

# EXHIBIT 1

*(Balde v. Doll)*

Case 10-5023 Document 10-4 Page 357 01/07/2011 182253 44a

IMMIGRATION COURT  
26 FEDERAL PLZ 12TH FL. RM1237  
NEW YORK, NY 10278

In the Matter of

BALDE, MAMADU A  
Respondent

Case No.: A77-562-400

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Mar 31, 2003. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to *Senegal* or in the alternative to *Gambia*.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ \_\_\_\_\_ with an alternate order of removal to \_\_\_\_\_.
- Respondent's application for asylum was ( ) granted *denied* ( ) withdrawn.
- Respondent's application for withholding of removal was ( ) granted *denied* ( ) withdrawn.
- Respondent's application for *withholding* of removal under *Art 3 UN Convention* ( ) granted *denied* ( ) withdrawn.
- Respondent's application for cancellation of removal was ( ) granted under section 240A(b)(1) ( ) granted under section 240A(b)(2) ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn or ( ) other.
- Respondent's application for adjustment of status under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.

Other: *Application for asylum denied & removal*  
Date: Mar 31, 2003

Appeal: Waived *(denied)* Appeal Due By: *4/30/03*  
*by respondent*  
JUDITH M. BURKZPAN  
Immigration Judge

SRN

000332

# EXHIBIT 2

*(Balde v. Doll)*

# 10-5023 Balde v. Holder "Summary Order FILED"

1 message

cmecf@ca2.uscourts.gov<cmecf@ca2.uscourts.gov>  
To: info@usimmhelp.com

Tue, Oct 25, 2011 at 10:09 AM

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Court of Appeals, 2nd Circuit

## Notice of Docket Activity

The following transaction was filed on 10/25/2011

Case Name: Balde v. Holder

Case Number: 10-5023

Document(s): Document(s)

### Docket Text:

SUMMARY ORDER AND JUDGMENT, dismissing in part and denying in part petition for review, by JAC., DAL., GEL., FILED.[427820][10-5023]

Case: 10-5023 Document: 54-1 Page: 1 10/25/2011 427820 5

10-5023-ag  
Balde v. Holder

BIA  
Bukspan, JJ  
A077 563 400

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 25<sup>th</sup> day of October, two thousand eleven.

PRESENT:

JOSÉ A. CABRANES,  
DEBRA ANN LIVINGSTON,  
GERARD E. LYNCH,  
*Circuit Judges.*

---

MAMADU A. BALDE,  
*Petitioner,*

v.

10-5023-ag  
NAC

ERIC H. HOLDER, JR., UNITED STATES  
ATTORNEY GENERAL,  
*Respondent.*

---

FOR PETITIONER: Erin Edward VanValkenburg,  
Pittsburgh, PA

FOR RESPONDENT: Tony West, Assistant Attorney  
General; Linda S. Wernery, Assistant  
Director; Gregory M. Kelch,  
Attorney, Civil Division, Office of

Case: 10-5023 Document: 54-1 Page: 2 10/25/2011 427820 5

Immigration Litigation, U.S.  
Department of Justice, Washington,  
DC

UPON DUE CONSIDERATION of this petition for review of a Board of Immigration Appeals ("BIA") decision, it is hereby ORDERED, ADJUDGED, AND DECREED that the petition for review is DISMISSED in part and DENIED in part.

Petitioner Mamadu A. Balde, a native and citizen of Sierra Leone, seeks review of an October 29, 2010, decision of the BIA affirming the November 18, 2008, decision of Immigration Judge ("IJ") Joanna Miller Bukszpan denying his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). *In re Mamadu A. Balde*, No. A077 563 400 (B.I.A. Oct. 29, 2010), *aff'g* No. A077 563 400 (Immig. Ct. N.Y. City Nov. 18, 2008). We assume the parties' familiarity with the underlying facts and procedural history of the case.

Under the circumstances of this case, we have considered both the IJ's and the BIA's opinions. *Zaman v. Mukasey*, 514 F.3d 233, 237 (2d Cir. 2008). "The substantial evidence standard of review applies, and we uphold the IJ's factual findings if they are supported by reasonable, substantial and probative evidence in the record." *Yanqin*

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*Weng v. Holder*, 562 F.3d 510, 513 (2d Cir. 2009) (internal quotation marks and citations omitted). "By contrast, we review *de novo* questions of law and the BIA's application of law to undisputed fact." *Id.* (internal quotation marks and brackets omitted). See also 8 U.S.C. § 1252(b)(4)(B).

As an initial matter, we lack jurisdiction to review the agency's pretermission of Balde's asylum application, as 8 U.S.C. § 1158(a)(3) provides that no court shall have jurisdiction to review the agency's finding that an asylum application was untimely under 8 U.S.C. § 1158(a)(2)(B). Although we retain jurisdiction to review constitutional claims and "questions of law," 8 U.S.C. § 1252(a)(2)(D), Balde disputes only the correctness of the IJ's factual finding regarding his date of arrival; thus, he has failed to raise a question of law over which we could exercise jurisdiction, and we dismiss the petition for review insofar as it challenges the finding of untimeliness. See *Xiao Ji Chen v. U.S. Dep't of Justice*, 471 F.3d 315, 328-29 (2d Cir. 2006).

With respect to withholding of removal and CAT relief, substantial evidence supports the agency's adverse credibility determination. The IJ reasonably relied on inconsistencies between Balde's written application and his

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testimony regarding when he entered the United States. See *Majidi v. Gonzales*, 430 F.3d 77, 81 (2d Cir. 2005).

Although Balde's written application indicated that he had never entered the United States prior to 1999, he conceded during his hearing that he was arrested in the United States in 1997. Moreover, a reasonable factfinder would not have been compelled to credit Balde's explanations for this inconsistency. See *id.* at 80-81. Having questioned Balde's credibility, the IJ reasonably relied further on Balde's failure to provide reliable evidence corroborating his assertion that he returned to Sierra Leone in 1997. See *Biao Yang v. Gonzales*, 496 F.3d 268, 273 (2d Cir. 2007) (recognizing that an applicant's failure to corroborate his testimony may bear on credibility, either because the absence of particular corroborating evidence is viewed as suspicious, or because the absence of corroboration in general makes an applicant unable to rehabilitate testimony that has already been called into question). Because the claims for withholding of removal and CAT relief were based on the same factual predicate, the well-supported adverse credibility finding warranted denial of both forms of relief. See *Paul v. Gonzales*, 444 F.3d 148, 156 (2d Cir. 2006).



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For the foregoing reasons, the petition for review is DISMISSED in part and DENIED in part. As we have completed our review, any stay of removal that the Court previously granted in this petition is VACATED, and any pending motion for a stay of removal in this petition is DISMISSED as moot.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

  
*Catherine O'Hagan Wolfe*

# EXHIBIT 3

*(Balde v. Doll)*

Department of Homeland Security  
U.S. Citizenship and Immigration Services

I-797, Notice of Action

## UNITED STATES OF AMERICA

|   |                |   |
|---|----------------|---|
| RECEIPT NUMBER<br>WAC-11-906-86101  |                | CASE TYPE I130 PETITION FOR ALIEN RELATIVE  |
| RECEIPT DATE<br>September 22, 2011  | PRIORITY DATE  | PETITIONER<br>BROWN, RYAN S.  |
| NOTICE DATE<br>April 21, 2014   | PAGE<br>1 of 1 | BENEFICIARY A077 563 400<br>BALDE, MAMADU A.  |
| RYAN SUZANNE BROWN<br>3 TIARA COURT<br>HURRICANE WV 25526   |                | Notice Type: Approval Notice<br>Section: Husband or wife of U.S. Citizen,<br>201(b) INA |
| <p>The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. The evidence indicates that he or she is not eligible to file an adjustment of status application. This determination is based on the information submitted with the petition and any relating files. If the person for whom you are petitioning believes that he or she is eligible for adjustment of status, then he or she should contact the local USCIS office for more information.</p> <p>Because the person for whom you are petitioning is not eligible to adjust, we have sent the approved petition to the Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. NVC processes all approved immigrant visa which consular post is the appropriate consulate to complete visa processing. NVC will then forward the approved petition to that consulate.</p> <p>This completes all USCIS action on this petition. You should allow a minimum of 30 days for Department of State processing before contacting the NVC. If you have not received any correspondence from the NVC within 30 days, you may contact the NVC by e-mail at <a href="mailto:NVCINQUIRY@state.gov">NVCINQUIRY@state.gov</a>. You will need to enter the USCIS receipt number from this approval notice in the subject line. In order to receive information about your petition, you will need to include the Petitioner's name and date of birth, and the Applicant's name and date of birth, in the body of the e-mail.</p> <p>The NVC will communicate with the person for whom you are petitioning concerning further immigrant visa processing steps.</p> <p>The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.</p> <p>THIS FORM IS NOT A VISA, NOR MAY IT BE USED IN PLACE OF A VISA.</p> <p>NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.</p> |                |   |

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NATIONAL BENEFITS CENTER

USCIS, DHS

P.O. BOX #648004

LEE'S SUMMIT MO 64064

Customer Service Telephone: (800) 375-5283



# EXHIBIT 4

*(Balde v. Doll)*

Office of Enforcement and Removal Operations  
U.S. Department of Homeland Security  
3400 Concord Rd.  
York, PA 17402



## U.S. Immigration and Customs Enforcement

BALDE, MAMADU A077563400  
c/o York County Prison  
3400 Concord Rd.  
York, PA 17402  
Pouch# 183814 Housing unit M-F19

### Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You are a native and citizen of Sierra Leone. You claim to have last entered the United States at New York, NY on June 6, 1999, with fraudulent documents. On September 10, 1999, you applied for Asylum. On September 29, 2000, you were served a Notice to Appear, charging you with Section 237(a)(1)(A) of the Immigration and Nationality Act. On March 31, 2003, the Immigration Judge ordered you removed, your application for Asylum, application for Withholding and application for Cancellation of Removal were denied. Appeal was reserved until April 30, 2003. On April 16, 2003, you filed an appeal with the Board of Immigration Appeals (BIA). On June 17, 2004, the BIA remanded the case back to the Immigration Judge. On November 18, 2008, the Immigration Judge ordered you removed, your application for Asylum, application for Withholding and application for Cancellation of Removal were pretermitted. Appeal was reserved until December 18, 2008. On December 17, 2008, you filed an appeal with the BIA. On October 29, 2010, the BIA dismissed the appeal. On February 28, 2011, you filed a Petition for Review with the 2nd Circuit Court of Appeals. On October 25, 2011, the 2nd Circuit Court of Appeals dismissed the Petition for Review. On January 4, 2012, you were taken into ICE custody by ICE Fugitive Operations.

On November 30, 2006, you were convicted in the Criminal Court of New York for the offenses of Facilitating Aggravated Unlicensed Operation Motor Vehicle, for which a \$300.00 fine and conditional discharge was imposed. On March 18, 2010, you were convicted in the Newton Falls Municipal court for the offense of Misuse of a Credit Card, for which 90 days of incarceration was imposed with 30 days suspended, credited for 60 days for time served, a \$500.00 fine \$200.00 suspended and \$121.00 court cost.

On February 23, 2012, a travel document request was sent to the Embassy of Republic of Sierra Leone. The Embassy of Republic of Sierra Leone is in possession of documents that typically facilitate the issuances of a travel document.

You are considered a flight risk because you failed to depart The United States upon your order of removal. In addition to that ICE is currently working on obtaining a travel document.

**Decision to Continue Detention**  
**BALDE, Mamadu A077 563 400**

Page 2

Based on the above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with the ICE's efforts to remove you by taking whatever actions the ICE requests to effectuate your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been released or removed from the United States by July 02, 2012, jurisdiction of the custody decision in your case will be transferred to the Headquarters Post Order Unit (HQPDU), 801 I St. NW, Washington, DC 20536. HQPDU will make a final determination regarding your custody.



Thomas Decker, Field Office Director

4-19-2012

Date

Enforcement and Removal Operations  
U.S. Department of Homeland Security  
3400 Concord Rd.  
York, PA 17402



## U.S. Immigration and Customs Enforcement

BALDE, Mamadu A#077 563 400  
C/O York County Prison  
3400 Concord Rd.  
York, PA 17402  
Pouch# 183814 Housing unit: M-F19

### Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You are a native and citizen of Sierra Leone. You claim to have entered the United States at New York, NY, on June 06, 1999, with fraudulent documents. On September 10, 1999, you applied for Asylum. On September 29, 2000, you were served a Notice to Appear, charging you with Section 237(a)(1)(A) of the Immigration and Nationality Act. On March 31, 2003, the Immigration Judge ordered you removed, your application for Asylum, application for Withholding and application for Cancellation of Removal were denied. At that time, you reserved your right to appeal. On April 16, 2003, you filed an appeal with the Board of Immigration Appeals (BIA). On June 17, 2004, the BIA remanded your case back to the Immigration Judge. On November 18, 2008, the Immigration Judge ordered you removed to Sierra Leone, your application for Asylum, application for Withholding and application for Cancellation of Removal were pretermitted. On that date, you reserved your right to appeal. On December 17, 2008, you filed an appeal with the BIA. On October 29, 2010, the BIA dismissed your appeal. On February 28, 2011, you filed a Petition for Review with the 2<sup>nd</sup> Circuit Court of Appeals. On October 25, 2011, the 2<sup>nd</sup> Circuit Court of Appeals dismissed the Petition for Review. On January 04, 2012, you were taken into ICE custody by ICE Fugitive Operations.

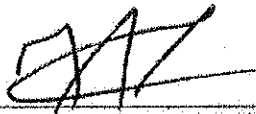
On November 30, 2006, you were convicted in the Criminal Court of New York, for the offenses of Facilitating Aggravated Unlicensed Operation of Motor Vehicle, for which you were ordered to pay all fees and fines. On March 18, 2010, you were convicted in the Newton Falls Municipal court for the offense of Misuse of a Credit Card, for which you were ordered to 90 days of incarceration with 30 days suspended and to pay all fines and fees.

On February 23, 2012, a travel document request was sent to the Embassy of the Republic of Sierra Leone. On March 13, 2012, you were telephonically interviewed by the Consul of Sierra Leone.

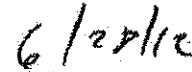
ICE is continuing efforts to obtain a travel document for you. It appears likely that a travel document will be issued in the near future.

Based on the above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with the ICE's efforts to remove you by taking whatever actions that ICE requests to effectuate your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been released or removed from the United States by July 02, 2012, jurisdiction of the custody decision in your case will be transferred to the Headquarters Custody Management Unit (HQCMU), 500 12<sup>th</sup> St. SW, Washington, DC 20536. HQCMU will make a final determination regarding your custody.



Thomas Decker, Field Office Director



Date



Enforcement and Removal Operations  
U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

BALDE, Mamadu A. aka: Mamadu, Balde Ali  
C/O Immigration & Customs Enforcement  
Philadelphia Field Office

A077 563 400

**Decision to Continue Detention**

This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE), has reviewed your custody status and that you will not be released from custody at this time. This decision was based on a review of your file record and/or personal interview and consideration of any information you submitted to ICE reviewing officials.

A review of your immigration record reflects that you are a native and citizen of Sierra Leone who entered the United States on an unknown date at an unknown location without inspection by an Immigration Official. On October 29, 2010, your removal order became administratively final when the Board of Immigration Appeals dismissed the appeal from your prior removal order. You entered ICE custody on January 4, 2012. A review of your criminal record reflects that you have been convicted of Facilitating Aggravated Unlicensed Operation of a Motor Vehicle and Misuse of a Credit Card.

A request for a travel document was submitted on your behalf to the government of Sierra Leone and that request is still pending. Your removal to Sierra Leone is expected to occur in the reasonably foreseeable future; therefore you are to remain in ICE custody at this time.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to effect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

de Walter M. Ingram  
Signature of HQFOCRU Chief

7/16/2012  
Date

# EXHIBIT 5

*(Balde v. Doll)*

*Enforcement and Removal Operations*  
U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

BALDE, Mamadu  
C/O Immigration & Customs Enforcement  
Philadelphia Field Office

A077 563 400

### Release Notification

Upon review of your case, U.S. Immigration and Customs Enforcement (ICE), has concluded that you may be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. You may be required to participate in an Alternative to Detention (ATD) Program which may include the use of Active/Passive GPS monitoring, monthly reporting and telephonic reporting.

A violation of one of these conditions, or of any local, state or federal law may result in you being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon you maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE. Once a travel document is obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.

  
Walter Ingram  
Signature of HQPOCRU Chief

08/15  
Date

# EXHIBIT 6

*(Balde v. Doll)*

U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Order of Supervision

File No: 077 563 400  
Date: October 15, 2012

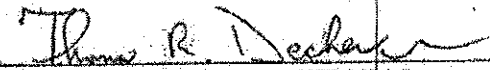
Name: BALDE, Mariadu

on October 29, 2010, you were ordered:  
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Department has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

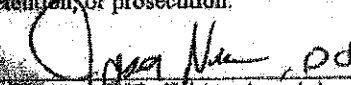
- That you appear in person at the time and place specified, upon each and every request of the Department, for identification and for deportation or removal.
- That upon request of the Department, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Department considers appropriate.
- That you do not travel outside Pennsylvania, West Virginia, Virginia for more than 48 hours without first having notified this Department office of the dates and places of such proposed travel.  
(Specify geographic limits, if any)
- That you furnish written notice to this Department office of any change of residence or employment within 48 hours of such change.
- That you report in person on the October 23, 2012 at 10:00AM to the Department office at: 1800 Callowhill St., Philadelphia, PA 19130 Phone: (215) 656-7164 unless you are granted written permission to report on another date.
- That you assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other:
- See attached sheet containing other specified conditions. (Continue on separate sheet if required)

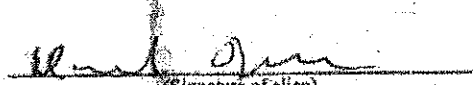
  
(Signature of ICE Official)

Thomas Decker, Field Office Director  
(Name and Title of ICE Official)

**Alien's Acknowledgment of Conditions of Release under an Order of Supervision**

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to fine, detention, or prosecution.

  
(Signature of ICE official serving order)

  
(Signature of alien)

15 Oct 12  
(Date)



U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Order of Supervision - Addendum

File No: A077 563 400

Date: October 15, 2012

Name: BALDE, Mamadu

- That you do not associate with criminals or members of a gang that is known to be involved in criminal activity.
- That you register in a substance abuse program within 14 days and provide Immigration and Customs Enforcement (ICE) with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, the duration and objectives of the program, and the name of a program counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency/agencies and provide ICE with written proof of such registration within 10 days.
- That you do not commit any crimes or be associated with any criminal activity while on this Order of Supervision.
- That you report to a parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- You must follow all reporting and supervision requirements as mandated by the parole or probation officer.
- That you continue to follow any prescribed doctor's orders whether medical or psychological, including taking prescribed medications.
- That you make good faith and timely efforts to obtain a travel document and assist ICE in obtaining a travel document.
- That you submit a complete application for a travel document to all appropriate Embassies or Consulates, including those representing the countries of SIERRA LEONE. You must present ICE with evidence that each Embassy or Consulate to which you apply has received your request and all required documents. This may be done, for example, by mailing your application(s) with a request for return receipt and providing the signed return receipt to ICE, by obtaining a tracking number when you mail your application(s) and providing the number to ICE, or by submitting written confirmation of receipt issued by the Embassy or Consulate.
- That you submit your application(s) for a travel document to all appropriate Embassies or Consulates and provide proof of receipt to ICE on or before as ordered by your supervising officer.
- That you provide ICE with a copy of your application(s) for a travel document that you submit to any Embassy or Consulate, including all supporting documents, photos, and other items provided to the Embassy or Consulate to support your application(s).

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION

File No.: 077 563 400

Event Number: PIT1201000001

Date: March 2, 2016

Name: BALDE, MAHADU

On October 29, 2010, you were ordered:  
(Date of Final Order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- That you do not travel outside WV without contacting ICE for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.  
(Specify geographic limits, if any)
- That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- That you report in person on 09/02/2016 00:00 to this agency office at:  
(Day/Date/Time)

ICE CHARLESTON WV 25301

(Reporting Address)

- That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: \_\_\_\_\_

See attached sheet containing other specified conditions (Continue on separate sheet if required)

  
(Signature of ICE Official)

ANTOL, R 0490  
(Print Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

  
(Signature of ICE Official Serving Order)

\_\_\_\_\_  
(Signature of Alien)

03/02/2016  
Date



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (Outprocessing Checklist)

All Aliens

- Probation/Parole Officer Notified
- Obtain address where living and telephone number
- Enter into IDENT
- NCIC Check
- Travel Document Application

Sex Offenders

- Probation/Parole Officer Notified
- Registered as sex-offender as required by state statute within 7 days
- Victim/Witness Coordinator Notified
- Victim/Witness Notified
- Written Proof of Counseling

Substance Abusers

- Probation/Parole Officer Notified
- Written Proof of Counseling

|                                     |                 |
|-------------------------------------|-----------------|
| <b>Completed By</b>                 |                 |
| ICE Official <u>OLCOTT, G. 3583</u> | Date 03/02/2016 |

|   |                 |
|---|-----------------|
| <b>Concurrence By</b>                         |                 |
| Supervisory ICE Official <u>ANTOL, R 0490</u> | Date 03/02/2016 |

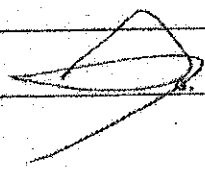
U.S. Department of Homeland Security

Continuation Page for Form I-220B

|                               |   |                    |
|-------------------------------|---|--------------------|
| Alien's Name<br>BALDE, MAMADU | File Number<br>077 563 400<br>Event No: PIT1201000001 | Date<br>03/02/2016 |
|-------------------------------|---|--------------------|

ADDITIONAL CONDITIONS

(1)  
CALL ICE at 304-343-3570 with any questions or concerns

|  |                              |
|--|------------------------------|
| Signature<br><br>S. 3583 OLCOTT | Title<br>Deportation Officer |
|--|------------------------------|

5 of 5 Pages



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
ORDER OF SUPERVISION (Addendum)

File No.: 077 563 400

Date: March 2, 2016

Name: BALDE, MAMADU

- That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Supervision.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- Other:

x   
\_\_\_\_\_  
Alien's Signature

# EXHIBIT 7

*(Balde v. Doll)*

of Enforcement and Removal Operations  
York Sub Office  
U.S. Department of Homeland Security  
3400 Concord Rd.  
York, PA 17402



**U.S. Immigration  
and Customs  
Enforcement**

BALDE, Manadu  
A # 077 563 400

**Notice of Revocation of Release**

This letter is to inform you that your case has been reviewed and it has been determined that you will be placed into custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, personal interview, and changed circumstances in your case. ICE has determined that there is a significant likelihood of removal in the reasonably foreseeable future in your case.

You are a native and citizen of Sierra Leone. You claim to have entered the United States at New York, NY, on June 6, 1999, with fraudulent documents. On September 10, 1999, you applied for Asylum. On September 29, 2000, you were served a Notice to Appear, charging you with Section 237(a)(1)(A) of the Immigration and Nationality Act. On March 31, 2003, the Immigration Judge ordered you removed, your application for Asylum, application for Withholding and application for Cancellation of Removal were denied. At that time, you reserved your right to appeal. On April 16, 2003, you filed an appeal with the Board of Immigration Appeals (BIA). On June 17, 2004, the BIA remanded your case back to the Immigration Judge. On November 18, 2008, the Immigration Judge ordered you removed to Sierra Leone, your application for Asylum, application for Withholding and application for Cancellation of Removal were pretermitted. On that date, you reserved your right to appeal. On December 17, 2008, you filed an appeal with the BIA. On October 29, 2010, the BIA dismissed your appeal. On February 28, 2011, you filed a Petition for Review with the 2<sup>nd</sup> Circuit Court of Appeals. On October 25, 2011, the 2<sup>nd</sup> Circuit Court of Appeals dismissed the Petition for Review. On January 4, 2012, you were taken into ICE custody by Fugitive Operations. On October 15, 2012 you were served on Order of Supervision and released from ICE custody. On August 5, 2016 U.S. Citizenship and Immigration Services received your Application for Temporary Protected Status. On August 13, 2016 a Rejection Notice was issued for that application.

It has been determined that due to changed circumstances in policy; there is a significant likelihood that you may be removed in the reasonably foreseeable future. Thereafter, if you are not released from custody following the informal interview provided for in paragraph eleven of this section, the provisions of § 241.4 shall govern your continued detention pending removal.


Based on the above and pursuant to § 241.4 and § 243(b) of the INA, you are to remain in ICE custody at this time.

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever

Notice of Revocation of Release  
A # 077 563 400  
BALDE, Mamadu  
Page 2

Based on the above and pursuant to § 241.4 of the INA, you are to remain in ICE custody at this time.

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under § USC Section 1253(a).



Patrick McCallion  
Acting Deputy Field Office Director

6-15-17

Date