

December 30, 2025

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**VIA PACER**

The Honorable Evelyn Padin, U.S.D.J.  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street, Courtroom 4C  
Newark, NJ 07101

RE: *Lauriedson Goncalves Rufo v. Erik Rokosky, et al.*  
**Docket No.: 2:25-cv-17418**

Dear Honorable Evelyn Padin, U.S.D.J.,

As Your Honor knows, the undersigned represents Petitioner Lauriedson Goncalves Rufo (“Mr. Rufo”) in the above-captioned proceeding. Due to the difficulty in obtaining a court transcript from the Immigration Court, the undersigned transcribed the DAR recording with a certification. Although other Federal District Court Judges accept the same, and I attempted to confirm if the same was okay with your chambers, please see the attached DAR transcription of the bond hearing that proceeded on December 2, 2025 – should Your Honor not find this sufficient, or your Honor, needs anything in addition to the attached transcription, kindly advise the same.

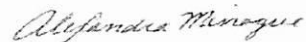
As indicated in the Second Habeas Petition, the attached transcript illustrates the “bond hearing” on December 2, 2025, before Immigration Judge Tamar Wilson lacked due process, and was further fundamentally unfair, because an individualized determination of Mr. Rufo’s interests never occurred. The proceeding that was neither neutral nor meaningful - it functioned as a foregone conclusion: bond denied. Moreover, from the outset of the hearing, IJ Wilson’s conduct demonstrated that the decision to deny bond had already been made, reducing the proceeding to a hollow formality rather than the individualized determination that due process demands.

Again, and the undersigned apologizes for being so terribly redundant, however Mr. Rufo faces imminent threat of *being removed tomorrow, at his December 31, 2025, hearing*. It is in the twelfth hour, your Honor, that I plead for the release of my client. If there were an ideal candidate for release, it would

be Mr. Rufo – he is the epitome of the American Dream. Under his father’s guide, who simply sought a safer life for his son away from crime and the persistent abuse from his mother, Mr. Rufo entered the United States at seventeen. Since then, Mr. Rufo has dedicatedly worked as a barber for six years and now has his very own barbershop, quickly learned English, consistently paid his taxes, joined the CANNA church, is regarded by neighbors and friends as extended family, became a husband and is well-respected by law enforcement and even the Deputy Mayor Newark. *See, Second Habeas Petition, Exhibit K: Letters in Support.*

As you’ll see how I begged IJ Wilson in the attached transcript, I now beg Your Honor – please release this young man so he may continue to live a safe life in this nation he has called his home for the past nine years, so he may continue wholesomely contributing to his neighbors (whether providing free haircuts to children in need or helping his elderly neighbors), to build a family with his U.S. Citizen wife of five years, and to continue to be an outstanding individual, that this nation, in any previous administrations, would be proud to have as a resident.

Respectfully, and ever so sincerely,



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*Counsel for Respondents*

**EXHIBIT A**

**TRANSCRIPT OF THE BOND HEARING ON DECEMBER 2, 2025, FOR**  
**LAURIEDSON GONCALVES RUFO**

1 **IJ Wilson:**

2 State your name for the record please.


3 **Alexandra Minogue, on behalf of Mr. Rufo:**

4 Yes, your honor Alex Minogue of Nova Law Group.


5 **IJ Wilson:**

6 Alright, so what are the last three?

7 **DHS Attorney:**

8 this is 

9 **IJ Wilson:**

10  got it sorry. All right uh this is a request for bond and uh counsel your client entered  
11 without inspection correct.

12 **Alexandra Minogue, on behalf of Mr. Rufo:**

13 Yes, your honor.

14 **IJ Wilson:**

15 OK so he's subject to matter of Yujure Hurtado. What's your, do you have an argument against  
16 that or?

17 **DHS Attorney:**

18 This is a habeas grant.

19 **IJ Wilson:**

20 Ohh I'm sorry I'm sorry I'm sorry just a minute. OK thank you thank you. I wasn't looking at that  
21 part I was looking at the removal case. Thank you

22 **DHS Attorney:**

23 Judge, before we get into this so the respondent and counsel you might be able to answer this he  
24 had an attorney Anita Magnoni or Magnoti for all proceedings and then a new E- 28 was filed  
25 but there's no substitution motion or withdrawal of the prior attorney. I think because the ROP  
26 was a paper or it might have been a glitch when it was scanned. There there was no indication of  
27 his prior council but I think the respondent should probably say that he has new council before  
28 we do anything with this new council.

29 **IJ Wilson:**

30 Is that is that accurate I'm sorry

31 **Alexandra Minogue, on behalf of Mr. Rufo:**

32 If I may add. Sorry, I didn't mean to interrupt if I may add on the firm actually did file a motion  
33 to substitute counsel, which is I believe pending before this court and um yes so we are  
34 representing him for all proceedings, but if you do need respondent to state that for the record do  
35 we would be happy to do so.

36 **IJ Wilson:**

37 Yeah, I didn't see that one. I we're going to check to see if we have it. Sorry I think it was  
38 rejected council that's what my notes say.

39 **Alexandra Minogue, on behalf of Mr. Rufo:**

40 Uh, if I may interject again so that we had also filed an asylum claim which that was rejected  
41 because our motion to substitute counsel was still pending so our intention is is that the motion to  
42 substitute once that's decided we're going to refile the asylum claim that was rejected.

43 **IJ Wilson:**

44 Got it.

45 **DHS Attorney:**

46 I'm looking at that's what I'm looking at the ecas and I don't see a motion,

47 **IJ Wilson:**

48 We do not have one pending counsel. According to my law clerk, there's there's not one.

49 **Alexandra Minogue, on behalf of Mr. Rufo:**

50 I believe it's a paper file and I believe that we had mailed it out so maybe

51 **DHS Attorney:**

52 It's it's not a paper file. Yeah it's not a paper file the bond is not a paper file.

53 **Alexandra Minogue, on behalf of Mr. Rufo:**

54 OK well I was advised by by the lead attorney that it was filed but if it's not I will I will file it  
55 inside after this.

56 **IJ Wilson:**

57 Make sure you respond it would be able to state on the record make sure you're for all  
58 proceedings make sure you state umm I do have the E 28 but it's so you need to upload it not not  
59 mail it you need to upload it because.

60 **Alexandra Minogue, on behalf of Mr. Rufo :**

61 Got you, thank you your honor.

62 **IJ Wilson:**

63 And we don't have a Portuguese interpreter on the line do we? I don't think so.

64 **Alexandra Minogue, on behalf of Mr. Rufo:**

65 My client is very fluent in English.

66 **IJ Wilson:**

67 Oh, are you fluent in English, sir?

68 **Mr. Rufo:**

69 Yes.

70 **IJ Wilson:**

71 OK.

72 **Alexandra Minogue, on behalf of Mr. Rufo:**

73 He's willing to waive.

74 **IJ Wilson:**

75 All right I got it OK so sir, have you been following what we're talking about all right? OK so do  
76 you want this attorney to represent you now?

77 **Mr. Rufo:**

78 Yes, your honor

79 **IJ Wilson:**

80 All right all right counsel why don't you go ahead and and tell me your name one more time  
81 counsel.

82 **Alexandra Minogue, on behalf of Mr. Rufo:**

83 Of course your honor it's Alex Minogue of Nova Law Group on behalf of respondent.

84 **IJ Wilson:**

85 Thank you alright and summarize why I should grant uh bond please

86 **Alexandra Minogue, on behalf of Mr. Rufo:**

87 I would love to. Your honor respectfully respectfully submit that Mr. Rufo is wildly worthy and  
88 deserving of bond because he is neither a flight risk nor danger to the community. So, first off  
89 he's not a flight risk and will appear at all future immigration proceedings. For almost a decade,  
90 Mr. Rufo has lived in the United States. this is his home. Moreover, his loving U.S. citizen wife  
91 his business his beloved friends that have turned into family and essentially all he has is within  
92 the United States. Second, Mr. Rufo is not a danger to the community he has no criminal record  
93 whatsoever in fact Mr. Rufo is a significant number of the community. Moreover, while in the  
94 US, Mr. Rufo has worked as a barber for six years and now owns his very own barber shop. It  
95 should be noted over the years he has always given back to the community and gave free haircuts  
96 to children for back to school, he quickly learned English he consistently paid his taxes, he  
97 joined a church, he is regarded by neighbors and friends as an extended family and he is well

98 respected by law enforcement and as I'm sure DHS and Your Honor reviewed all of this is  
99 evidenced by the plethora of letters and support ranging from Jose Zachary Diaz, senior pastor of  
100 Canada church, Deputy Mayor of Newark Legia de Freitas to Detective Maderos of Newark  
101 Police Department to his dear friendS that had turned into family. And then, third his US citizen  
102 spouse Mariana Alvarez Nunez is serving as his sponsor and has affirmed her willingness to  
103 provide any financial support uh throughout his immigration process. In addition, Mr. Rufo owns  
104 his own barbershop so he's financially sufficient in himself. So in conclusion Mr. Rufo is wildly  
105 hard working he's so kind he's so generous and he is beyond deserving of bond and for the  
106 foregoing reasons we respectfully request his release.

107 **IJ Wilson:**

108 And so I'm I'm a little confused counsel because I'm looking in his removal case and I don't see  
109 that in application for relief was ever filed.

110 **Alexandra Minogue, on behalf of Mr. Rufo:**

111 Yes, your Honor, it's the I-130.

112 **IJ Wilson:**

113 That's not an application, that I can adjudicate.

114 **Alexandra Minogue, on behalf of Mr. Rufo:**

115 Then the asylum, the asylum was filed on November 10th 20 uh hold on it was ... let me see the  
116 see.

117 **IJ Wilson:**

118 This year, counsel?

119 **Alexandra Minogue, on behalf of Mr. Rufo:**

120 Yes.

121 **IJ Wilson:**

122 Yes so it's not so stop stop stop stop stop stop when I start talking that means you stop  
123 talking even if you're in the middle of a sentence you stop/ OK so that means it's untimely he's

124 not eligible for asylum. I'm aware of the country conditions in Portugal and excuse me in Brazil  
125 so it's highly unlikely is going to be eligible for withholding under the INA or CAT. I don't know  
126 what the basis of the I-589 is since it hasn't been accepted so as far as I'm concerned right now I  
127 don't have it in front of me so I-130 I can't adjudicate. He entered without inspection I'm not sure  
128 if he was ever granted humanitarian parole or not so it appears that he would need an unlawful  
129 presence waiver right on its face. So as of right now I have a person sitting before me who's not  
130 eligible to stay in the United States why should I grant bond to a person who has really no  
131 incentive to continue to check in with ICE or to turn himself in if he's ordered removed, he's not  
132 eligible for any relief?

133 **Alexandra Minogue, on behalf of Mr. Rufo:**

134 As indicated by the Federal District Court order is he has the liberty right through the I guess that  
135 through the I-130 which I understand that you are not permitted to adjudicate but that is what the  
136 Federal District Court has found and we are intending on, the only reason why the I-589 was  
137 rejected is because of the mishap with the recent prior attorney. We were recently hired that is  
138 the only reason why the 589 was rejected I have the order illustrating that. We immediately plan  
139 on refiling as soon as soon.

140 **IJ Wilson:** Counsel, you didn't address it's it's it's late right so he's not eligible for asylum so  
141 would it so but most he's eligible for withholding under the INA or cat right so?

142 **Alexandra Minogue, on behalf of Mr. Rufo:**

143 Okay, then so we will immediately refile for that Your Honor.

144 **IJ Wilson:**

145 Well what's the basis?

146 **Alexandra Minogue, on behalf of Mr. Rufo:**

147 The basis is that he was severely. Hold on one second Your Honor. So while in Brazil not only  
148 did Mr. Rufo along with his father's face continued threats of crime and economic hardship but  
149 his home life was also widely difficult due to his mother's extreme abuse as an adolescent. Mr.  
150 Rufo woke up every day in fear of verbal and physical mistreatment so that would be his basis,  
151 that would be our argument.

152 **IJ Wilson:**

153 So, that would not render him eligible for any relief. He's 27 years old the fact that he was  
154 abused, while significant and unfortunate would not give him any relief because he would not  
155 have any objective basis for fear or for persecution in the future. He would not be able to  
156 establish he more likely than not would be tortured in the future. A generalized fear of country  
157 conditions is not sufficient as you know counsel. So the I-589 is likely to fail based on what you  
158 just said. Again setting aside what the District Court said, which the district court's job was to  
159 determine whether or not he should be allowed to have a bond hearing that does not mean that I  
160 should grant bond OK? That's two separate things. I'm I'm I'm determining whether or not he's a  
161 flight risk in that I'm determining whether or not he's going to show up for immigration  
162 proceedings and what I consider significantly in that is whether somebody is eligible to stay in  
163 the United States. If they're not eligible to stay they have no incentive to appear they have none.  
164 They can hide there there's I mean and when I say hide I don't mean like go into hiding I mean  
165 they just avoid ICE detection like they do for many many years. OK so the I-130 even if it's  
166 granted does not give him relief he has to have an unlawful presence waiver . OK, which I also  
167 cannot adjudicate and he cannot have adjudicated with an open removal case either so and I went  
168 I-130 I don't know what the District Court judge knew and didn't know I don't know if the  
169 District Court judge is aware that an I-130 and in and of itself gives you nothing. If you are here  
170 unlawfully, it gives you nothing. You must have a waiver to overcome the unlawful presence  
171 unless you were granted humanitarian parole under 212-D5. OK, so I don't have any evidence of  
172 that as far as the waiver he also cannot get if the removal proceedings are open so unless I  
173 terminate or administratively close the removal proceedings he is not eligible for unlawful  
174 presence waiver only USCIS can give him an unlawful presence waiver. I'm stating all this  
175 counsel not to lecture you but for recording in case it goes back to the district courts the District  
176 Court is aware of how this works. The USCIS is the only entity that can grant an unlawful  
177 presence waiver I am under no obligation to terminate proceedings or administratively closed so  
178 that USCIS can do so so again counsel my question is what relief is he eligible for right now in  
179 the immigration court before an immigration judge.

180 **Alexandra Minogue, on behalf of Mr. Rufo:**

181 We plan again I reiterate on filing regardless of your contention that it would fail we plan on  
182 filing for CAT&WOR and the only reason why the basis was rejected the filing was rejected is  
183 because we were recently retained.

184 **IJ Wilson:**

185 Got it.

186 **Alexandra Minogue, on behalf of Mr. Rufo:**

187 That is what we plan on filing and again if I may your honor just further while he's in detention  
188 we have to coordinate for an I-485, I- 485 interview and there has been no cooperation between  
189 USCIS, OPLA, ICE we've gotten in touch with field officers. So that is another reason why he's  
190 not able to adjust and I know that's not before your honor and I understand that.

191 **IJ Wilson:**

192 but the council he can't get a 485 he he kept it that's that's pointless and a waste of his money  
193 unless he has an unlawful presence waiver.

194 **DHS Attorney:**

195 He still has to leave the country right process so he would be paying thousands of dollars now

196 **IJ Wilson:**

197 Right.

198 **DHS Attorney:**

199 To file an application he's never going to be eligible

200 **IJ Wilson:**

201 Right, he has to get the unlawful presence waiver here in the United States and then depart and  
202 file for adjustment so if he's filing for adjustment now that's that's a waste of his time and money.

203 **Alexandra Minogue, on behalf of Mr. Rufo:**

204 It's the I-130 interview that is what I'm mentioning and

205 **IJ Wilson:**

206 Oh sorry.

207 **Alexandra Minogue, on behalf of Mr. Rufo:**

208 Then second also as per the motion to reopen that was granted by IJ Judge Carle. Um, it was  
209 evidenced that he is eligible for an I-601a waiver and again I understand what you're saying your  
210 honor and what you're reiterating. I don't I don't mean to be disrespectful I'm just trying to make  
211 sure.

212 **IJ Wilson:**

213 No, I don't I don't find you disrespectful. No that's fine I don't find you disrespectful but the the  
214 problem with this scenario though counsel is that UM I'm not sure why the I-130 is still pending  
215 uh other than it it takes a long time for these things but I I look I see that they were married I  
216 think in 2020 it's been pending since 2022 so I guess that's not inordinately long since he was not  
217 detained but the the the problem is counsel is that he is now he has been in removal proceedings  
218 since 2016. SO, first of all also for the district courts edification when a person gets married  
219 during removal proceedings there is not a presumption but there is a statute that frowns upon or  
220 or requires USCIS or whatever entity determining the validity of the marriage to look closely at  
221 the validity of the marriage so there's almost this like a presumption that you didn't enter change  
222 the marriage for lawful reasons when you get married during removal proceedings it's not  
223 exactly a presumption but it's there in our statute so in our regulations. So there's that and again I  
224 I appreciate what you're saying about the I-130. but you have yet to address you you agree with  
225 me though in order for him to get the 601 a waiver the proceedings these proceedings have to be  
226 terminated or administratively closed right you agree with that?

227 **Alexandra Minogue, on behalf of Mr. Rufo:**

228 Yes, your Honor.

229 **IJ Wilson:**

230 OK and I mean I don't see any criminal history is that right?

231 **Alexandra Minogue, on behalf of Mr. Rufo:**

232 No criminal history at all and again he's well respected member of community, law enforcement  
233 officers multiple as you'll see and I know he reviewed the letter so I'm sorry to be beating a dead  
234 horse but he's so loved by his community. He's are respected and he will he will show up at all  
235 immigration proceedings. He will.

236 **IJ Wilson:**

237 OK and um I right and and also I would just say I do believe that um just again for edification  
238 even if there was if the respondent were to request voluntary departure and voluntarily depart he  
239 would becoming ineligible for adjustment because he has to get the unlawful presence waiver if  
240 that's required prior to departing the United States so he's kind of I mean this this all hinges on  
241 him being eligible for any relief frankly aside setting aside the I-589 which based upon what  
242 you've said counsel and obviously I haven't read the documents with what you've said is relief is  
243 unlikely so the only relief is based on marriage to his wife and that is contingent upon the  
244 government agreeing to terminate the case because there's no basis to terminate since the charge  
245 has been sustained or I believe the charge has been sustained.

246 **DHS Attorney:**

247 There was an in absentia order he's never actually appeared in court.

248 **IJ Wilson:**

249 Got it. Yep I see that.

250 **DHS Attorney:**

251 He's gonna appear.

252

253 **IJ Wilson:**

254 Yep, okay, so if the charge is sustained then which I have the I-213. If the charge is sustained  
255 then it would be agreement of the department or the court would have to exercise sua sponte  
256 authority to terminate or the court would have to find persuasive reasons to administratively  
257 close so so it's contingent upon that uh all right. So department what's the department's position  
258 on request for bond?

259 **DHS Attorney:**

260 The respondents a clear flight risk judge. He's never appeared in court before and did nothing to  
261 correct his immigration status even though he was aware of the final removal order since at least  
262 2020, 2022 when his wife petitioned for him he was likely aware of it before that, but in that  
263 filing the respondents wife confirmed the respondent knew he was in removal proceedings so he  
264 must have known that eight years later something happened. Most recently the respondents  
265 behavior evidence is a flight risk so he received a report notice to report to ICE on for October  
266 18th 2025. He walked into the building the government building 3 days early on October 15th  
267 asking to reschedule that appointment and got a new date of October 25<sup>th</sup>. October 25th the  
268 respondents evidence shows he went to the emergency room for anxiety symptoms rather than  
269 reporting to ICE then the respondent got a new report date of November 13<sup>th</sup>, 2025 where he  
270 finally appeared. The third tries a charm and was detained pursuant to INA 235 his new attorney  
271 filed a habeas petition the next day on November 14<sup>th</sup>. Another fact showing the respondent is  
272 working very hard to avoid any immigration consequences of his unlawful entry and residence  
273 and employment is that he waited almost exactly 2 years after his marriage to file the I-130  
274 showing he maybe wanted to try to avoid the additional scrutiny that would come from being a  
275 conditional resident. He was an adult when the in absentia order was issued so the motion to  
276 reopen and the bond motion all says he was a child when he entered he was a child he was a  
277 child he was three weeks from becoming an adult when he entered with his father and was an  
278 adult when he was ordered removed in absentia. The respondent did enter the country with a man  
279 was claiming to be his father but that person removed the GPS monitor from his ankle before  
280 even leaving Texas and neither the respondent nor his father reported to ice as was required by  
281 their release notification so this evidence indicates both the respondent and his father intended to  
282 not comply with the immigration laws. There is no available relief from removal other than  
283 withholding of removal which is unlikely as your Honor said. The respondent still hasn't filed an  
284 application for protection but the proposed application indicates child abuse by his mother that  
285 might have been relevant to an I-360 if you filed it back in 2016 but it's not it doesn't establish a  
286 claim for withholding or protection under the convention against torture. He's eligible for  
287 voluntary departure which he can get under safeguards now but has not sought on this record the  
288 respondent has not shown that he is not too great of a flight risk there's there's no evidence he's  
289 ever complied with immigration laws and counsel saying he's going to come to court is not the

290 same as council saying he's going to comply with the removal order. He's already shown that he's  
291 not going to comply with the removal order for a decade there's no reason to believe he would do  
292 so now - especially now that he has quote his entire life here.

293 **IJ Wilson:**

294 Okay, so I would note that according to the I-213 the respondent was 17 at the age of the  
295 encounter and his birthday is August 4th 1998 he was served with the NTA on August 10th 2016.  
296 Um and he entered July 10th 2016 and notably so I understand what another IJ stated in the order  
297 to reopen however according to the certificate of service the respondent was personally served  
298 the notice to appear in July 13th 2016. He received refused to sign the NTA but according to the  
299 certificate of service he was personally served and when I'm looking at the I213 it appears as  
300 such that he was and it clearly advises the consequences of failing to appear as well as the  
301 requirement to keep his address current. And the hearing the the address on the NTA is the one  
302 that the respondent provided to Border Patrol, it's the one that's stated as the point of contact in  
303 the United States and his his aunt's address that's the address on the NTA which is the address  
304 where the hearing notice for September 6th was mailed to so I'm not quite sure how or why the  
305 prior IJ determined that he was not given notice, but based upon the information I see in the file  
306 he was given notice he did know of his court date and failed to appear on his his court date. And  
307 then fair, failed to ohh and the order of removal and absentia was mailed to that same address  
308 and it was not returned as undeliverable so it appears that the respondent then didn't do anything  
309 in his case until 2022 with USCIS he filed an I-130 and then it looks like he hired an attorney  
310 May 23rd 2024 or at least that's when they enter their appearance so um it's setting aside what a  
311 prior immigration judge found. I I see that the respondent did have notice of his removal case  
312 and he chose not to appear in court and that is telling. So I the fact that a prior IJ let me just look  
313 at his decision right here issued a decision on September 30th 2024 stating that um his concern  
314 that this child was not adequately provided information about the status of his case and his duty  
315 and responsibility to attend hearings and has not been adequately directed by his father the court  
316 is not fully convinced that he had adequate notice of the of the hearing or was surprised by his  
317 father. So what I would note though is here. Let's see.

318 **Alexandra Minogue, on behalf of Mr. Rufo:**

319 Your honor?

320 **IJ Wilson:**

321 Wait Nope Nope no no don't interrupt me I'm in the middle of speaking don't interrupt me. So by  
322 the time he was served the notice to appear he actually was 18 so I'm not sure why the IJ thought  
323 that he was a child but he was actually an adult when he was served the notice group here um  
324 because it was August 10th 2016 that he was served nope I'm sorry let me rephrase that that's  
325 when it was filed with the court it was July 13th 2016 a month later is when he was it was when  
326 he turned 18 uh and but I will say the hearing notice that was mailed to the address that he  
327 provided was mailed August 16th and he was an adult at that time and the consequences of  
328 failing to appear requirements he was addressed current all of that is listed in the hearing notice  
329 that was mailed to him. So I'm not quite sure what you know what the prior immigration judge  
330 what his thoughts were other than what he wrote in his order but what I have in front of me is a  
331 person who failed to appear in court previously who did have notice the fact that another IJ had  
332 concerns about that adequacy of that notice, I appreciate that, but what I have in front of me is a  
333 person that received notice and then failed to do anything in his removal case until 2024. So  
334 that's a significant period of time. Go ahead counsel what do you want to say.

335 **Alexandra Minogue, on behalf of Mr. Rufo:**

336 Thank your honor, I'm sorry again.

337 **IJ Wilson:**

338 I'm not that's OK

339 **Alexandra Minogue, on behalf of Mr. Rufo:**

340 Sorry so again he came here in 2016 under the guide of his father and he was only 17 years old  
341 when he received any NTA, if he even received it and it was only received on by his father, it  
342 wasn't in his language he was just a child which is why immigration judge Carle and I  
343 understand you disagree with him said that he was not apprised that he was under the guide of  
344 his father at the time and any actions his father committed, which I know DHS had mentioned  
345 something about removing an ankle monitor that, this is the respondent he is not his father. And  
346 regardless of that he is not a flight risk his entire family is here his barbe shop is here, he's just  
347 starting his own business he. And and with regards to the ice check in he was extremely ill and

348 also prior counsel had misguided him as soon as he obtained us as counsel regardless of how  
349 how sick he was we directed him you have got to show up to that check in what did he do he -  
350 showed up to that check in. I'm I'm telling you your honor he will show up at every immigration  
351 proceeding.

352 **IJ Wilson:**

353 OK what what I find interesting is that there was an interpreter used and I don't see that every  
354 day according to the I-213 there was an interpreter there's an employee ID number employee  
355 language line services with the translator uh was used in this case um so and I'm looking at the  
356 I213, which I don't you know based on the immigration precedent unless I have any reason to  
357 question the reliability of this specific I-213 then it's considered a reliable document I am looking  
358 at this and it says the subject was processed for warrant of arrest slash notice of appear as per  
359 section 212A6 right and then uh I have the notice to appear and it says subject refused to sign  
360 witness by and so the way this is read read to me is no it was not served on his father it was  
361 served on the respondent which it can be anytime they are 17 years old 16 years old uh they they  
362 can be personally served so and I think it's that 14 is it above 14 I believe it's over age 14 that  
363 they can be personally served but nonetheless 17 absolutely so I I have no reason to believe that  
364 it was his father that was personally served. I believe this respondent was personally served his  
365 own NTA and his father was personally served his own NTA. Respondent knew he was in  
366 removal proceedings he knew it he knew he was in removal proceedings let's just set that aside  
367 for a second he knew he was in removal proceedings even if he wasn't aware of the date that he  
368 needed to appear so even if he didn't get the hearing notice which frankly I would the notice to  
369 appear he was personally served so there's proper service of the notice to appear if for whatever  
370 reason he didn't get the hearing notice because he moved I don't know then he had already  
371 known he was in removal proceedings and waited until 2024 to do anything he knew he was in  
372 proceedings counsel, so the argument that one attorney was supposed to do this that or the other  
373 that that is kind of disingenuous when clearly he knew he was in immigration proceedings and  
374 didn't do anything to remedy it I I mean I I so he's just sitting there wondering why what  
375 happened to my immigration case I I don't I find that hard to believe I I think he knew exactly  
376 what happened to his immigration case we didn't want to do anything to remedy the situation you  
377 don't just sit there for uh eight years wondering what happened to your immigration case would

378 you agree? I mean you don't just like you have an obligation to find out what's going on with my  
379 case just as in a criminal case you would probably want to know what's going on with your  
380 criminal case and not sit there for eight years wondering if you have a warrant out for your arrest  
381 right, so it's kind of the same thing you wouldn't just sit there and wonder go ahead.

382 **Alexandra Minogue, on behalf of Mr. Rufo:**

383 Thank you, your honor sorry I didn't want to interrupt. No I I resubmit that when he was 17 and  
384 he was under the guide of his father and there is nothing to state that he personally denied  
385 signing that. We certified again, his prior counsel certified in the prior motion he never received  
386 anything and again I know you're disagreeing with that previous IJ decision it - he found that  
387 there was improper service and that was already adjudicated and he has he only recently found  
388 out of his final order removal through his prior counsel. He was under the guide of his father in  
389 totality when you, he was a minor at the time of coming here. When you are under the guide of  
390 someone you believe that they are handling their immigration processes, which is why the age IJ  
391 in 2024 had found that ruling.

392 **IJ Wilson:**

393 Actually counsel you are misstating the ruling of the prior IJ. The prior IJ did not find improper  
394 service. The prior IJ sua sponte reopened the case finding exceptional circumstances.

395 **DHS Attorney:**

396 The issue was their NTA didn't have a date and time on it. That was the issue.

397 **IJ Wilson:**

398 Right.

399

400 **DHS Attorney:**

401 Which is what the respondent is trying to do now, Judge. The respondent is trying to get out  
402 because his continuous physical presence is still accruing so he's hoping it gets to be here in July  
403 of 2026 to claim that this U.S. citizen spouse that hasn't been proven by any approved petition is  
404 going to for exceptional and extremely unusual hardship and that's not going to fly because she

405 married him while he was subject to a final removal order so she can't claim she's subject to  
406 exceptional circumstances when she was aware what she was getting into by marrying him, so I  
407 wish counsel would be honest and say that that the respondents done good things in this country  
408 and is likely going to be granted a discretionary location instead of claiming the respondents  
409 father didn't tell him if that's true we would have a letter from the respondents father swearing he  
410 didn't tell him but that's not true because no one said that under oath. The respondents not said it  
411 and I hope he doesn't lie now, the father's not said it at this point the respondent is hoping to get  
412 to 10 years and there's no evidence that he's going to be people for relief even then.

413 **IJ Wilson:**

414 So the and and I'm looking at the order of the prior immigration judge and yet he starts the court  
415 finds that it can most expeditiously expeditiously address the request to reopen pursuant to its  
416 sua sponte authority so uh and it says right here this requirement promotes finality of decisions  
417 as a court sua sponte power is not meant to be used as a general cure for filing defects or to  
418 otherwise circumvent the regulations um cases where the board has found exceptional situations  
419 sufficient to warrant weren't reopening typically include cases where there has been a compelling  
420 and minimal change in the law or in cases where reopening would result in a substantial  
421 likelihood the result of the case would be changed if reopening is granted and then he goes on to  
422 say the exceptional situation and he mentions that he was 17 years old and then he goes on to say  
423 the hearing notice was sent to his father he does not say anything about the notice to appear and  
424 in fact it's telling that he did not find improper service of the notice to appear. I I think that he  
425 would not have been able to find improper service of the notice to appear based upon the I-213  
426 and the notice to appear because the respondent was personally served so I disagree with  
427 counsel's interpretation that a prior IJ found improper service. The IJ did not the I found that it  
428 warranted sua sponte reopening which is very different and it also stated that he's married to a  
429 U.S. citizen who has no criminal record and that the respondent is prima facie eligible for an  
430 I601 waiver - he doesn't explain why the respondent is prima facie eligible for that I don't know  
431 whether he actually is or isn't but but what I can say is that I have a situation where  
432 respondent previously failed to appear and he failed to appear for a very significant period of  
433 time to do anything to resolve his removal case and he has a pending I-130 it has not been  
434 adjudicated umm and so that's also significant and um he had as I already said it said he cannot

435 get A-601-A waiver unless these proceedings are terminated or administratively closed which the  
436 court has no obligation to do either one of those things. I'm not saying how I would rule on that  
437 but I just saying I it's not just an automatic that you can get that like the I-130 where it's more  
438 automatically given the 601 has a whole process and you do have to establish a hardship which  
439 at this point I don't know if that hardship is there. So I have a person who's failed to appear over  
440 or fail to appear once irrespective of the court reopening the case he failed to appear and the the  
441 court did not find that he didn't have notice of that hearing the court used it as a factor that the  
442 hearing notice was sent to his father although arguably it was sent to the respondent too because  
443 both names are on it but he said it was sent to his father he didn't say though he didn't know  
444 about the hearing he just used the fact that he was 17 that the hearing notice was sent to his father  
445 that his father didn't he claims that the father you know didn't properly advise him that those are  
446 things that he used in making his decision but he did not make findings with regards to the NTA  
447 and actual notice of the respondent because had he he would not have exercised sua sponte  
448 authority he would have actually found that there was improper service of the notice to appear or  
449 that the respondent was not properly advised or given notice of the hearing date but he didn't he  
450 used respond to authority. So and there's no time limitation on if a person was not given proper  
451 notice so he wouldn't need it he would not have needed to exercise suit sponte authority if in fact  
452 he had found that the person that the respondent had improper notice either of the NTA or of the  
453 hearing so um the the fact is is that I have a respondent who failed to appear and then I have the  
454 arguments made by the department with regards to him not appearing for a check was it one  
455 check in that he failed to I understand he reset it because

456 **Alexandra Minogue, on behalf of Mr. Rufo:**

457 It was one, your honor.

458 **DHS Attorney:**

459 He rescheduled the 18th and then didn't appear for the 25th and then appeared at the 13<sup>th</sup>.

460 **IJ Wilson:**

461 OK thank you OK and I have somebody who at this point in time is not eligible for any relief and  
462 do they have does he have any children

463 **Alexandra Minogue, on behalf of Mr. Rufo:**

464 No children, but he does plan on building a future with his wife five years now.

465 **IJ Wilson:**

466 OK so um the court is going to find in this case that first the respondent has actually let me look  
467 at the habeas excuse me is the that the habeas is just a bond hearing right it's not a 230  
468 reasonableness.

469 **Alexandra Minogue, on behalf of Mr. Rufo:**

470 Its

471 **DHS Attorney:**

472 It's 236A bond hearing.

473 **IJ Wilson:**

474 Go ahead counsel.

475 **Alexandra Minogue, on behalf of Mr. Rufo:**

476 No I was just going to say exactly what DHS said sorry to interrupt.

477 **IJ Wilson:**

478 Thank you. OK and it looks like the order is just very brief it's just I've already decided that  
479 Yujure Hurtado doesn't apply in a prior case and that's before that District Court judge that's not  
480 before the 3rd circuit. OK so I'm going to find first that the respondent has established that he is  
481 not a danger. With regards to flight risk as the court has already stated I consider a variety of  
482 factors including that the respondent failed to appear initially and I do not find it compelling that  
483 a prior immigration judge reopened his case because the prior immigration judge used sua sponte  
484 authority, which the court has already addressed the prior immigration judge did not find  
485 improper notice the prior immigration judge expressed concerns about the respondents father  
486 adequately apprising the respondent of things related to his immigration case however as the  
487 court already noted the respondent turned 18 shortly after the notice to appear was served and he  
488 was 18 when the hearing notice was mailed to the address that he gave Border Patrol. Ugh and so

489 and it was mailed right after the notice to appear it was a month later so there it really is not  
490 compelling that he didn't have notice that number one he was in removal proceedings and  
491 number two of the actual hearing date. So he failed to appear he then got married in 2020 filed  
492 and I went I-130 so obviously he knew about immigration matters he knew about immigration  
493 proceedings in some way but did nothing to attempt to remedy his immigration status. I don't  
494 have anything filed in his removal case until 2024 and so he did nothing to remedy filed a motion  
495 to reopen which was granted and based upon the information the court has the respondent is not  
496 currently eligible for any relief as the court has explained in detail even with an approved I-130  
497 which at this point in time may not be granted because of the fact that he was it it it it may or  
498 may not be granted because of the fact that he got married during removal proceedings but even  
499 if he it is granted the court would consider the fact that he got married in removal proceedings in  
500 any adjustment application however setting that aside the court can't hear an adjustment  
501 application because the respondent must get a on I-601 waiver which or 601 a waiver which this  
502 court cannot give and it cannot be done unless the proceedings are terminated or administratively  
503 closed. So all of that is just completely speculative as to whether any of those things can occur as  
504 he sits here right now even if he hadn't approved I 130 he's not eligible to stay in the United  
505 States he also has not filed with the immigration court any other application for relief. Counsel  
506 says that she attempted to file an I-589 I have no reason to disagree with that or dispute that but  
507 based on the representation she has provided the response is not eligible for protection under the  
508 convention against torture or under the immigration nationality act so he has no application for  
509 relief pending he's not eligible for any relief before this immigration court and I have that he  
510 previously failed to appear did nothing to resolve his case it's it's one thing when somebody fails  
511 to appear then they realize ohh what happened to my removal case and then you know even two  
512 years later you know they call they try to figure it out they file something with the court that  
513 didn't happen here this waited years later the court believes that this respondent absolutely knew  
514 he was in removal proceedings and avoided immigration court because he did not want to appear  
515 for any cases and he avoided detection for many years and so based upon his actions in the past  
516 and the fact that he has no relief before this court and I understand that he has family ties which I  
517 do consider that in flight risk but when I say flight risk I mean I don't mean that they're going to  
518 leave the country I mean that they're going to appear before ICE and before the immigration  
519 court and if they're ordered removed from the United States appear for removal and that is the

520 that's the difference that is significant because a person can be a flight risk and just you know  
521 live even in the same city then and they just don't appear this is not like criminal cases where a  
522 warrant issued for your arrest and the police are going to go hunt you down that just doesn't  
523 happen it does in some situations but didn't happen with the respondent so I have to consider  
524 whether or not he would just avoid ICE avoid going to court since he knows now that he's not  
525 eligible to stay in the United states or 601 a waiver um and I have to find that he has not  
526 established he's not a flight risk so I'm going to deny bond. Counsel, do you want to reserve  
527 appeal.

528 **Alexandra Minogue, on behalf of Mr. Rufo:**

529 Yes, your honor?

530 **IJ Wilson:**

531 OK so an appeal is due thank you ohh I keep putting 25 all right. Okay counsel anything else

532 **Alexandra Minogue, on behalf of Mr. Rufo:**

533 No your honor thank you.

534 **IJ Wilson:**

535 We'll be adjourned.

#### **CERTIFICATION OF TRANSCRIPT**

I, Alexandra Minogue, Esq., an attorney at law, hereby certify that I have accurately transcribed the contents of the attached audio recording. I further certify that the attached transcript is a true, complete, and correct transcription of the original audio recording to the best of my knowledge and ability. I understand that any false statement made herein may subject me to penalties under applicable law.

Date: December 30, 2025

  
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**ALEXANDRA MINOGUE**