

SCOTT E. BRADFORD, OSB #062824

United States Attorney

District of Oregon

SUSANNE LUSE, OSB #142489

ARIANA N. GAROUSI, CSB #347758

SARAH E. FELDMAN, OSB #141458

Assistant United States Attorneys

1000 SW Third Ave., Suite 600

Portland, Oregon 97204-2936

Telephone: (503) 727-1000

Email: Susanne.Luse@usdoj.gov

Ariana.Garousi@usdoj.gov

Sarah.Feldman@usdoj.gov

Attorneys for Respondents

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

L-J-P-L,

Case No.: 3:25-cv-01390-IM

Petitioner,

**RESPONDENTS' SUPPLEMENTAL
INFORMATION**

v.

**CAMMILLA WAMSLEY; TODD
LYONS; KRISTI NOEM; PAMELA
BONDI; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; U.S.
DEPARTMENT OF HOMELAND
SECURITY,**

Respondents.

Respondents, through counsel, submit these answers to the Court's request for supplemental information on August 15, 2025, ECF 19. Respondents also submit the Declaration of Christopher Sica ("Sica Decl.") as well as the Declaration of Ariana N. Garousi in Support of Respondents' Supplemental Information ("Garousi Decl. Supp. Info.") and its accompanying exhibits.

RESPONSES

1. When and where did Petitioner first apply for asylum? Is there any documentation of the Petitioner's asylum application in the record?

Petitioner first applied for asylum on February 14, 2025, with the Seattle Immigration Court. *See* Garousi Decl. Supp. Info., Ex. A. Respondents submit documentation of Petitioner's asylum application as a supplement to the Garousi Declaration. *Id.*

2. When Petitioner was released on February 14, 2024, what was his release status? Were there any conditions attached to his release?

On February 14, 2024, when Petitioner was released after being apprehended at the Southern Border, he was released under INA § 236, 8 U.S.C. § 1226 authority. Petitioner was released with a Form I-220A Order of Release on Recognizance ("OREC"). *See* Garousi Decl. Supp. Info., Ex. B; Sica Decl. ¶ 4. Petitioner reported to Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO") as instructed on various dates. *See* Sica Decl. ¶ 4.

3. What is the status of Petitioner's asylum claim? Is it still pending, or has it been dismissed? Has Petitioner had an asylum hearing and has there been any determination on any asylum application? If not, is there an asylum hearing scheduled and if so, when is it scheduled?

On August 12, 2025, DHS filed a motion to dismiss Petitioner's Notice to Appear ("NTA") on the basis that it was improvidently issued because Petitioner is

subject to reinstatement of a removal order. *See* Garousi Decl. Supp. Info., Ex. C. The motion to dismiss is still pending before the Immigration Judge (“IJ”). *See* Sica Decl. ¶ 10. Because the motion is still pending, Petitioner’s Form I-589 Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (“CAT”) is still pending.

Petitioner has not yet appeared before an IJ as his first hearing is scheduled for November 18, 2026. As previously stated, Petitioner’s Form I-589 is still pending because the IJ has yet to adjudicate DHS’s motion to dismiss.

When Petitioner was apprehended by ICE on August 7, 2025, Petitioner expressed a fear of return to Guatemala. *See* Garousi Decl., ECF No. 15, Ex. C at 3. Accordingly, Petitioner has been referred for a Reasonable Fear Interview (“RFI”) as required under 8 C.F.R. § 241.8(e). *See* ECF 16 ¶ 13. Petitioner’s RFI has not yet been scheduled. Because Petitioner is subject to a prior order of removal, he first must demonstrate he has a reasonable fear of persecution or torture if returned to Guatemala. 8 C.F.R. § 208.31(a)–(b). This interview takes place before an asylum officer. 8 C.F.R. § 208.31(c). If Petitioner is found to have a reasonable fear, he will be referred to an IJ “Withholding Only” Proceedings. 8 C.F.R. § 208.31(e). Because Petitioner has a prior removal order, he is only eligible for withholding of removal or withholding of removal under the Convention Against Torture (“CAT”). He is not eligible for asylum. *See Perez-Guzman v. Lynch*, 835 F.3d 1066, 1082 (9th Cir. 2016).

4. What is the nature of the immigration court hearing that is currently scheduled for November 18, 2026? What documentation or information was provided to Petitioner about the nature and purpose of that hearing?

Petitioner's hearing scheduled for November 18, 2026, is a Master Calendar Hearing. See Garousi Decl. Supp. Info., Exs. D, E. This would be his initial appearance before an IJ. A Master Calendar Hearing typically consists of procedural matters and taking pleadings based on the allegations and charges in the NTA. A Master Calendar Hearing allows an IJ to determine whether a case is ready to be set for a Merits Hearing, which would be where a noncitizen could testify, present witnesses and evidence, and cross-examine witnesses. At the close of a Merits Hearing, the IJ issues a decision on the application for relief from removal.

Respectfully submitted this 18th day of August, 2025.

SCOTT E. BRADFORD
United States Attorney
District of Oregon

/s/ Ariana N. Garousi
ARIANA N. GAROUSI
Assistant United States Attorney
Attorneys for Respondents