Dale L. Wilcox
Michael M. Hethmon
Immigration Reform Law Institute, Inc.
25 Massachusetts Ave. NW, Suite 335
Washington, D.C. 20001
(202) 232-5590
Attorneys for Amicus Curiae Federation for American Immigration Reform

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Amicus Invitation No. 17-01-09 (Material Support Bar)	Case No.: Redacted

REQUEST TO APPEAR AS AMICUS CURIAE AND SUPPLEMENTAL BRIEF OF THE FEDERATION FOR AMERICAN IMMIGRATION REFORM

TABLE OF CONTENTS

I. INTEREST OF AMICUS CURIAE

On behalf of the Federation for American Immigration Reform (FAIR), the Immigration Reform Law Institute (IRLI) respectfully responds to the request by the Board of Immigration Appeals (Board) on January 9, 2017, for supplemental briefing in this matter. FAIR is a nonprofit, public-interest, membership organization of concerned citizens and legal residents who share a common belief that our nation's immigration policies must be reformed to serve the national interest. Specifically, FAIR seeks to improve border security,

stop illegal immigration, and promote immigration levels consistent with the national interest. The Board has solicited *amicus* briefs from FAIR for more than twenty years. *See, e.g.*, *In-re-Q- --M-T-*, 21 I. & N. Dec. 639 (B.I.A. 1996) (citing Timothy J. Cooney, Esquire, Washington, D.C., amicus curiae for FAIR and noting "The Board acknowledges with appreciation the brief submitted by amicus curiae.").

II. ISSUES PRESENTED

The *amicus* has provided supplemental briefing on the following issues for the Board's consideration in the instant case:

- Does the word "material" in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act, have an independent meaning, or is the phrase a term of art in which "material" has no independent meaning?
- Assuming there is a *de minimus* exception to the material support bar, does that exception apply to contributions of money?

III. SUMMARY OF THE FACTS

The amicus invitation states, "Additional information is **not** available in this case."

IV. SUMMARY OF THE ARGUMENT

Congress intended that any alien who affords material support to a terrorist organization is subject to the material support bar to admissibility, even if the alien were otherwise eligible for relief from removal under the asylum and withholding of removal laws. The material support bar has correctly been construed as a very broad civil prohibition, and there is no legislative history to the contrary. Statutory construction, comparison with the criminal and civil sanctions of other antiterrorism legislation which uses the INA definition of engaging in terrorist activity, and syntax all operate to construe "material support" as a

unitary term of art in immigration and antiterrorism law, rather than two separate elements of these statutes.

A review of case precedent indicates that any *de minimus* exception to the material support bar based on funding, contributions or other financial transactions would have to be literally tiny. However, since 2015 the determination of materiality has been transferred by Congress to a waiver application process, whereby aliens who are otherwise admissible or eligible for relief from removal but for the operation of the material support bar must request that DHS, at its sole and unreviewable discretion, administratively waive acts of material support that are insubstantial, limited, or otherwise immaterial. Congress has thus stripped the BIA of jurisdiction to provide relief from the material support bar for *de minimus* acts.

V. ARGUMENT

A. "An act that … affords material support" is best construed as a term of art.

1. Congress intended the material support definition to be very broad in scope.

A "fundamental canon" of statutory construction directs the adjudicator to first consider a statutory phrase, in context, before parsing the individual words of the phrase. *FDA v. Brown and Williamson Tobacco Corp.*, 529 U.S. 120, 132-33 (2000) ("it is a fundamental canon of statutory construction that words of a statute must be read in their context and with a view to their place in the overall statutory scheme.").

The Immigration and Nationality Act ("INA") statutory phrases which identify the types of conduct that constitute "material support" for exclusion purposes are both sweeping and clear. First, The INA defines "engaging in a terrorist activity" to include the commission of "an act that the actor knows, or reasonably should know, affords material support" for terrorist activity or to specified organizations or individuals. INA §§ 212(a)(3)(B)(i)(I),

(a)(3)(B)(iv)(VI). In effect, any alien who affords material support to a terrorist organization is subject to the "material support bar." *Ay v. Holder*, 743 F.3d 317, 319 (2d Cir. 2014). The INA defines [engaging in a terrorist activity] "broadly." *Haile v. Holder*, 658 F.3d 1122, 1126 (9th Cir. 2011); *see also Hussain v. Mukasey*, 518 F.3d 534, 537, (7th Cir. 2008) ("These terms are broad, but they are not vague.").

An alien who has engaged in "terrorist activity" is inadmissible under INA § 212(a)(3)(B)(i)(I) and is barred from establishing eligibility for asylum or withholding of removal, under INA §§ 208(b)(2)(A)(v) and 241(b)(3)(B)(iv). Inadmissibility "results from provision of material support *either* to those who have committed or plan to commit terrorist activity *or* to terrorist organizations." *Singh-Kaur v. Ashcroft*, 385 F.3d 293, 298, (3d Cir. 2004) (citing INA § 212(a)(3)(B)(iv)(VI), 8 U.S.C. § 1182(a)(3)(B)(iv)(VI)). The material support bar does not however preclude *deferral* of removal under the Convention Against Torture. 8 C.F.R. § 1208.17.

Second, "material support" has been construed as affording "general support to a group that had terrorist aims," including support that is "non-violent and tangential to any specific terrorist acts." *Sesay v. AG of the United States*, 787 F.3d 215, 300-01 (3rd Cir. 2015). Congress has designated ten specific but non-exclusive statutory types of material support that make an alien inadmissible:

> [i]ncluding [1] a safe house, [2] transportation, [3] communications, [4] funds, [5] transfer of funds or [6] other material financial benefit, [7] false documentation or identification, [8] weapons (including chemical biological, or radiological weapons), [9] explosives, or [10] training ...."

INA § 212(a)(3)(B)(iv)(VI); *see Hernandez v. Holder*, 579 Fed. Appx. 12, 15 (2nd Cir. 2014). The Third Circuit has suggested that the use by Congress of the term "includes" was "intended to illustrate a broad concept rather than narrowly circumscribe a term." *Singh-*

Kaur, 385 F.3d at 298. In particular, Congress chose to use three overlapping statutory phrases to define excludable types of monetary contributions—"funds, transfer of funds, or other material financial benefit." § 212(a)(3)(B)(iv)(VI). "Funds" and "transfer of funds" are not limited by the word "material" at all. *Id.* All Federal circuit courts to consider the question have also held that the INA material support bar does not include an implied exception for aliens who afforded material support to a terrorist organization under duress, or through involuntary contributions. *See* cases cited in *Matter of M--H--Z--*, 26 I. & N. Dec. 757, 760 (BIA 2016).

Perhaps the best extant summary of the broad construction of "material support" was provided by the Board itself, which has stated that it is "unaware of any legislative history which indicates a limitation on the definition of the term 'material support'" *Matter of S-K-*, 23 I. & N. Dec. 936, 944 (BIA 2006).

2. The context and syntax of "affords material support" indicates the use of a legal term of art.

A comparison of the interrelated civil and criminal provisions of the U.S. Code which sanction "material support" for terrorist organizations or acts illustrates that Congress used "material support" as a unitary element of multiple statutes. First, the use by Congress of the unusual term "affords" rather than "provides" bolsters the view that the phrase "affords material support" is a term of art, and one which is meant to be construed very broadly. When looking at the statutory construction of the INA, the BIA has acknowledged that it should first examine "the language and design of the statute as a whole." *See Matter of M-H-Z-*, 26 I. & N. Dec. 757 (BIA 2016). Congress "generally acts intentionally when it uses

particular language in one section of a statute but omits in another." *Dep't. of Homeland Sec. v. Maclean*, 135 S. Ct. 913, 919 (2015).

Besides INA § 212(a)(3)(B)(iv)(VI), the term "affords" is used in just two other INA sections: INA § 502(e)(1) (8 U.S.C. §1532(e)(1)) ("Establishment of removal court/Establishment of a panel of special attorneys") and INA § 504(e)(3)(D) (8 U.S.C. §1534(e)(3)(D)) ("Removal Hearing/Treatment of classified information"). IRLI notes that both of these sections use "afford" in the sense of making available or constituting an opportunity. In formal legal texts, the use of "affords" indicates a broader context than that of affirmatively "providing" goods or services, a far more common formulation in Title 8.

Second, comparing the broad use of "affords material support" in the INA with the operative phrase "provides material support or resources" used in the federal criminal statutes sanctioning material support for terrorism also supports the view that, within the specialized context of the prevention and prosecution of terrorism, Congress intended the phrase to have a broad meaning as a term of art:

> Whoever *knowingly provides material support or resources to* a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

See 18 U.S.C. § 2339B (2016).

Section 2339B is of course a criminal provision with extra-territorial application which, in order to sanction citizens and noncitizens alike for support given to a terrorist

organization for terrorist activity, includes a criminal *mens rea* element—knowledge that the entity supported is a terrorist organization and engages in terrorist activity. That element is not required for the civil exclusion sanctions under INA § 212(a)(3)(B), the INA non-criminal sub-section defining the material support ground of inadmissibility. However it is relevant that the federal criminal antiterrorist law expressly adopts the definition of "terrorist activity" from INA § 212(a)(3)(B). A "terrorist organization" under both sections 2339A and 2339B is defined by reference to the INA civil definition of a designated Foreign Terrorist Organization (FTO) at INA § 219(a)(1)(B). Section 219(a)(1)(B) includes as one of several FTO definitions an "organization that engages in terrorist activity (as defined in [INA] section 212(a)(3)(B)," which includes affording material support as defined in INA § 212(a)(3)(B)(iv)(VI), the subject of the Board's request for supplemental briefing. Since 2009, to be convicted of criminal material support under §2339B,

> a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

18 U.S.C. § 2339B(a)(1). Under § 2339A, "material support or resources" includes "*any* property, tangible or intangible, or service, *including* currency…." 18 U.S.C. §2339A(a)(b) (emphasis added). Although knowledge that an organization is engaged in terrorist activity is a required element for a criminal material support conviction, it is the contribution itself, and not the amount of a contribution to a terrorist organization that creates liability. *See Boim v. Holy Land Foundation for Relief and Dev.*, 549 F.3d 685, 691 (7th Cir. 2008) ("the fact of

contributing to a terrorist organization rather than the amount of the contribution is the keystone to liability.").

It would be illogical for the BIA to recognize, as it must, that the act of financial contribution regardless of amount would make an alien defendant subject to criminal liability for material support, and then construe the same definitional phrase in INA civil law as exempting the same alien from removal for the same act, especially given that the Board itself acknowledges that Congress provided no textual or legislative historical basis for an implied minimal amount. *Matter of S-K*, 21 I. & N. Dec. at 949.

Third, the syntax of both INA § 212(a)(3)(B) and the criminal material support provisions in 18 U.S.C. §§ 2339A(b) and 2339B(a)(1) also support the view that "material support" is a term of art, rather than two distinct elements of "support" that must also be "material." Had Congress intended to make "material" a separate element for inadmissibility or criminal liability, it would have defined "support for terrorism" generally and distinguished actions that were material or exceptions that were immaterial.

Fourth, the BIA and Courts of Appeals have repeatedly upheld findings by an immigration judge of inadmissibility that treated "material support" as a unitary element, where an alternative analysis based on the existence of two distinct word-elements might have undermined a finding of inadmissibility, given that the quantum of support in these cases was relatively low-level in quantity or value. *See e.g. In re S--K--*, 23 I. & N. Dec. 936, 945-46 (BIA 2006) (finding of "material support" because the alien contributed a total of 1,100 Singapore dollars—approximately USD $ 880—to a terrorist group); *Viegas v. Holder*, 699 F.3d 798, 803 (4th Cir. 2012) (finding of "material support" where the alien "paid dues and hung posters" for a terrorist group); *Barahona v. Holder*, 691 F.3d 349, 351-52, 356 (4th

Cir. 2012) (finding "material support" because the alien, under threat, allowed terrorists to use his kitchen, gave them directions through the jungle, and occasionally allowed them to stay overnight); *Haile*, 658 F.3d at 1129 (finding "material support" where the alien collected funds, passed along secret documents and supplied the terrorist organization with sugar, shoes, and cigarettes); *Hussain v. Mukasey*, 518 F.3d 534, 538 (7th Cir. 2008) (finding "material support" where the alien recruited and solicited funds for a terrorist group); *Bojnoordi v. Holder*, 757 F.3d 1075, 1078 (9th Cir. 2014) (finding "material support" where the alien "passed out flyers, wrote articles, and trained [an Iranian terrorist group's] members on the use of guns … knowing that this training would further [the terrorist group's] goals"). Most recently, the Seventh Circuit again treated "material support" as a unitary element in affirming the removal order of an Ethiopian national based on her funding, transferring funds on behalf of, and recruiting for a terrorist organization:

> Was SAB a terrorist by virtue either of her membership in the OLF or of her having provided "material support" to it? See 8 U.S.C. § 1182(a)(3)(B)(iv)(VI)(dd). *Obviously* she did provide material support: she donated money to the OLF, recruited women to join it, and helped in fundraising. Her support of the group was not major, but *minor material support is still material support within the meaning of the statute*.

SAB v. Boente, __F.3___, at 6 (7th Cir, Feb. 2, 2017) (Posner, J.) (emphasis added).

B. Any "*de minimus*" exception to material support in the form of funds would be very small.

The Board's request for supplemental briefing asks that amicus parties assume there is a *de minimus* exception to the material support bar for monetary contributions. That exception does not exist in the statute itself, but has been discussed in dicta by several Circuit Courts.

1. Case precedent treats all but the tiniest fungible monetary contributions to terrorist activities and organizations as material.

The Second Circuit has recognized the BIA's holding in *Matter of S-K-* 23 I. & N. Dec. 936, 945-46 (BIA 2006) that support is "material if it has …*some effect on the ability of the [terrorist organization] to accomplish its goals*, whether in the form of purchasing weaponry or providing routine supplies to its forces, *for example*." *Hernandez v. Holder*, 579 Fed. Appx. 12, 15 (2d Cir. 2014) (emphasis added). Hernandez was a merchant in an area of Columbia where FARC insurgents were active. *Matter of M-H-Z*, 26 I. & N. Dec. 757, 758-59 (2016). Hernandez gave eleven packages of grocery supplies worth $100 each to the terrorist organization over a period of months, for a total contribution in kind of $1,100. *Id.* The Second Circuit found that an in-kind contribution worth $1,100 was "not *de minimus*" because it "far exceeds the level of support we found material in *Ay*, where the petitioner had provided food, on four or five occasions, and clothing, on one occasion, to members of [a designated terrorist organization] the Kurdistan Workers' Party." *Hernandez* at 15 (citing *Ay v. Holder*, 743 F.3d 317, 319 (2d Cir. 2014)). In *Ay*, the Second Circuit did not identify a precise monetary value for the respondent alien's "far" smaller in-kind contribution to representatives of what he believed to be a terrorist organization. A further clarification to be gleaned from these Second Circuit decisions is that support that is sporadic or infrequent is not *de minimus* on that basis alone.

The Third Circuit has stated that the BIA and Courts of Appeals have not squarely addressed whether a *de minimus* exception exists in the statute, although it noted a 2009 non-precedential BIA decision holding that assistance must be more than *de minimus* in order to give "material" some independent effect. *Sesay v. AG of the United States*, 787 F.3d 215,

221-22 (3rd Cir. 2015) (citing *Matter of L-H-*, 2009 WL 9133770, at *2 (BIA July 10, 2009)).

In *Sesay*, the Respondent argued that the support he provided was so small in size that it was not "material." *Id.* at 221. The Third Circuit called this a "plain meaning" argument, noting Black's Law Dictionary defined "material" as "having some logical connection with the consequential facts" and "of such a nature that knowledge of the item would affect a person's decision-making; significant; essential." *Id.* (citing 10th ed. at 1124 (2014)). The *Sesay* court noted that "material must be ascribed some meaning, pointing out that the BIA had found in *Matter of L-H-* that even if the items taken from the alien—"one packed lunch and the equivalent of about $4 U.S. dollars, which the terrorists expressly stated would be used to buy beer"—constituted "support for the terrorists, it cannot be said to be material." *Id.* at 222.

The Fourth Circuit has also not specified a specific monetary value required to make a payment to a terrorist organization material, but has emphasized that whether a payment is a contribution is determinative: "The BIA [in the decision on appeal] stated, '[W]here a group mandated an amount as a membership fee, we would not classify it as *de minimus*.'" *Viegas v. Holder*, 699 F.3d 798, 800 (4th Cir. 2012). The court also noted *Matter of L-H-*, but distinguished that payment—a "single exchange of a small amount of food and money"—from respondent Viegas' "voluntarily paid dues" contributed "every month for four years." *Id.* at 803. In *Barahona v. Holder*, 691 F.3d 349 (4th Cir. 2012), the Fourth Circuit "assume[d] that Congress did not intend to create an involuntariness exception to the Material Support Bar, otherwise the voluntary support exception to the waiver provision would be rendered superfluous." *Id*. at 355. The *Barahona* decision affirmed a Sept. 2, 2011

BIA non-precedential decision (affirming an IJ decision below) that allowing the Salvadoran terrorist organization FMLN to use the respondent's kitchen and bedroom's sporadically for a year under duress constituted significant material support as a "safe house." *Id*. at 353. More ambiguously, *Barahona* recognized that the BIA decision below had held that "there is no exception in the Material Support Bar for *de minimus* activities on behalf of a terrorist organization." The *Barahona* court did not reverse that holding, although it is not clear from the opinion whether it had been challenged on appeal. *Id.*

The Seventh Circuit has emphasized that the fungible nature of funds which "afford material support" to terrorist organizations supports a very limited scope, if any, for *de minimus* financial contributions. "Especially where assistance as fungible as money is concerned," a respondent has "engaged in terrorist activity even if your support is confined to the nonterrorist activities of the organization." *Hussain v. Mukasey*, 518 F.3d 534, 538, 539 (7th Cir. 2008); *see also Boim v. Holy Land Found. for Relief & Dev.*:

> Anyone who knowingly contributes to the nonviolent wing of an organization that he knows to engage in terrorism is knowingly contributing to the organization's terrorist activities. And that is the only knowledge that can reasonably be required as a premise for liability. To require proof that the donor *intended* that his contribution be used for terrorism--to make a benign intent a defense--would as a practical matter eliminate donor liability except in cases in which the donor was foolish enough to admit his true intent. It would also create a First Amendment Catch-22, as the only basis for inferring intent would in the usual case be a defendant's public declarations of support for the use of violence to achieve political ends.

549 F.3d 685, 698-699 (7th Cir. 2008).

The Ninth Circuit has not directly considered the use of "funds" to afford material support for nonviolent activities of a terrorist organization, but has found that there are no exceptions to the material support bar for "political offenses" committed by "members of

organizations to which our Government might be sympathetic." *Annachamy v. Holder*, 733 F.3d 254, 260 (9th Cir. 2013).

The Eleventh Circuit has found that $300 annual payments of a "vacuna" or protection money to a terrorist organization constituted material support. *Alturo v. United States AG*, 716 F.3d 1310, 1313 (11th Cir. 2013).

Finally, the Supreme Court has referred to the text of the Antiterrorism and Effective Death Penalty Act as expressing the view of Congress that

> [F]oreign organizations that engage in terrorist activity are so tainted by their criminal conduct that *any contribution to such an organization* facilitates that conduct.

Holder v. Humanitarian Law Project, 130 S. Ct. 2705, 2724 (2010) (citing AEDPA §§ 301(a)(1)-(7), 110 Stat. 1247 (1996)).

Significantly, all of these decisions preceded the USCIS 2015 Policy Memo, *see infra*, identifying "insignificant material support" wherein material support is determined to be minimal in amount on a case-by-case basis, but only through a discretionary, non-reviewable agency waiver.

2. Relief based on claims that monetary contributions are minimal is considered under the discretionary waiver authority at INA § 212(a)(3)(B)(iv)(VI)(dd).

Congress provided an express exception to the material support bar for aliens who "demonstrate by clear and convincing evidence that [they] did not know, and should not reasonably have known, that the organization was a terrorist organization." 8 U.S.C. § 1182(a)(3)(B)(iv)(VI)(dd). Congress modulated application of its broad statutory definition of excludable material support

> with a discretionary waiver by executive branch officials. These officials are in a position to judge the characteristics of particular groups engaging in armed resistance in their home countries, as well as the implications for our foreign relations in

determining whether the actions of these groups are terrorist activities.

Khan v. Holder, 584 F.3d 773, 782 (9th Cir. 2009). Congress amended the INA to grant the Secretaries of State and Homeland Security the "sole unreviewable discretion" to waive the material support bar to admission in limited circumstances. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Pub. L. No. 109-13, § 104, 119 Stat. 231, 309 (2005).

The Secretary of Homeland Security then announced that the material support bar could be waived for aliens who provided material support under duress, pursuant to a number of different factors. *See* 72 Fed. Reg. 9958, Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (Mar. 6, 2007) (waiver scheme for Tier III terrorist groups); 72 Fed. Reg. 26138, Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (May 8, 2007) (waiver scheme for Tier I and II terrorist groups).

In 2014, the Secretaries of State and Homeland Security again exercised their statutory discretion to expand the scope of material support for which the agency could waive the inadmissibility bar. *See* 79 Fed. Reg. 6914, Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (Feb. 5, 2014) (waiver authority extended to aliens who provided "limited material support" under "substantial pressure that does not rise to the level of duress"). The 2014 Federal Register notice did not define "limited material support" but stated that it "involves (1) certain routine commercial transactions or certain routine social transactions (i.e., in the satisfaction of certain well-established or verifiable family, social, or cultural obligations), (2) certain humanitarian assistance, or (3) substantial pressure that does not rise to the level of duress, provided,

however, that the alien…" has , *inter alia,* fully disclosed the nature and circumstances of any material support and all relevant contacts to the government and "not provided the material support with any intent or desire to assist any terrorist organization or terrorist activity…." *Id.* at 6915.

Finally, a 2015 USCIS policy memorandum identified activities that the agency, in its exercise of statutory discretion, deems to constitute "insignificant material support." USCIS PM 602-0113, *Implementation of the Discretionary Exemption Authority under Section 212(d)(3)(B)(i) of the INA for the Provision of Certain Insignificant Material Support* (May 8, 2015). Per the Policy Memorandum, material support is "insignificant" only when it is "minimal" in amount. *Id.* at 4. Relative value, fungibility, quantity or volume, and duration or frequency of support are factors to be used for the "minimal in amount" test. The waiver applicant must also demonstrate that he or she reasonably believed the support would be inconsequential in effect." *Id*.

Both Congress and DHS, the agency administering the discretionary waiver program for insignificant or limited material support, have thus recognized since 2015 that cases where novel, partial or otherwise difficult determinations of materiality are at issue, the cases are to be decided by the agencies themselves in unreviewable, case-by-case decisions, pursuant to §212(d)(3)(B)(iv)(dd). That approach falls clearly under the *Chevron* standard of judicial deference to agency interpretations of statutes which they administer. It is thus no longer appropriate for the BIA to directly assess materiality as an element of statutory construction in an appeal from an immigration judge.

VI. CONCLUSION

Amicus FAIR respectfully urges the Board to construe "material support" as a unitary element of the terrorist activity ground for inadmissibility, and to hereafter limit claims for relief from the INA § 212(a)(3)(B)(iv)(VI) bar to admission based on the immateriality, insignificance, or limited nature of such support to non-reviewable applications for a discretionary waiver by DHS pursuant to INA § 212(a)(3)(B)(iv)(VI)(dd).

Respectfully submitted,

Dale L. Wilcox
Michael M. Hethmon
Immigration Reform Law Institute, Inc.
25 Massachusetts Ave, NW, Suite 335
Washington, DC 20001
Phone: 202-232-5590
Fax: 202-464-3590
Email: litigation@irli.org