**FRE 1006 SUMMARY**

**DETAINERS ICE PLACED ON U.S. CITIZEN CLASS MEMBERS BECAUSE DATABASE GAPS AND ERRORS REPORTED THEM TO BE NONCITIZENS**

The following is an FRE 1006 summary prepared by Plaintiffs' counsel of Plaintiffs' Exhibits 164-222. These exhibits are selected examples of detainers ICE agents within the Central District of California issued to U.S. citizens based on database checks only. These records were produced by Defendants to Plaintiffs in the discovery in this case. Plaintiffs' counsel have organized these records by the type of U.S. citizenship the individual possessed and by the type of database error they reflect, where it was possible to discern this information from the records.

Unless otherwise noted, "class of admission" (COA) codes for database entries from U.S. Citizenship and Immigration Services (USCIS) are available on the Department of Homeland Security's website under *Immigrant Classes of Admission*, https://www.dhs.gov/immigration-statistics/lawful-permanent-residents/ImmigrantCOA. Pls.' Exh. 9. All other COA codes are available in Appendix 23-7 of USCIS's Adjudicator's Field Manual, https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-27276/0-0-0-32908.html. Pls. Exh. 8.

## TABLE OF CONTENTS

## I.    DERIVATIVE CITIZENS

### A. <u>Central Index System (CIS) Class of Admission (COA) Field Reported Derivative Citizens to be LPRs</u>

<u>Exh. 173, J███F███(ICE 0025043 – 0025087)</u>

On January 13, 2016, ICE placed a detainer on U.S. citizen J███ F███after a database check indicated that he was a lawful permanent resident subject to removal. CIS details contain a blank field for Country of Citizenship (COC) and lists Class of Admission as IR2 ("children, new arrivals" under Immediate Relatives of U.S. Citizens). ICE 25045. CIS details for J███include only first names for his parents. *Id.* On January 19, 2016, the detainer was lifted after ICE confirmed that J███had derived citizenship in 2001 when the Child Citizenship Act (CCA) was enacted. ICE 24693 indicates the detainer was issued based on a biometric match.

<u>Exh. 181, C████C████(ICE 0023725-776)</u>

On May 2, 2015, ICE placed a detainer on U.S. citizen C███ C███ after a database check wrongly indicated that he was a lawful permanent resident and was removable based on his criminal history. CIS shows a blank field for Country of Citizenship (COC) and includes IR2 for Class of Admission ("children, new arrivals" under Immediate Relatives of U.S. Citizens) and parents' first names. ICE 23731 (CIS printout). The next day, ICE lifted the hold because ICE determined that C███had derived citizenship from his U.S.-born father when the Child Citizenship Act (CCA) of 2000 went into effect. ICE 23738 indicates the detainer is based on a biometric match.

<u>Exh. 182, M████S████(ICE 0023777-836)</u>

On May 6, 2015, ICE placed a detainer on U.S. citizen M███ S███because a database check wrongly identified him as a lawful permanent resident subject to removal based on his criminal history. ICE-23777 (I-213 Narrative). CIS shows a blank field for Country of Citizenship and a Class of Admission of F33 ("children of married sons/daughters of U.S. citizens, new arrivals," under Family-sponsored Preferences). ICE 23783 (CIS details). Two days later, ICE lifted the detainer after determining

that M████had derived citizenship in 2002 when his father naturalized. ICE-23794 indicates the detainer is based on a biometric match.

Exh. 183, J███I█████G█████S█████(ICE 0023869-915)

On May 21, 2015, ICE issued a detainer for U.S. citizen J███I████ G█████S█████ after a database check wrongly identified him as a lawful permanent resident subject to removal based on his criminal history. ICE 23869 (I-213 Narrative). Central Index System (CIS) details show a blank field for Country of Citizenship (COC), and Country of Birth (COB) is listed as Hondu (Honduras). A Class of Admission of P23 ("child of alien classified as P21, P22, P26, or P27 (2nd preference)" under Classes Currently Not in Use – Legal Permanent Resident Aliens)[1] is provided. ICE 23874 (CIS printout). Two months later, ICE lifted the detainer it was revealed that J███had derived citizenship years earlier when his parents naturalized. Further, the Department of State's Consular Consolidated Database revealed passport information for J███, but ICE failed to check the database prior to issuance of the detainer. ICE 23872. ICE 23882 indicates the detainer is based on a biometric match.

Exh. 184, N██████I███-R███(ICE 0023916-49)

On May 21, 2015, the ICE placed a detainer on U.S. citizen N███I███-R███ after a database check wrongly indicated that he was a lawful permanent resident subject to removal. ICE 23916-17 (I-213 Narrative). Central Index System (CIS) details show a blank field for Country of Citizenship (COC) and lists Country of Birth (COB) as MEXIC, and a Class of Admission of P12 ("child of an alien classified as P11 or P16," Classes Currently Not In Use - Legal Permanent Resident Aliens).[2] ICE 23918. Over two months later, ICE determined that N███had derived citizenship almost twenty years earlier when the CCA of 2000 went into effect. No N-600 was on file. ICE 23916-17 (I-213 Narrative). ICE 23922 indicates the detainer is based on a biometric match.

Exh. 176, V████S██(ICE 0024480-513)

On October 18, 2015, ICE placed a detainer on U.S. citizen V███ S██after a database check indicated that he was an LPR subject to

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[1] USCIS Adjudicator's Field Manual, Appendix 23-7. Pls.' Exh. 8.
[2] *Id.*

removal. ICE 24480 (I-213 Narrative). A Central Index System (CIS) display printout indicated V███████Country of Birth (COB) as Thailand (THAIL), his Country of Citizenship (COC) as Cambodia (CAMBO), and that his Class of Admission was RE8 ("children of RE6" under Refugees and Asylees). ICE 24510. On January 25, 2016, ICE determined that V███had derived citizenship approximately fifteen years earlier when his father naturalized. ICE had previously placed a detainer on V███ on at least one other occasion, on August 25, 2014. ICE 24485 indicates the detainer is based on a biometric match.

#### Exh. 180, M█████████O███ (ICE 0023684-724)

On April 28, 2015, ICE placed a detainer on U.S. citizen M█████████ O███ because a database check flagged him as a removable lawful permanent resident. ICE 23684-85 (I-213 Narrative). CIS details provided for M████████ reveal his Country of Citizenship (COC) is listed as "Ethio" (Ethiopia) and Class of Admission (COA) is listed RE8 ("children of RE6" under Refugees and Asylees). *See* ICE 23690. Further, CIS provides only first names for his parents. *Id.* On May 1, 2015, ICE lifted the detainer when it determined that M████████ had derived U.S. citizenship upon the naturalization of his mother five years earlier. ICE 23693 indicates the detainer is based on a biometric match.

#### Exh. 186, S████O████ (ICE 0023976-4000)

On July 9, 2015, ICE placed a detainer on U.S. citizen S████O████ after a database check wrongly indicated that he was an LPR subject to removal. ICE 23976 (I-213 Narrative). CIS details show Country of Birth and Country of Citizenship as ROMAN and indicates that his Class of Admission is RE8 ("children of RE6" under Refugees and Asylees). ICE 23977. Over two weeks later, on July 26, 2015, ICE lifted the detainer when it was revealed that S████ had derived citizenship when his parents naturalized. No N-600 was on file. ICE 23983 indicates the detainer is based on a biometric match.

#### Exh. 188, A██████A███████G█████ (ICE – 24078-79, ICE – 0024571-690)

On July 15, 2015, ICE placed a detainer on U.S. citizen A███████ A███████ G█████ after a database check erroneously indicated that he was a lawful permanent resident. ICE 24079 (I-213 Narrative). The CIS database shows Country of Birth (COB) is Mexico and contains a blank

Country of Citizenship (COC) field. ICE 24688. It notes his Class of Admission (COA) is E35 ("children of E31, E32, E36, or E37, new arrivals" under Employment-based preferences). ICE 24688. The detainer was later lifted after ICE determined that A██████ had derived U.S. citizenship when both his parents naturalized before his 18th birthday. ICE subjected A██████ to a detainer on at least one other occasion. ICE 24576 indicates the detainer is based on a biometric match.

Exh. 190, L██████C██████-M██████ (ICE – 0024801-834)

On October 9, 2015, ICE placed a detainer on U.S. citizen L██████ C██████-M██████ after a database search erroneously indicated that she was a lawful permanent resident. ICE 24801-02 (I-213 Narrative). Central Index System (CIS) printout indicates a Country of Birth (COB) and Country of Citizenship (COC) of Mexico and provides a Class of Admission (COA) of F28 ("children of F21, F22, F26, or F27, subject to country limits, adjustments" under Family-sponsored preferences). ICE 0024819. ICE lifted the detainer on December 7, 2015 after a quality control check determined that L██████ derived citizenship when her father naturalized. ICE 24803 indicates the detainer is based on a biometric match.

Exh. 191, E██████A██████ (ICE 0024896-933)

On December 30, 2015, ICE placed a detainer on U.S. citizen E██████A██████ after a database check erroneously indicated that he was a lawful permanent resident. ICE 24896-97 (I-213 Narrative). CIS details indicate E██████ Country of Birth (COB) is Kenya, and his Country of Citizenship (COC) is Sudan and notes his Class of Admission is RE8 ("children of RE6" under Refugees and Asylees). ICE 0024900. The next day, ICE lifted the detainer after it was revealed that E██████ had derived citizenship approximately ten years earlier when his mother naturalized. ICE 24908 indicates the detainer is based on a biometric match.

Exh. 209, A██████N██████A██████ (ICE 0024761-800)

On December 5, 2015, ICE placed a detainer on U.S. citizen A██████ N██████A██████ after a database check indicated that he was an LPR. ICE 24761 (I-213 narrative); ICE 24764. CIS shows Mexico under the Country

of Birth and Country of Citizenship fields and Class of Admission as IR7 ("children, adjustments" under Immediate Relatives of U.S. citizens)/ "Legal Permanent Resident." ICE 24774; 24777. On December 30, 2015, ICE lifted the detainer after a search of State Department database CCD using N███ social security number revealed that he had a valid U.S. passport. ICE 24764 indicates the detainer was based on a biometric match.

Exh. 175, R███ M███ G██-C███ (ICE 0024432-79)

See below.

Exh. 187, M███ A██ G████ M██ (ICE 0024001-77)

See below.

Exh. 219, R██ V██-H████ (ICE 0003392-415; ICE 0003448)

See below.

**B. No Database Showed Derivative Citizenship even though Immigration Judges had Already Decided the Individuals were Citizens and ICE had Previously Encountered Them**

Exh. 175, R███ M███ G██-C███ (ICE 0024432-79)

On October 19, 2015, ICE placed a detainer on U.S. citizen R███ M███ G██-C███ after a database check indicated that he was a lawful permanent resident subject to removal. CIS details provided for R███ revealed his Country of Birth (COB) as Mexico but the field for Country of Citizenship "COC" is blank. ICE 24455. The CIS Class of Admission (COA) listed SA1 ("alien born in independent Western Hemisphere country" under Classes Currently Not In Use - Legal Permanent Resident Aliens).[3] The EOIR database revealed a prior Immigration Court hearing and an Immigration Judge (IJ) decision of termination on May 17, 1999, but displayed no further details regarding the decision. ICE 24456.

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[3] *Id.*

On December 5, 2015, ICE lifted the detainer after realizing that an IJ had previously determined that R████ derived citizenship when his mother naturalized. Underlying documents from a prior immigration court case revealed a motion raising a citizenship issue, ICE 24444-46 (motion to terminate), and show that the prior immigration court hearing had been terminated in R████ favor. ICE 24442-43 (immigration judge decision). The EOIR database showed none of this information.

<u>Exh. 187, M███ A███ G██████ M████ (ICE 0024001-77)</u>

On July 10, 2015, ICE placed a detainer on U.S. citizen M███ A███ G██████ M███ after a database check wrongly indicated that he was a lawful permanent resident. ICE 24001-02 (I-213 Narrative). CIS listed M████ Country of Birth (COB) as Mexico and included a blank field for Country of Citizenship (COC). ICE 24008. It listed a Class of Admission (COA) of F27 ("children of alien residents, subject to country limits, adjustments" under Family-sponsored preferences).

Over two weeks later, on July 29, 2015, ICE lifted the detainer when it was revealed that M████ had derived citizenship when the Child Citizenship Act (CCA) of 2000 went into effect. An immigration judge had already determined he was a derivative citizen two years earlier when the judge terminated removal proceedings in 2013. The EOIR database only showed that prior removal proceedings had been "terminated" but showed no other information about the basis for that decision. ICE 24072. ICE 24016 notes the detainer is based on a biometric match.

<u>Exh. 219, R███ V███-H██████ (ICE 0003392-415; ICE 0003448)</u>

On August 26, 2014, ICE placed a detainer on U.S. citizen R███ V███-H██████ after a database check erroneously indicated that he was a lawful permanent resident subject to removal. A printout from Central Index System (CIS) indicates Mexico as the Country of Citizenship and Country of Birth and indicates a Class of Admission of IR2 ("children, new arrivals" under Immediate Relatives of U.S. Citizens). *See* ICE 3398. The detainer was later lifted when ICE determined that R██ had derived citizenship. In 2006, R██ was placed in immigration proceedings but had his case closed. EOIR information listed in CIS details includes note of prior termination of

case by EOIR on November 20, 2006 but no explanation of the content of the decision. ICE 3399.

Exh. 195, D███ C██████ M██ (ICE 0002505-13)

On September 9, 2014, ICE placed a detainer on U.S. citizen D███ C█████ M██ after database information indicated he was an LPR. ICE 2513. On September 23, 2015, ICE lifted the detainer after determining that D███ had derived citizenship from his mother, who had naturalized in 1996 while he was a minor. ICE had already previously encountered D███ twice. On January 14, 2009, ICE determined he was not removable, and released him. On December 7, 2011, an ICE officer interviewed D███ and again concluded that he was not amenable to any enforcement action. Despite these two previous encounters, the first resulting in termination of proceedings and the second resulting in release following determination that he was not removable, ICE databases continued to indicate that D███ was an LPR at the time the detainer was placed in 2014.

Exh. 185, C████████ C████ (ICE 0023952-53; ICE 0025296-299)

On May 26, 2015, ICE wrongly determined that U.S. citizen C████████ C████ was subject to removal based on a database check. ICE 23953 (I-213 Narrative). On December 7, 2015, ICE received additional information indicating C███████ had derived citizenship through his father. *Id.* Years earlier, in 2008, C███████ had been placed in removal proceedings; his case was closed the same day it was filed because it was determined that he was a citizen. ICE 25299 (EARM case comments).

### C. No Database Reflected Derivative Citizenship and Instead Reported Individuals were Noncitizens

Exh. 174, T████ L█ (ICE 0002451-52)

On April 23, 2015, ICE placed a detainer on U.S. citizen T███ L█ after a database check erroneously indicated that he was removable. *See* ICE 2451-52 (I-213 Narrative). Later that day, ICE lifted the detainer after determining that T████ had derived citizenship approximately two decades earlier upon his parents' naturalization. *Id.*

<u>Exh. 177, R████ A██████ D████</u> (ICE 0023607)

On July 23, 2015, ICE placed a detainer on U.S. citizen R████ A██████D████ because a database check indicated he was an LPR who was deportable based on a criminal conviction. *See* ICE 23607 (I-213 Narrative). The detainer was lifted after a review showed that R████ was a derivative U.S. citizen, who derived citizenship when his father naturalized in 2004.

<u>Exh. 178, A████ A██████ G███</u> (ICE 0023620-23)

On November 22, 2015, ICE placed a detainer on U.S. citizen A████ A██████ G███ because a database check flagged him as a lawful permanent resident amenable to enforcement action. ICE 23621. Some unknown time later, ICE determined that A████ was a U.S. citizen who had derived citizenship upon the naturalization of his parents before he turned 18. ICE 23623.

<u>Exh. 179, A████ P███</u> (ICE 0023628-83; ICE 0002454; ICE 0002448-9)

On April 14, 2015, ICE placed a detainer on U.S. citizen A████ P███ because a database check wrongly identified him as an LPR subject to removal. Four days later, on April 19, 2015, ICE lifted the detainer after it determined that A████ had derived citizenship upon his mother's naturalization when he was 12. ICE noted that A████ had no N-600 on file with CIS. A██████ CIS record showed only his mother's first name. ICE 0023634. A████ mother's naturalization record shows she had a different last name from A████. ICE 0023637. The detainer was based on a biometric match. ICE 0023647.

<u>Exh. 189, E███ F███ C██ G█████</u> (ICE 0024232-74)

On October 2, 2015, ICE placed a detainer on U.S. citizen E███ F███ C██ G█████ after a database check erroneously indicated that he was an LPR. ICE 24232 (I-213 Narrative). Over a month later, ICE determined that E███ was a U.S. citizen after receiving and reviewing his A & T files, and further information received from E███ attorney, which showed that he had derived citizenship in 2010 when his father naturalized and he was under 18 years old. ICE 24234 (EARM case comments). ICE 24237 and ICE 24240 indicate the detainer is based on a biometric match.

Exh. 192, J██ C████ C██████ O██████ (ICE 0002444)

On December 26, 2014, ICE placed a detainer on U.S. citizen J██ C████ C██████ O██████ after a database check erroneously indicated that he was an LPR. Over four months later, on May 8, 2015, ICE updated J██ file to indicate that he derived citizenship when he was one year old.

Exh. 193, A█████ G███████-J██████ (ICE 0002445–447)

On January 27, 2015, ICE placed a detainer on U.S. citizen A█████ G████████-J███████ after a database check erroneously indicated that he was a LPR subject to removal. ICE later noted that, per a "[m]emo in [his] Afile," A██████ was a derivative citizen. ICE 2447.

Exh. 194, P██ N██████ (ICE 0002459)

On October 22, 213, ICE placed a detainer on U.S. citizen P██ N██████ after a database check erroneously indicated that he was an LPR subject to deportation. Subsequently, ICE determined that P██ derived citizenship decades earlier when his parents naturalized.

## D. No Database, Including CIS, Reflected Any Information Because Relevant Events Took Place Before 1985

Exh. 217, O████ I█████-A██████ (ICE 0002755-71, 0002785-87)

On January 22, 2014, ICE placed a detainer on O████ I█████-A██████ On May 9, 2014, 107 days later, ICE lifted the detainer after an interview with O████ revealed he derived citizenship from his father. O████ provided his father's naturalization certificate, which indicated he naturalized in May of 1948, and his own application for a certificate of citizenship from 1975, nearly 40 years previously. ICE 2761. According to the application for a certificate of citizenship, O████ had resided in the United States since August 1961. *Id.* The interviewing agent could find no record in the CIS database of O████ father, mother or O████ himself. ICE 2759.

## II.     NATURALIZED CITIZENS

### A. Databases Failed to Reveal Naturalization Information

<u>Exh. 202, F███████R███████R███ (ICE 0002461)</u>

On November 30, 2013, ICE placed a detainer on U.S. citizen F████████R█████████R███ after a database check erroneously indicated that he had entered the U.S. without inspection and did not reveal that he had naturalized. On December 6, 2013, ICE lifted the detainer after an interview with F████████in which he explained that, though he was born in Mexico, his father was a U.S. citizen from Puerto Rico who filed an application for him to "change his status and natur[alize]" in January of 1983. ICE 2461.

<u>Exh. 203, M████R████G████████(ICE 0002453)</u>

On April 8, 2015, ICE placed an immigration detainer on U.S. citizen M████R████G████████after a database check erroneously indicated that she was a non-citizen who entered without inspection and did not reveal that she had naturalized. On April 18, 2015, ICE lifted the detainer after determining that M████was a naturalized citizen.

<u>Exh. 169, A█████████T██████ (ICE 0023950-51, ICE 0025294-95)</u>

On May 26, 2015, ICE placed a detainer on U.S. citizen A█████████ T███████after a database check erroneously indicated that he was subject to removal. ICE 23950. On August 14, 2015, ICE lifted the detainer after determining that A████████ was a citizen who had naturalized in March of 1992 and had been "mixed up" with another individual with a "very similar name and DOB."

<u>Exh. 207, J████N██████E████████(ICE 0024101-31)</u>

On July 26, 2015, ICE placed a detainer on J████N███████E█████████ because database checks failed to reveal that he had naturalized in 1995. ICE 24101 (I-213 Narrative). Based on the database information ICE located, which showed a prior apprehension in connection with an "attempt[] to smuggle [his] daughter into the US" in 1998, but no information about his earlier naturalization, ICE assumed he was EWI (entered without inspection) and issued a detainer. ICE 24120.

Exh. 216, L███ I██████ (ICE 0002598-99)

On August 6, 2013, ICE placed a detainer on U.S. citizen L███ I██████ On September 23, 2013, 48 days later, L████ mother faxed copies of L████ naturalization certificate and passport to the Los Angeles County Jail, where he was being held. The ICE agent on duty immediately cancelled the detainer and released L███ The agent noted that USCIS's Central Index System ("CIS") database records contained errors regarding both L███ and his sister. L████ birthday was erroneously listed as his sister's, his naturalization certificate number was incorrect, and he was listed as female. His sister's naturalization certificate number was also incorrect, and she was listed as male. ICE 2599

## III.    ACQUIRED CITIZENS

Exh. 172, E██████ A███ G██████ (ICE 0003453-54)

On June 16, 2013, ICE placed a detainer on U.S. citizen E██████ A███ G██████ after database check erroneously confused her with E██████ M████ G██████ a lawful permanent resident. On June 19, 2013, ICE released E██████ after she claimed to be a U.S. citizen born abroad to a USC parent and ICE interviewed her. ICE 3453. She subsequently presented a Department of State document showing she was a U.S. citizen born in Calgary, Canada. ICE 3454.

Exh. 211, M███ A███ C███ C██████ (ICE 0002457-58)

On October 16, 2013, ICE issued a detainer for M███ A███ C███ C██████ after a database check erroneously indicated that she was an LPR subject to deportation. Some unknown time later, following an interview, ICE determined that M███ was a acquired U.S. citizen based on her father's birth in Corona, California in 1930. ICE 2458.

## IV.   U.S.-BORN CITIZENS

### A. ICE Database Showed U.S.-Born Citizens Had Previously Been Encountered by ICE but Did Not Reflect their U.S. Citizenship

Exh. 198, O___H_____(ICE 0024934-66)

On January 1, 2016, ICE placed a detainer on U.S. citizen O___ H_____ after a database check erroneously indicated that he was a noncitizen who entered the U.S. without inspection. ICE 24934 (I-213 Narrative). On January 13, 2016, ICE lifted the hold after a phone interview during which O___ stated that he was born in Houston. ICE verified the birth with Texas Vital Statistics. ICE 24935. In 2015, O___ was arrested by ICE and then released after proving his U.S. citizenship but "the event was never closed out [in DHS databases] to reflect that [O___] was a USC." ICE-0024934-35. ICE-0024947 indicates the detainer was based on a biometric match

Exh. 214, J___G_____G_____(ICE 0025120 – 0025180)

On January 17, 2016, ICE placed a detainer on U.S. citizen J___ R_____V_____(a.k.a. J___G_____G_____) after a database check erroneously indicated that he was "inadmissibile." ICE 25120 (I-213 Narrative). ICE subsequently discovered that J___ was born in California and listed in the California Birth Registry. *Id.* J___ had been encountered by ICE several times before and previously determined to be a U.S. citizen. ICE 25133 (EID/EARM case processing disposition indicating not amenable to removal). US VISIT comments also include notation from May 24, 2001 encounter indicating that his true name is J___ R_____ V_____and that he is a U.S. citizen. ICE 25129-2513. ICE 25134 indicates the detainer was based on a biometric match.

Exh. 171, F_____P____(ICE 0002636-37)

On April 15, 2013, ICE placed a detainer on U.S. citizen F_____ P____ after flagging him as F_____ P____ *J*_ under an Alien number of 91-531-916, which was shared by L___C___R__ a previously deported immigrant. EID/EARM case comments state that "TECS, CCHRS, or JDIC" lists F_____ P____ J__ place of birth as Mexico. The comments also

state that F██████P████J█ and L████C████R███ had been falsely using F███████identify. On April 22, 2013, after an interview and additional investigation, ICE lifted the detainer after reviewing CA vital records and concluding F██████ was the real F██████P████ File notes indicate that law enforcement officials who previously detained F███████ "could have saved us a lot of time if they had put they verified he was the real United States Citizen." ICE 2637 (EARM Case Comments)

Exh. 168, R███P███(ICE 0024835-95)

On December 18, 2015, ICE issued a detainer on U.S. citizen R███ P███after a database check indicated that he was J███d█l█Q███and was subject to removal as a non-citizen who entered without inspection. ICE 24835. IDENT/ US Visit information contained a prior encounter from November 12, 2005 for a J███D█L█Q███, who was flagged as a citizen of Mexico. ICE 24847-48. On December 22, ICE lifted the detainer after calling Texas Vital Statistics and determining that R████ had been born in Texas. ICE 24835. ICE 24839 indicates the detainer was based on a biometric match.

Exh. 196, F███████G███████M███(ICE 0025246-82)

On January 24, 2016, ICE placed a detainer on U.S. citizen F████████ G████████M███ after a database check erroneously indicated that he was a noncitizen who had entered without inspection. ICE 25246-47 (I-213 Narrative). ICE later discovered that F██████ was listed in the California birth index and has a U.S. passport. ICE 25253 (State Department passport search results). EARM case notes show that ICE had encountered F█████ years earlier, in 2011, and had concluded that he was a citizen. ICE 25251. ICE 25261 indicates the detainer was based on a biometric match.

Exh. 197, E██████R████A████(ICE 0024538-68)

On November 4, 2015, ICE placed a detainer on U.S. citizen E█████ R████A█████ after a database check indicated that he was a non-citizen who entered without inspection. ICE 24538. On November 17, 2015, ICE lifted the detainer after E████████ spouse presented his U.S. birth certificate. ICE 24538-39 (I-213 Narrative). ICE 24548 indicates the detainer was issued based on a biometric match.

Exh. 200, M█████R███-G████████(ICE 0024967-0025042)


On January 3, 2016, ICE placed a detainer on U.S. citizen M████ R███-G████████ after a database check erroneously indicated that M███ was removable as a non-citizen who entered without inspection. ICE 24967 (I-213 Narrative). Ten days later, on January 13, 2016, PERC lifted the detainer after a review, including a check of Texas Vital Statistics and ATS records, showed that M███ was a U.S.-born citizen. Records indicate that M███ was erroneously subject to a detainer on at least one other occasion, in 2013. ICE 24975 indicates the detainer was on the basis of a biometric match.


Exh. 213, N██████M██████(ICE 25088-119)


On January 15, 2016 ICE issued a detainer to U.S.-born citizen N██████M██████ who fingerprint checks said was T████S███████who had been voluntarily removed in 1999. ICE 25088; ICE 25107. On January 21, 2016, ICE lifted the hold after it was revealed that N██████ was born in Santa Ana, California. ICE 25090. A search for passport information in State Department records also revealed a prior application for U.S. passport. ICE 25088. ICE 25107 indicates the detainer was based on a biometric match.


Exh. 164, F████████B██████(ICE 0023609-10; ICE 0024404-31)


On October 11, 2015, ICE placed a detainer on native-born U.S. citizen F████████B██████ because a database check said he was J███C███-L███ and was subject to removal. *See* ICE 23609. Over a month later, on November 16, 2015, ICE lifted the detainer when a review, including a check for passport information in the Department of State's Consular Consolidated Database and California birth records, revealed that F████████ was born in the United States. ICE 24407-08.

CIS details returned for J███C███L███indicated Mexico as Country of Birth (COB) and Country of Citizenship (COC). ICE 24429. IDENT/US-Visit database check contains encounters for both F████████ B██████and J███C███L███with same FBI ID. *See* ICE 24420-ICE 24428. ICE 24411 indicates the detainer is based on a biometric match.

Exh. 166, A████A████(ICE 0024515-37)

On November 4, 2015, ICE placed a detainer on U.S. citizen A████ A████ after database information indicated that he was subject to removal as a non-citizen who entered without inspection. ICE 24515 (I-213 Narrative Summary). On November 25, 2015, a review revealed that A███had been born in California and had a U.S. Passport issued. ICE 24515; DHS database printouts included information regarding voluntary return dispositions for a C████T███-C██████ and O████A████M███(both identified as Mexican) on June 28 and June 29, 2005, respectively. ICE 24529 (EARM results page). ICE 24518 indicates the detainer was based on a biometric match.

Exh. 167, F█████████V██(ICE 0024691-760)

On December 2, 2015, ICE placed a detainer on U.S. citizen F████████V██ after a database check indicated that he was D█████████ M██████-M███ and was subject to a final order of removal. ICE 24691 (I-213 Narrative Summary). Later that day, ICE lifted F█████████detainer after determining that he was not, in fact, D█████████M██████-M███, and was instead a U.S.-born citizen. Case file notes state, "[r]ather than searching for matching FINS [i.e. fingerprint numbers], it appears match was base[d] on similar names and alias." ICE 24691-92. ICE 24693 indicates the detainer was based on a biometric match.

### B. Databases Said U.S.-Born Citizens were Noncitizens who "Entered Without Inspection"

Exh. 201, M██████R█████G██████(ICE 0002463-76)

On January 23, 2013, ICE placed a detainer on U.S. citizen M██████ R█████G█████ after a database check erroneously indicated that he was a non-citizen who entered without inspection. ICE 0002474-75. On February 28, 2013, ICE lifted the detainer after an interview with M██████. ICE verified that M██████was born in the U.S. through California Vital Records and a check of CCDI, which showed he had been issued a U.S. passport. ICE 0002472.

Exh. 204, R████ G████-O██████ (ICE 0002600-03)

On February 25, 2013, ICE placed a detainer on U.S. citizen R█████ G████-O██████ after a database check erroneously indicated that he was a non-citizen who had entered without inspection. On March 26, 2013, ICE lifted the detainer after interviewing R█████, who explained that he was a U.S. citizen, and locating a record of R██████ birth in California Birth Records.

Exh. 205, A███████ R████████ (ICE 0003473)

On June 24, 2013, ICE placed a detainer on U.S. citizen A██████ R████████ after a database check erroneously indicated that he was a non-citizen who had entered without inspection. On June 27, 2013, ICE lifted the detainer after receiving a copy of A██████ birth certificate indicating he is a citizen by birth in the U.S.

Exh. 206, R██████ G██████-M██████ (ICE 0003446-47)

On March 5, 2007, ICE placed a detainer on U.S. citizen R██████ G██████-M██████ Almost two years later, on February 4, 2009, ICE lifted the detainer after an interview with R█████ in which R██████ explained that he was born in California and his girlfriend faxed a copy of his birth certificate to ICE. The CIS database had indicated that R█████ was a non-citizen who entered the U.S. without inspection.

Exh. 215, G█████ G██████ C████████ (ICE 0003468)

On November 21, 2013, ICE placed a detainer on U.S. citizen G██████ G██████-C████████ after a database check erroneously indicated that he was a non-citizen who had entered without inspection. On December 24, 2013, the detainer was lifted after ICE interviewed G██████ and he explained that he was born in Arizona under a different name. His mother also provided ICE with a copy of his birth certificate.

Exh. 208, E████ A█████ (ICE 0023626-27)

On October 31, 2015, ICE placed a detainer on E████ A█████, a 19-year-old U.S. citizen, despite noting that he had a "possible USC claim." The detainer was lifted later that evening after his parents provided his birth

certificate showing that he was born in Van Nuys, CA. Prior to lifting the detainer, ICE apparently required his parents, both of whom were undocumented, to provide their contact and biographical information.

Exh. 212, B████ M████ C████ (ICE 0003426-27)

On December 1, 2013, ICE placed a detainer on U.S. citizen B████ M████C████ after a database check indicated that he was subject to removal. On December 12, 2013, ICE lifted the detainer after B████ claimed to be a citizen during an interview. A subsequent investigation found a record of B████ birth in California and a copy of his U.S. Passport. ICE 3426.

Exh. 220, R████ R████-G████ (ICE 0003497-98)

On August 27, 2013, ICE placed a detainer on U.S. citizen R████ R████-G████ after a database check erroneously indicated that he was a non-citizen who had entered without inspection. Some unknown time later ICE determined that he was a U.S. citizen after receiving a copy of his birth certificate showing he was born in Texas.

Exh. 221, V████ H████ (ICE 0024275-357)

On October 4, 2015, ICE placed a detainer on U.S. citizen V████ H████ after information from database checks suggested that he was a non-citizen who had entered without inspection. ICE 24275 (I-213 Narrative). On November 29, 2015, ICE lifted the detainer after a review and search of California Birth Index revealed that V████ was born in Los Angeles. US-VISIT included a prior record of V████ being stopped by immigration in 1998 in relation to an incident in which he was flagged as a "co smuggler." US-Visit recorded his nationality from that encounter as U.S. ICE 24275; *see also* ICE 24282 (DHS US VISIT printout). ICE 24288 indicates the detainer was on the basis of a biometric match.

Exh. 222, F████ T████ M████ (ICE 0003459)

On an unknown date, ICE placed a detainer on U.S. citizen F████ T████ M████ ICE lifted the detainer on April 3, 2017 after verifying F████ birth in the U.S. through CA vital records.

Exh. 165, M██████ S██████ (ICE 0023624; ICE 0023837)

On May 19, 2015, ICE placed a detainer on U.S. citizen M██████ S██████ because a database check identified him as a R██████ G██████ and indicated that he had entered without inspection. ICE 23624. Two months later, ICE lifted the detainer when a review indicated that M████ is a U.S. born citizen who had been issued a U.S. passport on December 11, 2009. ICE 23624.

## V.     UNCLEAR TYPE OF U.S. CITIZENSHIP

### A. Database Showed Previous Border Patrol Encounter but Not Result of Encounter and U.S. Citizenship

Exh. 218, J██████ T██████ (ICE 0003467)

On December 2, 2014, ICE placed a detainer on U.S. citizen J██████ T██████ after information from database checks erroneously indicated that he was "inadmissible" apparently because a database showed a prior encounter with Border Patrol linked to fingerprints but did not what the result of the encounter was. Following an interview with J████, ICE later determined that he was a U.S. citizen.

### B. Databases Said U.S. Citizens were Noncitizens who Overstayed their Visas

Exh. 170, J██████ D██████ (a.k.a. E██████ D██████) (ICE 0023954-74)

On June 7, 2015, ICE placed a detainer on foreign-born U.S. citizen J██████ D██████, ICE 23954 (EID/EARM person details indicating France as country of birth and U.S. as country of citizenship), after database information indicated he was a non-immigrant visa overstay with criminal convictions. ICE 23954-55 (I-213 Narrative Summary). DHS records include Customs and Border Protection Arrival and Departure Information System (ADIS) hit under name E██████ D██████ and indicating passport country and citizenship country of France. ICE 23973. ICE 23957 indicates the detainer was issued based on a biometric match.

<u>Exh. 210, S██ S████████ (ICE 0002477-85)</u>

On March 29, 2014, ICE placed a detainer on U.S. citizen S██ S████████ after a database check erroneously indicated that he was a non-citizen who had overstayed his visa. ICE 2479; ICE 2484. ICE lifted the detainer on April 3, 2014 after checking the State Department database and verifying that U.S. passport had been issued. ICE 2482. Officer notes indicate that S████ claimed dual citizenship and that he may have presented a Japanese passport upon reentry from a prior trip to Japan. *Id.*

## C. CIS Class of Admission Field Erroneously Reflected U.S. Citizen's Status as "Entered without Inspection"

<u>Exh. 199, E██████ O████ S█████ (ICE 0023613; ICE 24132-79)</u>

On August 12, 2015, ICE placed a detainer on U.S. citizen E██████ O████ S█████ because a database check using his fingerprints indicated that he was a non-citizen who had entered without inspection. ICE 24133-34. CIS indicates Country of Birth and Country of Citizenship of NIGIA [Nigeria] and Class of Admission as EWI ("Entry without Inspection"). ICE 24178. One week later, on August 19, 2015, the detainer was lifted when the agency received passport information, indicating that E██████ was a U.S. citizen. ICE 23613. ICE 24138 indicates the detainer was based on a biometric match.