Services

3900 Dairy Road
Unit 1-B
Melbourne, FL 32904

Tel: (321) 984-0742
Fax: (321) 984-0086

CERTIFICATE OF SERVICE

I, David P. Cho, do hereby certify that I have this day served a true and correct copy of the foregoing Motion to Reopen on the following:

Chief Counsel
Immigration and Customs Enforcement
1220 SW Third Avenue
Suite 618
Portland, OR 97204

Immigration Court
Executive Office for Immigration Review
1220 SW Third Avenue
Suite 218
Portland, OR 97204

US Citizenship & Immigration Services
511 NW Broadway
Suite 117
Portland, OR 97209

ON THIS, the 29 day of April, 2010.



David P. Cho

David P. Cho & Associates, Inc.

Immigration & Business Services

3900 Dairy Road
Unit 1-B
Melbourne, FL 32904

Tel: (321) 984-0742
Fax: (321) 984-0086

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT, PORTLAND, OREGON**

In the Matter of: }

File No: A078-737-342

HESHAM M. ABU-ZUBAIDAH }

In Removal Proceedings }

Honorable _____

Hearing Date: _____

MOTION TO TRANSFER CASE AND CHANGE VENUE

COMES NOW, Respondent Hesham Mohamed Abu-Zubaidah through counsel David P. Cho, and concurrently moves this court, along with his motion to reopen the case against Respondent, to transfer the present action and change venue and in support thereof would show unto this Honorable Court the following, to-wit:

1. The Respondent is concurrently filing motion to reopen case based on changed circumstances pursuant to 8 C.F.R. § 1003.23(b)(4).

2. At the commencement of the immigration court case in 2002, Respondent resided in Portland, Oregon.

3. On or about April 29, 2010, Respondent notified the immigration court and the office of the Chief Counsel for DHS, that his address had changed and that he moved to the Orlando Florida immigration court's geographic jurisdiction to Palm Bay, Florida. A true and complete copy of the AR-11 change of address is attached herein at Exhibit "E".

4. The Respondents new domicile and residence – at 5026 Pinewood Drive, N.E., Palm Bay, Florida – is over 1,000 miles from the immigration court in Portland, OR, but only approximately 60 minutes from the immigration court in Orlando, Florida.

5. It would be hardship for respondent to travel to Portland, OR, to appear at an immigration court hearing because the large cost in time and money to travel to Portland from Palm Bay, FL, would be a hardship to Respondent.

6. Respondent respectfully requests transfer of his immigration court file and change of venue from Orlando Immigration Court to the immigration court in Orlando, FL (at 80 N. Hughey Avenue, Suite 203, Orlando, FL 32801) because (i) the Orlando immigration court is local to Alien's residence; (ii) it would be a hardship for Respondent and any character witnesses of Respondent to travel to Immigration Court in Portland, OR, because of time, transportation issues and costs of transportation; and (iii) the interests of justice can be adequately served if the Respondent's case is transferred to the immigration court in Orlando, Florida.

7. Counsel, therefore, request that the Respondent's case be transferred and venue be changed to the Immigration Court in Orlando, and all evidence and paperwork pertaining to Alien's case be forwarded to Immigration Court in Orlando, Florida.

WHEREFORE, PREMISES CONSIDERED, David P. Cho, prays the venue be changed for the proceedings against Respondent Hesham Mohamed Abu-Zubaidah to the Immigration Court in Orlando, Florida.

RESPECTFULLY SUBMITTED, this the 29 day of April, 2010.



David P. Cho

David P. Cho & Associates, Inc.

Immigration & Business Services

3900 Dairy Road
Unit 1-B
Melbourne, FL 32904

Tel: (321) 984-0742

Fax: (321) 984-0086

CERTIFICATE OF SERVICE

I, David P. Cho, do hereby certify that I have this day served a true and correct copy of the foregoing Motion to Withdraw on the following:

Chief Counsel
Immigration and Customs Enforcement
1220 SW Third Avenue
Suite 618
Portland, OR 97204

Immigration Court
Executive Office for Immigration Review
1220 SW Third Avenue
Suite 218
Portland, OR 97204

THIS, the 29 day of April, 2010.



David P. Cho

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT, PORTLAND, OREGON

In the Matter of: Hesham M. Abu-Zubaidah

A Number: A 078-737-342

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondents' Motion to Transfer and Change Venue, it is HEREBY ORDERED that the motion be:

 GRANTED and the case of Hesham M. Abu-Zubaidah be transferred to the EOIR Immigration Court in Orlando, Florida

 DENIED because:

 DHS does not oppose the motion.

 The respondent does not oppose the motion.

 A response to the motion has not been filed with the court.

 Good cause has been established for the motion.

 The court agrees with the reasons stated in the motion.

 Other: _____

Deadlines:

 The application(s) for relief must be filed by _____.

 The respondent must comply with DHS biometrics instructions by _____.

 Other: _____

Date

Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service

To: Respondent Respondent c/o Custodial Officer Respondent's Attorney DHS

Date: _____ By: _____

1046

IMMIGRATION COURT
511 NW BROADWAY, SUITE 354
PORTLAND, OR 97209

In the Matter of

Case No.: A78-737-342

ABU-ZUBAIDAH, HESHAM
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 3-27-02.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative to _____.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to Saudi Arabia as an alternative to _____.
- Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____.
- Respondent's application for asylum was () granted () denied () withdrawn.
- Respondent's application for withholding of removal was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.
- Respondent's application for adjustment of status under section 245 of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: 3-27-02
Appeal: Waived/Reserved Appeal Due By: _____

INS Resp.

4-26-02

Michael H. Bennett
MICHAEL H. BENNETT
Immigration Judge

GPT

EXHIBIT 2 15
PAGE 1 of 2

ALIEN NUMBER: 78-737-3

ALIEN NAME: ABU-ZUBAIDAH,

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: 7-17-02 BY: COURT STAFF [Signature]
Attachments: EOIR-33 EOIR-28 Legal Services List OI

EXHIBIT 2
PAGE 2 of 2 16

1049

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A78-737-342 - PORTLAND

Date: AUG 01 2002

In re: ABU-ZUBAIDAH, HESHAM

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: STEVEN L. KAY

ON BEHALF OF SERVICE: Jeanne Foden-Vencil, Assistant District Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. See 8 C.F.R. § 3.1(a)(7).


FOR THE BOARD

EXHIBIT 1
PAGE 2 of 2 18

1051

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



FILED

05 JUL 27 PM 1:33

CIRCUIT COURT FOR MULTNOMAH COUNTY

In the Circuit Court of the State of Oregon

For the County of Multnomah

STATE OF OREGON,

Plaintiff,

vs.

Hesham Abu-Zubaidah, Defendant.

Case No. 011037045 AFFIDAVIT IN SUPPORT OF MOTION TO SET ASIDE CONVICTION (Exhibit 2)

STATE OF OREGON, County of Multnomah ss.

I, Hesham Abu-Zubaidah, being first duly sworn on oath, depose and say:

I am the defendant in these proceedings. I was convicted by the Court on January 9, 2002 before the Honorable Marshall L. Amton Judge of the Circuit Court. The disposition of my case was as follows: Count 1 ORS 163160 Assault 4 A/MIS, Count 3 ORS 166065 Harassment B/MIS, 3 yrs probation, 60 days jail credit, timed served #65 Unit, Assessment, \$320 Atty. Fees, Counseling-D.V.

I am not under charge of the commission of any crime, nor have I been since the date of my conviction. More than three years have elapsed since pronouncement of judgment. I have not previously had a conviction set aside pursuant to ORS 137.225.

Signature of Hesham Abu-Zubaidah, Defendant. TYPE OR PRINT NAME: Hesham Abu-Zubaidah

Date of birth: 4-28-76

SIGNED AND SWORN TO before me on 7-26-05

Notary Public for Oregon. My Commission Expires club of the card

SIGNATURE OF ATTORNEY/AUTHOR FOR DEFENDANT

Hesham Abu-Zubaidah ATTORNEY'S/AUTHOR'S NAME (TYPED OR PRINTED) BAR NO. (IF ANY)

7733 SE 92nd Ave Apt N. ADDRESS

Portland OR 97266 503-788-3057 CITY STATE ZIP PHONE

FAX (IF ANY) ATTORNEY'S E-MAIL ADDRESS (IF ANY)

TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPED OR PRINTED) BAR NO.

If this document does not bear the name and bar number of an attorney as its author or preparer, truthfully complete the following Certificate of Document Preparation, checking all boxes and completing all blanks which apply.

- A. [X] I selected this document for myself, and I completed it without paid assistance.
B. [] I paid or will pay money to for assistance in preparing this form/document.

DATED 7-27-05

Signature of Hesham Abu-Zubaidah, 20 TYPE OR PRINT NAME

Case Register..... Multnomah Circuit Court
Case#..... 011037045 Oregon State Of/Abu-Zubaidah Hesham
Offense Felony - Assault-4, Sec. 3 - C/FEL

Case Filed Date..... 11/14/01 Starting Instrument.. Information
Case Started Date... 11/15/01 Originating From..... Original filing
1st Appearance Date. 11/15/01 Originating Agency... Portland Police Depart
Ready for Trial..... Originating Agency#.. 0178701
First Setting Date.. 1/07/02 Previous Court.....
Trial Scheduled Date 1/07/02 Previous Court Case#.
Trial Start Date.... Previous Decision....
Length of Trial..... Master Case Number...
Disposition Date.... 1/08/02 Relation to Master...
Final Order Date.... 1/08/02 Termination Stage.... Before trial
Reinstated Date..... Termination Type..... Judgment on Guilty Pl

Citation in Lieu#... Judgment Type..... Docketed Money Judgme
District Attorney... 1280172-D Judgment Status..... Unsatisfied
Booking#..... Judgment Volume/Page.

ROLE PLAINTIFF ATTORNEY
1 Plaintiff Oregon State Of Mc Intyre James

ROLE DEFENDANT
1 Defendant..... Abu-Zubaidah Hesham Birth Dt.. 4/28/76
Also Knwn..... Cpms 653399 Birth Dt..
Also Knwn..... Abu-Zubaidah Hassam Birth Dt..
Sex..... Male Hght/Wght.. 508 140
Drivers License..... Hair.....
Phone#..... Eyes.....
Control#..... 64774271 Race..... Caucasia
Address..... 1801 NE 162ND AV AP 2
PORTLAND OR 97230
4 Crt Appntd..... Sands Bradley E Bar#..... 97094

CHARGING INSTRUMENT
Information Date..... 11/14/01
Status..... Date.....

Count..... 1
5 ORS 163160 Assault-4 A/MIS
Status..... Convicted Date..... 1/08/02
Incident Date..... 8/12/01
Date Charged/Issued. Citation#.
Current Plea..... Security..
Disposition..... 1/08/02 Convicted Plate#....

1 Judgment Susp Imposition Date..... 1/07/02
Status..... Date.....
Judge..... Amiton Marshall L Signed.... 1/07/02
Probation..... 3.00 year(s)
Unitary Assessment.. \$65.00
Attorney Fees..... \$320.00
Condition..... No Contact Victim
Condition..... Counseling-Domestic Violence
** No Assoc/Contact w/Roselee Abu-Zubaidah or

Christina Hodge w/out PO approval; No PO approval required while in custody **

Count..... 2
 2 ORS 163415 Sexual Abuse 3 A/MIS
 Status..... Dismissed Date..... 1/08/02
 Incident Date..... 8/06/01
 Date Charged/Issued. Citation#.
 Current Plea..... Security..
 Disposition..... 1/08/02 Dismissed Plate#....

Count..... 3
 3 ORS 166065 Harassment B/MIS
 Status..... Convicted Date..... 1/08/02
 Incident Date..... 8/06/01
 Date Charged/Issued. Citation#.
 Current Plea..... 1/07/02 Plea Entry No Contest Security..
 Disposition..... 1/08/02 Convicted Plate#....

2 Judgment Susp Imposition Date..... 1/07/02
 Status..... Date.....
 Judge..... Amiton Marshall L Signed.... 1/07/02
 Probation..... 3.00 year(s)
 Jail..... 60.00 day(s) Credit Time Served
 Condition..... No Contact Victim
 ** No Assoc w/Christine Hodge **

Count..... 4
 4 ORS 166065 Harassment B/MIS
 Status..... Dismissed Date..... 1/08/02
 Incident Date..... 8/06/01
 Date Charged/Issued. Citation#.
 Current Plea..... Security..
 Disposition..... 1/08/02 Dismissed Plate#....

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
1	11/14/01	11/14/01 Information			
		DAT 1 Attorney Multnomah Dist			
		10/25/01 Signed			
2	11/14/01	11/14/01 Affidavit Arrest Warrant			
		WITH ATTACHMENTS			
3	11/14/01	11/14/01 Warrant Arrest			
		10/25/01 Signed			
		JUD 1 Kantor Henry			
4	11/15/01	11/15/01 Return Service Arrest Warrant			
		11/14/01 Served			
		Related event # 3			
5	11/16/01	11/15/01 Arraignment			
6	11/16/01	11/15/01 Removed Inactive Status			
7	11/16/01	11/16/01 Hearing Further Pro Scheduled	11/23/01	2:10 PM	JC3
8	11/19/01	11/19/01 Motion Recognizance Release			
9	11/19/01	11/19/01 Order			
		s/o, bail \$150,000			
		11/15/01 Signed			
		JUD 2 Smedema David L			
		Related event # 6			
10	11/19/01	11/15/01 Order Appointing Counsel			

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
		CTA 2 Mc Laren Elizabeth			
	11/15/01	Signed			
		JUD 2 Smedema David L			
11	11/23/01	Dismissed/Information			
12	11/23/01	Indictment			
13	11/23/01	Warrant Arrest			
	11/23/01	Signed			
		JUD 3 Wittmayer John A			
14	11/23/01	Arraignment Scheduled	11/26/01	10:30 AM	JC3
15	11/26/01	Return Service Arrest Warrant			
	11/23/01	Served			
		Related event # 13			
16	11/26/01	Arraignment			
17	11/26/01	Removed Inactive Status			
18	11/26/01	Order to Appear			
		BAIL INCREASE TO \$150,000			
		CTA 2 Mc Laren Elizabeth			
		CTA 2 Mc Laren Elizabeth			
	11/26/01	Signed			
		JUD 4 Albrecht Cheryl A			
19	11/26/01	Call Regular Scheduled	1/04/02	9:00 AM	208
		ARREST: 11/14/01			
		CUSTODY: MCIJ			
20	11/26/01	Trial Scheduled	1/07/02	8:55 AM	208
21	11/27/01	Hearing Substitutio Scheduled	11/29/01	9:00 AM	JC3
		PRIOR REP OF ADVERSE WITNESS			
		CALL 1/04/02 TL 1/07/02			
22	11/29/01	Appearance			
23	11/29/01	Order Change Counsel			
		REMOVE MCLAREN			
		CTA 3 Rieke Forrest N			
	11/29/01	Signed			
		JUD 2 Smedema David L			
24	12/04/01	Notice of Representation			
		CTA 4 Sands Bradley E			
25	12/05/01	Hearing Custody Iss Scheduled	12/06/01	9:15 AM	208
		RELEASE HEARING			
		ARREST: 11/14/01			
		CUSTODY: MCIJ			
		Est length of time 20 Minute(s)			
26	12/06/01	Hearing Custody Iss Scheduled	12/07/01	1:30 PM	TEW
		JUDGE KALBERER IN #318			
		Est length of time 20 Minute(s)			
27	12/07/01	Order Changing Judge			
		Judge Rosenblum disqualified			
	12/06/01	Signed			
		JUD 5 Frankel Kimberly C			
28	12/07/01	Affidavit in Support of Motion			
		Related event # 27			
29	12/10/01	Order			
		CSS Intrvw & Rls, if accptd;			
		Reduce Bail \$15k;			
	12/07/01	Signed			
		JUD 6 Kalberer Donald L			
30	12/21/01	Exhibit			
		Juvenile Records (1")			
31	1/04/02	Trial Scheduled	1/07/02	9:00 AM	TML
		DAY 1 OF 2			

ENTER DT	FILE DT	EVENT/FILING/PROCEEDING	SCHD DT	TIME	ROOM
32	1/04/02	1/04/02 Trial Subsequent Da Scheduled DAY 2 OF 2	1/08/02	9:00 AM	TML
33	1/04/02	1/04/02 Miscellaneous Scheduled RESERVED FOR TRIAL INFORMATION Cancelled: Guilty Plea	1/09/02	9:00 PM	208
34	1/08/02	1/08/02 Order to Enter Plea 1/07/02 Signed JUD 7 Amiton Marshall L			
35	1/08/02	1/07/02 Convicted Lesser Chg			
36	1/08/02	1/07/02 Plea Entry of No Contest Charge # 3			
37	1/08/02	1/07/02 Convicted Charge # 3			
38	1/08/02	1/07/02 Dismissed Charge # 2 Charge # 4			
39	1/08/02	1/08/02 Order SB 936 Applies (suppl) 1/07/02 Signed JUD 7 Amiton Marshall L			
40	1/08/02	1/08/02 Petition No Contest Plea			
41	1/08/02	1/08/02 Notice Advise Appeal Rights			
42	1/08/02	1/08/02 Judgment Suspended Imposition Court Reporter Karen Sailey 1/07/02 Signed JUD 7 Amiton Marshall L Charge# 5/Snt# 1			
43	1/08/02	1/08/02 Docketed Money Judgment 1/07/02 Signed JUD 7 Amiton Marshall L Judgment # 1			
44	1/08/02	1/08/02 Judgment Suspended Imposition 1/07/02 Signed JUD 7 Amiton Marshall L Charge# 3/Snt# 2			
45	1/08/02	1/08/02 Closed			
46	1/08/02	1/08/02 Disposition Reported DEF 1 Abu-Zubaidah Hesham			
47	1/16/02	1/16/02 Exhibit School Records (1/8")			
48	1/23/02	1/23/02 Notice Entry of Judgment DEF 1 Abu-Zubaidah Hesham Charge# 5/Snt# 1			
49	1/23/02	1/23/02 Notice Entry of Judgment DEF 1 Abu-Zubaidah Hesham Charge# 3/Snt# 2			
50	2/11/02	1/08/02 Convicted Lesser Chg			
51	2/11/02	1/08/02 Convicted Lesser Chg Charge # 1			
52	2/11/02	1/08/02 Convicted Charge # 5			
53	2/12/02	1/08/02 Dismissed Charge # 2			
54	2/12/02	1/08/02 Convicted Charge # 3			
55	2/12/02	1/08/02 Dismissed Charge # 4			

***** END OF DATA *****

24

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 08–651

JOSE PADILLA, PETITIONER *v.* KENTUCKY

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
KENTUCKY

[March 31, 2010]

JUSTICE STEVENS delivered the opinion of the Court.

Petitioner Jose Padilla, a native of Honduras, has been a lawful permanent resident of the United States for more than 40 years. Padilla served this Nation with honor as a member of the U. S. Armed Forces during the Vietnam War. He now faces deportation after pleading guilty to the transportation of a large amount of marijuana in his tractor-trailer in the Commonwealth of Kentucky.¹

In this postconviction proceeding, Padilla claims that his counsel not only failed to advise him of this consequence prior to his entering the plea, but also told him that he “did not have to worry about immigration status since he had been in the country so long.” 253 S. W. 3d 482, 483 (Ky. 2008). Padilla relied on his counsel’s erroneous advice when he pleaded guilty to the drug charges that made his deportation virtually mandatory. He alleges that he would have insisted on going to trial if he had not received incorrect advice from his attorney.

Assuming the truth of his allegations, the Supreme

¹Padilla’s crime, like virtually every drug offense except for only the most insignificant marijuana offenses, is a deportable offense under 8 U. S. C. §1227(a)(2)(B)(i).

Opinion of the Court

Court of Kentucky denied Padilla postconviction relief without the benefit of an evidentiary hearing. The court held that the Sixth Amendment's guarantee of effective assistance of counsel does not protect a criminal defendant from erroneous advice about deportation because it is merely a "collateral" consequence of his conviction. *Id.*, at 485. In its view, neither counsel's failure to advise petitioner about the possibility of removal, nor counsel's incorrect advice, could provide a basis for relief.

We granted certiorari, 555 U. S. ___ (2009), to decide whether, as a matter of federal law, Padilla's counsel had an obligation to advise him that the offense to which he was pleading guilty would result in his removal from this country. We agree with Padilla that constitutionally competent counsel would have advised him that his conviction for drug distribution made him subject to automatic deportation. Whether he is entitled to relief depends on whether he has been prejudiced, a matter that we do not address.

I

The landscape of federal immigration law has changed dramatically over the last 90 years. While once there was only a narrow class of deportable offenses and judges wielded broad discretionary authority to prevent deportation, immigration reforms over time have expanded the class of deportable offenses and limited the authority of judges to alleviate the harsh consequences of deportation. The "drastic measure" of deportation or removal, *Fong Haw Tan v. Phelan*, 333 U. S. 6, 10 (1948), is now virtually inevitable for a vast number of noncitizens convicted of crimes.

The Nation's first 100 years was "a period of unimpeded immigration." C. Gordon & H. Rosenfield, *Immigration Law and Procedure* §1.(2)(a), p. 5 (1959). An early effort to empower the President to order the deportation of those

Opinion of the Court

immigrants he “judge[d] dangerous to the peace and safety of the United States,” Act of June 25, 1798, ch. 58, 1 Stat. 571, was short lived and unpopular. Gordon §1.2, at 5. It was not until 1875 that Congress first passed a statute barring convicts and prostitutes from entering the country, Act of Mar. 3, 1875, ch. 141, 18 Stat. 477. Gordon §1.2b, at 6. In 1891, Congress added to the list of excludable persons those “who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude.” Act of Mar. 3, 1891, ch. 551, 26 Stat. 1084.²

The Immigration and Nationality Act of 1917 (1917 Act) brought “radical changes” to our law. S. Rep. No. 1515, 81st Cong., 2d Sess., pp. 54–55 (1950). For the first time in our history, Congress made classes of noncitizens deportable based on conduct committed on American soil. *Id.*, at 55. Section 19 of the 1917 Act authorized the deportation of “any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States” 39 Stat. 889. And §19 also rendered deportable noncitizen recidivists who commit two or more crimes of moral turpitude at any time after entry. *Ibid.* Congress did not, however, define the term “moral turpitude.”

While the 1917 Act was “radical” because it authorized deportation as a consequence of certain convictions, the Act also included a critically important procedural protection to minimize the risk of unjust deportation: At the time of sentencing or within 30 days thereafter, the sentencing judge in both state and federal prosecutions had the power to make a recommendation “that such alien

²In 1907, Congress expanded the class of excluded persons to include individuals who “admit” to having committed a crime of moral turpitude. Act of Feb. 20, 1907, ch. 1134, 34 Stat. 899.

Opinion of the Court

shall not be deported.” *Id.*, at 890.³ This procedure, known as a judicial recommendation against deportation, or JRAD, had the effect of binding the Executive to prevent deportation; the statute was “consistently . . . interpreted as giving the sentencing judge conclusive authority to decide whether a particular conviction should be disregarded as a basis for deportation,” *Janvier v. United States*, 793 F. 2d 449, 452 (CA2 1986). Thus, from 1917 forward, there was no such creature as an automatically deportable offense. Even as the class of deportable offenses expanded, judges retained discretion to ameliorate unjust results on a case-by-case basis.

Although narcotics offenses—such as the offense at issue in this case—provided a distinct basis for deportation as early as 1922,⁴ the JRAD procedure was generally

³As enacted, the statute provided:

“That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within thirty days thereafter, . . . make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this Act.” 1917 Act, 39 Stat. 889–890.

This provision was codified in 8 U. S. C. §1251(b) (1994 ed.) (transferred to §1227 (2006 ed.)). The judge’s nondeportation recommendation was binding on the Secretary of Labor and, later, the Attorney General after control of immigration removal matters was transferred from the former to the latter. See *Janvier v. United States*, 793 F. 2d 449, 452 (CA2 1986).

⁴Congress first identified narcotics offenses as a special category of crimes triggering deportation in the 1922 Narcotic Drug Act. Act of May 26, 1922, ch. 202, 42 Stat. 596. After the 1922 Act took effect, there was some initial confusion over whether a narcotics offense also had to be a crime of moral turpitude for an individual to be deportable. See *Weedin v. Moy Fat*, 8 F. 2d 488, 489 (CA9 1925) (holding that an individual who committed narcotics offense was not deportable because offense did not involve moral turpitude). However, lower courts eventually agreed that the narcotics offense provision was “special,” *Chung*

Opinion of the Court

available to avoid deportation in narcotics convictions. See *United States v. O'Rourke*, 213 F. 2d 759, 762 (CA8 1954). Except for "technical, inadvertent and insignificant violations of the laws relating to narcotics," *ibid.*, it appears that courts treated narcotics offenses as crimes involving moral turpitude for purposes of the 1917 Act's broad JRAD provision. See *ibid.* (recognizing that until 1952 a JRAD in a narcotics case "was effective to prevent deportation" (citing *Dang Nam v. Bryan*, 74 F. 2d 379, 380-381 (CA9 1934))).

In light of both the steady expansion of deportable offenses and the significant ameliorative effect of a JRAD, it is unsurprising that, in the wake of *Strickland v. Washington*, 466 U. S. 668 (1984), the Second Circuit held that the Sixth Amendment right to effective assistance of counsel applies to a JRAD request or lack thereof, see *Janvier*, 793 F. 2d 449. See also *United States v. Castro*, 26 F. 3d 557 (CA5 1994). In its view, seeking a JRAD was "part of the sentencing" process, *Janvier*, 793 F. 2d, at 452, even if deportation itself is a civil action. Under the Second Circuit's reasoning, the impact of a conviction on a noncitizen's ability to remain in the country was a central issue to be resolved during the sentencing process—not merely a collateral matter outside the scope of counsel's duty to provide effective representation.

However, the JRAD procedure is no longer part of our law. Congress first circumscribed the JRAD provision in the 1952 Immigration and Nationality Act (INA),⁵ and in

Que Fong v. Nagle, 15 F. 2d 789, 790 (CA9 1926); thus, a narcotics offense did not need also to be a crime of moral turpitude (or to satisfy other requirements of the 1917 Act) to trigger deportation. See *United States ex rel. Grimaldi v. Ebey*, 12 F. 2d 922, 923 (CA7 1926); *Todaro v. Munster*, 62 F. 2d 963, 964 (CA10 1933).

⁵The Act separately codified the moral turpitude offense provision and the narcotics offense provision within 8 U. S. C. §1251(a) (1994 ed.) under subsections (a)(4) and (a)(11), respectively. See 66 Stat. 201, 204,

Opinion of the Court

1990 Congress entirely eliminated it, 104 Stat. 5050. In 1996, Congress also eliminated the Attorney General's authority to grant discretionary relief from deportation, 110 Stat. 3009–596, an authority that had been exercised to prevent the deportation of over 10,000 noncitizens during the 5-year period prior to 1996, *INS v. St. Cyr*, 533 U. S. 289, 296 (2001). Under contemporary law, if a noncitizen has committed a removable offense after the 1996 effective date of these amendments, his removal is practically inevitable but for the possible exercise of limited remnants of equitable discretion vested in the Attorney General to cancel removal for noncitizens convicted of particular classes of offenses.⁶ See 8 U. S. C. §1229b. Subject to limited exceptions, this discretionary relief is not available for an offense related to trafficking in a controlled substance. See §1101(a)(43)(B); §1228.

These changes to our immigration law have dramatically raised the stakes of a noncitizen's criminal conviction. The importance of accurate legal advice for noncitizens accused of crimes has never been more important. These changes confirm our view that, as a matter of federal law, deportation is an integral part—indeed, sometimes the most important part⁷—of the penalty that may be imposed on noncitizen defendants who plead guilty to specified crimes.

206. The JRAD procedure, codified in 8 U. S. C. §1251(b) (1994 ed.), applied only to the “provisions of subsection (a)(4),” the crimes-of-moral-turpitude provision. 66 Stat. 208; see *United States v. O'Rourke*, 213 F. 2d 759, 762 (CA8 1954) (recognizing that, under the 1952 Act, narcotics offenses were no longer eligible for JRADs).

⁶The changes to our immigration law have also involved a change in nomenclature; the statutory text now uses the term “removal” rather than “deportation.” See *Calcano-Martinez v. INS*, 533 U. S. 348, 350, n. 1 (2001).

⁷See Brief for Asian American Justice Center et al. as *Amici Curiae* 12–27 (providing real-world examples).

Opinion of the Court

II

Before deciding whether to plead guilty, a defendant is entitled to “the effective assistance of competent counsel.” *McMann v. Richardson*, 397 U. S. 759, 771 (1970); *Strickland*, 466 U. S., at 686. The Supreme Court of Kentucky rejected Padilla’s ineffectiveness claim on the ground that the advice he sought about the risk of deportation concerned only collateral matters, *i.e.*, those matters not within the sentencing authority of the state trial court.⁸ 253 S. W. 3d, at 483–484 (citing *Commonwealth v. Fuardado*, 170 S. W. 3d 384 (2005)). In its view, “collateral consequences are outside the scope of representation required by the Sixth Amendment,” and, therefore, the “failure of defense counsel to advise the defendant of possible deportation consequences is not cognizable as a claim for ineffective assistance of counsel.” 253 S. W. 3d, at 483. The Kentucky high court is far from alone in this view.⁹

⁸There is some disagreement among the courts over how to distinguish between direct and collateral consequences. See Roberts, Ignorance is Effectively Bliss: Collateral Consequences, Silence, and Misinformation in the Guilty-Plea Process, 95 Iowa L. Rev. 119, 124, n. 15 (2009). The disagreement over how to apply the direct/collateral distinction has no bearing on the disposition of this case because, as even JUSTICE ALITO agrees, counsel must, at the very least, advise a noncitizen “defendant that a criminal conviction may have adverse immigration consequences,” *post*, at 1 (opinion concurring in judgment). See also *post*, at 14 (“I do not mean to suggest that the Sixth Amendment does no more than require defense counsel to avoid misinformation”). In his concurring opinion, JUSTICE ALITO has thus departed from the strict rule applied by the Supreme Court of Kentucky and in the two federal cases that he cites, *post*, at 2.

⁹See, *e.g.*, *United States v. Gonzalez*, 202 F. 3d 20 (CA1 2000); *United States v. Del Rosario*, 902 F. 2d 55 (CADC 1990); *United States v. Yearwood*, 863 F. 2d 6 (CA4 1988); *Santos-Sanchez v. United States*, 548 F. 3d 327 (CA5 2008); *Broomes v. Ashcroft*, 358 F. 3d 1251 (CA10 2004); *United States v. Campbell*, 778 F. 2d 764 (CA11 1985); *Oyekoya v. State*, 558 So. 2d 990 (Ala. Ct. Crim. App. 1989); *State v. Rosas*, 183

Opinion of the Court

We, however, have never applied a distinction between direct and collateral consequences to define the scope of constitutionally "reasonable professional assistance" required under *Strickland*, 466 U. S., at 689. Whether that distinction is appropriate is a question we need not consider in this case because of the unique nature of deportation.

We have long recognized that deportation is a particularly severe "penalty," *Fong Yue Ting v. United States*, 149 U. S. 698, 740 (1893); but it is not, in a strict sense, a criminal sanction. Although removal proceedings are civil in nature, see *INS v. Lopez-Mendoza*, 468 U. S. 1032, 1038 (1984), deportation is nevertheless intimately related to the criminal process. Our law has enmeshed criminal convictions and the penalty of deportation for nearly a century, see Part I, *supra*, at 2-7. And, importantly, recent changes in our immigration law have made removal nearly an automatic result for a broad class of noncitizen offenders. Thus, we find it "most difficult" to divorce the penalty from the conviction in the deportation context. *United States v. Russell*, 686 F. 2d 35, 38 (CADDC 1982). Moreover, we are quite confident that noncitizen defendants facing a risk of deportation for a particular offense find it even more difficult. See *St. Cyr*, 533 U. S., at 322 ("There can be little doubt that, as a general matter, alien defendants considering whether to enter into a plea agreement are acutely aware of the immigration consequences of their convictions").

Deportation as a consequence of a criminal conviction is, because of its close connection to the criminal process, uniquely difficult to classify as either a direct or a collateral consequence. The collateral versus direct distinction

Ariz. 421, 904 P. 2d 1245 (App. 1995); *State v. Montalban*, 2000-2739 (La. 2/26/02), 810 So. 2d 1106; *Commonwealth v. Frometa*, 520 Pa. 552, 555 A. 2d 92 (1989).

Opinion of the Court

is thus ill-suited to evaluating a *Strickland* claim concerning the specific risk of deportation. We conclude that advice regarding deportation is not categorically removed from the ambit of the Sixth Amendment right to counsel. *Strickland* applies to Padilla's claim.

III

Under *Strickland*, we first determine whether counsel's representation "fell below an objective standard of reasonableness." 466 U. S., at 688. Then we ask whether "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.*, at 694. The first prong—constitutional deficiency—is necessarily linked to the practice and expectations of the legal community: "The proper measure of attorney performance remains simply reasonableness under prevailing professional norms." *Id.*, at 688. We long have recognized that "[p]revailing norms of practice as reflected in American Bar Association standards and the like . . . are guides to determining what is reasonable . . ." *Ibid.*; *Bobby v. Van Hook*, 558 U. S. ____, __ (2009) (*per curiam*) (slip op., at 3); *Florida v. Nixon*, 543 U. S. 175, 191, and n. 6 (2004); *Wiggins v. Smith*, 539 U. S. 510, 524 (2003); *Williams v. Taylor*, 529 U. S. 362, 396 (2000). Although they are "only guides," *Strickland*, 466 U. S., at 688, and not "inexorable commands," *Bobby*, 558 U. S., at ____ (slip op., at 5), these standards may be valuable measures of the prevailing professional norms of effective representation, especially as these standards have been adapted to deal with the intersection of modern criminal prosecutions and immigration law.

The weight of prevailing professional norms supports the view that counsel must advise her client regarding the risk of deportation. National Legal Aid and Defender Assn., Performance Guidelines for Criminal Representation §6.2 (1995); G. Herman, Plea Bargaining §3.03,

Opinion of the Court

pp. 20–21 (1997); Chin & Holmes, *Effective Assistance of Counsel and the Consequences of Guilty Pleas*, 87 *Cornell L. Rev.* 697, 713–718 (2002); A. Campbell, *Law of Sentencing* §13:23, pp. 555, 560 (3d ed. 2004); Dept. of Justice, Office of Justice Programs, 2 *Compendium of Standards for Indigent Defense Systems, Standards for Attorney Performance*, pp. D10, H8–H9, J8 (2000) (providing survey of guidelines across multiple jurisdictions); ABA *Standards for Criminal Justice, Prosecution Function and Defense Function* 4–5.1(a), p. 197 (3d ed. 1993); ABA *Standards for Criminal Justice, Pleas of Guilty* 14–3.2(f), p. 116 (3d ed. 1999). “[A]uthorities of every stripe—including the American Bar Association, criminal defense and public defender organizations, authoritative treatises, and state and city bar publications—universally require defense attorneys to advise as to the risk of deportation consequences for non-citizen clients” Brief for Legal Ethics, Criminal Procedure, and Criminal Law Professors as *Amici Curiae* 12–14 (footnotes omitted) (citing, *inter alia*, National Legal Aid and Defender Assn., *Guidelines, supra*, §§6.2–6.4 (1997); S. Bratton & E. Kelley, *Practice Points: Representing a Noncitizen in a Criminal Case*, 31 *The Champion* 61 (Jan./Feb. 2007); N. Tooby, *Criminal Defense of Immigrants* §1.3 (3d ed. 2003); 2 *Criminal Practice Manual* §§45:3, 45:15 (2009)).

We too have previously recognized that “[p]reserving the client’s right to remain in the United States may be more important to the client than any potential jail sentence.” *St. Cyr*, 533 U. S., at 323 (quoting 3 *Criminal Defense Techniques* §§60A.01, 60A.02[2] (1999)). Likewise, we have recognized that “preserving the possibility of” discretionary relief from deportation under §212(c) of the 1952 INA, 66 Stat. 187, repealed by Congress in 1996, “would have been one of the principal benefits sought by defendants deciding whether to accept a plea offer or instead to proceed to trial.” *St. Cyr*, 533 U. S., at 323. We

Opinion of the Court

expected that counsel who were unaware of the discretionary relief measures would “follo[w] the advice of numerous practice guides” to advise themselves of the importance of this particular form of discretionary relief. *Ibid.*, n. 50.

In the instant case, the terms of the relevant immigration statute are succinct, clear, and explicit in defining the removal consequence for Padilla’s conviction. See 8 U. S. C. §1227(a)(2)(B)(i) (“Any alien who at any time after admission has been convicted of 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 . . . , other than a single offense involving possession for one’s own use of 30 grams or less of marijuana, is deportable”). Padilla’s counsel could have easily determined that his plea would make him eligible for deportation simply from reading the text of the statute, which addresses not some broad classification of crimes but specifically commands removal for all controlled substances convictions except for the most trivial of marijuana possession offenses. Instead, Padilla’s counsel provided him false assurance that his conviction would not result in his removal from this country. This is not a hard case in which to find deficiency: The consequences of Padilla’s plea could easily be determined from reading the removal statute, his deportation was presumptively mandatory, and his counsel’s advice was incorrect.

Immigration law can be complex, and it is a legal specialty of its own. Some members of the bar who represent clients facing criminal charges, in either state or federal court or both, may not be well versed in it. There will, therefore, undoubtedly be numerous situations in which the deportation consequences of a particular plea are unclear or uncertain. The duty of the private practitioner in such cases is more limited. When the law is not succinct and straightforward (as it is in many of the scenarios

Opinion of the Court

posited by JUSTICE ALITO), a criminal defense attorney need do no more than advise a noncitizen client that pending criminal charges may carry a risk of adverse immigration consequences.¹⁰ But when the deportation consequence is truly clear, as it was in this case, the duty to give correct advice is equally clear.

Accepting his allegations as true, Padilla has sufficiently alleged constitutional deficiency to satisfy the first prong of *Strickland*. Whether Padilla is entitled to relief on his claim will depend on whether he can satisfy *Strickland's* second prong, prejudice, a matter we leave to the Kentucky courts to consider in the first instance.

IV

The Solicitor General has urged us to conclude that *Strickland* applies to Padilla's claim only to the extent that he has alleged affirmative misadvice. In the United States' view, "counsel is not constitutionally required to provide advice on matters that will not be decided in the criminal case . . .," though counsel is required to provide accurate advice if she chooses to discuss these matters. Brief for United States as *Amicus Curiae* 10.

Respondent and Padilla both find the Solicitor General's proposed rule unpersuasive, although it has support among the lower courts. See, e.g., *United States v. Couto*, 311 F. 3d 179, 188 (CA2 2002); *United States v. Kwan*, 407 F. 3d 1005 (CA9 2005); *Sparks v. Sowders*, 852 F. 2d 882 (CA6 1988); *United States v. Russell*, 686 F. 2d 35 (CADDC 1982); *State v. Rojas-Martinez*, 2005 UT 86, 125 P. 3d 930, 935; *In re Resendiz*, 25 Cal. 4th 230, 19 P. 3d 1171 (2001). Kentucky describes these decisions isolating an affirmative misadvice claim as "result-driven, incestuous . . .

¹⁰As JUSTICE ALITO explains at length, deportation consequences are often unclear. Lack of clarity in the law, however, does not obviate the need for counsel to say something about the possibility of deportation, even though it will affect the scope and nature of counsel's advice.

Opinion of the Court

[and] completely lacking in legal or rational bases.” Brief for Respondent 31. We do not share that view, but we agree that there is no relevant difference “between an act of commission and an act of omission” in this context. *Id.*, at 30; *Strickland*, 466 U. S., at 690 (“The court must then determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance”); see also *State v. Paredes*, 2004–NMSC–036, 136 N. M. 533, 538–539.

A holding limited to affirmative misadvice would invite two absurd results. First, it would give counsel an incentive to remain silent on matters of great importance, even when answers are readily available. Silence under these circumstances would be fundamentally at odds with the critical obligation of counsel to advise the client of “the advantages and disadvantages of a plea agreement.” *Libretti v. United States*, 516 U. S. 29, 50–51 (1995). When attorneys know that their clients face possible exile from this country and separation from their families, they should not be encouraged to say nothing at all.¹¹ Second, it would deny a class of clients least able to represent themselves the most rudimentary advice on deportation even when it is readily available. It is quintessentially the duty of counsel to provide her client with available advice about an issue like deportation and the failure to do so “clearly satisfies the first prong of the *Strickland* analysis.” *Hill v. Lockhart*, 474 U. S. 52, 62 (1985) (White, J.,

¹¹As the Commonwealth conceded at oral argument, were a defendant’s lawyer to know that a particular offense would result in the client’s deportation and that, upon deportation, the client and his family might well be killed due to circumstances in the client’s home country, any decent attorney would inform the client of the consequences of his plea. Tr. of Oral Arg. 37–38. We think the same result should follow when the stakes are not life and death but merely “banishment or exile,” *Delgadillo v. Carmichael*, 332 U. S. 388, 390–391 (1947).

Opinion of the Court

concurring in judgment).

We have given serious consideration to the concerns that the Solicitor General, respondent, and *amici* have stressed regarding the importance of protecting the finality of convictions obtained through guilty pleas. We confronted a similar “floodgates” concern in *Hill*, see *id.*, at 58, but nevertheless applied *Strickland* to a claim that counsel had failed to advise the client regarding his parole eligibility before he pleaded guilty.¹²

A flood did not follow in that decision’s wake. Surmounting *Strickland*’s high bar is never an easy task. See, e.g., 466 U. S., at 689 (“Judicial scrutiny of counsel’s performance must be highly deferential”); *id.*, at 693 (observing that “[a]ttorney errors . . . are as likely to be utterly harmless in a particular case as they are to be prejudicial”). Moreover, to obtain relief on this type of claim, a petitioner must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. See *Roe v. Flores-Ortega*, 528 U. S. 470, 480, 486 (2000). There is no reason to doubt that lower courts—now quite experienced with applying *Strickland*—can effectively and efficiently use its framework to

¹²However, we concluded that, even though *Strickland* applied to petitioner’s claim, he had not sufficiently alleged prejudice to satisfy *Strickland*’s second prong. *Hill*, 474 U. S., at 59–60. This disposition further underscores the fact that it is often quite difficult for petitioners who have acknowledged their guilt to satisfy *Strickland*’s prejudice prong.

JUSTICE ALITO believes that the Court misreads *Hill*, *post*, at 10–11. In *Hill*, the Court recognized—for the first time—that *Strickland* applies to advice respecting a guilty plea. 474 U. S., at 58 (“We hold, therefore, that the two-part *Strickland v. Washington* test applies to challenges to guilty pleas based on ineffective assistance of counsel”). It is true that *Hill* does not control the question before us. But its import is nevertheless clear. Whether *Strickland* applies to Padilla’s claim follows from *Hill*, regardless of the fact that the *Hill* Court did not resolve the particular question respecting misadvice that was before it.

Opinion of the Court

separate specious claims from those with substantial merit.

It seems unlikely that our decision today will have a significant effect on those convictions already obtained as the result of plea bargains. For at least the past 15 years, professional norms have generally imposed an obligation on counsel to provide advice on the deportation consequences of a client's plea. See, *supra*, at 11–13. We should, therefore, presume that counsel satisfied their obligation to render competent advice at the time their clients considered pleading guilty. *Strickland*, 466 U. S., at 689.

Likewise, although we must be especially careful about recognizing new grounds for attacking the validity of guilty pleas, in the 25 years since we first applied *Strickland* to claims of ineffective assistance at the plea stage, practice has shown that pleas are less frequently the subject of collateral challenges than convictions obtained after a trial. Pleas account for nearly 95% of all criminal convictions.¹³ But they account for only approximately 30% of the habeas petitions filed.¹⁴ The nature of relief secured by a successful collateral challenge to a guilty plea—an opportunity to withdraw the plea and proceed to trial—imposes its own significant limiting principle: Those who collaterally attack their guilty pleas lose the benefit of the bargain obtained as a result of the plea. Thus, a different calculus informs whether it is wise to challenge a

¹³See Dept. of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 2003*, p. 418 (31st ed. 2005) (Table 5.17) (only approximately 5%, or 8,612 out of 68,533, of federal criminal prosecutions go to trial); *id.*, at 450 (Table 5.46) (only approximately 5% of all state felony criminal prosecutions go to trial).

¹⁴See V. Flango, *National Center for State Courts, Habeas Corpus in State and Federal Courts 36–38* (1994) (demonstrating that 5% of defendants whose conviction was the result of a trial account for approximately 70% of the habeas petitions filed).

Opinion of the Court

guilty plea in a habeas proceeding because, ultimately, the challenge may result in a *less favorable* outcome for the defendant, whereas a collateral challenge to a conviction obtained after a jury trial has no similar downside potential.

Finally, informed consideration of possible deportation can only benefit both the State and noncitizen defendants during the plea-bargaining process. By bringing deportation consequences into this process, the defense and prosecution may well be able to reach agreements that better satisfy the interests of both parties. As in this case, a criminal episode may provide the basis for multiple charges, of which only a subset mandate deportation following conviction. Counsel who possess the most rudimentary understanding of the deportation consequences of a particular criminal offense may be able to plea bargain creatively with the prosecutor in order to craft a conviction and sentence that reduce the likelihood of deportation, as by avoiding a conviction for an offense that automatically triggers the removal consequence. At the same time, the threat of deportation may provide the defendant with a powerful incentive to plead guilty to an offense that does not mandate that penalty in exchange for a dismissal of a charge that does.

In sum, we have long recognized that the negotiation of a plea bargain is a critical phase of litigation for purposes of the Sixth Amendment right to effective assistance of counsel. *Hill*, 474 U. S., at 57; see also *Richardson*, 397 U. S., at 770–771. The severity of deportation—“the equivalent of banishment or exile,” *Delgadillo v. Carmichael*, 332 U. S. 388, 390–391 (1947)—only underscores how critical it is for counsel to inform her noncitizen client that he faces a risk of deportation.¹⁵

¹⁵To this end, we find it significant that the plea form currently used in Kentucky courts provides notice of possible immigration conse-

Opinion of the Court

V

It is our responsibility under the Constitution to ensure that no criminal defendant—whether a citizen or not—is left to the “mercies of incompetent counsel.” *Richardson*, 397 U. S., at 771. To satisfy this responsibility, we now hold that counsel must inform her client whether his plea carries a risk of deportation. Our longstanding Sixth Amendment precedents, the seriousness of deportation as a consequence of a criminal plea, and the concomitant impact of deportation on families living lawfully in this country demand no less.

Taking as true the basis for his motion for postconviction relief, we have little difficulty concluding that Padilla has sufficiently alleged that his counsel was constitutionally deficient. Whether Padilla is entitled to relief will depend on whether he can demonstrate prejudice as a result thereof, a question we do not reach because it was not passed on below. See *Verizon Communications Inc. v. FCC*, 535 U. S. 467, 530 (2002).

quences. Ky. Admin. Office of Courts, Motion to Enter Guilty Plea, Form AOC-491 (Rev. 2/2003), <http://courts.ky.gov/NR/rdonlyres/55E1F54E-ED5C-4A30-B1D5-4C43C7ADD63C/0/491.pdf> (as visited Mar. 29, 2010, and available in Clerk of Court’s case file). Further, many States require trial courts to advise defendants of possible immigration consequences. See, e.g., Alaska Rule Crim. Proc. 11(c)(3)(C) (2009–2010); Cal. Penal Code Ann. §1016.5 (West 2008); Conn. Gen. Stat. §54-1j (2009); D. C. Code §16-713 (2001); Fla. Rule Crim. Proc. 3.172(c)(8) (Supp. 2010); Ga. Code Ann. §17-7-93(c) (1997); Haw. Rev. Stat. Ann. §802E-2 (2007); Iowa Rule Crim. Proc. 2.8(2)(b)(3) (Supp. 2009); Md. Rule 4-242 (Lexis 2009); Mass. Gen. Laws, ch. 278, §29D (2009); Minn. Rule Crim. Proc. 15.01 (2009); Mont. Code Ann. §46-12-210 (2009); N. M. Rule Crim. Form 9-406 (2009); N. Y. Crim. Proc. Law Ann. §220.50(7) (West Supp. 2009); N. C. Gen. Stat. Ann. §15A-1022 (Lexis 2007); Ohio Rev. Code Ann. §2943.031 (West 2006); Ore. Rev. Stat. §135.385 (2007); R. I. Gen. Laws §12-12-22 (Lexis Supp. 2008); Tex. Code Ann. Crim. Proc., Art. 26.13(a)(4) (Vernon Supp. 2009); Vt. Stat. Ann., Tit. 13, §6565(c)(1) (Supp. 2009); Wash. Rev. Code §10.40.200 (2008); Wis. Stat. §971.08 (2005–2006).

Opinion of the Court

The judgment of the Supreme Court of Kentucky is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.



10/10/10

Department of Health • Vital Statistics
STATE OF FLORIDA
MARRIAGE RECORD
 TYPE IN UPPER CASE
 USE BLACK INK
 This license not valid unless seal of Clerk, Circuit or County Court, appears thereon.

(STATE FILE NUMBER)

2009 ML 391295
 (APPLICATION NUMBER)

APPLICATION TO MARRY			
1. GROOM'S NAME (First, Middle, Last) HESHAM MOHAMED ABU ZUBAIDAH		2. DATE OF BIRTH (Month, Day, Year) 4/28/1976	
3a. RESIDENCE - CITY, TOWN, OR LOCATION PALM BAY	3b. COUNTY BREVARD	3c. STATE FL	4. BIRTHPLACE (State or Foreign Country) SAUDI ARABIA
5a. BRIDES NAME (First, Middle, Last) JODY ELSA JEAN HAMMOND		5. DATE OF BIRTH (Month, Day, Year) 5/22/1978	
7a. RESIDENCE - CITY, TOWN, OR LOCATION PALM BAY	7b. COUNTY BREVARD	7c. STATE FL	8. BIRTHPLACE (State or Foreign Country) OR
<small>WE THE APPLICANTS NAMED IN THIS CERTIFICATE, EACH FOR HIMSELF OR HERSELF, STATE THAT THE INFORMATION PROVIDED ON THIS RECORD IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR THE ISSUANCE OF A LICENSE TO AUTHORIZE THE SAME IS KNOWN TO US AND HEREBY APPLY FOR LICENSE TO MARRY.</small>			
9. SIGNATURE OF GROOM (Sign with name using black ink) <i>[Signature]</i>		10. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) 05/26/2009	
11. TITLE OF OFFICIAL DEPUTY CLERK		12. SIGNATURE OF OFFICIAL (Sign with name) <i>[Signature]</i> D.C.	
13. SIGNATURE OF BRIDE (Sign full name using black ink) <i>[Signature]</i>		14. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) 05/26/2009	
15. TITLE OF OFFICIAL DEPUTY CLERK		16. SIGNATURE OF OFFICIAL (Sign with name) <i>[Signature]</i> D.C.	
LICENSE TO MARRY			
<small>AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF FLORIDA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF FLORIDA AND TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS. THIS LICENSE MUST BE USED ON OR AFTER THE EFFECTIVE DATE AND ON OR BEFORE THE EXPIRATION DATE IN THE STATE OF FLORIDA IN ORDER TO BE RECORDED AND VALID.</small>			
17. COUNTY ISSUING LICENSE Brevard	18. DATE LICENSE ISSUED 05/26/2009	18a. DATE LICENSE EFFECTIVE 05/29/2009	19. EXPIRATION DATE 07/25/2009
20a. SIGNATURE OF COURT CLERK OR JUDGE <i>[Signature]</i>		20b. TITLE CLERK OF THE CIRCUIT COURT	20c. BY D.C. PJ
CERTIFICATE OF MARRIAGE			
<small>I HEREBY CERTIFY THAT THE ABOVE NAMED GROOM AND BRIDE WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA.</small>			
21. DATE OF MARRIAGE (Month, Day, Year) MAY 29 2009	22. CITY, TOWN, OR LOCATION OF MARRIAGE Metbourne FL		
23a. SIGNATURE OF PERSON PERFORMING CEREMONY (Sign with name) <i>[Signature]</i>		23c. ADDRESS (of person performing ceremony) 51.5 Mirman Ave	
23b. NAME AND TITLE OF PERSON PERFORMING CEREMONY Scott Ellis, Clerk		24. SIGNATURE OF WITNESS TO CEREMONY (Use black ink) <i>[Signature]</i>	
25. SIGNATURE OF WITNESS TO CEREMONY (Use black ink) <i>[Signature]</i>		25. SIGNATURE OF WITNESS TO CEREMONY (Use black ink) <i>[Signature]</i>	



STATE OF FLORIDA, COUNTY OF BREVARD

I HEREBY CERTIFY that the above and foregoing is a true copy of the original filed in this office

SCOTT ELLIS, Clerk Circuit and County Court
 DATED **5/29/09** *[Signature]* D.C.



EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME ABU ZUBAIDAH, HESHAM M

Signature



A# 078-737-342
CARD # MSC0830313795
Birthdate 04/26/1978 Category Sex M
Country of Birth
Sponsor
Terms and Conditions
None

NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM 08/08/08 EXPIRES 08/07/09

(b)(6)

(b)(6)

EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME ABU ZUBAIDAH, HESHAM M



A# 078-737-342

CARD # MSC0830313795

Birthdate Category Sex

04/26/1978 M

Country of Birth

Saudi Arabia

Terms and Conditions


None

NOT VALID FOR REENTRY TO U.S.


CARD VALID FROM 08/08/08 EXPIRES 08/07/09

ISAP

BI Incorporated - 407-855-7379



Hesham Abu-Zubaidah



1082

AR-11, Alien's Change of Address Card

Name (Last in CAPS)	(First Name)	(Middle Name)	I am in the United States as a:
ABU-ZUBAIDAH	HESHAM	M.	<input type="checkbox"/> Visitor <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Student <input checked="" type="checkbox"/> Other (Specify)

Country of Citizenship	Date of Birth (mm/dd/yyyy)	Copy Number From Alien Card
	04/28/1976	A 078-737-342

Present Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
5026 PINEWOOD DRIVE, N.E.	PALM BAY	FL	32905

(If the above address is temporary) I expect to remain there _____ Years _____ Months

Last Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
13224 S.W. SHORE DRIVE	PORTLAND	OR	

I work for or attend school at: (Employer's Name or Name of School)

(Street Address or Rural Route)	(City or Post Office)	(State)	(Zip Code)
---------------------------------	-----------------------	---------	------------

Port of Entry Into U.S.	Date of Entry Into U.S. (mm/dd/yyyy)	If not a Permanent Resident, my stay in the U.S. expires on: (Date - mm/dd/yyyy)
CHICAGO, IL	07/26/1998	

Signature	Date (mm/dd/yyyy)
-----------	-------------------



Form AR-11 (Rev. 10/06/08) Y

AR-11, Alien's Change of Address Card

This card is to be used by all aliens to report a change of address within ten days of such change. The collection of this information is required by Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305). The data is used by U.S. Citizenship and Immigration Services for statistical and record purposes and may be furnished to Federal, State, local and foreign law enforcement officials. Failure to report a change of address is punishable by fine or imprisonment and/or removal.

ADVISORY: This card is not evidence of identity, age, or status claimed.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at five minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0007. Do not mail your application to this address.

Mail Your Form to the Address Shown Below:

<p>Department of Homeland Security U.S. Citizenship and Immigration Services Change of Address P.O. Box 7134 London, KY 40742-7134</p>	<p><i>For commercial overnight or fast freight</i></p> <p>Department of Homeland Security U.S. Citizenship and Immigration Services Change of Address 1084-I South Laurel Road London, KY 40742-7134</p>
--	--

DAVID P CHO & ASSOCIATES INC
3800 DAIRY RD STE 148
MELBOURNE, FL 32904

2127

63-114670

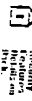
PAY
TO THE
ORDER OF

United States Contractors' Insurance Services
One hundred ten dollar and only

DATE *April 29, 2015*

\$ 110 ⁰⁰/₁₀₀

DOLLARS



Member FDIC

RIVERSIDE BANK

RIVERSIDE NATIONAL BANK OF FLORIDA
1-800-741-3283

FOR DEPOSIT ONLY: A 078.737-342.

⑆002127⑆

⑆1000⑆

David H. Cho

MP

(b)(5)

(b)(5)

(b)(5)

Please Select One Appeal for 078-737-342

Board of Immigration Appeals - Interlocutory Appeal			
ABU-ZUBAIDAH, HESHAM		Gen: 2	SubGen: 1
IJ Decision:	Decision:	Other Comp:	Type: RMV
Appeal Filed: 03/13/2002	By: Alien		Interlocutory Appeal
Custody Status: Detained			
SELECT			

Board of Immigration Appeals - Case Appeal			
ABU-ZUBAIDAH, HESHAM		Gen: 2	SubGen: 1
IJ Decision: 03/27/2002	Decision: Remove	Other Comp:	Type: RMV
Appeal Filed: 04/11/2002	By: Alien		Case Appeal
Custody Status: Detained			
SELECT			

New A Number

Patch Level: Ready for Production Deployment

No JX

Board of Immigration Appeals - Interlocutory Appeal

ANumber: 078-737-342

Lead: 078-737-342

Chg. Doc. Date: 10/04/2001

ABU-ZUBAIDAH, HESHAM

Gen: 2 SubGen: 1

Base City: POO Hearing Location: PDT

Nationality: SAUDI ARABIA

IJ Decision:

Decision: Other Comp:

Type: RMV

Appeal Filed: 03/13/2002

By: Alien IJ

Interlocutory Appea

Custody Status: Detained

----- Briefing Schedule -----

Alien

INS

Served on Parties:

Originally Due:

Currently Due:

Briefs Received:

Oral Arg. Requested:

No

No

To/From Appellate Counsel:

BIA Decision: 03/28/2002 Other

Administrative Final Order: N/A

New A Number

Patch Level: Ready for Production Deployment

Board of Immigration Appeals - Case Appeal

ANumber: 078-737-342 **Lead:** 078-737-342 **Chg. Doc. Date:** 10/04/2001

ABU-ZUBAIDAH, HESHAM **Gen:** 2 **SubGen:** 1
Base City: POO **Hearing Location:** PDT
Nationality: SAUDI ARABIA

IJ Decision: 03/27/2002 **Decision:** Remove **Other Comp:** **Type:** RMV
Appeal Filed: 04/11/2002 **By:** Alien IJ **Case Appea**
Custody Status: Detained

----- **Briefing Schedule** -----

	Alien	INS
Served on Parties:	05/21/2002	05/21/2002
Originally Due:	06/20/2002	06/20/2002
Currently Due:	07/11/2002	07/11/2002
Briefs Received:	07/11/2002	07/11/2002

Oral Arg. Requested: No No

To/From Appellate Counsel:

BIA Decision: 08/01/2002 Summary Affirmance
Aministrative Final Order: Alien has removal order

New A Number

Patch Level: Ready for Production Deployment

(b)(5)

(b)(5)

(b)(5)