IN THE
SUPREME COURT OF INDIANA

Cause No. _____

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| NOE ESCAMILLA, | Indiana Court of Appeals |
| | Cause No. 54A01-1506-CT-00602 |
| Appellant/Plaintiff Below, | |
| | Interlocutory Appeal |
| vs. | Montgomery Superior Court No. 1 |
| | |
| SHIEL SEXTON COMPANY, INC., | Cause No. 54D01-1107-CT-00562 |
| | |
| Appellee/Defendant Below. | The Hon. Heather L. Dennison, |
| | Judge |

# BRIEF OF *AMICUS CURIAE* INDIANA CHAPTER OF THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION IN SUPPORT OF PETITION TO TRANSFER

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## QUESTION PRESENTED ON TRANSFER

Whether the Court of Appeals opinion should be reversed because it creates an unworkable evidentiary standard based on a misunderstanding of immigration law.

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## STATEMENT OF INTEREST

The Indiana Chapter of the American Immigration Lawyers Association ("AILA") is the local branch of a voluntary association of attorneys, affiliated with the American Bar Association that seeks to promote justice for foreign nationals and advocate for fair and reasonable immigration law and policy. The Court of Appeals' decision in Escamilla v. Shiel Sexton Company, Inc., __ N.E.3d __, 2016 WL 1255330 (March 31, 2016) rehearing denied ("Opinion") runs counter to those aims as it puts foreign national workers at significant risk that they will not receive just compensation for injuries suffered on the job, and encourages the exploitation of such workers.

The Opinion establishes a new standard declaring an immigrant's status must be considered if the worker is at "any risk of deportation . . . ." Opinion at 15. The Court's focus on "any risk of deportation" is misplaced and contrary to Indiana's evidentiary standards. All foreign nationals in the United States, documented or undocumented, are at risk of a deportation proceeding. But for Mr. Escamilla and other aliens, the risk of deportation is no more significant than other insignificant risks Indiana law does not require be considered in determining lost earning capacity. Even if an alien were subject to the deportation process, there remain many pathways to obtain legal status and remain and work in the United States. Accordingly, the "any risk" standard imposes a level of speculation that does not serve the interests of plaintiffs, counsel, trial courts or juries.

The record reveals such pathways exist for Mr. Escamilla. Accordingly, the "any risk" standard is unworkable. The Opinion neglects to consider an undocumented

immigrant's ability to adjust their immigration status or otherwise remain and work in the U.S. That analysis requires a thorough understanding of the complexities of immigration law — something that is likely to confuse and mislead juries. Requiring juries and experts to focus on immigration law and on a particular worker's future ability to work in the U.S., interposes unreasonable speculation and confusion.

Finally, the Opinion robs foreign national immigrants, who occupy a sizable share of the State's workforce, of significant workplace safety protections as many will be unwilling to risk revelation of their status in order to obtain just compensation for injuries suffered while on the job.

For these reasons the Opinion conflicts with AILA's goals of supporting fair and reasonable immigration law and should be reversed.

## ARGUMENT

The Opinion rests on a misunderstanding of U.S. Immigration law, particularly the deportation process and whether current immigration status is significant with respect to eligibility to remain and work in the U.S. Proper analysis of immigration law indicates the Opinion's new "any risk" relevancy standard is inappropriate and injects complicated and misleading issues into personal injury litigation with the risk of confusing the jury, and fostering speculative expert testimony. Finally, the Opinion weakens workplace safety protections that civil liability for injuries on the job promotes.

## 1. THE COURT OF APPEALS MISUNDERSTOOD NOE ESCAMILLA'S IMMIGRATION STATUS AND ELIGIBILITY FOR FUTURE EMPLOYMENT

### 1.1. Immigrants like Noe Escamilla Are Unlikely to Be Deported

For many reasons, including those correctly noted by Judge Baker, the risk any undocumented worker will be deported is very low. Opinion at 19-22, Baker Dissenting. In 2012, there were an estimated 11.4 million undocumented immigrants in the United States,[1] but only 418,397 removals —less than 4% of the undocumented population.[2] Amicus Add. at Tab A. These removals are not random. In 2015, of the 235,413 undocumented immigrants removed by ICE[3], 59% had previously been convicted of a crime and another 38% were apprehended at or near a U.S. border or port of entry.[4] The remaining 3% of deportees were removed for other reasons.[5] Amicus Add. at Tab B.

Judge Baker also correctly observed that removals are conducted based on tiered priority. Opinion at 20. Priority 1 is comprised of individuals who pose a threat to

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[1] Department of Homeland Security, POPULATION ESTIMATES, ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES: JANUARY 2012 (March 2013), *available at* https://www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012.

[2] Department of Homeland Security, ANNUAL REPORT, IMMIGRATION ENFORCEMENT ACTIONS: 2013 (Sept. 2014), *available at* https://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2013.pdf (Table 6).

[3] Department of Homeland Security, *written testimony of ICE Enforcement and Removal Operations Executive Associate Director Thomas Homan for a Senate Committee on the Judiciary, Subcommittee on Immigration and the National Interest,* (May 19, 2016), *available at:* https://www.dhs.gov/news/2016/05/19/written-testimony-ice-senate-judiciary-subcommittee-immigration-and-national.

[4] Id.

[5] Id.

national security, border security, or public safety.[6] Priority 2 includes of individuals who have been convicted of significant or multiple misdemeanors, those who have significantly abused the visa or visa waiver programs, and those apprehended who unlawfully entered the United States after January 1, 2014.[7] Priority 3 focuses on individuals who have been issued a final order of removal on or after January 1, 2014.[8]

In 2015, 98% of all ICE removals fell within one of those three categories.[9] Just 2%, 4,765 immigrants, did not fit any priority category.[10] Amicus Add. at Tab C. Accordingly, for any undocumented immigrant in the U.S., the risk of deportation is extremely low, and for those like Mr. Escamilla who do not appear to fit any priority, the chance of removal is even lower.

The low chance of deportation is due to the numerous and complex ways that deportation cases are resolved and the many forms of relief available to those subject to the process.

Removal is initiated by filing a Notice to Appear (Form I-862, "NTA") with the Immigration Judge after service on the respondent.[11] The NTA merely alleges the basis for the alien being "removable", it does not mean the individual will be deported. That question is decided through a due process proceeding, and there are many different forms of relief which may permit the alien to remain in the U.S. lawfully.

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[6] Id.
[7] Id.
[8] Id.
[9] Id.
[10] Id.
[11] 8 USC 1229(a); 8 CFR 1003.12; 8 CFR 239.1(a); 8 CFR 1239.1(a), 1240.30, 1240.55.

Nothing in the record suggests that Mr. Escamilla has been served with an NTA, but even if he had, the record does show he has Escamilla filed an "Application to Register Permanent Residence or Adjust Status" with the United States Citizenship and Immigration Services. (Appellant's App. P. 162). As explained by Mr. Escamilla's attorney, Mr. Flora, this is the process for obtaining permanent permission to legally live and work in the U.S. (Appellant's App. Pp. 163 – 167); see 8 USC 1255.

The fact this application has been filed is critical because an Adjustment of Status is one form of relief from potential deportation.[12] Under current guidelines, the Department of Homeland Security has been instructed not to issue an NTA if a petition and adjustment of status application are pending.[13] Even if an NTA had been issued to Mr. Escamilla, the Seventh Circuit has concluded it is an abuse of discretion to deny a continuance in a removal proceeding if the respondent is seeking a status adjustment.[14] Thus, seeking a status adjustment forestalls the start of removal proceedings, delays them if initiated, and will prevent deportation if approved.

With respect to Mr. Escamilla there is nothing in the record to suggest he is likely to be deported. What the record does suggest is that if such proceedings were pending, he would be permitted to proceed with the adjustment of status and have an opportunity to become a lawful permanent resident.

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[12] 8 USC 1255; 8 CFR 245.2(a)(1); 8 CFR 1245.2(a)(1).
[13] John Morton, Asst. Sec. ICE, MEMO, "Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Applications or Petitions", Policy No. 16021.1, FEA No. 054-14 (Aug. 20, 2010), *available at* https://www.ice.gov/doclib/foia/prosecutorial-discretion/handling-removal-proceedings.pdf.
[14] Ceta v. Mukasey, 535 F.3d 639, 647-48 (7th Cir. 2008).

Taking the Opinion's approach and asking whether Mr. Escamilla or another foreign national worker faces "any risk" of deportation does little but condone conjecture as to whether the individual will be deported. Not only is the individual risk of deportation low, the process for those already living and working in the U.S. contains numerous paths to legal status that further reduce that risk. Thus, an "any risk" standard requires experts, counsel, courts and juries to speculate on the immigrant's risk based on a large number of unknown circumstances. The standard is unworkable and unjust, and should be reversed.

### 1.2. The Record Illustrates the Difficulty In Ascertaining Whether Any Alien Worker Is Eligible or Ineligible for a Status Adjustment

The Opinion, by focusing on Mr. Escamilla's risk of deportation, neglects to consider the possibility his status will be adjusted. As an "immediate relative" of a U.S. citizen, his status may be adjusted to lawful permanent resident, authorizing him to remain in the United States without restrictions as to location or type of employment. 8 CFR 274a.12(a)(1). This is true despite previously working without authorization and being in the U.S. in unlawful status, and regardless of misrepresentations to his employer. The facts of the case and the complexity of U.S. Immigration law thus illuminate the difficulty of deeming relevant and admissible an immigrants undocumented status under an "any risk" standard.

Under current U.S. Immigration law, for an immigrant's status to be adjusted, he must be "admissible". 8 USC 1255(a). Whether an immigrant is eligible to have his status adjusted depends in part on whether he is "inadmissible."

There are ten broad categories of "inadmissibility" which serve as grounds for denial of adjustment of status to an otherwise eligible applicant. These include: health-related grounds such as those with communicable diseases, 8 USC 1182(a)(1); criminal grounds such as those convicted of particular crimes, 8 USC 1182(a)(2); security grounds, such as suspected spies and terrorists, 8 USC 1182(a)(3); those considered likely to become a public charge, 8 USC 1182(a)(4); certain persons seeking employment without authorization, 8 USC 1182(a)(5); illegal entrants and immigration violators, 8 USC 1182(a)(6); persons without valid documentation, 8 USC 1182(a)(7); persons ineligible for citizenship, such as certain draft evaders, 8 USC 1182(a)(8); previously removed immigrants, 8 USC 1182(a)(9); and a "Miscellaneous" category including polygamists and persons who renounced their U.S. citizenship to evade taxes. 8 USC 1182(a)(10). Almost all of these statutory grounds contain exceptions to the general rule. Thus, simply because an immigrant falls within one of these broad categories that does not mean she is "inadmissible" and ineligible for a status adjustment.

For example, 8 USC 1182(a)(6)(C)(i) renders those who have made misrepresentations in order to obtain documentation inadmissible. That bar applies, however, only to immigrants who committed fraud or made intentional misrepresentations of material facts to a federal official in order to procure a visa, entry to the U.S., or another benefit provided by the Immigration and Naturalization Act. Id. See also 22 CFR 40.63(a); 9 Foreign Affairs Manual 302.9-4(A). Thus, regardless of

whether Mr. Escamilla presented his employer a social security number that was not his, (Appellant's App. Pp.179 – 181; 230 – 237), that will not result in the denial of his adjustment request.

Moreover, simply because an immigrant may fall within one of the "inadmissible" categories, that does not mean he is automatically ineligible for a status adjustment. 8 USC 1255 contains numerous other exceptions to the general rule regarding admissibility. In Mr. Escamilla's case, one important exception is his marriage to Karina Escamilla, a U.S. citizen. (Appellant's App. Pp. 102-102). As an "immediate relative" of a U.S. citizen Mr. Escamilla's past employment without authorization and past unlawful status do not prohibits or bars him from a status adjustment. 8 USC 1255(c)(2).[15] Thus, Mr. Escamilla, and many like him, fit within an exception to the general prohibition against adjustment of status despite past unauthorized employment or past unlawful presence in the U.S.[16]

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[15] That section

> . . . bars adjustment on any of three grounds involving violation of status. The first relates to accepting unauthorized employment before filing the application; the second, being in unlawful status on the date of filing the application; the third, failing to maintain a lawful status since entry . . . . In none of these cases does the bar apply if the applicant is an immediate relative of a U.S. citizen . . . .

4 Charles Gordon, et al., *Immigration Law and Procedure*, §51.04[4][a] (Matthew Bender, Rev. Ed.).

[16] The fact that Mr. Escamilla is married to a U.S. citizen also has implications for whether he is "inadmissible". 8 USC 1182(a)(5) generally deems inadmissible immigrants seeking to "enter the United States for the purpose of performing skilled or unskilled labor . . . ." That exclusion would not apply because the basis for Mr. Escamilla's request to be admitted to the United States is not for the purpose of working, but his marriage to Karina Escamilla. (Appellant's App. at 102). That

A review of the *known* circumstances of Mr. Escamilla's immigration status and employment history in the record reveals he is likely admissible and eligible for a status adjustment which would make him a lawful permanent resident, eligible to remain and work in the United States. Missing this point represents a significant error in the Opinion. Relying on the assumption that Mr. Escamilla is at risk of deportation, and not considering whether he might otherwise be eligible to legally live and work in the U.S. in the future, the Opinion not only applies an incomplete legal analysis to the immigration issues, but reaches a conclusion which mandates that expert witnesses, counsel, courts and juries take into consideration an extremely complicated and uncertain set of law and facts in order to reach a speculative result.

## 2. The Opinion Establishes an Evidentiary Standard Inconsistent with the Rules of Evidence

### 2.1. The "Any Risk" of Deportation Standard Ignores the Rule 403 Balancing Test

The Opinion's conclusion that immigration status is admissible so long as there is "any risk" of deportation ignores the Rule 403 balancing test. In determining admissibility of evidence, Rule 403 requires a court to consider not only whether the evidence is relevance, but also whether its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. Ind. Evidence Rule 403; Sears Roebuck and Co. v. Manuilov, 752 N.E.2d 453, 457 (Ind. 2001). The "any risk" standard articulated in the Opinion is inconsistent with this mandate

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statutory provision is thus an inappropriate factor to consider as to his risk of deportation.

because it deems the probative value prong satisfied no matter how unlikely the risk of deportation.

If Mr. Escamilla's immigration status, U.S immigration law generally, and deportation and adjustment processes specifically are properly understood, it is clear from the known facts that the risk of deportation is extremely low and the possibility of adjusting his status likely. Contrary to the conclusion of the Opinion, the probative value of his current status with respect to his future earning capacity in United States wages is extremely low. Weighed against the great risk of prejudice inherent in admitting immigration status, Salas v. Hi-Tech Erectors, 168 Wash.2d 664, 673, 230 P.3d 583, 587 (Wash. 2010), as well as the substantial risk of confusion of the issues and misleading the jury the Opinion's standard fails under Rule 403.

If evidence of immigration status is admitted, there is a substantial risk that juries will be misled into assuming that immigration status is equivalent to imminent deportation or that the plaintiff will never be eligible for legal employment in the U.S. Combatting such false assumptions will force foreign nationals to present detailed evidence explaining why those legal consequences are unlikely given the circumstances of their cases in light of a complex body of law. This would require retention of legal experts and witness by both parties and expenditure of the associated costs. It would effectively inject a mini-trial on immigration law into every personal injury case involving an immigrant regardless of current status.[17]

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[17] The Opinion opens the door to multiple mini-trials, holding that if there is a status change before trial, "such that [an undocumented immigrant] is no longer at risk of

The presentation of substantial evidence on immigration, including dueling experts and legal analysis, will inevitably suggest that a plaintiff's immigration status carries more importance than is warranted for any issue with such a low chance of occurring. This distraction creates an impermissible risk that juries will be misled about the significance of the immigration issue, the likelihood of deportation, and the outcome of an adjustment request. It will prolong the trial and distract the jury from the relevant issues in a personal injury case —the question of liability and appropriate damages.

To that end, the Opinion concludes that the "any risk" standard is appropriate because the jury cannot accurately calculate an alien worker's future earning capacity without determining "whether to award lost earning based on United States wages, Mexican wages, or some other standard." Opinion at 16. What the Opinion requires is that the jury speculate on the implications of the worker's current immigration status and her legal prospects to remain in the United States. Doing so because there is "any risk" of deportation is unreasonable.

All foreign nationals, including documented and undocumented workers, would fall under the Opinion's "any risk" standard. Similarly, one can imagine any plaintiff could develop brain cancer or could be arrested for a felony, which could prevent her from earning wages in the future. Unless the plaintiff is at a discernible and particular

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deportation, then the trial court would need to reevaluate the relevance of the evidence in light of our analysis." Opinion at 16. This misses the issue that all aliens are potential subject to the deportation process, but also means after a ruling on the evidence, a judge could be asked, again, to reconsider the issue. Such delay does not serve the interests of the trial courts or litigants in an efficient and speedy resolution of a tort case.

risk of such events occurring (e.g., the plaintiff had been diagnosed with brain cancer in the past), it would be inappropriate to permit the introduction of extensive expert testimony on the likelihood of these individual risks. The jury would inevitably be confused by an exhaustive focus on one specific type of risk, and bound to overestimate the likelihood and relevance of the risk based solely on its prominence in the case.

Instead, the proper approach is to factor in all risks together, such as is done in actuarial analysis. The same approach should be applied to current immigration status. Unless there is some concrete reason to believe that an unlikely event like deportation or the denial of a status adjustment is likely to occur, interjecting such evidence into a personal injury case is confusing, misleading, and unfairly prejudicial.

In this case, it is undisputed that before his injury Mr. Escamilla was employed in the U.S. earning American wages, and thus he was capable of earning wages in the U.S. There is no reason in the record to believe he is likely to be deported or denied his requested status adjustment. The measure of his lost earing capacity can be calculated, experts can opine on the subject, and the jury can make a considered decision on the question without the introduction of his immigration status. Injecting that issue will only distract, mislead, and confuse the jury on a matter that calls for speculation and an accurate understanding of a complex area of law.

The risk that the probative value of Mr. Escamilla's, or any foreign national worker's current status, is outweighed by prejudice is real. Without question immigration and immigration policy are politically sensitive and controversial issues.

There is very real risk that some jurors will deny or limit relief to a plaintiff based solely on a dislike of immigrant workers, or their own views on immigration policy, regardless of the merits of the case. For those reasons, the Opinion's "any risk" standard fails the Rule 403 balancing test and should be reversed.

### 2.2. Introduction of Evidence of Immigration Status Requires Impermissible Speculation by Experts

Indiana law is clear that speculation violates Rule 702. Clark v. Sporre, 777 N.E.2d 1166, 1170 (Ind. Ct. App. 2002) ("Speculation will not pass for expert opinion under Rule 702."). Introduction of evidence on the future likelihood an individual plaintiff will not be eligible to continue living and working in the United States involves nothing but speculation.

The question of whether a plaintiff will be deported or not have their status adjusted requires relevant facts related to the individual's immigration status and application of immigration law to those facts. Even with the best efforts in this regard, predictions of how a particular case will conclude are not reliable. Apart from all the other difficulties of entrusting a jury or judge with making this type of prediction, it is unavoidable that speculation would be required for any expert to opine on the topic the Opinion requires.

An expert possibly may be able to provide statistically based estimates on the likelihood of deportation or denial of adjustment request for the population generally; but cannot predict whether an individual plaintiff will be deported without resorting to speculation. Similarly, the expert will be required either to assume that immigration

laws or policy will not change over the course of a plaintiff's life, or to predict what laws will be put into place in the future. In either case, the expert will be required to speculate regarding how immigration law will apply in a particular case in the future. This speculation and assumption violates the clear rule that "speculation will not pass for expert opinion. . . ." Clark, 777 N.E.2d at 1170. Accordingly, the Opinion's excluding expert testimony because it did not consider Mr. Escamilla's immigration status should be reversed.

### 3. IMMIGRATION STATUS SHOULD BE HELD TO BE IRRELEVANT AND INADMISSIBLE ON PUBLIC POLICY GROUNDS

Evidence of immigration status should be prohibited on public policy grounds. Immigrants play an increasingly important role in the U.S. workforce. In 2015, there were 26.3 million foreign-born workers.[18] The percentage of foreign-born workers in the workforce has risen dramatically in recent years, from 10.8% in 1996 to 16.7% in 2015.[19] Amicus Add. at Tab D. The percentage of foreign-born labor force in the East North Central region, which includes Indiana, has risen from 7.56% to 9.42% between

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[18] Bureau of Labor Statistics, U.S. Department of Labor, FOREIGN-BORN WORKERS: LABOR FORCE CHARACTERISTICS – 2015, *available at*: http://www.bls.gov/news.release/pdf/forbrn.pdf.

[19] Bureau of Labor Statistics, U.S. Department of Labor: Abraham T. Mosisa, FOREIGN-BORN WORKERS IN THE U.S. LABOR FORCE, *available at*: http://www.bls.gov/spotlight/2013/foreign-born/ (data for 1996-2012); The Economics Daily, FOREIGN BORN REPRESENTED 16.5 PERCENT OF THE U.S. LABOR FORCE IN 2014, UP FROM 14.8 PERCENT IN 2005, *available at*: http://www.bls.gov/opub/ted/2015/foreign-born-represented-17-percent-of-the-labor-force-in-2014-up-from-15-percent-in-2005.htm (data for 2005-2014); FOREIGN-BORN WORKERS, *supra*: http://www.bls.gov/news.release/pdf/forbrn.pdf (data for 2015).

2002 and 2015.[20] Amicus Add. at Tab E. Foreign-born workers are more likely to work in dangerous industries where fatalities are most common than their native counterparts.[21] Amicus Add. at Tab F. They also earn about 20% less than their native counterparts for the same work.[22] Amicus Add. at Tab G.

Some of those foreign-born workers employed in dangerous low-paying jobs are undocumented immigrants. When those workers get hurt, they suffer damages just like any other worker. Immigration status should not prohibit their recovery of just compensation on a speculative risk of deportation. This is especially true for workers like Mr. Escamilla, who have no apparent criminal history, pose no apparent threat to national security, and who are likely eligible for future employment and lawful residency.

In addition, introduction of evidence of immigration status should be prohibited because it creates perverse incentives. Employers of injured workers should not be able

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[20] Bureau of Labor Statistics, U.S. Department of Labor:
*Labor Force Characteristics of Foreign-Born Workers in 2003, available at*:
http://www.bls.gov/news.release/archives/forbrn_12012004.pdf (Table 6) (data for 2002);
FOREIGN-BORN WORKERS: *supra*:
http://www.bls.gov/news.release/pdf/forbrn.pdf (Table 6) (data for 2015).

[21] Bureau of Labor Statistics, U.S. Department of Labor:
LABOR FORCE CHARACTERISTICS OF FOREIGN-BORN WORKERS, *available at*:
http://www.bls.gov/news.release/archives/forbrn_05212015.htm (percent distribution of foreign and native born employees) (Table 4).
CENSUS OF FATAL OCCUPATIONAL INJURIES, *available at*
http://www.bls.gov/iif/oshwc/cfoi/cfch0013.pdf (Slide 18) (fatal injury data); *see also id.* at Slide 11 (foreign-born workers made up around two-thirds of all fatal work injuries involving Hispanic or Latino workers).

[22] Bureau of Labor Statistics, U.S. Department of Labor.
FOREIGN-BORN WORKERS, *supra*:
http://www.bls.gov/news.release/pdf/forbrn.pdf.

to evade their responsibility for compensable injuries because of an employee's immigration status. Granting employers that windfall encourages them to hire undocumented workers and incentivizes unsafe practices, further endangering a population that is already performing a disproportionate number of America's most dangerous jobs.

## CONCLUSION

The decision by the Court of Appeals should be reversed. This case should be remanded to the trial court with instructions to deny the motion *in limine* and allow the testimony of the lost earning capacity expert. The Court should establish a bright line rule that evidence of immigration status is inadmissible in the calculation of foreign national workers' lost earning capacity.

Respectfully Submitted,

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**Word Count Certificate**

The undersigned counsel hereby verifies, in accordance with Ind. Appellate Rules 34 and 44, that the foregoing Brief of *Amicus Curiae* Indiana Chapter of the American Immigration Lawyers Association in Support of Petition to Transfer contains no more than 4,200 words as calculated by the word count function of the word processing software used to prepare the Brief.

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## CERTIFICATE OF SERVICE

Pursuant to Appellate Rules 24 and 68F, the undersigned counsel hereby certifies that copies of the Brief of *Amicus Curiae* Indiana Chapter of the American Immigration Lawyers Association in Support of Petition to Transfer will be served on Public Service Contacts through E-Service using the IEFS. All other parties will be served by first class, United States mail, postage prepaid, and by electronic mail, this 12th day of August, 2016:

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