

No. 17-3640

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

K.A.,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

*On Petition for Review of a Final Decision
of the Board of Immigration Appeals
No. A 077-026-013*

**BRIEF OF AMICI CURIAE LEGAL SERVICES OF NEW JERSEY,
AMERICAN IMMIGRATION LAWYERS ASSOCIATION,
NATIONALITIES SERVICE CENTER, AND THE IMMIGRANTS'
RIGHTS/INTERNATIONAL HUMAN RIGHTS CLINIC OF THE CENTER
FOR SOCIAL JUSTICE AT SETON HALL UNIVERSITY SCHOOL OF
LAW IN SUPPORT OF PETITION FOR REHEARING *EN BANC***

REBECCA HUFSTADER, ESQ.
LEGAL SERVICES OF NEW JERSEY
100 METROPLEX DRIVE,
SUITE 402
EDISON, NEW JERSEY 08817
732-529-8297

COUNSEL FOR AMICI CURIAE

DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, counsel for *Amici* certify that *Amici Curiae* are registered non-profits and have no parent corporations, nor does any publicly held corporation own 10% or more of their stock.

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STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici provide legal services to noncitizens within this Court's jurisdiction. *Amici*'s clients will face mandatory detention and deportation because of the Court's decision in *K.A. v. Attorney General*, 997 F.3d 99 (3d Cir. 2021). As the Court considers the petition for rehearing in this matter, *amici* offer important perspectives on the scope of that decision's impact. *Amici* have moved for leave to file this brief. Neither party's counsel authored this brief nor did any party contribute money to support the filing of this brief.

Amicus Legal Services of New Jersey (LSNJ) is the coordinating and supporting agency for the statewide network of legal services programs providing free legal assistance to low-income individuals statewide. Its Immigration Representation Project (IRP) has been providing direct representation to individuals in immigration proceedings since 1998, and LSNJ is now one of the largest non-profit providers of legal services to non-citizens in the state.

Amicus American Immigration Lawyers Association (AILA) is a national, nonpartisan, and nonprofit organization comprised of more than 15,000 attorneys and law professors who practice and teach immigration law. AILA member attorneys represent U.S. families seeking permanent residence for close family members, as well as U.S. businesses seeking talent from the global marketplace.

Amicus Nationalities Service Center (NSC) is Pennsylvania’s largest immigrant and refugee services organization. Among other services, NSC provides legal representation before the administrative agencies and the federal courts for low-income non-citizens, including as a service provider for Pennsylvania’s pilot universal representation program for detained non-citizens.

Amicus the Immigrants’ Rights/International Human Rights Clinic (“the Clinic”) of the Center for Social Justice at Seton Hall University School of Law is one of the four providers of the Detention and Deportation Defense Initiative, a project that provides free legal representation and expert counsel to low-income non-citizens who are detained and facing deportation in New Jersey. Over the past three years, the Clinic has provided full representation, advice and counsel, or *pro se* assistance to numerous detained immigrants in New Jersey. It has also represented detained immigrants through its clinical programs for over twenty-five years.

SUMMARY OF THE ARGUMENT

Conviction for an aggravated felony makes removal “practically inevitable” for most noncitizens. *See Padilla v. Kentucky*, 559 U.S. 356, 364 (2010). The panel decision in *K.A.* significantly expanded the category of “theft offense” aggravated felonies to include fraudulent takings, splitting from the Board of Immigration Appeals (BIA) and every other circuit to consider the issue. Under this decision, noncitizens in this Circuit will face mandatory deportation for conviction of many

fraud offenses for which they were sentenced to a year of incarceration, even if the loss to the victim did not reach the \$10,000 statutory threshold for “fraud” aggravated felonies.

This result is contrary to the plain language and structure of the statute and will have unjust consequences. First, noncitizens, many of whom have lived in this country for decades and have deep ties to the community, will face mandatory removal in this Circuit for crimes that are not aggravated felonies *anywhere else in the country*. Second, by assessing the immigration consequences of fraud crimes based on the length of the sentence rather than the loss to the victim, this decision will disparately impact low-income non-citizens of color. The Circuit split this decision creates, and the magnitude of its impact, make this a question of “exceptional importance” that warrants rehearing. *See* Fed. R. App. P. 35(b)(1)(B). *Amici curiae* represent noncitizens in this Circuit who will be harmed by *K.A.*, and respectfully urge the Court to grant the petition.

ARGUMENT

I. The Panel’s Interpretation of Section 1101(a)(43)(G) Conflicts with the Statute by Subsuming Most Fraud Offenses Within the Definition of a “Theft Offense”

The Immigration and Nationality Act (INA) defines the term “aggravated felony” by reference to a list of generic crimes, some of which also include additional circumstance-specific requirements. 8 U.S.C. § 1101(a)(43). Theft offenses are

aggravated felonies if accompanied by a sentence of imprisonment of a year or more, and fraud offenses are aggravated felonies if the loss to the victim exceeds \$10,000. 8 U.S.C. § 1101(a)(43)(G), (M). Nonetheless, by defining “theft offense” as a taking without voluntary and intelligent assent, *K.A.* expanded the generic definition of theft to encompass a broad range of takings accomplished by fraud, regardless of the monetary loss to the victim. 997 F.3d at 106.

K.A. disagreed with the BIA and at least five circuits, all of which have held that theft encompasses takings without *any* consent, while fraud covers takings with consent that has been fraudulently obtained. *Matter of Garcia-Madruga*, 24 I&N Dec. 436, 440 (BIA 2008); *see also* Reh’g Pet. 9 (collecting cases). The decision will sweep into the ambit of “theft offenses” not only broad statutes like the one at issue in *K.A.*, but also statutes that only involve fraud.¹ Noncitizens like the ones described in Part II of this brief, who are convicted of offenses involving fraudulent takings of less than \$10,000 but are sentenced to a year in prison, will face mandatory deportation in this Circuit, but would avoid aggravated felon treatment everywhere else. This result is inconsistent with the plain language and structure of the INA, which enumerates “theft” and “fraud” as two separate categories, and thus indicates that one does not fully include the other. *See Gustafson v. Alloyd Co., Inc.*, 513 U.S.

¹ Such statutes could include theft by deception under N.J. Stat. Ann. § 2C:20-4 and 18 Pa. C.S. § 3922, access device fraud under 18 Pa. C.S. § 4106, welfare fraud under 62 P.S. § 481, and bad checks under N.J. Stat. Ann. § 2C:21-5

561, 574-75 (1995) (one word in a list must not have “a meaning so broad that it is inconsistent with its accompanying words” and renders other items on the list superfluous).

The panel’s decision assumes that its interpretation aligns with Congressional intent because a narrower reading would be “incompatible with the INA’s use of the broad term ‘theft offense.’” *K.A.*, 997 F.3d at 106-07. Even broad terms, however, have limits. *See, e.g., Flores v. Att’y Gen. of the U.S.*, 856 F.3d 280, 286, 290 (3d Cir. 2017) (interpreting the phrase “relating to obstruction of justice” “broadly,” but rejecting the government’s even broader reading). Congress could have chosen to make all theft *and* fraud crimes aggravated felonies when accompanied by a sentence of a year or more. Instead, it viewed the amount lost by the victim as a better proxy for the seriousness of fraud crimes. The panel’s effort to broaden this aggravated felony category thus contravenes the congressional intent expressed in the plain language of the statute. *See Niz-Chavez v. Garland*, 141 S. Ct. 1474, 1486 (2021) (“As usual, there are (at least) two sides to the policy questions before [the Court]; a rational Congress could reach the policy judgment the statutory text suggests it did; and no amount of policy-talk can overcome a plain statutory command.”).

II. The Panel's Decision Will Require the Mandatory Detention and Deportation of Noncitizens in this Circuit with Longstanding Ties to their Communities

This brief highlights a few of the many individuals who will be impacted by the panel's decision in *K.A.* Some of their stories are presented anonymously to protect their privacy.

A. Lawful Permanent Residents Will Be Most Harmed by the Panel's Decision

K.A.'s expansion of the "theft offense" aggravated felony category will have the most significant impact on lawful permanent residents (LPRs). A single aggravated felony conviction makes LPRs who are otherwise not deportable newly subject to deportation *and* ineligible for discretionary relief, including cancellation of removal and, in many cases, waivers of inadmissibility. 8 U.S.C. §§ 1182(h), 1227(a)(2)(A)(iii), 1229b(a)(3). "Escaping aggravated felony treatment does not mean escaping deportation . . . It means only avoiding mandatory removal." *Moncrieffe v. Holder*, 569 U.S. 184, 204 (2013). LPRs and other noncitizens with aggravated felony convictions are also subject to mandatory detention without a bond hearing throughout the pendency of their removal proceedings. 8 U.S.C. § 1226(c)(1)(B); *Jennings v. Rodriguez*, 138 S. Ct. 830, 847 (2018).

Ms. D has been an LPR since 2001 and suffers from serious mental illnesses, including bipolar disorder and schizoaffective disorder. Add. 1-2. Ms. D was convicted of New Jersey theft by deception of property valued between \$200 and

\$499 and sentenced to 365 days incarceration. *Id.* at 3. Prior to *K.A.*, Ms. D’s counsel successfully argued that the government was substantially unlikely to prevail on the charges of removability, and planned to pursue termination of her removal proceedings.² Under *K.A.*, Ms. D’s conviction is an aggravated felony, and she faces mandatory deportation to Jordan, where she has no family or community support, and will struggle to access the mental health care that she relies upon in the United States. Add. 4.

Mr. R is an LPR from Jamaica who has lived in the United States since he was ten years old. Add. 5. He was convicted of bank fraud under 18 U.S.C. § 1344(1) and sentenced to twenty-four months imprisonment. *Id.* at 6. An immigration judge (IJ) terminated his removal proceedings and granted him release on bond while the government appealed, because the loss involved in that fraud offense was only \$8,000. *Id.* at 7. Since then, he has resided with his long-term partner and two young children, all of whom are U.S. citizens, and worked in home renovation. *Id.* at 6. Under *K.A.*, his conviction could constitute a theft aggravated felony, and Mr. R faces mandatory detention and deportation. *See United States v. Ragosta*, 970 F.2d

² Ms. D’s termination arguments were based on this Court’s decision in *Francisco-Lopez v. Att’y Gen. of the U.S.*, 970 F.3d 431 (3d Cir. 2020), which held that the government may not apply its newly-expanded definition of a crime involving moral turpitude (CIMT) retroactively. The retroactive application of *K.A.* to Ms. D’s old conviction raises many of the same concerns identified in *Francisco-Lopez*, but she will not be shielded from retroactive application of a decision of this Court. *See Harper v. Va. Dep’t of Taxation*, 509 U.S. 86, 97 (1993).

1085, 1089 (2d Cir. 1992) (holding that § 1344(1) requires an attempt to deceive a financial institution into releasing property); 8 U.S.C. § 1101(a)(43)(U) (making attempts and conspiracies aggravated felonies). If he is deported, he will leave behind his children, his partner, his father and his grandmother. Add. 5-6. Due to the aggravated felony conviction, an IJ will be prohibited from considering Mr. R's rehabilitation or any of the hardship to his family.

B. By Changing Existing Law, the Panel's Decision Could Disturb Long-Settled Cases

Matter of Garcia-Madruga, which the panel's decision rejected, has governed removal proceedings in this Circuit since 2008. Now, *K.A.* creates an opportunity for the government to reopen old removal proceedings or institute new proceedings to deport noncitizens who have lived in this country peacefully for years or even decades since their convictions. 8 U.S.C. § 1101(a)(43); *see Duhaney v. Att'y Gen. of the U.S.*, 621 F.3d 340, 351 (3d Cir. 2010) (declining to apply *res judicata* to prevent the government from bringing new charges based on an old conviction); *Matter of Jasso Arangure*, 27 I&N Dec. 178, 182-84 (BIA 2017) (same); *Matter of G-D-*, 22 I&N Dec. 1132, 1134-35 (BIA 1999) (permitting reopening based on a fundamental change in the law).

For example, Errol Nugent came to the United States from Jamaica as an LPR in 1971, when he was seven years old. *Nugent v. Ashcroft*, 367 F.3d 162, 163 (3d Cir. 2004). In 2000, he was convicted of Pennsylvania theft by deception for

attempting to fraudulently withdraw less than \$5,000 from a bank, and was sentenced to six to twenty-three months confinement. *Id.* at 163, 168. This Court held that his conviction was not an aggravated felony, based on the “hybrid offense theory” that it later overruled in *Al-Sharif v. U.S. Citizenship & Immigration Servs.*, 734 F.3d 207 (3d Cir. 2013) (*en banc*). By that point, the BIA and several circuits had adopted the distinction between takings with and without consent, and the *Al-Sharif* court cited those decisions favorably. 734 F.3d at 211-12; *see Vassell v. Att’y Gen. of the U.S.*, 839 F.3d 1352, 1357 (11th Cir. 2016) (identifying this Court as having relied on those decisions). Therefore, Mr. Nugent’s conviction was still not an aggravated felony. Now, *K.A.* has changed the law in this Circuit for the third time, and Mr. Nugent could face mandatory deportation, more than two decades after he was convicted.

Emmanuel Mahn came to the United States as a refugee from Liberia in 2000, and later became an LPR. *Mahn v. Att’y Gen. of the U.S.*, 767 F.3d 170, 172 (3d Cir. 2014). In 2007, he was convicted of theft by deception in Pennsylvania, and was sentenced to three to twenty-three months confinement. *Id.*; *see* Add. 9. He was placed in removal proceedings after a subsequent reckless endangerment conviction, but this Court terminated those proceedings after finding he had not been convicted of two CIMTs. *Mahn*, 767 F.3d at 172, 175; *see* 8 U.S.C. § 1227(a)(2)(A)(ii). Mr. Mahn was never charged with conviction of an aggravated felony. Now, he could

face mandatory deportation to the country from which he fled as a refugee because of a fourteen-year-old crime.

C. The Panel's Decision Will Disparately Impact Noncitizens of Color

As the stories above illustrate, the panel's decision in *K.A.* will make many fraud offenses aggravated felonies based on the length of the sentence only, rather than requiring the \$10,000 loss threshold imposed by § 1101(a)(43)(M)(i). It will subject people who received longer sentences of incarceration for relatively minor fraud offenses to mandatory detention and deportation. This will magnify existing racial disparities in sentencing, and result in the disproportionate deportation of noncitizens of color.

People of color, and especially Black people, are more likely to be sentenced to a year or more of incarceration for a similar offense. “Black and Hispanic offenders sentenced in State and Federal courts face significantly greater odds of incarceration than similarly situated white offenders.”³ In the federal system, “[B]lack defendants are more likely to be incarcerated and face longer sentences when incarcerated.”⁴ New Jersey and Pennsylvania have two of the highest rates of

³ Spohn, Cassia C., *Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process* (2000), <http://www.justicestudies.com/pubs/livelink3-1.pdf>.

⁴ Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. Pol. Econ. 1320, 1333, 1343 (2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1985377.

over-representation of Black people in state prisons.⁵ In New Jersey, 62% of the state prison population is Black, despite Black people comprising only 14% of the statewide population.⁶ For federal “white collar” fraud offenses in particular, white defendants receive shorter sentences, in part because they can more often pay fines that reduce incarceration.⁷ Low-income noncitizens of color, who are more likely to be sentenced to longer periods of incarceration despite causing relatively small losses, will disproportionately face mandatory deportation under *K.A.*

CONCLUSION

The dramatic expansion of the “theft offense” aggravated felony provision will broadly impact the immigrant communities *amici* represent. The panel’s decision newly places noncitizens—in this Circuit only—at risk of mandatory detention and deportation. They will leave behind their families, their jobs, and their doctors. For the foregoing reasons, *amici* respectfully request that the Court grant the petition for rehearing.

⁵ Ashley Nellis, The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2016), <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

⁶ Offenders in New Jersey Correctional Institutions, New Jersey Department of Corrections, Offender Statistics (Jan. 2020), https://www.state.nj.us/corrections/pdf/offender_statistics/2020/2020_Race_Ethnicity.pdf.

⁷ Max Schanzenbach, *Prison Time, Fines, and Federal White-Collar Criminals: The Anatomy of a Racial Disparity*, 96 J. Crim. L. & Criminology 757, 792 (2006).

Dated: Edison, NJ
July 9, 2021

Respectfully submitted,
/s/Rebecca Hufstader
Rebecca Hufstader, Esq. (PA ID 321155)
Legal Services of New Jersey
Attorney for *Amici Curiae*

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(a)(7)(B) of the Federal Rules of Appellate Procedure, I, Rebecca Hufstader, hereby certify that this brief complies with the type-volume limitation in Rule 32(a)(7)(B). As measured by the word processing system used to prepare this brief, this brief contains 2,598 words.

Dated: July 9, 2021

/s/Rebecca Hufstader
Rebecca Hufstader, Esq. (PA ID 321155)
Legal Services of New Jersey
100 Metroplex Dr., Ste. 402
Edison, NJ 08817
(732) 529-8236
Attorney for *Amici Curiae*

CERTIFICATE OF IDENTICAL COMPLIANCE OF BRIEFS

Pursuant to Rule 31.1(c) of the Local Rules of Appellate Procedure, I, Rebecca Hufstader, hereby certify that the text of the electronic brief filed with the Court via ECF is identical to the text of the paper copies filed with Court via hand delivery.

Dated: July 9, 2021

/s/Rebecca Hufstader

Rebecca Hufstader, Esq. (PA ID 321155)

Legal Services of New Jersey

100 Metroplex Dr., Ste. 402

Edison, NJ 08817

(732) 529-8236

Attorney for *Amici Curiae*

CERTIFICATE OF VIRUS SCAN

Pursuant to Rule 31.1(c) of the Local Rules of Appellate Procedure, I, Rebecca Hufstader, hereby certify that the PDF version of this brief has been scanned by Trend Micro Security Agent antivirus software and no virus has been detected.

Dated: July 9, 2021

/s/Rebecca Hufstader

Rebecca Hufstader, Esq. (PA ID 321155)
Legal Services of New Jersey
100 Metroplex Dr., Ste. 402
Edison, NJ 08817
(732) 529-8236
Attorney for *Amici Curiae*

CERTIFICATE OF SERVICE

I, Rebecca Hufstader, Attorney for the Petitioner, certify that I served the forgoing

BRIEF OF AMICI CURIAE LEGAL SERVICES OF NEW JERSEY, ET AL.

electronically via ECF, pursuant to L.A.R. 25.1 and L.A.R. Misc. 113.4, on:

Allison Frayer, Esq.
Allison.frayer@usdoj.org
Anthony Messuri, Esq.
Anthony.Messuri@usdoj.gov
Office of Immigration Litigation
P.O. Box 878
Ben Franklin Station
Washington, DC 20044

OIL
Email: Third.Circuit.Oil@usdoj.gov
United States Department of Justice
Office of Immigration Litigation
P.O. Box 878
Ben Franklin Station
Washington, DC 20044

Merrick B. Garland, Esq.
Email: Third.circuit.oil@usdoj.gov
United States Department of Justice
Office of Immigration Litigation
P.O. Box 878
Ben Franklin Station
Washington, DC 20044

Dated: July 9, 2021

/s/Rebecca Hufstader
Rebecca Hufstader, Esq. (PA ID 321155)
Legal Services of New Jersey
100 Metroplex Dr., Ste. 402
Edison, NJ 08817
(732) 529-8236
Attorney for *Amici Curiae*

ADDENDUM

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United States Court of Appeals
for the Third Circuit
K.A. v. Attorney General of the United States
Docket No. 17-3640

SWORN DECLARATION OF OLEKSANDRA BYELYAKOVA, ESQ.

I, Oleksandra Byelyakova, hereby declare under penalty of perjury that the following is true and correct:

1. I am employed as a staff attorney with the Detention and Deportation Defense Initiative at Legal Services of New Jersey.
2. Legal Services of New Jersey is a non-profit legal services organization that represents low-income residents of New Jersey. In my current position, I represent detained noncitizens in custody and removal proceedings in immigration courts in New Jersey and in appeals of those proceedings before the Board of Immigration Appeals.
3. I am currently representing a client whose immigration case will be impacted by the Court's decision in *K. A. v. Attorney General United States*, No. 17-3640.
4. My client ("Ms. D") is a 56-year-old female of Jordanian origin who suffers from severe mental health issues. She arrived in the United States in 2001 on

an immigrant visa sponsored by her USC husband. She has been residing in the United States in a lawful permanent resident status ever since.

5. Ms. D came to the United States to be with her USC husband and build a happy family. Instead, her married life turned into a chain of traumatic events. Her husband became abusive towards her after she learned that he was engaged in a romantic relationship with another woman. One of the abuse incidents took place while she was pregnant and resulted in her hospitalization and premature labor. Almost immediately after my client was discharged from the hospital following her son's birth, her husband began a fight for their child's custody. These events triggered serious mental health issues, including post-traumatic stress disorder, depression, bipolar disorder, and schizoaffective disorder, from which my client suffers to date and which has caused her to be hospitalized on numerous occasions.
6. Ms. D struggles with a shoplifting issue that she believes is directly associated with her mental health disorder. As a result, she has been convicted for a number of shoplifting and theft convictions.
7. In 2019, the Department of Homeland Security ("DHS") initiated Ms. D's removal proceedings through the issuance of Notice to Appear. The DHS charged Ms. D with removability pursuant to Section 237(a)(2)(A)(ii) of the Immigration and Nationality Act for a commission of two crimes involving

moral turpitude, referencing some of her shoplifting and theft convictions. Ms. D was placed in immigration custody subject to mandatory detention.

8. Upon my request, the immigration judge evaluated Ms. D's mental health conditions and found that she lacked competency. However, the judge concluded the proceedings remained fundamentally fair because Ms. D was represented by *pro bono* counsel and mandated that the case proceed despite Ms. D's inability to fully understand the nature of the proceedings.
9. In custody proceedings, I filed a bond motion requesting Ms. D's release and arguing that the government was "substantially unlikely to prevail" on the charge of removability lodged against Ms. D because her convictions did not constitute crimes involving moral turpitude. The immigration judge agreed with that argument and granted a bond. Ms. D was released from immigration custody.
10. Ms. D's removal case is currently pending. At the next hearing, I am planning to request termination of Ms. D's removal proceedings based on the same legal argument that was raised in custody proceedings. However, the panel's decision in *K. A. v. Attorney General United States* may change the course of Ms. D's removal proceedings. Her criminal record includes a conviction for New Jersey Theft by Deception of property valued at \$200-\$499. She was initially sentenced to probation but was eventually resentedenced to 365 days

incarceration due to another shoplifting charge. Under *K. A. v. Attorney General United States*, this conviction is now an aggravated felony, which would make Ms. D deportable from the country and subject to mandatory detention during the pendency of her removal proceedings.

11. Ms. D is a long-time resident of the United States. Here, she has access to necessary mental health care. Her deportation will present serious humanitarian concerns since Jordan has very limited resources to help people with the mental health conditions. Moreover, she has no family left in Jordan to help her adjust upon return to the country after spending almost twenty years in the United States.

Date: 06/14/2021



Oleksandra Byelyakova, Esq.
Legal Services of New Jersey
100 Metroplex Dr., Ste. 401
Edison, NJ 08817
732-529-8254
obyelyakova@lsnj.org

United States Court of Appeals
for the Third Circuit
K.A. v. Attorney General of the United States
Docket No. 17-3640

SWORN DECLARATION OF LILAH R. THOMPSON, ESQ.

I, Lilah R. Thompson, hereby declare under penalty of perjury that the following is true and correct:

1. I am employed as a staff attorney with the Pennsylvania Immigrant Family Unity Project at the Nationalities Service Center in Philadelphia, Pennsylvania.
2. Nationalities Service Center is a non-profit organization that provides legal representation to low-income residents of Pennsylvania in matters of immigration law. In my current position, I represent detained noncitizens in custody and removal proceedings in immigration courts in Pennsylvania and in appeals of those proceedings before the Board of Immigration Appeals.
3. I am currently representing a client whose immigration case will be impacted by the Court's decision in *K. A. v. Attorney General United States*, No. 17-3640.
4. My client ("Mr. R") is a 28-year-old male of Jamaican origin who entered the United States as a Lawful Permanent in 2002, when he was 10 years old, to

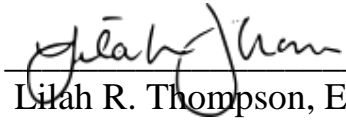
join his father and grandmother. Mr. R currently resides with his long-term partner, a U.S. citizen, and two young children, who are both U.S. citizens. He currently works in home renovation, using the skills he gained from his apprenticeship with the electrical workers' union.

5. On May 21, 2018, Mr. R pled guilty to one count of Bank Fraud, in violation of 18 U.S.C. § 1344(1) and a sentence of 24 months' imprisonment was imposed. He served his sentence in a Pennsylvania facility.
6. In 2020, the Department of Homeland Security ("DHS") initiated Mr. R's removal proceedings through the issuance of Notice to Appear. The DHS charged Mr. R as deportable under section 237(a)(2)(A)(iii) of the Immigration and Nationality Act ("INA"), in that after admission he was convicted of an aggravated felony as defined under INA § 101(a)(43)(M), a law relating to an offense that involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000. Mr. R was placed in immigration custody in Pennsylvania, and was subject to mandatory detention.
7. On behalf of Mr. R, I argued that his proceedings should be terminated because the DHS could not establish by clear and convincing evidence that Mr. R's loss exceeded \$10,000, because the loss was only \$8,000.

8. The Immigration Judge agreed that the loss was \$8,000, and terminated Mr. R's proceedings. The DHS appealed and Mr. R's case is currently pending before the Board of Immigration Appeals.
9. Because his case was appealed, Mr. R continued to be subject to immigration detention. However, because his proceedings had been terminated and the aggravated felony charge had not been sustained, he was no longer subject to mandatory custody, and so he was eligible for a bond hearing. An Immigration Judge granted bond and Mr. R was released from custody to his family.
10. The panel's decision in *K. A. v. Attorney General United States* could change the course of Ms. R's removal proceedings. Mr. R's Bank Fraud conviction involves \$8,000, which is insufficient to meet the \$10,000 threshold required to sustain the aggravated felony charge against him. However, under *K. A. v. Attorney General United States*, this conviction would likely be an aggravated felony, which would make Mr. R deportable from the country and again subject to mandatory detention. If found to be an aggravated felony, Mr. R would lose his lawful permanent residence, could be deported, and could potentially face permanent separation from his family.
11. Mr. R is a long-time resident of the United States who has lived here for nearly twenty years. His family all reside in the United States. Mr. R also fears return

to his native country. His deportation would present serious humanitarian concerns because of the violence Mr. R would experience if deported.

Date: June 16, 2021



Lilah R. Thompson, Esq.
Nationalities Service Center
1216 Arch Street, 4th Floor
Philadelphia, PA 19107
(215) 609-1531
Lthompson@nscphila.org



Delaware County Court of Common Pleas **Court Summary**

Mahn, Emmanuel
Glenolden, PA 19036
Aliases:
Emmanuel Mahn

DOB: 12/31/1984

Sex: Male
Eyes: Unknown
Hair: Unknown or Completely Bald
Race: Black

Closed

Delaware

CP-23-CR-0004988-2006

Proc Status: Sentenced/Penalty Imposed

DC No:

OTN:K 319630-3

Arrest Dt: 06/21/2006

Disp Date: 01/18/2007

Disp Judge: Wright, Robert C.

Def Atty: Medzie, Kenneth S. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>
1	18 § 4101 §§ A1	F2 Forgery-Alter Writing
01/18/2007	Probation	3 Years
2	18 § 4106 §§ A1	F3 Access Device Used To Obt Or Att Obt
		Prop/Service
3	18 § 3921 §§ A	F3 Theft By Unlaw Taking-Movable Prop
4	18 § 3922 §§ A1	F3 Theft By Decep-False Impression
01/18/2007	Confinement	3-23 Months
5	18 § 3925 §§ A	F3 Receiving Stolen Property
6	18 § 4105 §§ A1*	M1 Bad Checks

CP-23-CR-0006361-2007

Proc Status: Sentenced/Penalty Imposed

DC No:

OTN:L 360982-6

Arrest Dt: 07/06/2007

Disp Date: 01/14/2008

Disp Judge: Osborne, Ann

Def Atty: Anmuth, Howard Brad - (PD)

<u>Seq No</u>	<u>Statute</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>
1	18 § 2705	M2 Recklessly Endangering Another
01/14/2008	Probation	1 Year
2	75 § 7122 §§ 1	M1 Fraud Alter/For/Counter Title Reg
		Ins
3	75 § 1786 §§ F	S Oper Veh W/O Req'd Financ Resp
4	75 § 3714 §§ A	S Careless Driving
5	75 § 3736 §§ A	S Reckless Driving

CP-23-CR-0002879-2018

Proc Status: Sentenced/Penalty Imposed

DC No:

OTN:X 175398-6

Arrest Dt: 04/28/2018

Disp Date: 07/23/2018

Disp Judge: Capuzzi, John P. Sr.

Def Atty: Ben-Ari, Arik Tzvi - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>
1	75 § 3802 §§ A1*	M DUI: Gen Imp/Inc of Driving Safely -
07/23/2018	Probation	1st Off
		6 Months

CPCMS 3541

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Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Common Pleas Criminal Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

AILA Doc. No. 210728329 (Posted 7/23/21)



**Delaware County Court of Common Pleas
Court Summary**

Mahn, Emmanuel (Continued)

Closed (Continued)

Delaware (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
99999	75 § 3112 §§ A3I	S	Failure To Stop At Red Signal	Dismissed
99999	75 § 3112 §§ A3I	S	Failure To Stop At Red Signal	Dismissed
99999	75 § 3112 §§ A3I	S	Failure To Stop At Red Signal	Dismissed
99999	75 § 1501 §§ A	S	Driving W/O A License	Dismissed
99999	75 § 3714 §§ A	S	Careless Driving	Dismissed
99999	75 § 3736 §§ A	S	Reckless Driving	Dismissed

CPCMS 3541

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AILA Doc. No. 210723210 (Posted 7/23/21)