

IMMIGRATION AND NATURALIZATION
SERVICE'S (INS'S) INTERACTIONS WITH
HESHAM MOHAMED ALI HEDAYET

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS

OF THE

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IMMIGRATION AND NATURALIZATION SERVICE'S (INS'S) INTERACTIONS WITH HESHAM MOHAMED ALI HEDAYET

WEDNESDAY, OCTOBER 9, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 3 p.m., in Room 2141, Rayburn House Office Building, Hon. George W. Gekas [Chairman of the Subcommittee] presiding.

Mr. GEKAS. The hour of 3 having arrived, the Committee will come to order. Because the rules of the House, and, therefore, the rules of the Committee, require two Members to constitute a hearing quota, and quorum, and presence, we simply have to recess until a second Member should appear. In the meantime I have kept faith with my own self-inflicted directive to start every meeting on time. I have done that, and now I recess on time.

[Recess.]

Mr. GEKAS. The Chair notes the presence of the lady from Texas Ms. Jackson Lee, Congressman Forbes; thus we have a working quorum and a hearing quorum, and, therefore, we shall proceed with the hearing at hand.

This hearing has been called, as everyone knows by now, to consider the interactions between the Immigration and Naturalization Service and Hesham Mohamed Ali Hedayet. This is the individual who, on July 4, 2002, at the Los Angeles International Airport, gunned down several people, killing two, and then being caught in fire himself whereby he perished.

I asked the staff to determine what the present status of the victims or the families of the victims, and we know thus far that Mr. Aminov, the father of eight who was killed, left a wife Anat; and Ms. Hen, who died a day before a surprise party at which she was to become engaged, left other family members. We begin by entering into the Congressional Record our sympathies for the people left behind in this tragic event.

Then, as I recall the sequence of events, on July the 8, not more than 4 days following this incident, I personally contacted or sent a letter to the Immigration and Naturalization Service asking for a full exposition on the case of Hedayet and how it came to be that he was there at that time, and how it came to be that he took it

upon himself to rain terror upon the occupants of space at the Los Angeles International Airport.

And then the other sequence of events that occurred, to the best of my recollection, in late July we received a modicum of information from and documentation from the INS leaving us still adrift as to the true picture of all that had occurred leading up to that incident, particularly with respect to the status of Hedayet. And then in August we began to pursue even more stringent measures to try to induce the INS to bring forth all that we requested by way of the background of this Hedayet. And then little by little, still not having received much definitive response after that late July flurry, the whole thing became noticeable and noticed by the Attorney General of the United States, who then, himself, directed full explanation—directed the INS to fully apprise us all of the true nature of the background of Hedayet, and that is where we are.

We are worried about the failure of the INS, as we see it, to follow through with a series of red flags in our judgment that would have prompted a reasonably inquisitive INS to look into the background more thoroughly of Hedayet when Hedayet was in front of them. He was in front of them from the very first as a petitioner for asylum, an applicant for asylum, and that was a wonderful opportunity to try to pin down who this man was. After a process that took years actually, then a final determination was made that asylum could not be granted to this individual because he didn't fall in the category of the five components of criteria of granting asylum, political affiliations, religious associations, et cetera, and that the criterion upon which he was refused asylum was one of incredible evidence or noncredible evidence, statements that he made during the interviews.

These pose a lot of different questions considering what we have since learned about Hedayet himself, and that is what the purpose of this hearing is, to try to delve into how all of this came about. In my judgment, the testimony of the witnesses here today will lead us to determine whether or not we should be reopening the question of asylum and how it is—has become a part of the Immigration and Naturalization Service's weaponry, and how best it can be used to make certain that those truly in danger if returned to their homes, their home countries, can be granted asylum; but on the other hand, that when there is any question at all, that process should bear down heavily on someone who seeks asylum and there is no justification for continuing to remain in the United States.

These questions are yet to be inquired and will become undoubtedly the focal point of future endeavors by this Subcommittee to tune up the immigration and naturalization portion of our responsibilities.

Mr. GEKAS. With that, I yield to the lady from Texas for an opening statement.

Ms. JACKSON LEE. I thank you very much, Mr. Chairman.

We do know that this country was founded on the attitude of welcoming those persecuted to come to seek an additional and expanded opportunity, and so over the original journey of history of this Nation, the United States has lived with immigration. It has lived with it in a most favorable light, first with the waves of European immigrants as they came in the 1800's, and then as we moved

into the 20th century and the large number of immigrants reflecting a more diverse parts—more diverse parts of the world.

The INS has been the vehicle by which this country has documented its immigrants, using both the processes and the laws that are in place. It is the responsibility of this Committee, and I do thank the Chairman for an oversight hearing because, of course, I wish to offer my deepest sympathy to those individuals who lost their lives, particularly the victims of this very tragic and murderous act.

At the same time, as we review the—either the obstacles or the need for reform of the diversity visa or the lottery visa, we need to ensure and be certain that the procedures followed by the INS were—my first gleaning of the processes used by the INS gives me at least minimal comfort that they followed the laws and procedures, and that in the instance of the perpetrator of this violent or these violent acts, that initially there was no information regarding any affiliations of this person. And so I think it is extremely important that we recognize the good and the bad.

Just a year ago we were looking at opportunities to provide undocumented immigrants access to legalization, these immigrants who were hard-working, tax-paying individuals in this Nation doing the work that many Americans do not do, the yard work, the baby-sitting work, the bed-making work. In the twinkling of an eye, with the horrific tragedy of 9/11, we have changed both policy as well as common sense.

I hope this hearing will err on the side of common sense, what happened, what were the facts and how can we correct what was wrong. I hope it will not err on the side of that all immigration is bad, that all processes and procedures that we now have in place that have been legitimately vetted are wrong, because I would offer to say that if we could take a massive polling, we would find that there are lower percentages of individuals who have been in this country who have been engaged in horrific acts against this Nation.

We do realize we have turned the page and that homeland security is a priority for this Nation. In fact, it encourages me even more to want to focus on homeland security as opposed to the preemptive unilateral strike that we are debating now against the nation of Iraq. But we are in an immigration hearing, and I believe that our responsibilities today are to be corrective and to seek ways that we can ensure that the Nation remains a Nation true to its values, a Nation that adheres to the laws, but also recognizes that it is and has been a Nation of immigrants.

There is no response to the victims, and we will certainly look to render to those victims justice, and that any systems that are broken we will fix, and we should do so. And I hope we can do so in a bipartisan manner. We will take an assessment on the procedures used by the perpetrator to achieve lawful permanent residence. That should happen, no doubt. We will follow chronologically the utilization of the asylum application process and then ultimately the use of the visa process that his wife won through the annual diversity lottery. That should be done. And finally the adjustment of status that was done through the INS.

Each deserves scrutiny, but as they deserve scrutiny, I would offer to say that we should balance the scrutiny with our view of

realizing that legal immigration is important, and legal immigration is here with us in the United States, and we should look to reform it and refine it if we can, but certainly not to abolish it on the grounds of incidents that may be few, if not tragic. I yield back.

Mr. GEKAS. We thank the lady.

Mr. GEKAS. The Chair will ask any other Member who has an opening statement to offer it for the record so we can proceed with the testimony at the hearing, and at the same time to acknowledge the presence of the gentleman from California Mr. Issa, the lady from Pennsylvania Ms. Hart, the gentleman from Arizona Mr. Flake, and the gentleman from Virginia Mr. Forbes, as we previously had said.

Mr. GEKAS. We are prepared to hear the witnesses after a brief introduction thereof. Bill Yates is the—oh, we are going to start from my right and go over to the final witness in that direction. Bill Yates is the Executive Associate Commissioner for the Immigration Services Division at the Immigration and Naturalization Service. He has been with the INS since 1974. He was an immigration examiner both at district and regional level.

In 1990, he came to Washington as a Director of the Organized Crime Drug Enforcement Task Force at INS. In this position he served as an advisor to then Attorney General William Barr.

Between 1994 and 1997, Mr. Yates served respectively as the Director of the INS's Vermont and California service centers. He returned to Washington, serving as the Acting Deputy Executive Associate Commissioner for INS field operations from 1997 to 1998 before returning to Vermont as the INS's Eastern Regional Director.

He has been the Deputy Executive Associate Commissioner at the INS's Immigration Services Division, and he received his bachelor's degree from Seton Hall University.

He is not yet joined at the counsel table by the purported second witness Mr. Pipes, who we will wait for his arrival before putting his introductory remarks into the record.

And so we will proceed to introduce Mr.—Dr. Camarota, who has published widely on the political and economic effects of immigration in the United States. His articles on the impact of immigration have appeared in both academic publications and the popular press, including the Washington Post, Chicago Tribune, Social Science Quarterly and Campaigns & Elections.

He received his bachelor's degree from Juniata College. He was—that is in Pennsylvania, in case anybody didn't recognize it. He was awarded a master's degree in political science by the University of Pennsylvania, which is recognized as a Pennsylvania institution; received a Ph.D. in public policy analysis from the University of Virginia, which is not a Pennsylvania institution.

And he then will be followed by the testimony of Paul W. Virtue, the former general counsel of the INS, who is a partner in the Washington, D.C., office of Hogan and Hartson. Prior to going to this firm, Mr. Virtue served as the general counsel of the INS, the Agency's chief legal officer.

During his tenure with the INS, Mr. Virtue testified before Congress on numerous occasions as an expert on immigration law and on policy. He participated in drafting the immigration provisions of

the NAFTA and provided legal advice regarding their implementation. Mr. Virtue represented the INS as a media spokesperson on numerous complex legal and policy issues and has been a frequent author and participated at legal and business conferences and seminars. He has a bachelor's degree in pharmacy from West Virginia University and his J.D. From the West Virginia School of Law.

Mr. Pipes has appeared at the counsel table, and we will be able now to enter into the record his vitae. Mr. Pipes is a Director of the Middle East Forum and a prize-winning columnist for the New York Post and the Jerusalem Post. He is frequently seen discussing current affairs on television, appearing on such programs as ABC World News, CBS Reports, Crossfire, Good Morning America, News Hour with Jim Lehrer, Nightline, O'Reilly Factor and The Today Show. He has lectured in 25 countries.

In addition to television, Mr. Pipes has also published a number of periodicals including those in the Atlantic Monthly, Commentary, Foreign Affairs, Harper's, National Review, New Republic and The Weekly Standard, and has written 11 books. Many newspapers carry his articles, including the Los Angeles Times, New York Times, Wall Street Journal, Washington Post and several other dailies.

Mr. Pipes serves on the Special Task Force on Terrorism and Technology at the Department of Defense and sits on five editorial boards. He received his A.B. And Ph.D. From Harvard University, both of which emphasized history.

And now we will begin the testimony with the customary statement to the witnesses that their written statement will be admitted into the record as written and submitted by the witnesses, without objection. And we will ask each witness to summarize that written statement through the course of 5 minutes that will be allotted to each as their testimony begins.

We will begin then with our witness, William Yates.

STATEMENT OF WILLIAM (BILL) R. YATES, DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, IMMIGRATION SERVICES DIVISION, IMMIGRATION AND NATURALIZATION SERVICE

Mr. YATES. Mr. Chairman and Members of the Committee, thank you for this opportunity to share with you.

Mr. GEKAS. Is your mike on?

Mr. YATES. Okay. Can you hear me now? Yes. Okay.

Mr. Chairman and Members of the Committee, thank you for this opportunity to share with you information resulting from the Immigration and Naturalization Service's review of its interactions with Hesham Mohamed Ali Hedayet, the Egyptian immigrant who tragically killed two people at Los Angeles International Airport on July 4.

My remarks will focus on three items. First, I would like to explore the question concerning whether INS could or should have known that Mr. Hedayet was a threat to public safety. Second, I will discuss the increased level of scrutiny that applicants for benefits receive today. Third, I will discuss issues that I believe need to be addressed to enhance public safety.

We know several things based upon a review of Mr. Hedayet's file. We know that he filed for asylum almost 10 years ago. We

know that his application was denied, and that the denial was based upon his failure to establish a well-founded fear of persecution based upon his religion. We know that Hedayet told the asylum officer that he had been falsely accused of being a member of a terrorist organization. We know that the officer found it difficult to believe that Hedayet would have left his wife and son in Egypt, and that Hedayet wasn't aware of the mistreatment of Coptic Christians in Egypt.

We know now that at the time of his interview, Hedayet was concealing something; that his spouse and child had arrived in the United States just weeks before his March 30, 1993, interview. We know that the asylum officer found that inconsistencies in Hedayet's statements called into question his credibility.

What we also know is that no agency of the United States Government at any time during the past 10 years provided INS with any evidence that Mr. Hedayet was engaged in any form of criminal misconduct or that he was a threat to public safety. We know that during the past 10 years, INS took his fingerprints and forwarded those prints to the FBI; that INS forwarded his biographic information to the FBI and the CIA; and that INS sent a copy of his asylum application to the Bureau of Human Rights and Humanitarian Affairs. And we know that no agency provided derogatory information. Even today, after running comprehensive checks, including checks in the Interagency Border Inspection system known as IBIS, no evidence was located that suggests that this individual who resided peacefully in the United States for 10 years would suddenly commit such a horrible crime.

Second, my review of this record disclosed processes that required strengthening. My written statement describes many of the improvements that INS has already implemented, but let me mention a few of the most critical improvements. First, reform of the asylum program and removal of the employment authorization magnet has dramatically reduced asylum fraud. Second, INS now has an outstanding electronic fingerprint system and a national policy that requires receipt of a response from the FBI before decisions are made in asylum, adjustment of status, temporary protected status or naturalization applications. Third, Commissioner Ziglar directed that all applicants for benefits be checked against the interagency border inspection system, and that no decision may be made on any application until those checks are completed.

The final point I would like to make is that two critical public safety issues need to be addressed. The first issue concerns our lack of ability to identify all Government records for an individual because we lack a national biometric standard.

The second issue concerns law enforcement and intelligence information. Earlier I listed checks that INS ran on Hedayet, how we sent fingerprints to one agency, biographic data to two, a copy of his application to another, and that we also ran recent checks in IBIS. Why do we run all those checks? We run multiple checks because no central depository for law enforcement and intelligence data exists. I would like to emphasize that the United States needs a comprehensive system that provides information to all law enforcement and benefit-granting agencies. The system needs to provide for background collection based upon a biometric identifier, as

well as biographic information. Also the users of the system must be confident that all relevant information regarding that check has been disclosed.

Mr. Chairman, that concludes my remarks. I will be happy to answer questions.

Mr. GEKAS. We thank the gentleman.

[The prepared statement of Mr. Yates follows:]

PREPARED STATEMENT OF WILLIAM YATES

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to share with you information resulting from the Immigration and Naturalization Service's (INS') review of its interactions with Hesham Mohamed Ali Hedayet, the Egyptian immigrant who shot and killed two people at Los Angeles International Airport on July 4, 2002. At the time of this tragedy, Mr. Hedayet was a lawful permanent resident of the United States. In December 1992, Mr. Hedayet filed an asylum application with INS. That application was denied in October 1995. Later, after his wife won a visa through the annual diversity visa lottery, Mr. Hedayet filed an adjustment of status application with INS. The INS interviewed him on this application and approved it in August 1997.

Particular attention to the INS role in this case was prompted by reports that Mr. Hedayet claimed in an asylum interview with INS that he had been falsely accused of belonging to Gama'a al-Islamiyya. The Department of State designated Gama'a al-Islamiyya as a terrorist organization in 1997, almost two years after INS denied his asylum application. Before I begin an overview of Mr. Hedayet's interaction with INS, I want to assure you a thorough review of all information available to INS about Mr. Hedayet's background reveals no enforcement or intelligence information that he was ever associated with a terrorist organization. He had engaged in any criminal activity prior to July 4, 2002. In addition, based on a thorough review of Mr. Hedayet's alien file, computer system records, and relating receipt files, INS has concluded that its decisions in connection with the asylum and adjustment of status applications were appropriate under the laws, regulations, policies and procedures in existence at the time.

My testimony will outline how INS followed regulations and procedures in place at the time Mr. Hedayet's applications were processed, and how INS has both improved processing procedures and strengthened security measures since then. However, it is important to understand that, even had Mr. Hedayet's applications been processed under the improved procedures in existence today, the outcome may have been the same. The current procedures, however, provide for a more thorough investigation and more opportunities to scrutinize potentially problematic cases.

As I noted, there was no evidence that Mr. Hedayet was ever associated with a terrorist organization or had engaged in criminal activity. The only indication that Mr. Hedayet could pose a threat to others in the United States was his own assertion that he was falsely accused of being a member of an organization that committed terrorist activities and that these allegations were used as a pretext to persecute him because of his religious beliefs. His asylum claim was found not entirely credible and was denied. There is no evidence that the alleged false accusation of his membership in the terrorist organization was true or that he was actually a member of such an organization.

A brief chronology of INS interaction with Mr. Hedayet is as follows:

On July 31, 1992, he was admitted to the United States as a visitor with permission to remain in the United States until January 25, 1993. The multiple entry B-2 visa, valid for one year, was issued on July 13, 1992 at the American Embassy in Cairo, Egypt. On December 29, 1992, Mr. Hedayet filed an asylum application claiming discrimination and police harassment due to his religious beliefs. An application for employment authorization accompanied the asylum application. The employment authorization application was approved on March 8, 1993, and an employment authorization document (EAD) was issued. Mr. Hedayet was interviewed regarding his asylum claim on March 30, 1993. He testified that he had been arrested and tortured multiple times, and was also made to sign documents admitting his membership in Gama'a al-Islamiyya. He states that he is not a member of Gama'a al-Islamiyya but of Assad Eben Furat Mosque Association, an organization that advocates the application of Islamic laws in Egypt.

On March 18, 1994, Mr. Hedayet applies to renew his EAD based on the pending asylum application. His application is approved and a new EAD is issued. On March 7, 1995, INS issues a Notice of Intent to Deny the asylum application. On April 27,

1995, the INS approves another renewal of Mr. Hedayet's EAD based on the pending asylum application.

The notice of denial on Mr. Hedayet's asylum application is dated October 19, 1995. In addition, the INS issued an Order to Show Cause charging him as a deportable alien based on his overstay of his visitor visa. These are returned to INS as undeliverable mail on January 30, 1996. In June 1996, INS renews Mr. Hedayet's employment authorization after reviewing his file and determining that he was not in deportation proceedings and therefore entitled to the EAD based on his pending asylum application.

Mr. Hedayet files an adjustment of status application in January 1997 as the spouse of a diversity visa recipient, and his fingerprints are submitted to the FBI for a criminal history check. In May 1997, the INS initiates name checks for derogatory information on Hedayet with the FBI and CIA. Mr. Hedayet is interviewed and his application is approved for adjustment of status on August 29, 1997.

IMPROVEMENTS TO ASYLUM PROCESSING

It is important to acknowledge that numerous improvements have taken place in the years since Mr. Hedayet first filed his asylum application. I would like to use the remainder of my statement to highlight these improvements in processing both asylum and adjustment of status applications.

First, it is likely Mr. Hedayet would have received personal service of charging documents placing him in removal proceedings two weeks after his asylum interview.

Second, if he failed to appear for his hearing before the Immigration Judge, it is likely he would have been ordered removed in absentia if the INS could prove he was served with the charging document. He would also have been ineligible for employment authorization because of his failure to appear.

Third, if he had appeared for his hearing before the Immigration Judge, he still would not have been eligible for employment authorization unless his asylum application was granted by the Immigration Judge or was pending more than 180 days.

Fourth, as soon as INS received his application, it would have automatically sent his biographical information electronically to the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) for background checks, and scheduled him to have his fingerprints taken at an Application Support Center.

Finally, his allegation of being accused of membership in a terrorist organization would have triggered referral of his case to Asylum Headquarters (HQASY), which would then consult with the National Security Unit and the National Security Law Division, for further scrutiny.

These distinctions are a result both of asylum reform and security measures INS has continued to strengthen over the past six years. In 1995, asylum reform streamlined the asylum process and created a seamless referral process, giving asylum offices access to the Immigration Courts' calendars to directly schedule referred applicants for hearing in Immigration Court. The requirement that most applicants return to be served with a decision ensures timely decision-making and clear evidence of service of charging documents.

Under asylum reform procedures, it is likely Mr. Hedayet would have been scheduled for an interview within 43 days from the date he filed his application. Importantly, he would have been scheduled to return to the asylum office two weeks after his interview to be served with the decision on his application. As he was found ineligible for asylum and was not in valid status, the asylum office would have personally served him with charging documents within 60 days from the date he applied for asylum, thereby placing him in deportation proceedings. The charging documents would have contained a time and date for his first hearing with the Immigration Judge. Because Immigration Judges are required by statute to complete most asylum cases within 180 days, in all likelihood, Mr. Hedayet would have received a final determination on his asylum application and, if found ineligible, received an order of deportation or voluntary departure, within 180 days from the date he applied for asylum. If he failed to appear for his hearing before the Immigration Judge, the Immigration Judge would likely have ordered him removed in absentia, rather than have administratively closed the case, because INS would have been able to present proof of service of the charging documents.

Additionally, Mr. Hedayet would not have been eligible to apply for employment authorization until 150 days from the date he filed his asylum application. Further, he would not have been eligible for a grant of employment authorization, unless his application remained pending 180 days after the date of filing or was granted by the Immigration Judge. If Mr. Hedayet had not shown up to pick-up his decision two weeks after the interview, he would have been ineligible to apply for employ-

ment authorization. If he failed to appear for the hearing before the Immigration Judge, he would have been ineligible for employment authorization unless he could establish exceptional circumstances for the failure to appear.

Current directives require Asylum Offices to notify Asylum Headquarters (HQASM) of asylum claims involving potential terrorists, including any case in which an applicant claims he or she has been accused of terrorist activities or terrorist associations. However, at the time that INS denied Mr. Hedayet's asylum claim in April 1995, specific notification requirements for any asylum applicant who admitted to having been accused of being a member of a terrorist organization were not yet established. Moreover, the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) had not yet been enacted, so the current list of organizations designated as terrorist organizations by the Secretary of State pursuant to section 219 of the INA was not yet in existence. The Department of State published its first list of 30 terrorist organizations on October 8, 1997. It included the Gama'a al-Islamiyya.

At the time of the decision on Mr. Hedayet's asylum application, procedures required biographical information to be sent to the CIA by sending the CIA a copy of the Form G-325, Biographic Information, only if the case was recommended for approval. Also, at that time, a fingerprint card submitted by the applicant was sent to the FBI only if the case was recommended for approval. Under current procedures, electronic tapes with biographical information on all asylum applicants are sent to the CIA and the FBI. If those agencies have any adverse information on the applicant, that information is transmitted to INS' National Security Unit (NSU). All applicants are routinely scheduled to have their fingerprints taken electronically at an Application Support Center and the asylum application cannot be approved until INS receives the results of the FBI fingerprint check. In addition, background checks are conducted against the Interagency Border Information System (IBIS) on all asylum applicants at the time of filing and before a decision is made. If the last check was done more than 35 days prior to the decision, the application itself is sent to the Department of State for an opportunity to provide any comments or information. Records indicate that Mr. Hedayet's asylum application, along with the asylum officer's assessment, were sent to the Department of State on January 30, 1995. No response was received which was standard procedure when the Department of State either had no interest in the case or no additional information to add to the case.

IMPROVEMENT TO ADJUSTMENT OF STATUS PROCESSING

The record of Mr. Hedayet's adjustment processing indicates that INS received his application on or before January 6, 1997, and that his fingerprints were forwarded to the FBI for a criminal history check on that date. In addition, Mr. Hedayet's adjustment of status application was filed with payment of the additional penalty sum, as required under section 245 (I) of the Immigration and Nationality Act (INA).

The INS Los Angeles District Office had jurisdiction to adjudicate the application despite the fact that an Order to Show Cause (OSC) had previously been filed with the Immigration Court. The controlling regulation at that time was found in 8 CFR 245.2(a)(1) as in effect on January 1, 1997, and states, "After an alien has been served with an order to show cause or warrant of arrest, his application for adjustment of status under section 245 of the Act or section 1 of the Act of November 2, 1966 shall be made and considered only in proceedings under part 242 of this chapter." Former Part 242 referred to deportation proceedings within the purview of the Immigration Court. In this case, the record clearly established that the OSC had not been served upon the Mr. Hedayet and, therefore, that INS had jurisdiction over the application.

At the time Mr. Hedayet filed his adjustment of status application, INS had discretion to serve him with a copy of the OSC, or to adjudicate the application. If INS had decided to serve him with the charging document, the Immigration Court would then have had jurisdiction to adjudicate the adjustment of status application. As a general matter, INS exercises favorable discretion as early in its processes as possible in recognition of the government's and the alien's interest in avoiding unnecessary legal proceedings. Although Mr. Hedayet's record does not reflect the decision process not to serve him with the charging document, it would have been considered an unnecessary step to do so when he was prima facie eligible to adjust his status.

IMPROVEMENTS TO APPLICATION PROCESSING

Since INS adjudicated Mr. Hedayet's adjustment of status application, INS has made several improvements to application processing, particularly in the area of background checks. These improvements include:

- Electronic transmission of applicant fingerprint checks directly to the FBI after verification of applicant's identity by INS personnel;
- Confirmed FBI responses to fingerprint checks and review of criminal record, if applicable, before scheduling an applicant for interview;
- Electronic data exchanges with the FBI and CIA on biographic information;
- Adverse information revealed by FBI or CIA biographic information checks is transmitted to NSU and adjudication of the application withheld until the information is resolved;
- IBIS ("look out") checks on all applications and petitions at the time of filing and again before adjudication if the first check was conducted more than 35 days prior to adjudication; and
- A national Standard Operating Procedure governing all adjustment of status applications and a Quality Assurance program to ensure compliance with the standard procedures.

CONCLUSION

This concludes my testimony and I look forward to responding to any questions that you may have.

Mr. GEKAS. We will turn now to Mr. Pipes.

**STATEMENT OF DANIEL PIPES, DIRECTOR,
MIDDLE EAST FORUM**

Mr. PIPES. Thank you, Mr. Chairman. Thank you for this opportunity. On March 7, 1995, asylum office in Anaheim California.

Mr. GEKAS. I think you just turned it off. There. Try it again.

Mr. PIPES. Thank you, Mr. Chairman.

On March 7, 1995, the Asylum Office in Anaheim, California, of the INS sent a letter of intent denying Hesham Mohamed Ali Hedayet, an Egyptian national, his application for asylum in the United States. This denial letter mentioned that Mr. Hedayet had acknowledged signing documents in Egypt that admitted his membership in an Egyptian group which the asylum officer called "Gamatt El Islamaia."

Despite the fact that Mr. Hedayet had possible membership in al-Gama'a al-Islamiyya, this did not stand out in the INS denial letter, nor was it the basis of any further research or action by the INS or any American law enforcement agencies. Five years later or 7 years later, it is clear that this was a profound misjudgment, for on July 4 of this year, the very same Mr. Hedayet attacked the El Al counter at Los Angeles International Airport, killing two in a hideous act of terrorism.

One might think that the INS would admit the error of its ways. One would be wrong. We just heard Mr. Yates indicate that it basically—the INS was basically not responsible. There was really no evidence. There is no sense of shame on the part of the INS. In retrospect, I think this cavalier attitude toward Mr. Hedayet's possible membership in the al-Gama'a al-Islamiyya is nothing less than astounding. It does not take a specialist in immigration procedures to realize that the INS's complete lack of curiosity in this matter is—was wanting.

There was very clear evidence, very easily available to the INS, about the nature of al-Gama'a al-Islamiyya. Every year the State Department puts out an important document called Patterns of Global Terrorism, and every year since 1992 it has pointed out the importance and the danger of al-Gama'a al-Islamiyya. For example, the 1992 edition of that book, said "most of the attacks [in Egypt]

in 1992 were perpetrated by the al-Gama'a al-Islamiyya extremist group." One finds the same kind of language reiterated every single year since then, 1994, 1995, 1996, 1997, 1998, 1999, until there was a cease-fire between al-Gama'a al-Islamiyya and the Egyptian Government.

It bears noting that Mr. Hedayet is hardly the only legal immigrant who has engaged in terrorism on U.S. soil. Others include Mir Aimal Kansi, a Pakistani who killed two CIA personnel outside of Agency headquarters in Langley, Virginia, in January 1993; several of the gang that bombed the World Trade Center a month later; the murderers, Lebanese and Palestinian respectively, who killed individuals on the Brooklyn Bridge and the Empire State Building in 1994 and 1997; and, of course, nearly all, 15 out of 19, of the suicide hijackers on the four planes in September 2001, killing 3,000 people were legal immigrants.

It bears noting that in today's New York Post there is an article which looked—which analyzes the application for asylum, for entry, of these 15 and finds that all of them were improperly filled out, lacking information, and should have been denied on the very face of them without having to go any further than looking at the applications themselves.

The INS must not only own up to its inexcusable error with regard to Hesham Mohamed Ali Hedayet, but it must also begin a remedial campaign to go through its archives to locate, investigate and deport or arrest any immigrants with ties to terrorism.

Let me conclude by saying that I think we must go a step further. We have seen prominent business executives taken in handcuffs by law enforcement in recent months. I think punishments are—for criminal negligence are due not only to business executives, but also to Government officials who so betray their trust. Thank you.

[The prepared statement of Mr. Pipes follows:]

PREPARED STATEMENT OF DANIEL PIPES

On March 7, 1995, the Asylum Office in Anaheim, California, of the Immigration and Naturalization Service (INS) sent a letter of intent denying Hesham Mohamed Ali Hedayet, an Egyptian national, his application for asylum in the United States.

The denial letter mentioned that Hedayet had acknowledged signing documents in Egypt that admitting his membership in an Egyptian group which the asylum officer spelled "Gamatt El Islamaia" and his having admitted an intention to overthrow the government of Egypt. To be sure, Hedayet informed his U.S. asylum officer that the Egyptian police had compelled him to make these false confessions.

Mention of Hedayet's possible membership in "Gamatt El Islamaia" did not stand out in the INS denial letter, nor was it the basis of any further research or action by the INS or American law enforcement agencies. Hedayet's case was completely routine, meaning that he was in effect permitted to disappear from the INS's supervision, and it then made no special effort to find him. So lacking in urgency was his deportation that when the INS found its letters to Hedayet returned unopened, it appears to have let matters go at that. Worse, the INS extended Hedayet's employment authorization on June 11, 1996, even as it supposedly was deporting him from the country.

In July 1996, Hedayet's wife won a visa from the annual lottery the INS runs. In November 1997, Hedayet applied for a change of status to become a lawful permanent resident. As in 1995, had the INS had reasonable grounds to believe Hedayet had engaged or was likely to engage in terrorist activity, it could have deported him. It appears that the INS paid no attention to this whole question, instead routinely approving Hedayet's adjustment application.

Five years later, the INS's profound misjudgment is unfortunately too obvious. For on July 4th of this year, the same Hesham Mohamed Ali Hedayet attacked the

El Al counter at Los Angeles International Airport, killing two, in a hideous act of terrorism.

One might think that the INS would admit the errors of its ways. One would be wrong, “The only indication that Mr. Hedayet could pose a threat to others in the United States,” states INS official William Yates said in testimony prepared for this hearing, “was his own assertion that he was falsely accused of being a member of an organization that committed terrorist activities.”¹

In retrospect, this cavalier attitude toward Hedayet’s possible membership in the group commonly spelled as al-Gama’a al-Islamiyya (which translates as “the Islamic Group,” or IG), is nothing less than astounding.

It does not take a specialist in immigration procedures to realize that Hedayet mentioned the accusations against him because he decided the best tactic would be pre-emption. He anticipated that the INS’s would do a thorough investigation of his life and wanted to spin his record in advance. Although it certainly could be the case that the Egyptian police compelled an innocent man to sign a false document, there was also a very real possibility that Hedayet actually did belong to al-Gama’a al-Islamiyya.

The INS’s complete lack of curiosity on this issue is astonishing. Not only does al-Gama’a al-Islamiyya have a long and notorious history of terrorism, one going back to the assassination of Anwar el-Sadat in October 1981, but this history is well documented in U.S. government publications. *Patterns of Global Terrorism*, the most authoritative U.S. government source on this subject, had amply documented what dangers Al-Gama’a al-Islamiyya posed by the time (March 1995 and November 1997) the INS reached its critical decisions about Hedayet.

The 1992 edition of *Patterns of Global Terrorism*, the Department of State’s annual survey, explained that “Most of the attacks [in Egypt] in 1992 were perpetrated by the al-Gama’a al-Islamiyya extremist group. . . . This group seeks the violent overthrow of the Egyptian Government.”²

The 1994 edition states that “Most attacks against Egyptian official and civilian targets, and against foreign tourists, were claimed by the extremist Islamic Group (IG). The IG seeks the violent overthrow of the Egyptian Government.” In October of that year, it bears noting, al-Gama’a al-Islamiyya was responsible for the only known attempt on the life of a Nobel laureate, Naguib Mahfouz.

“Al-Gama’a al-Islamiyya . . . continued to be the most active Islamic extremist organization in Egypt in 1995,” stated the *Patterns of Global Terrorism* from that year. The group’s highlight came in June, when it attempted to assassinate Egypt’s President Hosni Mubarak during his visit to Addis Ababa, Ethiopia.

No change in 1996: “al-Gama’at al-Islamiyya, which continued acts of terror in Egypt, remained active and dangerous.” The report told about “a shooting attack against foreign tourists at a Cairo hotel in April” which it described as having “the largest casualty count from a single incident in Egypt’s modern history.”

As for 1997, *Patterns of Global Terrorism* termed al-Gama’a al-Islamiyya’s November “brutal attack [in Luxor] that left 58 tourists and four Egyptians dead” as “one of the world’s most horrific acts of terrorism in 1997.”³

It bears noting that Hedayet is hardly the only legal immigrant who has engaged in terrorism on U.S. soil. Others include Mir Aimal Kansi, a Pakistani, who killed two CIA personnel outside agency headquarters in Langley, Virginia, in January 1993; several of the gang that bombed the World Trade Center a month later; the murderers on the Brooklyn Bridge and the Empire State Building (in 1994 and 1997); and, of course, most of the suicide hijackers of four planes in September 2001, killing three thousand.

The INS not only must own up to its inexcusable error with regard to Hesham Mohamed Ali Hedayet; but it also must begin a remedial campaign to go through its archives to locate, investigate, then deport or arrest any immigrants with ties to terrorism.

Daniel Pipes (www.DanielPipes.org) is director of the Middle East Forum, columnist for the *New York Post* and *Jerusalem Post*, and author of *Militant Islam Reaches America* (W.W. Norton).

¹ Associated Press, 9 October 2002.

² Page. 15. The report goes on to explain that Omar Abdel Rahman, the group’s leader, “has been in the United States since 1990” and “U.S. authorities are moving expeditiously with the aim of ensuring the Sheikh’s departure from this country.” Not expeditiously enough: in 1993, Omar Abdel Rahman engaged in terrorism in New York City.

³ The State Department has subsequently found al-Gama’a al-Islamiyya to have “ties” to Al-Qaeda.

Mr. GEKAS. We thank the witness and turn to Mr. Camarota, to Dr. Camarota.

**STATEMENT OF STEVEN A. CAMAROTA, DIRECTOR OF
RESEARCH, CENTER FOR IMMIGRATION STUDIES**

Mr. CAMAROTA. Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify at this hearing on the Hedayet case. My name is Steven Camarota, and I am Director of Research at the Center for Immigration Studies, a nonpartisan think tank here in Washington.

When Mr. Hedayet murdered two people and maliciously wounded three others at LAX airport, on July 4 of this year, many observers mistakenly saw his crime, like the attacks of September 11, as either unpreventable random acts of terrorism or as failures only of intelligence, law enforcement or perhaps even airport security. But a careful examination of his immigration history reveals that fundamental problems in our immigration system also played a role.

Mr. Hedayet came to the United States from Egypt on a tourist visa in 1992 and then applied for asylum, which, as we have heard, was turned down. However, his wife won the visa lottery in 1997, which gave him permanent residency. He then used the provision called 245(i), which allowed him to get his green card and processed while he remained in the U.S. .

The Hedayet case raises a number of critically important questions about our asylum system, the lottery and 245(i). Turning first to the asylum system, although his asylum application indicated that the Egyptian Government thought he was a terrorist, the INS seems never to have investigated this connection. The case is eerily reminiscent of one involving Gazi Ibrahim Abu Mezer, who tried to bomb the Brooklyn subway system in 1997. Mezer indicated on his asylum application that the Israeli Government thought he was a terrorist, and again, like Hedayet his possible connection to terrorism was never adequately investigated. The primary reason the INS did not ask the Egyptian or Israeli Government about these men's possible links to terrorism is that it would have violated the confidentiality of the asylum process.

In my view, the safety of the American people must supercede such concerns. Our top priority must be national security, not some hypothetical risk that notifying a home government might pose to an applicant or his family. Those who advocate the alternative point of view must accept responsibility for the increased risk of terrorism this creates.

Let me briefly turn to the lottery used by Mr. Hedayet. One of the problems with the lottery is that it gives green cards to people who have no strong ties to the United States, unlike family-based immigration. Certainly individuals with few ties to the United States are more willing and more likely to engage in attacks on our country. The attractiveness of the lottery to terrorists is shown by the fact that two terrorists arrested in August of this year in Michigan also used the lottery.

Finally, let me touch on why 245(i), which was also used by Mr. Hedayet, is such a problem. First, having the INS process applications in the United States increases the chance that any problem

with the application will be missed. Consular officers in the home country know the local conditions and are in a much better position to judge whether someone is a security threat.

But the second and most important problem with 245(i) is that processing applicants from within the United States renders the background check meaningless. Let me say that again. It makes it meaningless, because even if a person is found ineligible, he is still in the United States. The INS has no procedure or means to require green card applicants systematically who are rejected to leave the country. In contrast, if the applicant had returned to his home country to undergo processing and was then found ineligible, he would have, in effect, deported himself. The only way to make the background check meaningful is to have it done in the applicant's home country.

The problems with our immigration system I have outlined result mostly from a lack of resources and ill-conceived immigration policies. A recent study by the Center for Immigration Studies of 48 known al Qaeda terrorists found that at least 22 had committed significant violations of immigration law prior to taking part in terrorism on U.S. soil. Clearly, strictly enforcing our immigration laws and permanently eliminating policies like the lottery and 245(i) could significantly reduce the terrorist threat. Thank you.

[The prepared statement of Mr. Camarota follows.]

PREPARED STATEMENT OF STEVEN A. CAMAROTA

When Hesham Mohamed Hedayet murdered Victoria Hen and Yaakov Aminov at Los Angeles International Airport on July 4 of this year, many observers mistakenly saw his crime, like the attacks of September 11th, as either unpreventable random acts of terrorism or as representing failures only of intelligence, law enforcement, or perhaps even airport security. While it is extremely important to consider possible failures in each of these areas, a careful examination of the immigration history of Mr. Hedayet reveals that fundamental failures in our immigration system also played a critically important part in allowing him to commit his heinous crime.

Although all of the facts have not been made public, a brief history of the Hedayet case is possible based on public information. Mr. Hedayet came to the United States from Egypt on a tourist visa in 1992, which allowed for a six-month stay. It seems clear that this was not his first long-term stay in the United States. In any event, before the visa expired he applied for asylum in 1992, giving him work authorization. Eventually his visa expired, but he continued to live in the United States as an illegal alien while his application for asylum was pending. His application was eventually turned down, as was his appeal in 1996. After he was denied asylum, the INS began deportation proceedings against him. However, his wife played the visa lottery, and in 1997 she won, which stopped his deportation and allowed her and her husband to become legal permanent residents. To obtain their green cards they used what was then a relatively new provision in the law called 245(i), which allowed them to have their green card applications processed from within the United States without having to return to Egypt for processing.

As for his crime, there is no question that it was premeditated, and that he intended to kill as many people as possible. Moreover, he walked past other airlines and started shooting only after he reached the El Al ticket area. There can be no doubt that he intended that many of his victims be Jewish. At the very least, in my view, his actions qualify as a hate crime. Moreover, reports in the London-based Al-Hayat newspaper indicate that Mr. Hedayet met with Ayman al-Zawahiri in 1995 and again in 1998. Al-Zawahiri is Osama bin Laden's second in command and is one of the founders of al Qaeda. Thus it is very possible that in addition to being a hate crime, Hedayet's murderous killing spree was also part of an al Qaeda operation. The Hedayet case raises a number of questions concerning the asylum system, the visa lottery, and 245(i). My testimony will briefly touch on each of these areas.

THE ASYLUM SYSTEM

Turning first to our asylum system. The Hedayet case is extremely troubling for several reasons. Although his asylum application indicated that he was applying for asylum because the Egyptian government thought he was a terrorist, the INS seems never to have investigated his possible link to al-Gamaa al-Islamiya, also called the Islamic Group. In fact, Mr. Hedayet indicated on his asylum application that he had signed a confession in Egypt admitting his membership in the Islamic Group. The circumstances surrounding Hedayet's asylum application are eerily reminiscent of a case in the mid-1990s involving Gazi Ibrahim Abu Mezer. Mezer, who lived in the West Bank, indicated on his asylum application that he too faced persecution, in his case from the Israeli government, because that country thought he was a member of Hamas. And again, like Hedayet, his possible ties to terrorists were never adequately investigated. Mezer was later sentenced to life in prison after he attempted to bomb the New York subway system in 1997.

The primary reason that the INS did not ask the Egyptian or Israeli governments about the asylum applicant's possible link to terrorism is that it would have violated the confidentiality of the asylum process. Moreover, there is a fear that foreign governments may move to penalize the applicant's family who are still in their home country if those governments become aware that he or she was applying for asylum in the United States. However, in my view the national security of the United States must supercede such concerns. The safety of the American people must be the top priority of the United States government, not the hypothetical risk it might create for the applicant or his family. Those who advocate the alternative point and do not support contacting foreign governments about the possible terrorist links of asylum applicants must accept responsibility for the increased risk of terrorism this creates and must also accept some responsibility for the heinous crimes committed by terrorists like Hedayet and Mezer.

Mr. Hedayet and Mr. Mezer are not the first terrorists to use our asylum system. Some of the most notorious terrorists in the 1990s used political asylum to enter and/or remain in the country. Sheik Omar Abdel Rahman, for example, used an asylum application to prevent his deportation to Egypt after all other means of remaining in the country had failed. Rahman inspired several terrorist plots, including the 1993 attack on the World Trade Center, and he is considered one of the spiritual leaders whose ideology helped found al Qaeda. Mir Aimal Kansi, who murdered two CIA employees, and Kamzi Yousef, who was sentenced to death for masterminding the first attack on the World Trade Center, both had asylum applicants pending when they committed their crimes. Moreover, Abdel Hakim Tizegha, who took part in the Millennium plot in 1999, and Ahmad Ajaj, who was involved in the first World Trade Center attack, both had applied for asylum as a means of remaining in the country. Tizegha's application had been denied prior to his arrest; and Ajaj left the country before attending a hearing but later returned and took part in the first attack on the World Trade Center.

Our lax asylum system, which often does not detain applicants and does not carefully investigate their stories, has been one of the favorite means for terrorists to live in the United States. Such a system has in the past allowed terrorists not only to enter the United States but has also allowed them to remain in the country moving about freely while they plan their attacks. In total, at least six—seven if Hedayet is included—al Qaeda terrorists have successfully manipulated our asylum laws. Several key reforms are needed, including more resources so that claims can be quickly and thoroughly investigated, more detention space so that anyone who might be a threat can be held and most importantly the INS must take very seriously any indication that the applicant is a possible terrorist.

VISA LOTTERY

The visa lottery, used by Mr. Hedayet and his wife, is also very problematic from a national security point of view. The lottery gives out permanent residence to 50,000 people a year who mail in post-cards and "win" the opportunity to come to America. The lottery gives green cards to people who have no strong ties to the United States. That is, unlike family-based immigration, which awards green cards to those who have relatives in the United States, the lottery goes to those who do not have a relative who can sponsor them. Certainly, individuals with few ties to the United States are more likely to be willing to attack our country. The attractiveness of the lottery to al Qaeda terrorists is also shown by the fact that Hedayet is not the only terrorist to use it. Ahmed Hannan and Karim Koubriti, indicted on August 28th of this year as members of a terrorist sleeper cell in Michigan, came to this country in 2000 after winning the lottery in Morocco. They are accused of planning attacks both here and abroad against American interests.

It is very difficult to see what purpose the lottery serves. It does not satisfy any humanitarian concerns. Moreover, unlike employment-based immigration, the lottery does not make any attempt to select people based on whether they have some special or much-needed job skill. Instead, the lottery, which requires the handling and processing of 10 million entries, and also the processing of tens of thousands of additional green cards each year that would otherwise not have to be processed, creates a significant administrative burden for the State Department and the INS—two organizations that are already overburdened by the number of applicants in other categories.

In addition to creating administrative burdens and an avenue for terrorists to enter the country, one of the worst features of the lottery is that it encourages illegal immigration, as it did in the Hedayet case. Having no other means of remaining in the country, Hedayet stayed here anyway as an illegal alien even after his asylum application was denied. By appealing his asylum claim and by playing the lottery he was trying different means of remaining in the country. The existence of the lottery gave him a realistic hope of eventually getting a green card, if he just played the lottery long enough. He really had no other choice, because he did not have a family member who could sponsor him, nor did he have specialized skills which would have allowed him to qualify for employment-based immigration, and of course he did not qualify for asylum. If it had not been for the lottery, he and his family might have given up and gone home.

245 (I)

After not carefully exploring Hedayet's possible links to terrorists, and then allowing him to use the visa lottery, our immigration system compounded its failures by allowing him to get his green card using 245(i). Of course, he did qualify for it. Section 245(i) of the Immigration and Nationality Act allows illegal aliens (who have either snuck into the country or overstayed a temporary visa) to undergo visa processing (i.e., receive a green card) from within the United States. Applicants must pay a fine of \$1,000, and by doing so they avoid having to return to their home country. 245(i) is a significant threat to American national security. Until the mid-1990s, most green card applicants would have been required to apply in their home countries.

There are many problems with 245(i): it represents a fundamental disregard for the rule of law, it makes all those who wait their turn in their home countries look like fools because they played by the rules, and it sends the message to those considering entering the country illegally that they may come whenever they want and stay illegally for as long as it takes get a green card. But putting all these concerns aside, from a national security standpoint there are two significant problems with allowing illegal aliens to undergo changes of status without going home to be processed. First, having the INS process applicants in the United States instead of requiring the alien to return to his home country increases the chance that any problem with the application will be missed. Consular officers in the home country speak the local language and know the local conditions, are in contact with local law enforcement, and are in a much better position to judge the validity of the application, and whether someone poses a security threat than is an INS employee who might be half a world away.

The second and most important reason 245(i) is a threat to national security is that even if the INS could assess applications as well as the State Department, processing applications from within the United States renders the background check meaningless because even if a person is found ineligible, he is still in the country. The INS has no procedure or means to require green card applicants who are rejected to leave the country. In contrast, if the applicant had to return to his home country to undergo processing and was then found ineligible he would have, in effect, deported himself. The only way to make the background check meaningful is to have it done in the applicant's home country. The existence of 245(i) not only made it less likely that Mr. Hedayet's possible terrorist links would have been uncovered, it rendered his background check meaningless. Mr. Hedayet himself was in fact turned down for a green card, and he in fact did live in the United States as an illegal alien. He is not the only terrorist who was turned down for a green card and simply continued to live here illegally. Mohammed Salameh, who was turned down for a green card in the early 1990s, remained in the country and rented the truck used in the 1993 attack on the World Trade Center.

Of course, many will argue that of the thousands of people who use 245(i), only a small fraction are criminals or terrorists. While this is certainly true, this is no reason to render the background check meaningless by processing applications in the United States rather than sending the person back to his or her home country.

After all, the vast majority of airline passengers are not intending hijackers, but we still use metal detectors and x-ray machines on all of them before they board a plane. All security measures are always aimed at the small fraction of the population who intend to commit a crime. Everyone must be checked, and the check must be meaningful. And for the background check to be meaningful, individuals must return to their home country.

CONCLUSION

If it can be said that anything good may have come from the atrocities of September 11th, it is that many Americans have come to realize that immigration is not simply a matter of economics or something to think about in only romantic and nostalgic terms. No longer can quaint stories of one's immigrant grandmother be a substitute for intelligent discourse on one of the most important issues confronting the country. We need to realize that the failures in our immigration system that facilitated the attacks of September 11th or the July 4th murders at LAX airport are not mostly the fault of the INS. Yes, the INS has very real problems. But the failures in our immigration system result mostly from a lack resources, ill-conceived immigration policies, and most important of all, from a lack of political leadership. Many elected officials have been all too willing to adopt policies that clearly reward illegal immigration, and make protecting our nation much more difficult. Our lax asylum system, our inability to deport those who are turned down for a green card, along with the visa lottery and 245(i), are all examples of policies that create significant problems for American national security.

There is a fundamental misconception about how immigration policy can help in the war on terrorism. We often hear that the INS should "only go after the terrorists." But for the most part, apprehending someone who is a known terrorist is a matter of intelligence and law enforcement, not immigration policy. The way our immigration system can play a vital role in reducing the terrorist threat is by the mundane work of carefully processing applications and by strictly enforcing the law, such as by making those who are here illegally leave the country. A recent study published by the Center for Immigration Studies of 48 al Qaeda terrorists, including the September 11th hijackers, found that at least 22 had committed significant violations of immigration prior to taking part in terrorism. (The report is available at www.cis.org.) Given how common violations of immigration laws are among terrorists, strict enforcement would almost certainly be helpful in disrupting terrorism in the future.

We also have to eliminate programs such as 245(i) that expose the country to unnecessary risks or that create unnecessary administrative burdens such as the visa lottery. If we adopt a policy of using our immigration system to "only go after the terrorists," inevitably that will end up targeting people from Muslim countries for selective enforcement. I think we should reject a long-term policy of selective enforcement for only Muslims who violate immigration laws. We should enforce the law for everyone. Most people who argue that we should use our immigration system to target only terrorists almost certainly don't want it to result in selective enforcement. But that is the inevitable result nonetheless.

Mr. GEKAS. We thank the gentleman and turn to our final witness for the day Mr. Virtue.

STATEMENT OF PAUL VIRTUE, HOGAN AND HARTSON, FORMER GENERAL COUNSEL, IMMIGRATION AND NATU- RALIZATION SERVICE

Mr. VIRTUE. Mr. Chairman, Ms. Jackson Lee, Members of the Committee, thank you for the opportunity to appear today to discuss the implications for immigration policy of the tragic case involving Mr. Hesham Hedayet. The matter provides a legitimate basis for inquiry into INS processes and procedures. However, attacks against the sound immigration policies that underlie programs involving the protection of refugees, the diversity lottery and former section 245(i) of the Immigration and Nationality Act are simply unfair. Rather, your review should focus on how immigration reform can best contribute to our national security by enhancing our intelligence gathering and sharing capability while respect-

ing our commitment to due process and civil liberties and facilitating the free flow of people and goods.

It is important to examine the handling of this case in the context of current processes and procedures. Chief among those is the restructuring of the asylum application process in 1995 by which automatic eligibility for employment authorization was eliminated. The process was streamlined to allow for consideration of the claim by INS and the Immigration Court within a 6-month period. INS approval of claims is now limited to only manifestly well-supported applications. All others are referred to the court, and applicants are now required to appear in person at the Asylum Office to receive the decision and service of a notice to appear for removal proceedings where that is appropriate.

Statutory provisions enacted in 1996 restricting consideration of asylum claims to those filed within 1 year of entry and requiring background checks before an asylum claim may be approved have also limited the attractiveness of asylum as a means to remain and work in the United States.

Some suggested that asylum seekers be detained during consideration of their claims to limit the risk of danger to the community. While I agree that detention may be appropriate in those relatively small number of cases where the applicant poses a risk, or is suspected of posing a risk of harm, I don't believe that custody should be made mandatory or that this should be applied liberally in the asylum context. Detention must be considered carefully in the cases of torture survivors and other asylum seekers, many of whom are still suffering from the effects of torture and persecution when they arrive in the United States.

Similarly, I advise caution in the INS and State Department investigations of the bona fides of asylum claims and suspected terrorist activity. I continue to believe that sharing an asylum claim or the particulars of the claim with the sending country should be avoided as is provided in the existing guidelines for INS employees and State Department consular officials. Those guidelines permit overtures to the sending country in such a way that permits a thorough investigation while preserving confidentiality of the asylum process.

The Hedayet case is also being used to criticize the diversity lottery program. The lottery program itself does not pose inherent security problems. The lottery simply gives selected persons from countries with low rates of immigration the opportunity to apply for permanent residence. Lottery winners must still undergo extensive background checks, identical to those required by persons sponsored for permanent residence by family members or by employers. As with the asylum regulatory changes, a number of changes in the DV program have made that program more secure, and those measures are detailed in my written testimony.

Finally, former section 245(i) of the Immigration and Nationality Act has come under criticism as a result of the Hedayet case. Critics have suggested the provision operates as a loophole for those bent on terrorist aims because the applicant's status is adjusted in the U.S. This is simply not the case. 245(i) was enacted as an efficiency measure in 1994. It did not change the requirements for admission as an immigrant and did not eliminate the requirement for

background checks before an application can be approved. At the time Congress looked at the number of people who were traveling to their home countries to apply for visas, the disruptions in their lives and that of their employers, and the effect that that had on the staffing at consular posts and decided to permit those eligible for immigrant visas to adjust their status here in the U.S.

Some have suggested that those unlawfully present in the U.S. would be more thoroughly screened by consular officers abroad than by INS adjudicators, and also that requiring them to apply abroad would address the problem with removal of those whose visas are denied. I can't agree necessarily that consular officers are better postured than INS officers to conduct thorough interviews, but the latter point is a good one and should be examined. The problem is those people who are here in an unlawful status make themselves inadmissible by leaving to apply for a visa. There are ways to address this issue and to ensure that people who are of concern have to apply for their visas abroad.

Thank you, Mr. Chairman.

Mr. GEKAS. We thank the gentleman.

[The prepared statement of Mr. Virtue follows:]

PREPARED STATEMENT OF PAUL W. VIRTUE

Mr. Chairman, Ms. Jackson Lee and Members of the Committee:

Thank you for the opportunity to appear today to discuss the implications for immigration policy of the Immigration and Naturalization Service's ("INS's") handling of matters involving Hesham Mohamed Ali Hedayet, the Egyptian national who shot and killed two people at Los Angeles International Airport on July 4, 2002. As detailed in the agency's testimony, Mr. Hedayet entered the United States as a visitor in July 1992. His December 1992 application for asylum, in which he claimed persecution by the Egyptian government based on its mistaken belief that he was a member of *Gama'a al-Islamiyya*, was denied by the INS in October 1995. An order to show cause charging Hedayet with being deportable as an overstay was then issued and mailed, but deportation proceedings were never commenced when the charging document was returned to the agency as undeliverable mail. In January 1997, Mr. Hedayet filed an application for adjustment of status as the spouse of a diversity lottery winner. When name and fingerprint checks with the FBI and CIA failed to elicit negative information, Hedayet's status was adjusted to permanent residence in August 1997.

While the Hedayet case serves as the basis for legitimate inquiry into INS processes and procedures, it is both unfair and inaccurate to use the case to raise allegations against sound immigration policies that underlie programs involving the protection of refugees, the diversity lottery, or former Section 245(i) of the Immigration and Nationality Act. Rather, responsible voices recognize that immigration reform can best contribute to our national security by enhancing our intelligence capacity while respecting our commitment to due process and civil liberties and facilitating the free flow of people and goods.

Needed reforms to our immigration system are included in the Border Security and Visa Entry Reform Act (Border Security Act, Pub. L. No. 107-173). Specifically, the new law: authorizes increased funding for the Department of State (DOS) and the INS; requires federal agencies to coordinate and share information needed to identify and intercept terrorists; encourages the use of new technologies by authorizing funds to improve technology and infrastructure at INS, the Customs Service, and DOS, and targets much of this effort at strengthening our nation's border; implements a study to determine the feasibility of a North American Perimeter Safety Zone (that includes a review of the feasibility of expanding and developing pre-clearance and pre-inspections programs); includes provisions for a workable entry-exit control system; implements changes in the Foreign Student Monitoring Program that will fill in gaps in data and reporting; and provides for a one-year extension of the deadline for individuals crossing the border to acquire biometric border crossing cards.

This measure also poses challenges to our country, the Congress, federal agencies, and the American people. Given the Act's very ambitious deadlines, Congress needs

to provide the federal agencies with the staffing and funding levels they need to implement this measure's provisions. It is important for Congress to give the federal agencies the funding they need to do a good job. In addition, some of the Act's provisions, particularly several of the mandated implementation deadlines, may negatively affect cross-border commerce and travel. Finally, the federal agencies, especially the INS and DOS, have an important role to play in enhancing our nation's security. This measure, if sufficiently funded, will give the agencies the tools they need to do their job. For their part, the agencies need to be up to the task of implementing major reforms that address our security needs at the same time they recognize the continued importance of immigration to our nation.

All of these issues, as well as the Hedayet case, pose special concerns in the context of the creation of the proposed new homeland security department that would include our nation's immigration functions. If we are to make our nation safer, any proposal to reorganize our immigration functions must recognize the delicate balance between adjudications and enforcement that is necessary for efficient, effective, and fair enforcement and adjudications. Adjudications and enforcement are two sides of the same coin and must be closely coordinated and subject to the same interpretation and implementation of the law.

ASYLUM

The INS has been criticized for failing to follow up on the statements made in Heyadet's asylum claim that he was targeted for persecution based on the government's mistaken belief that he was a member of Gama'a al-Islamiyya, a group later included in the State Department's list of terrorist organizations. The INS testimony includes a thorough description of the steps it has taken to ensure full FBI and CIA background checks before asylum will be approved. Indeed, each applicant now undergoes background checks upon filing the application, irrespective of the INS determination regarding grant or denial. In addition, since 1997, statements included in asylum applications that raise questions regarding membership in terrorist organizations are referred to INS headquarters for review and appropriate follow up. Thus, had Mr. Hedayet's claim been considered under current procedures, it would be reviewed for further action by the INS Headquarters National Security Office, including detention, where appropriate.

Fair procedures are critically important in making what can be life and death decisions regarding asylum. Detention is an appropriate measure for dealing with threats to our national security, but its use must be considered carefully in the cases of torture survivors, rape survivors and other asylum seekers, many of whom are still suffering from the effects of torture and persecution at the time they arrive in the U.S. Many victims find it hard to speak of their experiences right after they arrive. Often times, the shame, isolation and terror they feel is overwhelming. Even to save their lives, these victims may be unable to tell a strange person in a crowded room what they have endured. Under current procedures the failure to articulate a legally sound claim for asylum at the port of entry can result in an asylum seeker being turned away without a fair opportunity to fully present a claim. For those who are able to pass a credible fear hearing, lengthy detention is commonplace.

For many reasons, blanket detention policies are inappropriate and fail to strike a proper balance between security and humane treatment:

- *Detention undermines the ability of asylum seekers to pursue their asylum claims.* Detained asylum seekers are often unable to obtain the legal assistance necessary to help them navigate the complex asylum process. Such assistance is critical; a Georgetown University study revealed that represented asylum seekers are 4 to 6 times more likely to win their asylum cases. Some detention facilities and jails are located in remote areas that are inaccessible to legal counsel, and asylum seekers sometimes find themselves transferred from facility to facility, stranding them hundreds of miles from their lawyers. The distance to these facilities also limits the ability of torture survivors to be examined by medical professionals in order to corroborate their cases.
- *The INS relies heavily on detention space rented from local prisons, facilities that are incapable of meeting the needs of asylum seekers.* Local prisons account for more than 60 percent of INS detention space. In such facilities, asylum seekers, including women, are sometimes commingled with criminal inmates. They may be denied adequate translation services, and can be subjected to harsh disciplinary or other procedures, including the use of restraints. Asylum seekers can become invisible in these criminal prisons, indistinguishable from the rest of the prison population.

- *Families are divided.* Families who arrive in the United States together are sometimes split between detention centers or into different units within a facility. They are either not allowed to visit with each other or allowed to do so infrequently and without physical contact. The remote location of some detention centers and restrictive visiting hours deter many relatives from visiting their detained family members.
- *The INS frequently refuses to release asylum seekers from detention even after they are found to have a credible fear of returning to their home countries.* U.S. law allows the INS to release asylum seekers after they have been found to have a credible fear of persecution. In fact, the INS has issued guidelines authorizing the release of asylum seekers who satisfy certain criteria, stating that its policy is to “favor” release of these asylum seekers. But some INS district offices frequently ignore these directives and continue to detain asylum seekers for prolonged periods.

RECOMMENDATIONS: Congress should:

- Authorize and appropriate funds for adequate INS-managed detention space in locations with access to free or low-cost legal services;
- Mandate the development and consistent implementation of alternatives to detention of asylum seekers, including by parole under the asylum parole criteria, supervised release, and the creation of shelters operated by appropriate non-governmental organizations;
- Provide for independent review by an immigration judge of a decision to detain;
- Instruct the Department of Justice to issue regulations facilitating the parole of asylum seekers, specifying the criteria for their release, providing for immigration judge review, and ensuring the release of individuals granted “withholding of removal” who present no danger to the community; and
- Create an Office of Detention Oversight within the Department of Justice to monitor detention facilities and enforce detention standards.

Through the implementation of the Border Security and Visa Entry Reform Act, we can increase the security of the immigration system without resorting to simplistic and overly-broad policies that fail to appropriately discriminate between those who seek to do us harm and those who are seeking protections from persecution.

DIVERSITY LOTTERY

Before the Immigration Act of 1990 (Pub. L. No. 101-649), immigrants were primarily admitted to the United States through one of two routes: (1) through their relationship to a family member in the United States; or (2) via employer sponsorship. The 1990 Act, through creation of the Diversity Immigrant Visa Program (DV Program or Diversity Lottery), provided a third route by which immigrants can enter the United States.

The DV Program does not pose any inherent security problems. The lottery simply gives selected persons from countries with low rates of immigration the opportunity to apply for permanent residence. To qualify as a diversity immigrant, an alien must come from a designated “low-admission” country, and must have at least a high school education or its equivalent, or have worked at least two years in an occupation that requires two years of training or experience. Lottery winners must undergo extensive background checks, identical to those required by persons sponsored for permanent residence by family members or employers.

Security lapses can, of course, occur in this process if the FBI and CIA fail to share intelligence and law enforcement information with the INS and the State Department. However, this problem, too, was addressed by the Border Security Act, discussed above. The Border Security Act closes loopholes in our immigration system by requiring the FBI, CIA and other law enforcement and intelligence agencies to share vital information in real time, among our front-line agencies. It creates an electronic data system to give those responsible for screening visa applicants and persons entering the U.S. the information they need in real time and the tools they need to make informed decisions.

Moreover, several recent regulatory amendments to the DV Program have served to make the program more secure. For example, an October 26, 2001, State Department final rule augmented the photograph and signature requirements contained in the DV regulations, and updated the method by which consular officers make determinations regarding applicants’ work experience (66 Fed. Reg. 54135 (Oct. 26,

2001)). Specifically, the amendments provided that for anti-fraud purposes, the signature on the application must be the applicant's usual and customary signature in his or her native alphabet. An initialed signature or block printing of the applicant's name will not be accepted and will result in disqualification of the entry. The rule also added a new paragraph to the regulations to address photographs. Beginning with the DV-2003 registration, the entry, in addition to containing the applicant's photograph, must also include recent photographs of the applicant's spouse and children (natural children as well as legally adopted children and stepchildren), with a separate photograph for each family member. Photographs must be submitted even though the spouse or child no longer resides with the applicant and whether or not the dependent will accompany or follow to join the applicant in the U.S.

The October 2001 regulations also clarified that under no circumstances may a consular officer issue a visa to an alien after the end of the fiscal year for which the alien was registered, and further, that at the end of the fiscal year, the petition is automatically revoked. Finally, the regulations required consular officers to make determinations regarding an applicant's work experience based upon the Department of Labor's O*NET OnLine rather than the previously used Dictionary of Occupational Titles.

A subsequent interim rule further refined the October 2001 amendments, and added language clarifying the definition of "high school education or its equivalent" (67 Fed. Reg. 51752, Aug. 9, 2002).

INA SECTION 245(I)

Much confusion surrounds this important but little understood provision of immigration law. The provision to extend the deadline to file an application under Section 245(i) of the Immigration and Nationality Act that passed the House last March has been so poorly reported on in the media that some important clarifications are in order.

Section 245(i) is an important provision of U.S. immigration laws that has allowed eligible people to adjust their immigration status in this country, without having to return to their home countries where they could face bars to reentering the U.S. of up to ten years. Immigrants applying for Section 245(i) are eligible for their "green cards" (permission to permanently reside in the U.S.), but without Section 245(i) are unable to obtain them in the U.S. because they are not in a legal status. Thus, because these individuals are eligible to become permanent residents, the only thing that Section 245(i) addresses is the location in which an application for a "green card" is processed. Under the provision, when a person becomes eligible to receive a green card because of a close family relationship to a U.S. citizen or legal resident, or through the sponsorship of a qualified employer, that person will be allowed to go through the application process in the United States.

This law does not change who is eligible or when a person is eligible. It does not put a person "at the front of the line." There is only one worldwide "waiting list" for available visas, and anyone seeking to apply for a visa under Section 245(i) must await their turn in that line. This law does not provide work authorization or protection from deportation for those individuals waiting in the United States for their turn in the line to come up. Section 245(i) only pertains to where people receive their green cards. Without this law, many immigrants are forced to return to their countries of nationality to await their green cards, thereby facing separation of up to ten years from their families and leaving their employers without needed workers. Section 245(i) allows families to stay together and businesses to retain valued employees. Most importantly, it gives the U.S. government a chance to thoroughly review the backgrounds of these people who may already be living in our communities, and decide whether or not we want them to continue living amongst us. This screening process is lengthy and quite involved, but without 245(i) many immigrants would be discouraged from beginning the process and making themselves known to authorities.

Section 245(i) also is fiscally prudent. It generated nearly \$200 million in annual revenues for the Immigration and Naturalization Service (INS) the last time this provision of the law was implemented.

Section 245(i) has been characterized by some as a loophole that will allow terrorists to get green cards and gain legal residency. It is time to set the record straight. Section 245(i) does NOT operate independently of the long-standing provisions of our immigration laws, which make known terrorists inadmissible to, and deportable from, our country. A person seeking processing under this law must prove to the INS that he or she is admissible to the United States for permanent residence. The law excludes any alien who has engaged in any type of terrorist activity, as well

as any alien who the Attorney General has reasonable grounds to believe is engaged in or is likely to engage after entry in any terrorist activity. In fact, the law excludes any alien who the Attorney General has reason to believe seeks to enter the U.S. to engage in any unlawful activity.

People who apply for Section 245(i) processing can be rejected for many other reasons, including: health-related grounds (comprising both mental and physical disorders); criminal convictions; public charge issues; and participation in drug trafficking activity, prostitution, commercialized vice, smuggling or human trafficking, money laundering, document fraud or misrepresentation, to name a few.

Most importantly, Section 245(i) does not provide a person with authorization to remain in the United States, does not provide employment authorization, and does not provide any protection from deportation, unless and until the applicant's turn in line for visa processing has been reached, a visa is available, and the applicant has been approved for lawful permanent resident status.

Adjustment of immigration status under Section 245(i) is neither a right nor an entitlement—approval of any Section 245(i) application is solely at the discretion of the U.S. Attorney General and available only to those who are qualified to immigrate to the United States.

CONCLUSION

In sum, our focus in reforming our immigration laws must be targeted and meaningful—to identify and isolate potential terrorists, without compromising our values. Individuals who are otherwise eligible under our laws should be allowed to immigrate to the United States. Our actions must strike a careful balance between the need for strong law enforcement and preserving our tradition as a nation of immigrants.

Mr. GEKAS. And now it comes time to allot time to Members for a round of questioning of the witnesses, which will begin by the Chair allotting itself 5 minutes for—during the first round.

Mr. Virtue, you say that the 245(i) application background check can be efficiently handled in the United States. Mr. Camarota asserts that the only way to be thorough about that particular situation is to have the background check conducted in the home country. That is a vital difference there.

It seems to me that the more believable background check would probably occur in the home country, since that is where the individual grew up; is that not the case?

Mr. VIRTUE. I don't disagree with that point, Mr. Chairman. The question is where the visa will be issued or where the adjustment of status takes place. The background check for the individual may still be done in the home country. It still may be done by the State Department. The question is where the actual interview takes place. So if we can refine the systems, and the INS is doing this, to have full information from the FBI and the CIA on the individual, the locus of the actual interview shouldn't matter on this point.

Mr. GEKAS. But isn't that exactly the problem we have not with the 245(i), but with the situation of Hedayet? Mr. Yates in his testimony says there is no evidence. I think that is the phrase he used. Let's see here.

Mr. YATES. That is correct, Mr. Chairman.

Mr. GEKAS. There is no evidence. Yet I circled that portion. If I could find it. And yet his own statement—it seems to me Hedayet's own statement in the asylum proceedings gave evidence, self-condemning evidence, that he was being considered as a terrorist, under his own words, in his home country. That seems to me—and we lawyers, prosecutors, in the past have used that kind of statement as a red flag through which we would enter other realms of

evidence to determine the truth of such a statement. What happened here?

Mr. YATES. But, Mr. Chairman, what he said is that he was falsely accused, and in the adjudication of asylum cases, it is not at all unusual for an individual to come forward and say, I was falsely accused, and their government was using those false accusations as a pretext to persecute them. I mean, this is a very common situation in the asylum process.

Mr. GEKAS. Well, how did you.—

Mr. YATES. He denied—he not only denied that was true, he said that he had never been involved in any kind of violent activity.

Mr. GEKAS. How did it come up? Did he just blurt out, I am not a member of a terrorist organization? How did it come up?

Mr. YATES. He indicated during the course of the interview that he had been arrested by the police, that he had been beaten, that he had been detained, and he had been falsely accused of being a member of an organization that we now know is—has been classified since 1997 as a terrorist organization. He denied any involvement. He said, I am a religious man. I am a member of a mosque. I am not a violent man. I don't have a gun. So his statement was, I have been accused of that. That was part of his asylum claim. The basis for his claim of persecution was that he was being falsely accused and was being tortured because of that.

Mr. GEKAS. But the INS did not believe that, is that correct?

Mr. YATES. The officer who interviewed him, it was the totality of statements where the officer said, I don't think you are credible. I mentioned a few of the things. The officer said, if you have that kind of fear why did you leave your wife and child back in Egypt? And in fact, he had not. They had joined him in the United States shortly before the interview.

But it is clear that the officer did not find his testimony credible. That is why he denied the asylum application.

Mr. GEKAS. I thought you also said in your statement that no agency supplied the INS with any further background information on Hedayet. Did you say that?

Mr. YATES. I did say that; that is correct.

Mr. GEKAS. Did the INS reach out? Did they ask the State Department?

Mr. YATES. At the time of the asylum application, the asylum process, INS sent a copy of the application and a copy of the officer's notes to the Bureau of Humanitarian—the BHRHA, excuse me. I have just—Bureau of Human Relations and Humanitarian Affairs, excuse me. That was part of our process to determine whether or not there was any specific information.

INS was well aware of country conditions. The INS officer mentions he was well aware that there were attacks on Coptic Christians, so it was not that the officer was not aware of problems in Egypt at that particular point in time, but we received no information that indicated that he was involved in any activity that would be prejudicial to the United States.

Mr. GEKAS. Did the humanitarian agency assert that there was no evidence?

Mr. YATES. We received no reply.

Mr. GEKAS. Well, that is what I am saying; so that you did not have—when you say you did not have evidence, you really meant you had no evidence.

Mr. YATES. Well, I chose my words carefully on that. But we have also—but we also ran additional checks a short time later in the adjustment of status process with fingerprint checks, sending out other agency checks, and as I have mentioned, even after this tragic event, we went back and looked at all of the agencies to determine whether the CIA, the FBI, the Customs Service, the Department of State, anyone had any information on Hedayet, and it was negative.

Mr. GEKAS. And there is nothing in the record that I can discern that indicated that the INS ever contacted the Egyptian Government, correct?

Mr. YATES. No. In fact, Mr. Chairman, in the asylum process we would not do that, because if we contacted the Egyptian Government, if his claim was accurate, then we would have put his family members at risk. I mean, that is an issue that was discussed by other panel members here, but that is—that is a problem. That is, frankly, the only source that we do not contact, I mean, reaching out to that home government in those cases.

Mr. GEKAS. It seems that we have to try to balance the risk that you say applied to his family with that which obviously applied to Americans at an airport.

Mr. YATES. Right. I think.——

Mr. GEKAS. The time of the Chair has expired for this first round. The gentlelady from Texas is recognized for a round of questioning.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

I would like to have unanimous consent that my statement that I offered previously as an opening statement be submitted into the record in its entirety.

Mr. GEKAS. Without objection.

Ms. JACKSON LEE. And I would like to have permission, unanimous consent, to submit the statement of Mr. Conyers, the Ranking Member of the full Committee, on this oversight hearing.

Mr. GEKAS. Without objection.

Ms. JACKSON LEE. And I have a document from the United States Department of Justice dealing with the confidentiality of asylum applications and overseas verification of documents and application information. I would like to submit this, ask unanimous consent to submit this into the record.

Mr. GEKAS. Without objection.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Let me restate again for the record the importance of this oversight hearing and thank the Chairman for this hearing.

And I might provide a backdrop of my questions, Mr. Virtue—I thank you for your presence here, and all of the witnesses—and that is that in the course of this hearing, we are also studying, as we all are aware of, a total reform of homeland security, meaning that we are in the process of creating a Homeland Security Department. My understanding is that as this legislation is moving through the other body, we will place immigration in its entirety in the Homeland Security Department with a recognition that

there be certain aspects of the visa authority that will be retained by the State Department, but oversight regulations and guidance will be under Homeland Security, which will put a new face, if you will, on all of these processes.

And so what I think is important, that as we look to correct what we believe may be detrimental in light of the terrible loss of life, we are going to be changing in any event how the oversight processes will go. Let me then pose questions to you in this instance, if you can restate your comments, is that—would you, again, comment on this maybe premise that the 245(i), for example, or even the lottery system, in and of themselves pose a threat. What has been your experience, both in your former position and your present position?

I would like to go to Mr. Yates, and if he can be thinking of these questions, to give me the numbers of individuals in a ballpark figure that he may have in detention. How many incidents like this has come to mind or come to the attention of the INS that has resulted from a diversity lottery, meaning that a violent crime incident has generated out of a diversity lottery procedure such as Mr. Hedayet's wife received diversity lottery? How many incidents have come to your attention? And I will pose those questions shortly.

Mr. Virtue.

Mr. VIRTUE. Thank you, Ms. Jackson Lee.

Yes, in answer to your question, the diversity lottery itself is just another category of eligibility for immigration to the United States, not unlike family-based immigration or employment-based immigration or special immigrant provisions in the statute.

Anyone who is eligible under that program must nonetheless go through the background checks and the interview required of anyone who is adjusting their status here in the United States. 245(i) similarly does not create, in and of itself, security risks. The issue is where the person's status is adjusted, whether that is in the United States or abroad. But the background checks can be done very well in the home country by the State Department, the CIA. Some offices have INS officers who are available to conduct checks in the home countries. So that—it does not create unnecessarily a risk against security.

Ms. JACKSON LEE. If we were to—if we are reforming immigration as it relates to this new Homeland Security Department, you could easily move those responsibilities to the continental United States, if you will, under our own law enforcement agencies; is that what you are suggesting?

Mr. VIRTUE. Well, that certainly could be done. If anything, this case is one of many examples that points out the need to maintain close coordination between adjudication of benefits and enforcement of the Immigration and Nationality Act. It is critically important, in my opinion, that those functions remain together in the homeland security office, and, yes, those functions could be handled here as well as abroad.

Ms. JACKSON LEE. It is also the case that both 245(i) or the diversity lottery does not grant a status. It allows you to access a status and to go through the process.

Mr. VIRTUE. That is correct.

Ms. JACKSON LEE. Mr. Yates, if you could answer those questions dealing with the troublesomeness, if you will, previously, or to your knowledge, of the diversity lottery.

Mr. YATES. Well.—

Mr. GEKAS. The lady is granted another 1 minute for the purpose of questioning.

Ms. JACKSON LEE. I thank the Chairman for his kindness.

Mr. YATES. Ms. Jackson Lee, we do know that a number of individuals who have entered through diversity visa lottery have committed crimes in the United States. What I can't tell you is if it is out of proportion with the average number of immigrants who have committed crimes. I don't—I haven't seen any statistics on that.

Ms. JACKSON LEE. Or you can't tell me whether they are any different from other adjustment status procedures in terms of accessing legalization. So you can't—you don't have background to say that one is more proportionate than others?

Mr. YATES. No, no, I don't. I can tell you they go through the same types of checks before they come in, the same types of background checks and fingerprint checks and things of that nature, through the adjustment of status process. But I don't know after they enter if there is a higher rate of crime by those who enter in that—through the diversity visa process.

Ms. JACKSON LEE. But the adjustment is not weak. I mean, the vetting of those individuals are not weaker.

Mr. YATES. Are not weaker.

Ms. JACKSON LEE. All right. Thank you very much.

Mr. GEKAS. The Chair recognizes the gentleman from Virginia Mr. Forbes for a round of questioning.

Mr. FORBES. Thank you, Mr. Chairman, and, gentlemen, thank you for being with us today.

It has been mentioned earlier that our country welcomes immigrants, and certainly we do. And we also recognize we don't want to just leave them at the dock. We want to provide them with safety here, and we want to make sure that immigrants that are here legally with an intent not to hurt Americans are protected and just as safe as other Americans. But one of the things I hear when I travel across the country—two different things—is, one, that Americans believe that it is time for us to work to protect innocent individuals from becoming victims just as much as we go after—protect the guilty people after they have committed crimes.

Mr. FORBES. And secondly, we heard this term common sense, and Mr. Yates, when I talk to people across the country, the question they say to me more than any other is where is the common sense in what we see happening with the INS today? And so I just want to come back to the fact that you had an individual—and this is what the Chairman raised to you earlier, an individual who says that he was classified as a terrorist by the Egyptian government apparently, even though wrongly so, that he had been arrested, that they were going through his mail, that they were doing all kinds of things.

I think anyone would recognize that common sense would suggest that at least the Egyptian government thought he was a ter-

rorist, perhaps, at that particular point in time, whether they did so rightly or wrongly.

My first question to you is if you had been able to contact the Egyptian government, would that have helped you at all?

Mr. YATES. I think—I don't think I can honestly answer that question. I have read information now after his death that the Egyptian government has said they never had any record of this individual. They don't believe he was a member of any terrorist organization, but I don't know what we would have found.

The problem for us in that type of situation, though, is when you apply for political asylum and he is saying the Egyptian government is persecuting me and my family, how do we go back to that government without putting other people at risk? I mean, that is the dilemma, and that is why we rely on the Department of State and the FBI and the CIA to provide us information regarding a veracity of a claim or the potential threat to our own citizens.

Mr. GEKAS. Would the gentleman yield? Again, I thought that you said that the only inquiry you made was to the humanitarian group, and you have mentioned the CIA and the FBI here and the State Department, but you.—

Mr. YATES. Mr. Chairman, in that particular case, that is true. In 19—for the applications that were filed then, we did not have the kind of rigorous checks that are in place today and that came in with asylum reform. After 1995 those checks started to increase, and later after 1997, there was a requirement that any time—even if there is a false accusation, that the asylum officer had to forward that case to INS headquarters so we could vet it with our national security unit and have a special vetting.

So there was a change in our process, a concern, and that concern, of course, occurred during the 1990's as we all became more aware of threats against the United States.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. FORBES. Sure. Mr. Yates, how did you go about affirmatively trying to ascertain whether or not the allegations that were raised in this particular situation were accurate or not? I know that you said that you sent the information to the humanitarian group, but is that all that you do? Do you just send it there and say, hey, we have got this application and wait to see if they respond back, or do you take any affirmative steps to see if there is any validity to the claims that were made?

Mr. YATES. At the point in time that this case was adjudicated, it was the responsibility of the interviewing officer to try to elicit information from that interview and then sending information through the Department of State, through the BHRHA that I mentioned, to determine whether or not there was—they possessed any information that would help us to make an adjudication in that case. As I mentioned, it is a much more robust process today.

Mr. FORBES. But let me just ask, again, the interviewing officer was supposed to solicit the information. The interviewing officer actually determined that he didn't think Mr. Hedayet was credible. Isn't that correct?

Mr. YATES. That's correct.

Mr. FORBES. All right. What additional steps, then, would he have to take if he determined that it wasn't credible? Did he just

forward this application on to the other agencies, and if nothing took place, just approved it?

Mr. YATES. And the process—he didn’t approve it, sir. He denied it, and he scheduled and he went through the process to schedule him for a deportation proceeding. Unfortunately, they mailed out the order to show cause, which was the charging document for that process, and he moved and never received the document.

Mr. FORBES. And that is my final question, as my time is about to run out. But when you have the asylum application that is denied, how do you find these individuals? What do you do at that particular point?

Mr. YATES. Again, we have a stronger process today, because today the asylum applicant comes back to the office to get the decision in person, and if it is a denial, the officer hands that individual the documents to appear before the court. That means that if he does not show up, the judge can order him deported, and if he is encountered again, it is a matter of then locking him up and removing him from the United States. That is another improvement that is in the process today that was not part of the process back then.

Mr. FORBES. Thank you, Mr. Chairman. My time is expired.

Mr. GEKAS. The Chair now turns to the gentleman from California for a round of questions.

Mr. ISSA. Thank you, Mr. Chairman. You know, for all of the panel, I know that you are all here dealing with hindsight on a situation, and you see it differently, and no surprise I perhaps see it differently than any of you.

Mr. Yates, probably the thing that perplexes me the most—and I don’t want to be somebody who comes to a Committee and says, I see conspiracies, but as I read through the circumstances around this, what I see is that Mrs. Hedayet apparently has eight names, and at least 16 derivations of that name, and it appears—and I will run through a scenario and you tell me where all the holes are in it.

It appears that she may have made multiple applications. One of them was granted but not under her normal name, and she made those applications perhaps to help her husband stay here, a member of Hamas, hypothetically, since he clearly had never been accused but said he was accused. And she got him to stay, and he killed Americans. Then she flees the country.

What are we doing today to stop multiple name applications? Do we have a plan for biometric or some other system that would prevent this kind—you know, in my district I have a lot of Hispanics, they play by the rules, but many of them have multiple names. They could take advantage of this same situation very easily.

Mr. YATES. The multiple name situation clearly is a problem. You asked a number of questions. First, I can’t tell you that his spouse, Hala el-Awadli did not.—

Mr. ISSA. That is the short name. Right?

Mr. YATES. Yes. That is the name that—that is her signature. I cannot tell you that she did not file multiple applications.

Now, they don’t file with INS. These are applications for the diversity visa lottery that are filed with the Department of State. At least in the past, it was a practice of the Department of State to

destroy all of the applications of those who did not win. So we have no way to go back to ascertain whether or not multiple applications were filed.

We do know, looking at her adjustment application now, I counted at least 12 variations, and I may have missed a few, on that name.

I also—that application, by the way, was filed through an attorney. I also noted that her attorney misspelled his own name differently twice. It was very.—

Mr. ISSA. What is.—

Mr. YATES. It was very sloppy work, but it points out the issue that I raised in my oral presentation, and that is, we do need a biometric identifier. It is something that is more than just INS. I think it is—as we look at the process for immigrants arriving in the United States, or even nonimmigrants, it has got to start with the Department of State. It has to move on to INS. We have got to do that. This is a very serious issue.

Mr. ISSA. Anyone else feel that there is any room for doubt that we need to have biometric tracking so that we are dealing with one person, we are really dealing with one person and not one person becoming 12 in order to game the system?

Mr. CAMAROTA. No. Absolutely it is of enormous value, and it may have some deterrent effect, because giving your photo and fingerprints to the United States Government might be some deterrent for terrorists. They might not be anxious to do that. So not only would it help in doing what you are talking about, but it could have some other benefits as well.

Mr. ISSA. Mr. Yates, I don't want to pick on you, but I am going to. Yeah. We are always pleased to have people from INS. They tend to be a focus of this Committee.

Post September 11th, we were assured by the INS that changes were being made, incredibly fast changes to make it more robust. Today I heard the same words. What I am interested in is there are 8½ and a half million people in this country who are either overstays or, in fact, were never allowed to be here. How many of these kinds are among them? What is it going to take to go through that backlog so that you can come here and tell me what I don't believe you can tell me today, which is we have gone through every single person to look for exactly the indications that understandably were missed, but were missed and in retrospect we would have done something further?

What is it going to take financially and time wise, and how can this Committee assist you?

Mr. YATES. Okay. I am not sure I understand the question. When you mention 8½ million, are you talking about an approximate number of illegal aliens in the United States or.—

Mr. ISSA. I am dealing just with illegals, of whom 40 percent, you know, 4 million, 3½ million, are overstays that would have similar documentation but no deportation orders, not a lot of this, and your 12 or so million that are here but are here based on the old standard? What is it going to take to go through that number of people?

Mr. YATES. I think that frankly, the task is a lot larger than that, because we receive about 8 million applications a year now. So you would have to look at—you are talking about 8½ million

who are here illegally. Some of those individuals may be attempting to legalize their status. The vast majority may be just out there, and INS has no information on those individuals. It is frankly a monumental task to try to do that.

Mr. ISSA. If I could do one quick follow-up.

Mr. YATES. It costs \$75 to run a fingerprint check on an individual. It cost money every time we run those checks. So depending upon the total numbers, we can calculate costs, but then you have got to calculate costs of agents to locate them.

Mr. ISSA. And my question as a follow-up is because of my concern of the possibility of selective checking.

Ms. Jackson Lee has, for example, a private bill for a Palestinian who would be clearly an overstay, came here, applied for asylum, applied, applied, finally was denied but never left, and the years have gone on, more than 5 years since that time. His case was just, I think, a fluke that they discovered he was there. We have 3 or 4 million people in that category.

My reason for asking is that I am personally concerned that of these 3½ or 4 million, I don't expect you to get rid of them all, but how do we go through and find out who of these 3 or 4 million people who are overstay, who have fallen out of the system, are potentially dangerous and then move up the procedure on them? It is selective, but it is selective based on threat, which to me is important.

I need to have this kind of person that we could have said, hey, there is something not quite right, versus this theory that we go get all 8½ million which we know we could never get. So rather than say impossible, my question to you—and I would appreciate it if you would respond in writing because my time is expired—is what steps are you taking to go through and find the highest risk of that, let us say, 3 million overstay in addition to the 8 million that you are dealing with anew every day?

Thank you, Mr. Chairman.

Ms. JACKSON LEE. Would the Chairman yield the distinguished gentleman an additional minute? And I would like to have the gentleman yield to me for a question?

Mr. ISSA. I would be glad to yield to the gentlelady from Texas.

Mr. GEKAS. We will yield him an additional minute.

Ms. JACKSON LEE. Let me join the distinguished gentleman Mr. Issa from California. I think we have discussed this for a number of weeks now, and that is of course the point that there are a number of overstay, and it would be important, as we look at homeland security, that we frame our search on those who we know pointedly may be dangerous. And at the same time, that we would be able to reflect on the Kezmer family that has lived openly in the community, and of course has been seeking, if you will, legalization. They, of course, are in the process of seeking that through a private bill now, that we could distinguish them from that. And I guess as soon as Mr. Issa—what I am saying, Mr. Issa, is you were distinguishing families like the Kezmer family that has lived openly, and seeking access to legalization have been vetted over and over again as being not dangerous, but we should join together to find those who do pose a threat to the United States.

I yield to the gentleman for his.—

Mr. ISSA. And exactly. My concern is that we not selectively look for Egyptians, Palestinians, any particular group, even if they are a high-risk group, but we look through them. And knowing that if an Egyptian or a Palestinian pops up as an overstay today, the likelihood of deportation is very quick.

That doesn't take into account the Indonesians, the Malaysians, lots of other groups.

My concern is not matter where you are from, including the many people in my district from Mexico, I need to know that there is a system in place to go after the criminal alien, the terrorist alien, the alien who is not gamefully employed to the—as a preferred class to go after, and that is something that has been missing from INS. And even today I don't have a comfort level that that is the screening criteria to deal with the portion of that 8½ million that the Census said are here illegally, plus the 8 million coming in, but I am talking about the overstays and the simply never legally here, to go through it an at least go through the ones who will do us harm, recognizing that no one in this room thinks that you are going to get rid of 8½ million undocumented workers here today, nor are we asking you to.

I think we are asking you to come up with a system that tells us with confidence that you are dealing with threats to our community and our safety as your first priority.

Ms. JACKSON LEE. If I might reclaim the extended 1 minute, some time of it and just simply say distinctive from—and I want to thank Congressman Issa for his support of the Kezmer family, which happened to be Palestinians, but distinctive from individuals who are living openly in the community and have at every step of the way sought to access legalization. I think we can all find common ground on that approach, to be protective of the Nation but also to be fair of those individuals who are here, who work and pay taxes and want to stay here. Thank you, Mr. Chairman.

Mr. GEKAS. The Chair will now recognize a second round questions for anyone who would like to ask them.

Ms. Jackson Lee.

Ms. JACKSON LEE. I will not hold the Committee. I simply want to just maybe acknowledge Mr. Camarota, I think you had raised a point about countries, the law enforcements in other countries checking on the background of individuals. And I would just want to probe that sometimes we have great concern about law enforcement in places like Yemen and Iraq and North Korea. Certainly would not be helpful to have them vet these individuals. Wouldn't it be more helpful to have this done by our own State Department, law enforcement authorities here?

Mr. CAMAROTA. Well, certainly, but in the case of Mr. Hedayet, he had indicated that the Egyptian government thought he was a terrorist. It seems to me, especially in a post 9/11 world—though I would have argued we should have done it before—we need to ask the Egyptian government. That might have exposed him or perhaps his family—we know it wouldn't have since they were already here—to some risk. And that is a balance, but for me that balance has to be struck in favor of the American people. We need to know why they thought he was a terrorist. We do have these reports in a London-based Arabic newspaper that he actually had

met several times with Ayman al-Zawahiri, bin Laden's No. 2 man, who is Egyptian. We need to know did the Egyptian government know that, and I think that is the kind of thing and that is the way the balance should be struck, national security first.

Ms. JACKSON LEE. I appreciate your response. Mr. Chairman, I am going to close by simply saying that I think your reasoning does not overcome the doubt that we may have in confronting some of these law enforcement agencies in foreign countries that may not have the national security of the United States as their first priority. It may be the oppression of individuals who have been so presumptuous and arrogant to leave the country.

So I think there is some merit to the issue of the humanitarian aspects of this, and I think we can combine our necessities, that is, the protection of this Nation, national security, with the reinforcement of the Homeland Security Department that will begin to share these responsibilities and fix some of the problems at the INS.

I yield back. Thank you, Mr. Chairman.

Mr. GEKAS. Thank you. The Chair will now yield itself an additional 3 minutes for one last question.

Mr. Yates, the Attorney General has asked Commissioner Ziglar to promptly ascertain whether other aliens may be in the United States who have admitted that they have been accused of terrorist activity or terrorist association. Could you just tell the Committee whether or not this is being done, and if so, when it is going to be completed and how many claims—how many aliens have made such claims in the past years?

Mr. YATES. At the present time, we are working to identify the total universe of cases and to develop a plan on how that review can take place. We have not yet discussed the points in that plan with the Attorney General. So I can't discuss it further at this point in time, but we are identifying the potential case load that needs to be reviewed and what process needs to be established to complete that.

Mr. GEKAS. Thank you. And we would like to thank all of you for taking your time.

Ms. JACKSON LEE. Would you be kind enough to restate that Members who were not able, as everyone knows there is a debate on the floor, not able to be present have a period of time to submit their statements into the record? I believe it is 5 days.

Mr. GEKAS. Without objection, we will be glad to grant that 5 days.

Also the Subcommittee majority and minority staff have prepared a copy of Hedayet's A file from which personal information has been redacted. If there are no objections, the Chair will enter this document into the record.

Mr. GEKAS. Also I will—the Chair will enter the Attorney General's September 18, 2002 memorandum to the commissioner concerning Hesham Hedayet into the record. If there are no objections.

Mr. GEKAS. Finally, the Chair will direct the INS to prepare a report for this Subcommittee to be made a part of this hearing record explaining what it is doing to investigate, prosecute fraud in the diversity visa lottery program. The Chair is interested in assessing whether the INS has any system for identifying aliens ap-

plying for an adjustment of status who have filed numerous applications for diversity visa benefits under different names, places of birth and or dates of birth. That report should be completed no later than November 8, 2002, so that it can be made a part of this hearing record.

Without objection, the hearing is adjourned.

[Whereupon, at 4:17 p.m., the Subcommittee was adjourned.]

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, thank you for calling this oversight hearing on this tragic incident. On July 4, 2002, we all recall the terrible images of terror coming from the events at the Los Angeles International Airport. No one in this room would not sympathize with the pain and suffering endured by those present at the airport, and the friends and family of the victims. On July 4, Hesham Mohamed Ali Hedayet went on a shooting rampage in the line of the El Al ticket counter killing two, 25 year old Victoria V. Hen an El Al employee, and 46-year-old bystander Yaakov Aminov. We deplore these acts and it is the purpose of this hearing to see if there was anything that the INS could have done to prevent this tragedy from occurring.

The record shows, generally, that at the time of the tragedy, Mr. Hedayet was a lawful permanent resident of the United States. In December 1992, Mr. Hedayet filed an asylum application with the INS. That Application was denied in October 1995. Subsequently, Mr. Hedayet's wife won a visa through the annual diversity lottery. At this point, Mr. Hedayet filed an adjustment of status application with the INS. The INS interviewed him on this application and approved it in 1997.

I must admit that what stands out about this matter is the time that was taken to process Mr. Hedayet. Here we have an asylum application that began in 1992 that was not completed until 1997. I will be interested to hear from our witnesses, particularly the INS about their interpretations of the events that took place between Mr. Hedayet's initial application and the final approval of his adjustment of status application.

Many investigators have concluded that the actions of Mr. Hedayet on July 4, were random and unplanned, however, I am open minded and willing to hearing otherwise from our witnesses today. I understand that on the other side of the isle there is great concern about the timeliness of receipt of the Hedayet file after it was initially requested by the majority. I too share this concern.

There are also some on this committee that believe that Mr. Hedayet, may have misrepresented himself in his asylum application, which would have rendered him ineligible to later adjust status. I have not drawn any conclusions on these facts and, again, I come today with an open mind with the hopes of getting to the bottom of this tragedy.

I do, however, want to say that I hope that we do not come today to disparage policy and programs that are of vital importance to the immigrant community and many members of Congress. I have heard from those in the immigrant advocacy community about their concern that this forum will be used to attack such programs as the Diversity Visa Program, Section 245(i), and the Asylum process in general. I would hope that we could put our partisan hats aside and agree that these programs are not at the heart of this matter. While procedures concerning and about these programs may not have been followed appropriately, and acknowledging that the laws of old did not address certain matters as efficiently and effectively as the laws of today, it is important to emphasize that the policy and purposes of these programs are still valid, and that these programs still meet the needs of many immigrants and their American families.

Many of the issues that we have visited in the past, we will surely visit again today. For example, during consideration of the PATRIOT Act, I along with many other members fought to keep confidential information within the applications of many of those seeking asylum in the United States. This confidentiality is needed in order to ensure that information within the asylum application is not turned over to the very home governments the asylum seeker is fleeing. Many asylum seekers have fled their home countries under threat of assassination. In fact, I believe that

INS and the State Department already have significant tools to investigate asylum seekers. Along these lines, I would like to introduce the following INS memorandum regarding the Legal Framework of Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information from June of 2001 into the record.

Since this tragedy took place it has garnered significant attention and precipitated action on the part of the Department of Justice. Attorney General Ashcroft has directed the INS to review all existing asylum cases to determine whether possible terrorist links have gone unexamined. I encourage Mr. Yates to inform us of any information that he may have and can disclose about the progress of this investigation.

Mr. Chairman, at this point I will turn this hearing back over to your capable hands, noting that it is with great anticipation that I look forward to hearing the testimony of our witnesses today. Thank you Mr. Chairman.

PREPARED STATEMENT OF THE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Let me first reiterate the fact that I agree with you that the immigration system in our country is broken and must be fixed. As you know, earlier in the year we introduced bipartisan legislation to restructure the INS, and I remain fully committed to that endeavor.

Just because there are systematic problems with the INS and our immigration system, however, does not mean that we should obliterate the very principles upon which our country was founded when things go wrong and immigrants are involved.

To be clear, our country is based on the notion that the United States is a nation of immigrants; that it is a haven for those who suffer and flee from persecution and mistreatment in their home countries; that the United States is a better nation for its diversity.

The asylum program, diversity visa lottery and section 245(i) are important form the framework for our rich immigrant tradition. These programs have been strongly supported by Republican and Democratic Administrations and must continue to receive our support.

These principles hold true even in the face of tragedies such as the one that occurred on July 4 at the Los Angeles airport. While Mr. Hesham Hedayat was an immigrant, according to press accounts, he was also a troubled man who was having family and business problems.

Unfortunately, this type of tragedy is not unique in our country. But more importantly is not limited to or typical of immigrants. We must make sure that we do not take isolated instances such as that involving Mr. Hedayat and transform them into a general indictment of all of our immigration laws.

I look forward to hearing from our witnesses today.

October 2, 2002

The Honorable George Gekas, Chairman
House Subcommittee on Immigration, Border Security and Claims
B-370-B Rayburn House Office Bldg
Washington, DC 20515

Dear Chairman Gekas:

Thank you for the opportunity to share with you and members of the Subcommittee the views of FAIR on issues related to the terrorist attack by Hesham Mohamed Ali Hedayet, the Egyptian who shot and killed two innocent travelers on July 4 in Los Angeles at the El-Al airline counter.

On one level, it is clear that the case of Mr. Hedayet demonstrates once again the negligence of the INS in failing to assure that persons who are denied asylum are removed from the country. Even with the reforms to the asylum system adopted by policy in 1995 and by law in the 1996 IIRAIRA, it is difficult to imagine any true disincentive from using a fraudulent asylum claim by illegal aliens seeking to stay permanently in the United States as long as a denied asylum claim leaves them no worse off and still residing illegally in the country.

More important, the vulnerability of the country to international terrorism, as revealed by the September 11 attacks, makes clear that all leads to possible terrorist associations by foreigners in our country or seeking to enter our country must be thoroughly investigated. News accounts indicate that Mr. Hedayet furnished the information in his application for asylum that he had been accused by the Egyptian government of belonging to the Gama'a al-Islamiyya organization that is included on the State Department's list of terrorist organizations. Mr. Hedayet stated that the accusation was false, but there would be every reason not to take that statement at face value. Such information leads should be shared with the FBI and the intelligence community and investigated as far as is possible.

Additionally, the Hedayet case demonstrates once again the danger inherent in immigration procedures that allow persons residing illegally in the country to be granted legal permanent residence without the rigorous screening abroad that is the responsibility of the U.S. consular service, the nation's first line of defense against dangerous and undesirable immigration. Mr. Hedayet reportedly was granted permanent residence through INA Section 245(i) after his wife gained legal residence through the visa lottery. We hope that, if an effort to restore Section 245(i) comes again before this body, the members of this subcommittee will remember this tragic case and the deaths to innocent travelers that resulted from the INS's failure to remove Mr. Hedayet and later to grant him permanent residence.

cited in *Agou v. Holder*, No. 10-7436, archived on December 11, 2013

Letter to Chairman George Gekas
October 2, 2002
Page 2.

I would be remiss if I didn't also raise for your consideration the fact that Mr. Hedayet would not have been accorded legal permanent residence had it not been for the visa lottery program. This program would make sense only if our country were underpopulated and we wanted to stimulate immigration or if we were not sufficiently racially, ethnically, religiously, or culturally diverse already and wanted to increase the heterogeneity of our society. Neither FAIR nor the majority of the American public would agree with either of those premises.

Finally, Mr. Chairman, legislation introduced in the Senate as part of the creation of a Homeland Security department (and introduced in the House as H.R.5005) would, among other things, undo the asylum reforms of 1996. If that is done, it will reverse changes that reduced the opportunities for asylum claimants to be waived into the country, where they could disappear into the woodwork to surface again only if they had engaged in a criminal activity. The crime of Mr. Hedayet is only one example. Another is that of Mir Amal Kansi, an asylum claimant who murdered CIA employees in 1993. The enactment of this legislation, as written, would endanger all Americans.

I respectfully suggest that the members of this subcommittee take a strong stand in opposition to any weakening of the asylum laws. That would happen if the reforms of 1996 were undone by H.R. 5005 and if Section 245(i) were restored. In addition, Mr. Chairman, I would hope that an outcome of your consideration of the INS handling of Mr. Hedayet's asylum claim would be that you and the members of the subcommittee insist that the INS institute measures to promptly remove aliens whose asylum applications have been denied.

Sincerely,

Dan Stein
Executive Director

cited in *Angov v. Holder*, No. 07-74963, 2013 WL 496323, at *1 (9th Cir. 2013)



U.S. Department of Justice
Immigration and Naturalization Service

HQCOU120/12.8

Office of the General Counsel

425 I Street NW
Washington, DC 20536

JUN 21 2001

MEMORANDUM FOR JEFFREY WEISS
DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS

FROM: *Don Cooper*
Bo Cooper
General Counsel

SUBJECT: Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information

This memorandum discusses the confidentiality requirements that apply to information contained in or pertaining to asylum applications and gives guidance to Immigration and Naturalization Service (INS) overseas personnel conducting verifications of documents and facts contained in asylum applications. Overseas verification of documents or facts submitted in support of asylum applications is essential to combat fraud in the asylum process and ensure the integrity of the asylum program. INS attorneys are grateful for the invaluable assistance that your offices have provided and continue to provide in furtherance of these goals. The following guidance is intended to assist in the accomplishment of these goals while minimizing the risk of confidentiality breaches. This memo supercedes all prior guidance provided by this office on this topic.

LEGAL FRAMEWORK

The regulation governing the confidentiality of asylum applications is found at 8 C.F.R. § 208.6 (2000), as amended at 65 Federal Register 76121, 76133 (Dec. 6, 2000). This regulation contains mandatory language and is binding on all INS personnel. The regulation provides:

- (a) Information contained in or pertaining to any asylum application, records pertaining to any credible fear determination conducted pursuant to § 208.30, and records pertaining to any reasonable fear determination conducted pursuant to § 208.31, shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the Attorney General.

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(b) The confidentiality of other records kept by the Service and the Executive Office for Immigration Review that indicate that a specific alien has applied for asylum, received a credible fear or reasonable fear interview, or received a credible fear or reasonable fear review shall also be protected from disclosure. The Service will coordinate with the Department of State to ensure that the confidentiality of those records is maintained if they are transmitted to Department of State offices in other countries.

(c) This section shall not apply to any disclosure to:

(1) Any United States Government official or contractor having a need to examine information in connection with:

- (i) The adjudication of asylum applications;
- (ii) The consideration of a request for a credible fear or reasonable fear interview, or a credible fear or reasonable fear review;
- (iii) The defense of any legal action arising from the adjudication of, or failure to adjudicate, the asylum application, or from a credible fear determination or reasonable fear determination under § 208.30 or § 208.31;
- (iv) The defense of any legal action of which the asylum application, credible fear determination, or reasonable fear determination is a part; or
- (v) Any United States Government investigation concerning any criminal or civil matter; or

(2) Any Federal, state, or local court in the United States considering any legal action:

- (i) Arising from the adjudication of, or failure to adjudicate, the asylum application, or from a credible fear or reasonable fear determination under § 208.30 or § 208.31; or
- (ii) Arising from the proceedings of which the asylum application, credible fear determination, or reasonable fear determination is a part.

8 C.F.R. § 208.6.

As a general matter, the regulation prohibits INS personnel from commenting to any third party on the nature or even the existence of individual applications for asylum, and requires that the INS maintain the confidentiality of any INS records that indicate that an alien has applied for asylum or withholding of removal. See 8 C.F.R. § 208.6(b). The regulations, however, enumerate several exceptions to the general rule. First, the records may be disclosed at the discretion of the Attorney General. See 8 C.F.R. § 208.6(a). The INS has interpreted the

cited in Angov v. Holder, No. 07-74963, archived on December 11, 2013

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Attorney General's discretion under this provision as not extending to INS personnel. Pursuant to his discretion, however, the Attorney General has set up specific guidelines for the release of asylum information to the Federal Bureau of Investigation and he may issue further guidelines for the release of such information to specific entities such as the Department of Health and Human Services. Second, the records may be disclosed to any United States Government official or contractor having a need to examine information in connection with the adjudication of the application, the defense of any legal action arising from the application, or any United States Government investigation concerning any criminal or civil matter. See 8 C.F.R. § 208.6(c)(1)(i)-(iv). Third, the records may be disclosed to any Federal, state, or local court in the United States considering any legal action arising from the adjudication or failure to adjudicate the asylum application or arising from the proceedings of which the asylum application is a part. See 8 C.F.R. § 208.6(c)(2)(i)-(ii). Thus, while the Attorney General has limitless discretion to disclose information in asylum files to third parties, INS employees, as well as any other government official, are limited to disclosing information in asylum files to United States government officials or contractors, or courts in a limited number of circumstances that are specifically defined by the regulations. Disclosure is prohibited to all other persons.

The regulatory provisions do not offer specific guidance on how to proceed with an investigation of a claim. The propriety of an investigative procedure will vary in many instances from post to post, and the method of compliance with the regulation will primarily depend on how the investigation is performed. The following guidance is offered to help interpret these requirements and guide INS overseas personnel as they undertake verifications of evidence submitted in support of asylum applications.

CONFIDENTIALITY GUIDELINES

Preserving the confidentiality of asylum applications must always be a primary consideration in processing requests for investigations. The following guidelines will assist in the interpretation of 8 C.F.R. § 208.6 and help INS overseas personnel preserve the confidentiality of applications. In order to ensure consistency in evidentiary submissions to immigration courts, these guidelines are intended to be similar and, in some cases, identical to those issued after consultation with this office, by the Department of State's Office of Asylum Affairs to their consular officers performing investigations of asylum applications. A copy of the cable is attached.

- (1) If an investigation cannot be accomplished without compromising the confidentiality of the application, the investigation should be abandoned and the investigator should inform the requestor of the investigation of this fact.
- (2) Generally, confidentiality of an asylum application is breached when information contained therein or pertaining thereto is disclosed to a third party, and the disclosure is of a nature that allows the third party to link the identity of the applicant to: (1) the fact that the applicant has applied for asylum; (2) specific facts or allegations pertaining to the

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individual asylum claim contained in an asylum application; or (3) facts or allegations that are sufficient to give rise to a reasonable inference that the applicant has applied for asylum. If one or the other part of this link is missing, then no breach has occurred.

The propriety of an investigative procedure will vary in many instances from post to post, and successful compliance with the regulation will primarily depend upon the type of information to be verified and upon how the investigation is performed. An INS investigator may request information from the host government or third parties concerning an applicant for asylum or application information, so long as the investigator does not disclose information that would allow a third party to link the identity of the applicant to either the fact that the applicant has applied for asylum, to specific facts or allegations contained in the asylum application or to facts or allegations that are sufficient to give rise to a reasonable inference that the applicant has applied for asylum.

Disclosure of the applicant's identity might be permissible if the request for information is made where similar requests for information are routinely made by the United States government for other purposes - e.g., for visa applicants, prospective employees, etc. - and there is no mention of asylum. Many aspects of an asylum claim - including the occurrence of events central to the claim, the addresses and locations of such events, etc. - could be verified or disproved without disclosing the identity of the applicant or any details of his or her claim to anyone. If possible, such an approach is preferable. In particularly sensitive cases, or where similar requests for information are not routinely made, it may not be prudent to approach the host government or third parties at all.

Overseas verification of documents presented in support of asylum applications may present unique difficulties. For example, if an Assistant District Counsel sends a birth certificate included by an asylum applicant in his or her asylum application to the overseas OIC for verification of the date status listed thereon, the birth certificate could be verified in a number of ways, some of which would breach the confidentiality of the application, while others would not. If the OIC provides the birth certificate directly to foreign government officials for verification of its contents, this would be a breach because the birth certificate discloses both the applicant's identity and information - indeed, an actual document - contained in the asylum application. In addition, the possession and investigation of certain personal documents by the US government might be sufficient to give rise to a reasonable inference that the applicant submitted the document to the US government to buttress an asylum claim. This would be especially true if a document submitted directly to a foreign government were the type of document - such as a PRC hospital record pertaining to coercive family planning measures - that evidences events commonly known to form the basis of asylum claims in the United States.

On the other hand, if the OIC only sent the name of the applicant to the foreign government authorities with a request that they inspect their birth records for information

cited in Angov v. INS, 80 F.3d 1436, 1438 (9th Cir. 1997), cert. denied, 520 U.S. 1111 (1997), 11/20/2013

Memorandum for Jeffrey Weiss
 Confidentiality of Asylum Applications and
 Overseas Verification of Documents and Application Information
 Page 5

on the applicant, confidentiality would probably not be breached if such an inquiry is routinely conducted for reasons unrelated to an asylum application, such as for an employment application or a visa application. Such an inquiry, although it divulges the applicant's identity, does not disclose specific facts or allegations contained in the asylum application, nor does it disclose facts sufficient to give rise to a reasonable inference that the applicant has applied for asylum. The only fact divulged is that the United States government is interested in the birth records of the alien. In a similar vein, if the OIC personally inspects the logs in which birth certificates would be contained, the confidentiality of the asylum application would remain intact. This last approach, resources permitting, is the preferable approach from the standpoint of maintaining confidentiality.

(3) Material that identifies an applicant and discloses that he or she has applied for asylum may only be transmitted to INS posts in other countries or between foreign posts by official and reliable means. This includes unclassified government telegrams, official fax and approved DOJ / INS electronic mail. Within the United States, material may be transmitted by mail, regular fax, or the approved DOJ / INS electronic mail. Specific asylum cases should never be discussed over personal electronic mail accounts.

(4) Foreign service national (FSN) employees of the INS may be allowed access to information contained in or pertaining to asylum applications at the discretion of the District Director having jurisdiction over the INS overseas District Office or Sub-Office in which they are employed. In exercising this discretion, the District Director should consider any factor which may affect the likelihood that asylum information may be improperly disclosed at a given INS overseas post or by a given FSN employee, including, but not limited to: (1) the integrity and competence of a given FSN employee; (2) whether there is a history or practice of corruption, impropriety or unauthorized disclosure of protected information at a given post; and (3) the ties between FSN employees at a given post and the host government.

(5) INS overseas personnel may disclose information contained in or pertaining to asylum applications to employees of the Department of State (DOS) with the need to know. The regulations specifically contemplate such a disclosure for the purpose of conducting an overseas investigation. See 8 C.F.R. § 208.6(b). As noted above, the DOS has issued a cable to its overseas posts governing the confidentiality of asylum applications. If an INS officer transmits such information to a DOS employee with a need to know, the INS officer must inform the DOS employee of the requirements of 8 C.F.R. § 208.6. Overseas INS personnel may also disclose an asylum application to any United States government official or contractor having need to examine the information in connection with any of the situations described in 8 C.F.R. § 208.6(c)(1)(i)-(iv). Any such government official or contractor should be apprised of the confidentiality requirements of § 208.6.

cited in Angov's Letter No. 07-1106, dated October 11, 2013

Memorandum for Jeffrey Weiss
 Confidentiality of Asylum Applications and
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 Page 6

(6) All INS overseas personnel who handle information contained in or pertaining to asylum applications must be instructed on the confidentiality requirements found in 8 C.F.R. § 208.6.

(7) In the event of a general disclosure of the asylum application – for example, if the applicant holds a press conference to discuss his claim – an INS response that discusses the claim may be appropriate in some circumstances. Before preparing any such response, however, INS employees must receive approval from the INS Office of International Affairs, which will consult with the Office of the General Counsel.

(8) In responding to requests for information or for verification of documents or factual information, overseas officers should include, at a minimum:

- (i) the applicant's name;
- (ii) the applicant's A-number;
- (iii) name and address of the requesting officer (either INS or EOIR);
- (iv) name of responding officer and title; and
- (v) an investigative report as outlined in number (9) below.

(9) The content of the investigative report is critical if it is to effectively convey information to the adjudicating official, be it an asylum officer or an immigration judge. In proceedings before an immigration judge, for example, the quality of the investigative report can determine the report's admissibility as evidence and, if admitted, the weight the immigration judge will accord to it. A report that is simply a short statement that an investigator has determined an application to be fraudulent is of little benefit. Instead, the reports should lay a proper foundation for its conclusion by setting those factual steps taken by the investigator that caused the investigator to reach his or her conclusion. In addition, the conclusion of the investigator should be stated in neutral and unbiased language. In the case of a fraudulent document, a comprehensive and, therefore, effective report will lead the adjudicator down the path taken by the investigator, and hopefully help the adjudicator reach the same conclusion. Such a report must contain, at a minimum:

- (i) the name and title of the investigator;
- (ii) a statement that the investigator is fluent in the relevant language(s) or that he or she used a translator who is fluent in the relevant language(s);
- (iii) any other statements of the competency of the investigator and the translator deemed appropriate under the circumstances (such as education, years of experience in the field, familiarity with the geographic terrain, etc.);
- (iv) the specific objective of the investigation;
- (v) the location(s) of any conversations or other searches conducted;
- (vi) the name(s) and title(s) of the people spoken to in the course of the investigation;

cited in Angov v INS, 2013 WL 2138796 (D. Minn. 2013)

Memorandum for Jeffrey Weiss
Confidentiality of Asylum Applications and
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Page 7

- (vii) the method used to verify the information;
- (viii) the circumstances, content and results of each relevant conversation or searches; and
- (ix) a statement that the Service investigator is aware of the confidentiality provisions found in 8 C.F.R. § 208.6.

CONCLUSION

This memorandum is intended to assist overseas INS personnel conducting verifications of documents and facts contained in asylum applications. We hope the recommended steps simply reflect those already taken by the investigators, and will not be overly burdensome. While anti-fraud initiatives are imperative to maintain the integrity of the asylum application process, such initiatives must always maintain the confidentiality of the application. Compliance with the regulation will primarily depend on how the investigation is performed and the propriety of an investigative procedure will vary from post to post. This memo is intended to provide guidance of general applicability to assist the INS personnel who perform such investigations. If you have any questions regarding this memorandum, please contact Ron Whitney at the Office of the General Counsel at (202) 514-9699.

cc: Regional Directors
Regional Counsel

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013



Office of the Attorney General

Washington, D.C. 20530

September 18, 2002

MEMORANDUM FOR JAMES W. ZIGLAR
 COMMISSIONER
 IMMIGRATION AND NATURALIZATION SERVICE

FROM: THE ATTORNEY GENERAL *John Ashcroft*
 SUBJECT: Hesham Hadayet

On September 13, 2002, I was made aware of certain serious irregularities in the INS' treatment of Hesham Hadayet, the individual who murdered four people at the Los Angeles International Airport on July 4, 2002. According to INS officials, based on their review of Hadayet's alien file, it appears that:

- Hadayet claimed in his asylum application that he was accused of being a terrorist and the INS did not conduct any further investigation as to whether this accusation was true.
- The INS denied Hadayet's asylum application but was unable to serve him with the document that had initiated deportation proceedings because he had moved without notifying the INS. The deportation proceedings were then "administratively closed."
- Even after the INS denied the asylum application, it granted him employment authorization while he was in illegal status, but failed to activate his deportation proceedings.
- Hadayet applied for adjustment of status (lawful permanent residence) under 245(i) after his wife won the visa lottery. However, it cannot be determined whether he was interviewed in person or whether the officer approving the application reviewed the asylum application in making the decision to grant adjustment of status (which presumably would have triggered a further inquiry into his possible terrorist connections).
- There is a question as to whether the INS actually had jurisdiction to adjudicate the adjustment application, since the INS had initiated deportation proceedings.

These facts have implications for our immigration system and our national security. I therefore direct you to undertake a prompt investigation into the INS' interactions with Hesham Hadayet and to report back to the Deputy Attorney General with your findings, including any remedial or disciplinary action taken. In addition, I direct you to undertake a prompt review of existing asylum files to ascertain whether other individuals may be present in the United States who have admitted that they have been accused of terrorist activity or terrorist associations.

Your continued service to the Department of Justice and the nation is greatly appreciated.

cited in *Angov v. INS*, No. 02-71903, 2003 WL 21961 (9th Cir. September 11, 2003)

ALIEN FILE FOR HESHAM MOHAMED ALI HEDAYET



U.S. Department of Justice
Immigration and Naturalization Service

CO 703.785

Office of the Commissioner

425 I Street NW
Washington, DC 20536

SEP 24 2002

The Honorable George W. Gekas
Chairman
Subcommittee on Immigration, Border Security and Claims
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

RECEIVED
SEP 27 2002
Immigration and Claims

Dear Mr. Chairman:

This is a follow-up to my July 29, 2002, letter responding to your request for the alien file of Mr. Hesham Hedayet pursuant to the Subcommittee's oversight of the Immigration and Naturalization Service (INS). With my prior letter, I enclosed documents responsive to your request but withheld documents, in whole or in part, because the document was protected from disclosure under immigration law based on personal privacy concerns. Additionally, a copy of Mr. Hedayet's asylum application was not previously provided because its disclosure would have been inconsistent with our law enforcement responsibilities. The asylum application is enclosed here because we have concluded that its disclosure at this time will no longer adversely impact our on-going investigation. However, as with our previous submission, there is a small amount of information that we have not included that implicates individual privacy interest, which we would be pleased to discuss with Subcommittee staff. I am sending a similar follow-up letter to Congresswoman Jackson Lee, Ranking Minority Member of the Subcommittee.

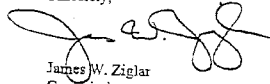
Among the material contained in Mr. Hedayet's alien file are Mr. Hedayet's application for asylum and information pertaining to that application, including the INS' March 1993 Notice of Intent to Deny Mr. Hedayet's application. The provisions of 8 C.F.R. § 208.6 generally prohibit the INS from releasing such asylum-related information to third parties without the consent of the asylum applicant. The regulation serves to protect from disclosure personal and potentially sensitive information contained in an asylum application—and indeed the very fact that a request for asylum was made—the release of which may place the applicant or his or her family at risk of serious harm, including persecution or torture.

The Honorable George W. Gekas
Page 2

Because the Attorney General has exercised his discretionary authority under 8 C.F.R. § 208.6 to waive the confidentiality of information pertaining to Mr. Hedayet's asylum application, we are now releasing that information to you solely for the Subcommittee's examination and use. For the reasons outlined above, I would like to underscore the confidential nature of the asylum-related information and appreciate the Committee's cooperation in that regard.

I hope that the information supplied concerning Mr. Hedayet proves helpful to the Committee. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,


James W. Ziglar
Commissioner

Enclosure

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

IMMIGRATION AND NATURALIZATION SERVICE
300 NORTH LOS ANGELES
LOS ANGELES, CALIFORNIA 90012

HESHAM HEDAYET
ANAHEIM, CA 92804

FILE NUMBER: A
DATE: 08/11/97

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION: 300 NORTH LOS ANGELES,
LOS ANGELES, CA 90012

DATE AND TIME: 08/29/97
07 : 55 AM

OFFICER:

REASON FOR APPOINTMENT: APPLICATION FOR ADJUSTMENT OF STATUS

THIS INTERVIEW WILL BE VIDEO TAPED

PLEASE BRING ALL ITEMS THAT ARE CHECKED (X) TO THE INTERVIEW

- ☒ THIS LETTER, YOUR PASSPORT, YOUR FORM I-94 (ARRIVAL/DEPARTURE FORM), IF ANY.
- ☐ MEDICAL EXAM RESULTS, FORM I-693. APPEAR EVEN IF NOT COMPLETED
- ☐ A CURRENT LETTER OF EMPLOYMENT
- ☐ A CURRENT LETTER OF EMPLOYMENT FOR YOU AND/OR YOUR SPOUSE SHOWING RATE OF PAY AND HOURS PER WEEK
- ☐ YOUR SPOUSE
- ☐ EVIDENCE OF A COMMON RESIDENCE AND SHARED LIFE (INCLUDE PHOTOS)

OTHER:

INTERVIEW WILL BE HELD IN THE BASEMENT ROOM B-119. PLEASE SEE ATTACHED CHECKLIST FOR ADDITIONAL DOCUMENTS NEEDED AT THE TIME OF YOUR INTERVIEW. (ak)

ATTORNEY NOTIFIED: MIKE NEHME, ATTY

[REDACTED]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-23-2006

attached is a copy of the written decision of the Immigration Judge. Your decision is final unless an appeal is taken to the Board of Immigration Appeals by returning to this office a copy of the enclosed request of the Form EOIR 26, Notice of Appeal, properly completed, together with proof of said fee, (\$110.00). The result of your failure to appear at your deportation hearing, this decision is final unless a motion to Re-open is filed in accordance with Section 242B(c)(4) of the Immigration and Nationality Act, & U.S.C. 812(b)(4).

attached is transcript of the testimony of records
to be granted retroactive time until 76 and a letter
to this office in support of your appeal. Copies of the
national time grant. In addition, a copy of the
to return for the record.
attached is an information copy of the transcript of the
1963 archived on Dec 11 1963

10. The Court shall be accompanied by a jury of 12 persons, 6 of whom shall be sworn by the Court.

^a Interval μ .

P.O. Box 11
Los Angeles, CA 90011

COLLEGE OF THE TRIANGLE, UNIVERSITY OF NORTH CAROLINA

1. That the case be administratively closed.
2. That the Immigration age for the falls

¹⁰ Joint request by both parties.

2. None of the respondents nor any other respondents or respondents' behalf appeared for the hearing in person or by deposition.

10. No service of OSC

[illegible]

 Deputy District Judge
 March 26, 1996



DISTRICT COURT
96 FEB 22 P.
LOS ANGELES

U.S. Department of Justice

Immigration and Naturalization Service
Asylum Office
P.O. Box 65015
Anaheim, CA 92815-5015

Re: [REDACTED]
ZLA054
SPECIAL CASES
OCT 19 1995

Hesham Mohamed Ali Hedayet
[REDACTED]
Mission Viejo, CA 92692

Dear Mr. Hedayet:

On March 7, 1995, you were notified of this Service's intent to deny your Request for Asylum in the United States. You were offered thirty (30) days in which to send additional evidence or arguments in rebuttal to the discussion set forth in the Notice of Intent to Deny. You did not submit any additional evidence in response to the Notice of Intent to Deny.

Your asylum request is therefore denied for the reasons contained in the Notice of Intent to Deny. Moreover, your application for withholding of deportation must also be denied since you have not established a clear probability of persecution, a standard more stringent than that required to establish eligibility for asylum.

There is no appeal from this decision. Please find enclosed an Order to Show Cause and a Notice of Hearing, placing you under deportation proceedings. You may renew your request for asylum before an immigration Judge in these proceedings.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will expire sixty (60) days from the date of this notice or on the expiration date of your Employment Authorization Document, whichever period is longer.

You are directed to report any changes of address to the office having jurisdiction over your place of residence. If you would depart the United States, please notify the Immigration and Naturalization Service office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Please make reference to the file number listed above in any future correspondence or contact with this Service.

Sincerely,

[REDACTED]
Director of Asylum
Los Angeles

cited in Angel's Voice, No. 07-1-1995, archived on December 11, 2013

In connection with your deportation or exclusion hearing, you have a right to be represented by counsel of your own choice, at no expense to the Government. If you are unable to obtain the assistance of an attorney, you may wish to contact one of the not-for-profit, religious, charitable, social services or similar organizations which have been recognized by the Board of Immigration Appeals for the purpose of representing persons before the Immigration and Naturalization Service and the Executive office of Immigration Review. These organizations make only nominal charges and assess no excessive membership dues for persons given assistance. They may, however, restrict service to certain geographical areas or have income guideline limitations as a condition for obtaining services. The approved organizations located in the Los Angeles District are as follows:

AVISO DE SERVICIOS LEGALES DISPONIBLES

En conexión con su audiencia de deportación o de exclusión, Ud. tiene el derecho de ser representado por un abogado de su elección, sin costo al Gobierno. Si Ud. no puede obtener la ayuda de un abogado, si desea puede comunicarse con una organización sin fines de lucro, religiosa, caritativa, o de servicios sociales y otras similares autorizadas por la Mesa de Apelaciones de Inmigración para representar a personas en trámites del Servicio de Inmigración y Naturalización y en procedimientos de la Oficina Ejecutiva de Revisión de Inmigración. Estas organizaciones sobran a las personas quienes asistan cuotas nominales. No cobran cuotas excesivas de socio. Los servicios que ofrecen pueden ser condicionados a limitaciones geográficas o pueden limitarse a personas de escasos recursos. Las organizaciones autorizadas localizadas en el Distrito de Los Angeles son las siguientes:

Catholic Charities of the
Diocese of Orange
Immigration & Resettlement Services
1506 Brookhollow Drive, Suite 112
Santa Ana, CA 92705
Telephone: (714) 662-7500

International Institute of
Los Angeles
435 South Boyle Avenue
Los Angeles, CA 90033
Telephone: (213) 264-6210

Catholic Charities of Los Angeles
Migration & Refugee Services
Archdiocese of Los Angeles
1400 West Ninth Street
P.O. Box 15095
Los Angeles, CA 90015-0095
Telephone: (213) 251-3471

International Institute of
Los Angeles
14701 Friar Street
Van Nuys, CA 91411
Telephone: (818) 988-1332; or
(818) 988-1333

Jewish Family Service of
Los Angeles
6380 Wilshire Blvd., Suite 1200
Los Angeles, CA 90048
Telephone: (213) 621-5573
[NOTE: LIMITED TO RUSSIAN AND
IRANIAN REFUGEES
(SE ATIENDEN EXCLUSIVAMENTE
REFUGIADOS RUSOS E IRANIES)]

Labor Immigrant Assistant Project
515 South Shatto Place
First (1st) Floor
Los Angeles, CA 90020
Telephone: (213) 381-2170

San Juan Macias
Immigration Orientation Center
13616 Van Nuys Boulevard
Pacoima, CA 91331
Telephone: (818) 896-1156

Immigration Services of Santa Rosa
132 North Maday Avenue
San Fernando, CA 91340
Telephone: (818) 361-4341

Khmer Humanitarian Organization
1795 Pasadena Avenue
Suite 29
Los Angeles, CA 90031
Telephone: (213) 617-8403, or
(213) 224-0393

One Stop Immigration and
Education Center, Inc.
3600 East Whittier Boulevard
Los Angeles, CA 90023
Telephone: (213) 268-8472
[NOTE: LIMITED TO RESIDENTS OF
THE EAST SIDE OF LOS ANGELES
(SE ATIENDEN EXCLUSIVAMENTE
RESIDENTES DEL BARRIO ESTE DE
LOS ANGELES)]

San Fernando Valley Neighborhood
Legal Services, Inc.
13327 Van Nuys Boulevard
Pacoima, CA 91331
Telephone: (818) 896-5211

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

If you are unable to pay the nominal charge and/or the membership dues requested by any of the above listed organizations, you may wish to contact one of the organizations which provide free legal services to indigent aliens. The free legal services organizations in the Los Angeles district are as follows:

(Si Ud. no puede pagar la cuota nominal o la cuota de socio pedida por las organizaciones mencionadas, podría comunicarse con una de las organizaciones cuales ofrecen servicios legales gratuitas a extranjeros sin recursos. Las organizaciones de servicios legales gratuitas en el Distrito de Los Angeles son las siguientes.)

Central American Refugee Center
660 South Bonnie Brae
Los Angeles, CA 90057
Telephone: (213) 483-6868; or
(800) 231-7718

Inland Counties Legal Services
1240 Palmyra
Riverside, CA 92507
Telephone: (714) 784-1020
[NOTE: OFFICE SERVICE
AREAS INCLUDE
(OFICINAS DE ATENCION EN)
Riverside, Montclair, Indio,
San Bernardino, Victorville]

Lutheran Social Services of
Southern California, Inc.
1345 S. Burlington Ave., Room 204
Los Angeles, CA 90006
Telephone: (213) 385-2191

Public Counsel
3435 West Sixth Street
Suite 100
Los Angeles, CA 90020
Telephone: (213) 385-2577

World Relief Corporation
12852 Palm Street, Suite 205
Garden Grove, CA 92640
Telephone: (714) 530-5474; or
(714) 530-0930

El Rescate Legal Services, Inc.
1340 Bonnie Brae
Los Angeles, CA 90006
Telephone: (213) 387-3284

Legal Aid Foundation of Los Angeles
Immigrants' Rights Office
1636 West 8th Street, Room 215
Los Angeles, CA 90017
Telephone: (213) 487-6551
[NOTE: LIMITED TO DIRECT
REPRESENTATION IN
DEPORTATION RELATED
MATTERS
(SE PRESTA REPRESENTACION
EXCLUSIVAMENTE EN ASUNTOS
RELACIONADOS A LA
DEPORTACION)]

National Lawyers Guild
Bond Project
P.O. Box 2608
Venice, CA 90294
Telephone: (213) 399-7153
[NOTE: BONDS ONLY
(SOLAMENTE AUDIENCIAS DE
FIANZA)]

San Fernando Valley Neighborhood
Legal Services Inc.
Valley Immigrant Rights Center
13327 Van Nuys Boulevard
Pacoima, CA 91331
Telephone: (818) 890-2406; or
(818) 875-2854

Order to Show Cause and Notice of Hearing

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los procedimientos de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No. _____
(No. de registro)

Dated OCT 19 1996
(Fecha)

In the matter of
(En el asunto de) HEDAYET, HESHAM MOHAMED ALI (Respondent)
(Demandado)

Address
(Dirección) MISSION VIEJO, CA 92692-0000

Telephone No. (Area Code)
(Num. de teléfono y código de área) _____

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

- 1) You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of EGYPT and a citizen of EGYPT
(Ud. es nativo de _____ y ciudadano de _____)
- 3) You entered the United States at or near LOS ANGELES, CA (IA) on or about July 31, 1992
(Ud. entró a los Estados Unidos en o cerca de LOS ANGELES, CA (IA) el día o hacia esa fecha 31 de Julio 1992.)
- 4) At that time you were admitted as a nonimmigrant VISITOR FOR PLEASURE with authorization to remain in the United States for a temporary period not to exceed January 25, 1993;
(En ese momento, Ud. fue admitido como un no inmigrante VISITOR FOR PLEASURE con autorización para permanecer en los Estados Unidos por un periodo temporal de no más de 25 de Enero 1993.)
- 5) You remained in the United States beyond January 25, 1993 without authorization from the Immigration and Naturalization Service.
(Ud. permaneció en los Estados Unidos más allá de 25 de Enero 1993 sin autorización del Servicio de Inmigración y Naturalización.)

07-74963-0101 received on December 11, 2013
 cite in *Nguyen v. Holder*

Order to Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)

Dated
(Fecha) OCT 19 1995

Respondent
(Demandado) HEDAYET, HESHAM MOHAMED ALI

File No.
(No. de registro) [REDACTED]

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:
(Y según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:)

Section 241 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under section 101(a) (15) of the Act you have remained in the United States for a time longer than permitted.
(Sección 241 (a) (1) (B) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que después de la admisión como no inmigrante a tenor de la sección 101 (a) (15) de la INA, Ud. ha permanecido en los Estados Unidos por un periodo mayor del permitido.)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Eastern District Office for Immigration Review of the United States Department of Justice at:
(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

Address 300 W. Los Angeles St. Rm. 3001, Los Angeles, CA 90012
(Dirección)

On March 26, 1996
(Fecha) 26 marzo 1996

At 8:30 A.M.
(Hora)

and show cause why you should not be deported from the United States on the charge(s) set forth above.

(y mostrar motivos justificantes por cual no debería ser deportado de los Estados Unidos (por lo que se establece anteriormente).)

Dated OCT 19 1995
(Fecha)

Signature of Issuing Officer
(Firma del funcionario que la expide)

City and State of Issuance ANAHEIM, CA
(Ciudad y Estado donde se expide)

Title of Issuing Officer
(Título del funcionario que la expide)

with the _____ Office for _____ address provided below.
 Report any changes of your address or _____ number in writing to this office:
 Debe presentar el Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a:

The Office of the Immigration Judge
 300 N LOS ANGELES ST ROOM 2001
 LOS ANGELES, CA 90012-0000

Certificate of Translation and Oral Notice

This Order to Show Cause ☐ was ☒ was not read to the named alien in the ARABIC language, which is his/her native language, which he/she understands.

Date _____ Signature _____ Printed Name and Title of Translator _____

Address of Translator (if other than INS employee) or office location and division (if INS employee) _____

Service by Certified Mail - Alien Not Present
 (If oral notice was not provided please explain) _____

Manner of Service	Alien's Right Thumb Print
<input type="checkbox"/> Personal Service to Alien	
<input checked="" type="checkbox"/> Certified Mail - Return Receipt Requested	
<input checked="" type="checkbox"/> Alien <input type="checkbox"/> Counsel of Record	

Certificate of Service

This Order to Show Cause was served by me at ANAHEIM, CA on _____ 19____
 at 4:30 p.m.

[Redacted] Title AD
[Redacted] Office 24N

Served by Court Mail - Receipt
 Alien's Signature and acknowledgment/receipt of this form: [Redacted]
 (Firma del extranjero/acuse de recibo)

Request for Prompt Hearing and Waiver of 14-Day Minimum Period (Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
 (Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

Signature of Respondent _____ Date _____
 (Firma del demandado) (Fecha)

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
ASYLUM OFFICE
P.O. BOX 65015
HOUSTON, TX 77267
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

U.S. Department of Justice

Immigration and Naturalization Service
Asylum Office
P.O. Box 65015
Anaheim, CA 92815-5015

Re: [REDACTED]
ZLA054
SPECIAL CASE
OCT 19 1995

MAIL

CERTIFIED

Z 706 410 454

...s intent to deny your Request for Asylum in
...s in which to send additional evidence or
...e Notice of Intent to Deny. You did not
...ice of Intent to Deny.

...ns contained in the Notice of Intent to Deny.
...ation must also be denied since you have not
...ard more stringent than that required to

...osed an Order to Show Cause and a Notice
...s. You may renew your request for asylum

...ich you have been issued as a result of
...y (60) days from the date of this notice or
...n Document, whichever period is longer.

...office having jurisdiction over your place
...e notify the Immigration and
...r place of residence prior to any such
...r of departure and destination.

...future correspondence or contact with

Director of Asylum
Los Angeles

FILE
9217
cited in *Arday v. Holder*, No. 07-74963 archived on December 11, 2013

RECEIVED
NOV 13 1995
IMMIGRATION AND NATURALIZATION SERVICE
LOS ANGELES
FILE

[illegible]

ASYLUM INFORMATION

Status of Application:

Clock is running
Referred after interview:
Expedite

Not Expedite

Clock has Stopped Due to:
No Show at Interview

Failure to Pick-up OSC

No Clock:

Asylum Received Prior to 01/04/95 X

ABC Case

Official Forwarding Application

Z 706 410 454

Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

To: <i>Nashua Hedayat</i>	
P.O. State and ZIP Code <i>Mission Viejo, CA 92682</i>	
Postage	\$
Certified Fee	\$
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Shown to addressee on _____	
Date, and Addressee's Address	
TOTAL POSTAGE & FEES	\$
Postmark or Date JAN 26 1996	

46

cited in *Angov v. Holder*, No. 07-1980, *argued* on December 11, 2013

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los procedimientos de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No.
(No. de registro)

Dated
(Fecha)

OCT 19 1995

In the matter of
(En el asunto de)

HEDAYET, HESHAM MOHAMED ALI

(Respondent,
(Demandado,

Address
(Dirección)

MISSION VIEJO, CA 92692-0000

Telephone No. (Area Code)
(Num. de teléfono y código de área)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

- 1) You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of EGYPT and a citizen of EGYPT
(Ud. es nativo de) (y ciudadano de)
- 3) You entered the United States at or near LOS ANGELES, CA on or about July 31, 1992
(Ud. entró a los Estados Unidos en o cerca de LOS ANGELES, CA (IA) el día o hacia esa fecha 31 de Julio 1992.)
- 4) At that time you were admitted as a nonimmigrant VISITOR FOR PLEASURE with authorization to remain in the United States for a temporary period not to exceed January 25, 1993;
(En ese momento Ud. fue admitido como un no inmigrante VISITOR FOR PLEASURE con autorización para permanecer en los Estados Unidos por un periodo temporal de no más de 25 de Enero 1993.)
- 5) You remained in the United States beyond January 25, 1993 without authorization from the Immigration and Naturalization Service.
(Ud. permaneció en los Estados Unidos más allá de 25 de Enero 1993 sin autorización del Servicio de Inmigración y Naturalización.)

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)

Respondent
(Demandado)

HEDAYET, HESHAM MOHAMED ALI

Dated
(Fecha)

OCT 19 1995

File No.

(No. de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:
(Y según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:)

Section 241 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under section 101(a) (15) of the Act you have remained in the United States for a time longer than permitted.
(Sección 241 (a) (1) (B) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que después de la admisión como no inmigrante a tenor de la sección 101 (a) (15) de la INA, Ud. ha permanecido en los Estados Unidos por un periodo mayor del permitido.)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:
(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

Office of the Immigration Judge
Address (Dirección) 300 W. Los Angeles Blvd., 2001, Los Angeles, CA 90012

On (Fecha) March 26, 1996

At (Hora) 8:30 A.M.

and show cause why you should not be deported from the United States on the charge(s) set forth above.
(y mostrar motivos justificantes por cual no debería ser deportado de los Estados Unidos en el cargo(s) establecido(s) anteriormente.)

Dated (Fecha) OCT 19 1995

Signature of Issuing Officer
(Firma del funcionario que la expide)

City and State of Issuance ANAHEIM, CA
Ciudad y Estado donde se expide)

Title of Issuing Officer
(Título del funcionario que la expide)

Supervisory Asylum Officer

This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any changes of your address or telephone number in writing to this office:

Debe presentarse esta Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a:

The Office of the Immigration Judge

300 N LOS ANGELES ST ROOM 2001

LOS ANGELES, CA 90012-0000

Certificate of Translation and Oral Notice

This Order to Show Cause ☐ was ☒ was not read to the named alien in the ARABIC language which is his/her native language, which he/she understands.

Date _____ Signature _____ Printed Name and Title of Translator _____

Address of Translator (if other than INS employee) or office location and division (if INS employee) _____

Service by Certified Mail - Alien Not Present
(If oral notice was not provided please explain) _____

Manner of Service	Alien's Right Thumb Print
<input type="checkbox"/> Personal Service to Alien	
<input checked="" type="checkbox"/> Certified Mail - Return Receipt Requested	
<input checked="" type="checkbox"/> Alien <input type="checkbox"/> Counsel of Record	

Certificate of Service

This Order to Show Cause was served by me at ANAHEIM, CA on DEC 11 19 2013
at 4:30 p.m.

[Redacted] Printed Name [Redacted] Title [Redacted] Office [Redacted]

[Redacted] Signature (acknowledgment/receipt of this form)
(Firma de extranjero/acuse de recibo)

**Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)**

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

Signature of Respondent
(Firma del demandado)

Date
(Fecha)



U.S. Department of Justice

Immigration and Naturalization Service
Asylum Office
P.O. Box 65015
Anaheim, CA 92815-5015

Re: A [REDACTED] OCT 19 1995
ZLA [REDACTED]

Hesham Mohamed Ali Hedayet
[REDACTED]
Mission Viejo, CA 92692

Dear Mr. Hedayet:

On March 7, 1995, you were notified of this Service's intent to deny your Request for Asylum in the United States. You were offered thirty (30) days in which to send additional evidence or arguments in rebuttal to the discussion set forth in the Notice of Intent to Deny. You did not submit any additional evidence in response to the Notice of Intent to Deny.

Your asylum request is therefore denied for the reasons contained in the Notice of Intent to Deny. Moreover, your application for withholding of deportation must also be denied since you have not established a clear probability of persecution, a standard more stringent than that required to establish eligibility for asylum.

There is no appeal from this decision. Please find enclosed an Order to Show Cause and a Notice of Hearing, placing you under deportation proceedings. You may renew your request for asylum before an immigration Judge in these proceedings.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will expire sixty (60) days from the date of this notice or on the expiration date of your Employment Authorization Document, whichever period is longer.

You are directed to report any changes of address to the office having jurisdiction over your place of residence. If you should depart the United States, please notify the Immigration and Naturalization Service office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Please make reference to the file number listed above in any future correspondence or contact with this Service.

Sincerely,

[REDACTED]
Director of Asylum
Los Angeles

cited in *Anguay v. INS*, No. 07-74963, 2008 WL 4911191, at *1 (9th Cir. 2008), cert. denied on December 11, 2013.

BHRHA/ASY
DEPARTMENT OF STATE
ROOM 7802
WASHINGTON, DC 20520

ASSESSMENT SHEET

USINS
425 I Street, N.W.
OIA/ Asylum Div.
Attn: Quality Assurance
(ULLICO Bldg., 3rd Floor)
Washington, D.C. 20536

DATE: March 31, 1993

ATTACHED ARE COPIES OF A REQUEST FOR ASYLUM (I-589) AND SUPPORTING DOCUMENTATION FOR THE BELOW MENTIONED ALIEN.

APPLICANT: Hesham Mohamed Ali Hedayet
A-NUMBER : [REDACTED]
COUNTRY : Egypt

INS OFFICE: LOS ANGELES ASYLUM OFFICE (ZLA)
ANAHEIM, CA 92815-[REDACTED]

INTERVIEWER'S NAME: [REDACTED]

(ZLA [REDACTED])

FILE REVIEWED BY: [REDACTED]

DATE: 4/2/93

FROM: BHRHA

A-NUMBER: [REDACTED]

TO: LOS ANGELES ASYLUM OFFICE

DATE: _____

____ BHRHA HAS REVIEWED THE APPLICATION IN THE ABOVE CASE AND HAS NO ADDITIONAL INFORMATION OR ANALYSIS.

____ BHRHA COMMENTS ON THE ABOVE CASE ARE ATTACHED.

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

A-Number: [REDACTED]

Assessment Sheet

Preliminary Assessment: (Complete for ABC cases only)	
<input type="checkbox"/> Grant	
<input type="checkbox"/> Deny	

Request Based On

☐ Race
☐ Nationality
☒ Religion
☐ Political Opinion
☒ Membership in Particular Social Group

Documents:

☒ Specific
☐ Generalized
☒ Relevant
☐ Irrelevant
☐ No Documentation

Verbal Testimony:

☒ Specific
☐ Generalized
☒ Consistent with I-589
☐ Inconsistent w/ I-589
 (Explain Below)
☐ Convincing
☐ Unconvincing
☐ Credible
☒ Not Credible

SUMMARY:

Applicant is a 31 year old married male, native and citizen of Egypt, who entered the United States on July 31, 1992, at Los Angeles, California, as a visitor.

Attached is a copy of the Notice of Intent to Deny.

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013



U.S. Department of Justice
 Immigration and Naturalization Service
 Asylum Office
 P.O. Box 65015
 Anaheim, CA 92815-5015

2/7/91

A [REDACTED]

Hesham Mohamed Ali Hedayet
 Mission Viejo, CA 92692

Dear Mr. Hedayet:

This refers to your Request for Asylum in the United States filed on 29 December, 1992. The Immigration and Naturalization Service has carefully considered your written application, the verbal testimony provided at your interview, and the documents you submitted with your application. Moreover, this Service has closely reviewed available resource materials on human rights conditions in your country. For the reasons given below, it is the intent of this Service to deny your request for asylum.

In presenting your Request for Asylum in the United States, you indicated that you are a 31 year old married male, native and citizen of Egypt, who entered the United States on July 31, 1992, at Los Angeles, California, as a visitor.

You fear that you will be arrested and detained by the government should you return to Egypt.

The specific claims which you made in your request are as follows:

1. You testified that you were arrested twice in the past several months, for no specific reason.
2. The police forced you to sign papers saying, falsely, that you belonged to Gamatt El Islamala, saying that you are trying to overthrow the government.
3. You testified that you are in fact a member of the [REDACTED], having joined in 1984, dedicated to truly understanding and applying Islamic Law in the twentieth century "under any conditions", and to "extend all the efforts to support establishing Islamic government."
4. You stated that you are still in touch by phone and letters with your home country to learn who from your "brothers" and friends are detained by the police and who is not.
5. You said that you were arrested "for no reason".

cited in Angel, Folder No. 07-74963 archived on December 1, 2013

6. Any time a foreign head of government comes to the country, they put a guard on your apartment. Your letters were opened.
7. You said that your father used to be "a lord" in the Army. Retired now, at the age of 63, his friends tried to find out how to keep you from getting arrested again. They advised you, "Don't go to this place", and "Don't see these names", and you can keep from being arrested again. You said to them, "I'm just going to go on Friday". At the mosque, the leader used to say that the government is not a good government and that it should be judged by Islamic rules. You said it was "just speaking in the mosque". You said you "don't have a gun", and "don't make anything". You said that you "scared them very much".
8. When they arrested you, you said, they beat you and made you spend fourteen hours in the water. You were forced to sign paper admitting crimes you did not commit and which you do not know about.
9. They then sent a letter to the bank where you worked saying that if they could fire you, it would please them. You had eight or nine years experience working in a bank.
10. You said you are afraid for your family, your wife and young son. They are still in Egypt.
11. When asked whether you thought Coptics were having any trouble in Egypt, you replied, "I don't believe so". Then you added, "Perhaps in upper Egypt"--800 miles from Cairo.
12. You stated that there is "no relationship between Egyptians who bomb New York", and that "Not all the Egyptians in New York are not his friends" (*sic*), "his" referring to the Egyptian sheik suspected in the bombing of the World Trade Center.

Section 208(a) (8 U.S.C. 1158) of the Immigration and Nationality Act provides, in pertinent part, that an alien may be granted asylum in the exercise of discretion if he or she qualifies as a refugee within the meaning of Section 101(a)(42) of the Act, *supra*, which defines the term "refugee" as:

(A) Any person who is outside of any country of such person's nationality or, in the case of a person having no nationality is outside any country in which such person habitually resided, and who is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

During the course of your testimony, serious questions of credibility were raised. You said that you feared for your family's safety, yet your family is still living in Egypt. You said that your father and his friends gave you advice as to how to avoid trouble with the authorities, but you declined to take the advice, preferring to flee the country instead. When asked about the Copts, you maintained that the Copts are

cited in Angkor No. 01-74963 and dated December 11, 2013

not treated badly in Egypt, despite the fact that treatment of Copts is a matter of comment among human rights groups the world over. You lived in Cairo, are well-educated and articulate, but claim to have read nothing about anti-Coptic activities in the city. No one who knows anything about Egyptian politics, as you obviously do, could be as unaware of Coptic problems as you claim to be. Each of these inconsistencies is suggestive of concealment, and call into question your assertion that all you wish for the government of Egypt is that it be overthrown by peaceful means.

In Matter of Mogharrabi, 19 I&N Dec. 439 (BIA 1987), it was held that an applicant has established a well-founded fear of persecution if he or she shows that a reasonable person in his or her circumstances would fear persecution.

In order to receive asylum, an asylum-seeker must show actual past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group or political opinion. See 8 C.F.R. section 208.13(b).

Paragraph 51 of the Office of the United Nations High Commissioner for Refugees (UNHCR) Handbook on Procedures and Criteria for Determining Refugee Status defines persecution as a threat to life or freedom or other serious violation of human rights on account of race, religion, nationality, membership in a particular social group, or political opinion. The Ninth Circuit court has characterized persecution as the infliction of suffering or harm upon those who differ in a manner regarded as offensive. Kovac v. INS, 407 F. 2d 102, 107 (9th Cir. 1969). Persecution encompasses not only acts of physical violence, but also acts which impose substantial economic disadvantage upon an individual. Id.

You described experiences of harm in the past. The events you described do not amount to past persecution. You testified that you were arrested "for no reason". Any time a foreign head of government comes to the country, they put a guard on your apartment. Your letters were opened. When they arrested you, you said, they beat you and made you spend fourteen hours in the water. You were forced to sign paper admitting crimes you did not commit and which you do not know about. They then sent a letter to the bank where you worked saying that if they could fire you it would please them.

While you have experienced past harm, you have not proven that such harm was on account of one of the five enumerated grounds (race, religion, nationality, membership in a particular social group, or political opinion). In INS v. Elias-Zacarias, 502 U.S. ___, 112 S. Ct. 812 (1992), the Supreme Court held there must be some evidence, direct or circumstantial, that the persecutor did harm or seeks to harm the victim because of real or perceived characteristics in the victim that fall within the five grounds. Id. There is no such evidence in your case.

The Service recognizes that there continue to be human rights abuses in Egypt. This is entirely consistent with reports from different sources. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991 (U.S. Department of State, Washington, D.C.: U.S. Government Printing Office, 1992)) says

that "many basic human rights continued to be abused or significantly restricted. The main problem areas included torture of some detainees and the authorities' failure to punish the perpetrators." "Christians experienced discrimination by the Government and Islamic militants." (1374) Egypt's approximately 5 million Coptic Christians are the object of a disturbing pattern of discrimination on the part of the Government and Islamic extremists." (1384) Anti-Coptic acts, such as the burning of Coptic churches and Coptic-owned stores, are reported regularly in the press." (1385)

These reports neither corroborate nor disprove your claims of mistreatment by authorities in Egypt.

Yet, an alien's own testimony may be sufficient, without corroborative evidence, to prove an asylum claim if that testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis of the claim. See Matter of Mogharrabi, 19 I&N Dec. 439 (BIA 1987); McMullen v. INS, 658 F.2d 1312 (9th Cir. 1981); Cardoza-Fonseca v. INS, 767 F.2d 1448 (9th Cir. 1985); Blanco-Lopez v. INS, 858 F.2d 531 (9th Cir. 1988).

In your testimony, you did not establish any connection between the treatment you received and religion, membership in a particular social group, or any of the other grounds. You did not testify that you had expressed your religious opinions in Egypt. Therefore there is no connection between the death threats and any expression of religious opinion.

You did not, therefore, establish a well-founded fear of persecution on the five grounds enumerated in Section 101 (a)(42) of the Immigration and Nationality Act.

Based on the above discussion, it is concluded that you have not established eligibility for asylum status in the United States. You are hereby afforded the opportunity to provide rebuttal to this notice in support of your request. You have thirty (30) days from the date of this notice to submit such rebuttal or evidence. Failure to respond to this notice within this allotted time will result in the denial of your request for asylum.

Finally, in order to be eligible for withholding of deportation to any country, an alien must show that his "life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion." (Section 243(h)(1) of the Immigration and Nationality Act). This statutory provision requires an alien to demonstrate a "clear probability" of persecution on one of the five grounds enumerated in the Act. (See INS v. Stevic, 467 U.S. 407 (1984)). An alien must demonstrate that "it is more likely than not" he or she would be subject to persecution if returned to his or her native land. Id. at 429-30. This is a more stringent standard than that required to establish eligibility for asylum.

Accordingly, it is therefore concluded you have not met your burden of establishing that your life or freedom would be threatened on account of

cited in Ngoy v. Holder, No. 07-4968, affirmed on December 14, 2013

any of the five grounds enumerated in the Act, and it is also the intent of this Service to deny your application for withholding of deportation.

The Bureau of Human Rights and Humanitarian Affairs has yet to advise that it has independent factual material about you, and it has not furnished any comment or opinion on your asylum application. Should the Board furnish a specific opinion in your case, you will be provided with a copy of the opinion and be given the opportunity to respond to any issues which are raised.

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number [REDACTED] ZLA [REDACTED]

[REDACTED]
[REDACTED]
Director, Asylum
Los Angeles

for [REDACTED]
[REDACTED]
Acting Director
Refugees, Asylum and Parole

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

U.S. Department of Justice
Immigration and Naturalization Service

OMB NO. 1115-0046
Request for Asylum in the United States

DO NOT WRITE IN THIS BLOCK - FOR INS USE ONLY

Asylum Office: INS-PCO	Basis of Asylum Claim: 1. <input type="checkbox"/> Race 2. <input type="checkbox"/> Religion 3. <input type="checkbox"/> Nationality 4. <input type="checkbox"/> Membership in a Particular Social Group 5. <input type="checkbox"/> Political Opinion	Action: Asylum: <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied Withholding of deportation: <input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied Date: APR 11 1995 Date: APR 11 1995
---------------------------	---	--

PART A - INFORMATION ABOUT YOU

1. Alien Registration Number: (If applicable) N/A	9. Nationality: at Birth: EGYPTIAN at Present: EGYPTIAN Other: NONE If stateless, how did you become stateless?
2. Name: (Family name in CAPS) (First) (Middle) HEDAYET HESHAM Mohamed Ali Other names used: (include maiden name or aliases) NONE	10. Race/Ethnic or Tribal Group: ARAB
3. Address in the U.S.: (Number and Street, Apt. #) TUSTIN CA 92705 (City or Town) (State) (Zip Code)	11. Religion: ISLAM
4. Address prior to coming to U.S.: (Number and Street, Apt. #) CAIRO EGYPT (City or Town) (Province or State) (Country)	12. Arrival in the U.S.: Date: (Mo./Day/Yr.) 07.31.92 Place: (City/State) L.A. <input type="checkbox"/> Not in the U.S.
5. Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	13. Current Immigration Status: (Crewman, Student, Visitor, or Other) VISITOR Date authorized stay expires: (Mo./Day/Yr.) 01.25.93
6. Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	14. Social Security Number: (Applicable) [REDACTED]
7. Date of Birth: (Mo./Day/Yr.) 07.04.61	15. Telephone Number: Home (Area Code): [REDACTED] [REDACTED] Work (Area Code): [REDACTED] [REDACTED]
8. Place of Birth: (City or Town) EGYPT TANTA (Province) (Country) EL GHARBIYA	

PART B - INFORMATION ABOUT YOUR FAMILY

16. List your spouse and all your unmarried children under the age of 21:

Name:	A-Number: (If Applicable)	Sex	Date of Birth:	Place of Birth:	If in U.S., Date/Place of Arrival
[REDACTED] (Spouse)	N/A	F	[REDACTED]	EGYPT	IN EGYPT
[REDACTED]	N/A	M	[REDACTED]	EGYPT	IN EGYPT

If in the U.S., are your spouse/children included in your request for asylum:

Children	Spouse	If not, is your spouse making a separate application for asylum?
<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes (INS Office Results: Granted/Denied)

DEC 20 1992

17. My Spouse/Children Reside: ☐ with me ☐ apart from me (if apart, give address) Page 2

(Number and street and Apt. #) (City) (Province) (Country)

PART C - INFORMATION ABOUT YOUR CLAIM FOR ASYLUM

18. Why are you seeking asylum? (Explain fully what is the basis - attach additional sheets as needed.)

I am seeking Asylum because of the following reasons:

1. Discrimination because of my religious beliefs.
2. No work opportunities.
3. I am always being arrested by government agents whenever there is an emergency, political and security happening in Egypt. I have been going through this for over 14 years. I will be arrested for weeks if any president of another country is visiting Egypt.
4. Any instability (internal security) in the country takes place, I am arrested most of the time without any reason or justification on my part, I will be staying with secret police custody for unlimited time until the unrest is over. Meanwhile I will be tortured like other victims physically and psychologically and also make me sign some documents as an admittance that I committed certain crime.
5. I am always been followed, jailed, threatened by phone letter for no reason, just because I am a religious individual who has a strong belief in my religion and God.

19. What do you think would happen to you if you returned to your home country? (Explain.)

I will be arrested for no specific reason and for unknown duration of time. Nobody know how long or what for, just simply because they are the government and they have the authorities against any religious person. My family will be exposed to persecution, torture and maybe jailed and framed for crimes they did not commit. Their only crime is that they are too religious and close to God.

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

20. Have you or any member of your family ever belonged to or been associated with any organizations or groups in your home country (i.e., a political party, student group, union, religious organization, military or para-military group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press)?

☐ No ☒ Yes (If yes, provide the following information relating to each organization or group: Name of organization or group, dates of membership or affiliation, purpose of the organization, what, if any, you or your relative's duties or responsibilities were, and whether you are still an active member.)

Yes, I am a member in [REDACTED] at Dukaa in Egypt. I joined the Association in 1984. The purpose of this is to understand truly and apply Islamic law in the 20th Century under any circumstances. In houses and government to extend all the efforts to support establishing Islamic government. I am still in touch by phone and letters with my home country to learn about developments in my country and to see who is detained from my "brothers" and friends and who is not.

21. Have you or any member of your family, ever been mistreated/threatened by the authorities of your home country or by a group(s) controlled by the government, or by a group(s) which the government of your home country is unable or unwilling to control?

☐ No ☒ Yes. If yes, was it mistreatment or threat because of:

☐ Race ☒ Religion ☐ Nationality ☒ Membership in a particular social group ☐ Political opinion ☐ Other

(Specify for each instance: your relationship, what occurred and the circumstances, date, exact location, who took such action against you, what was his/her position in the government or group, reason why the incident occurred, names and addresses of a few of the people who may have witnessed these actions and who could verify these statements. Attach documents referring to these incidents, if available; attach additional sheets as needed.)

I was arrested several times for no reason. I was forced to sign papers for admitting crimes I did not commit and I do not know about. My uncle Massad Ali Hedayet who is in Cairo and a member of the "Assad Ben Furat Mosque" at Dukee he was mistreated and threatened for several times because of his cooperation with the religious people.

22. Have you or any member of your family, ever been: ☒ Arrested ☐ Detained ☒ Interrogated

☐ Convicted and sentenced ☒ Imprisoned in your country, any other country, or in the U.S?

☐ No ☒ Yes (If yes, specify for each instance: What occurred and the circumstances, dates, location, duration of the detention or imprisonment, reason for the detention or conviction, treatment during detention or imprisonment, what formal charges were placed against you, reason for the release, treatment after release, names and addresses of a few of the people who could verify these statements. Attach documents referring to these incidents, if any.)

I was arrested with my uncle different times. Evidence of physical torture in both of our bodies can be a proof. Medical reports can support our claim of being beaten.

Cited in Angov v. Holder, No. 07-1459, decided on December 11, 2013

23. Have you applied for asylum in the U.S. before?

☒ No ☐ Yes (Date _____ INS office _____ Results - Granted/Denied)

PART D - OTHER INFORMATION

24. Have you traveled to the United States before? How many times? _____

☒ No ☐ Yes (If so, give date, purpose and duration of trip.)

25. List all current travel or identity documents in your possession such as national passport, refugee convention travel document, safe conduct, or national identity card:

Document type	Document number	Issuing country or authority	Date of issue	Date of expiration
PASSPORT	[REDACTED]	EGYPT	11.14.87	11.13.94

26. Date of departure from your country of nationality (Mo./Day/Yr.) 07.31.92

27. Was exit permission required to leave your country?
☐ No ☒ Yes (If yes, obtained by whom.)

28. After leaving your home country, did you travel through or reside in any other country before entering the U.S.?

☒ No ☐ Yes (If yes, identify each country, length of stay, purpose of stay, address, reason for leaving, and whether you are entitled and willing to return to that country for residence purposes.)

29. Have you returned to your country of claimed persecution since your departure? How many times? _____

☒ No ☐ Yes (If so, give date, purpose and duration of trip.)

30. Have you applied for asylum or refugee status in any other country?

☒ No ☐ Yes (Date _____ Country _____ Results - Granted/Denied)

31. Have you been recognized as a refugee by another country or by the United Nations High Commissioner for Refugees?

☒ No ☐ Yes (If yes, Date _____ Country _____)

Holder, No. 07-74963 archived on December 11, 2013
cited in Angu

32. Have you ever caused harm or suffering to any person because of his/her race, religion, nationality, membership in a particular social group, or political opinion or ordered or assisted in such acts?
- ☒ No ☐ Yes (If yes, describe nature of the incidents and your own involvement.)

33. Please provide any additional statement relevant to your case.

I will provide any additional information during the interview.

PART E - SIGNATURE

Under penalty of perjury, I declare that the above and all accompanying documents are true and correct to the best of my knowledge and belief.

Hasham Hedayet
Signature of applicant

12.01.92
Date

Signature of person preparing form if other than above:

I declare that this document was prepared by me at the request of the applicant and is based on information provided by the applicant.

Print Name _____

Address _____

Signature _____

Date _____

G-28 or VOLAG# _____

Applicant is not to sign the application below until he or she appears before an Asylum Officer of the Immigration and Naturalization Service for examination. I _____ swear (affirm) that I know the contents of this application that I am signing including the attached documents; that they are true to the best of my knowledge; and that corrections numbered () to () were made by me or at my request and that I signed this application with my full, true name:

Hasham Hedayet
(Complete and true signature of applicant)

Signed and sworn to before me by the above-named applicant at _____

on _____

(Month) (Day) (Year)

(Signature and title of interviewing agent)

Cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013



INS FACSIMILE

Department of Justice
U.S. Immigration & Naturalization Service
National Records Center
150 Space Center Loop
Lee's Summit, MO 64064

TO: [REDACTED]

TELEPHONE:

FAX: 202 616 2726

PAGES INC. COVER:

FROM: [REDACTED]

TELEPHONE: [REDACTED]

FAX: [REDACTED]

COMMENTS:

From the NRC Information Liaison Division

AT [REDACTED]

~~1 of 2~~

✓ 2 of 2

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

U. S. Department of Justice
Immigration and Naturalization Service

OMB # 1115-0163
Application for Employment Authorization

Do Not Write in This Block

Case ID# Action Stamp Fee Stamp

Applicant is filing under 274a.12

☐ Application Approved. Employment Authorized / Extended (Circle One) (Date)
 Subject to the following conditions: (Date)
☐ Application Denied.
☐ Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
☐ Failed to establish economic necessity as required in 8 CFR 274a.12(c), (10), (13), (14).

I am applying for: ☒ Permission to accept employment
☐ Replacement (of lost employment authorization document)
☐ Extension of my permission to accept employment (attach previous employment authorization document)

1. Name (Family Name in CAPS) (First) (Middle) HEDAYET HESHAM
 2. Other Names Used (Include Maiden Name) NONE
 3. Address in the United States (Number and Street) (Apt. Number)
 (Town or City) (State/Country) (ZIP Code) TUSTIN, CA 92705
 4. Country of Citizenship EGYPTIAN
 5. Place of Birth (Town or City) (State/Province) (Country) EGYPT
 6. Date of Birth (Month/Day/Year) 07.04.61 7. Sex ☒ Male ☐ Female
 8. Marital Status ☒ Married ☐ Single ☐ Widowed ☐ Divorced
 9. Social Security Number (Include all numbers you have ever used)
 10. Alien Registration Number (A-Number) or I-94 Number (if any)

11. Have you ever before applied for employment authorization from INS?
☐ Yes (if yes, complete below) ☒ No
 Which INS Office? Date(s)
 Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (Month/Day/Year) 07.31.92
 13. Place of Last Entry into the U.S. L.A.
 14. Manner of Last Entry (Visitor, Student, etc.) R-2
 15. Current Immigration Status (Visitor, Student, etc.) VISITOR
 16. Go to the Eligibility Section on the reverse of this form and check the box which applies to you. (In the space below, place the number of the box you selected on the reverse side.)
 Eligibility under 8 CFR 274a.12

Complete the reverse of this form before signature.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the reverse of this form and have checked the appropriate box(es) which is identified in item #16, above.

Signature Hesham Hedayet Telephone Number Date 12.01.92

Signature of Person Preparing Form If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address Signature Date

Initial Receipt	Resubmitted	Relocated		Completed		
		Rec'd	Sent	Approved	Denied	Returned
DEC 22 1992						

U. S. Department of Justice
Immigration and Naturalization Service

OMB # 1115-0163

Application for Employment Authorization

Do Not Write in This Block

Please Complete Both Sides of Form

Case ID#	Action Stamp	Fee Stamp
AP		
Applicant is filing under 274a.12		Remarks
<input type="checkbox"/> Application Approved. Employment Authorized / Extended (Circle One) _____ (Date). Subject to the following conditions: _____ until _____ (Date). <input type="checkbox"/> Application Denied. <input type="checkbox"/> Failed to establish eligibility under 8 CFR 274a.12 (a) or (c). <input type="checkbox"/> Failed to establish economic necessity as required in 8 CFR 274a.12(c), (10), (13), (14).		

I am applying for:

☒ Permission to accept employment
☐ Replacement (of lost employment authorization document).
☐ Extension of my permission to accept employment (attach previous employment authorization document).

11. Have you ever before applied for employment authorization from INS?
☐ Yes (if yes, complete below) ☒ No
 Which INS Office? _____ Date(s) _____
 Results (Granted or Denied - attach all documentation)

1. Name (Family Name in CAPS) (First) (Middle)
 HEDAYET HESHAM

2. Other Names Used (Include Maiden Name)
 NONE

3. Address in the United States (Number and Street) (Apt. Number)
 (Town or City) (State/Country) (ZIP Code)
 TUSTIN, CA 92705

4. Country of Citizenship
 EGYPTIAN

5. Place of Birth (Town or City) (State/Province) (Country)
 EGYPT

6. Date of Birth (Month/Day/Year) 7. Sex
 07.04.61 ☒ Male ☐ Female

8. Marital Status ☐ Married ☐ Single ☐ Widowed ☐ Divorced

9. Social Security Number (Include all numbers you have ever used)

10. Alien Registration Number (A-Number) or I-94 Number (if any)

12. Date of Last Entry into the U.S. (Month/Day/Year)
 07.31.92

13. Place of Last Entry into the U.S.
 L. A.

14. Manner of Last Entry (Visitor, Student, etc.)
 B-2

15. Current Immigration Status (Visitor, Student, etc.)
 VISITOR

16. Go to the Eligibility Section on the reverse of this form and check the box which applies to you. In the space below, enter the number of the box you selected on the reverse side:
 Eligibility under 8 CFR 274a.12

Complete the reverse of this form before signature.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking. I have read the reverse of this form and have checked the appropriate block which is identified in item #16, above.

Signature _____ Telephone Number _____ Date 12.01.92

Signature of Person Preparing Form if Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name _____ Address _____ Signature _____ Date _____

Initial Receipt	Resubmitted	Relocated	Completed		
Rec'd	Sent	Approved	Denied	Returned	
11/10/92					

Form G-325 A (Rev. 10-1-82)

APPLICANT Heslone Hedayet		SIGNATURE OF PERSON IN CHARGE Hedayet Heslone		(A) NAME: USA Hedayet Heslone ALIAS: USA		FIRST NAME Hedayet 0		MIDDLE NAME Heslone		LAST NAME: USA	
CITIZENSHIP: USA Exempt DATE: 12/15/94 AUTH NO: 888		DATE OF BIRTH: DOB 12/15/94 AGE: 34 SEX: M RACE: Lat HAIR: Blk EYES: Grn		DATE OF BIRTH: DOB 12/15/94 AGE: 34 SEX: M RACE: Lat HAIR: Blk EYES: Grn		DATE OF BIRTH: DOB 12/15/94 AGE: 34 SEX: M RACE: Lat HAIR: Blk EYES: Grn		DATE OF BIRTH: DOB 12/15/94 AGE: 34 SEX: M RACE: Lat HAIR: Blk EYES: Grn		DATE OF BIRTH: DOB 12/15/94 AGE: 34 SEX: M RACE: Lat HAIR: Blk EYES: Grn	
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None		None		None							

TCC: _____
 SIG: _____
 DATE REQUESTED: _____

UNITED STATES DEPARTMENT OF JUSTICE
 IMMIGRATION AND NATURALIZATION SERVICE

APPLICATIONS CLERK
 DATE EXAMINED: _____

Processing Sheet

Application or
 Petition Form No. I-485
 PREFERENCE: _____

File No. _____
 PRIORITY DATE: _____

CLERK'S INITIALS	ACTION REQUIRED - DOCUMENTS NEEDED	DATE REQUESTED	RECEIVED
	INTERVIEW & USPH MEDICAL APPOINTMENT		
	MEDICAL and/or INTERVIEW RESCHEDULED		
	G-325A(1)-FBI Identification Division		
	G-325A(2)-FBI Records Branch		
	" " Sheets (1) & (2) - SECOND REQUEST		
	G-325A(3)-CIA		
	G-325A(4)-AM/Con. Am/Con.		
	I-156 to: I-530 I-88 I-508		
	Applicant's BC <input checked="" type="checkbox"/> MC <input checked="" type="checkbox"/> ; OD <input type="checkbox"/> ; DC <input type="checkbox"/> ;		
	Affidavit of Support #1 #3		
	Employment Letter #2 #4		
	Photos: Form I-94 <input checked="" type="checkbox"/> #5		
	BRING:		
	I-101 I-101 nonpreference		
	I-181 to STATE DEPT. for VISA NUMBER		
	ATTORNEY: _____		
INTERVIEWED: _____	NO OBJ. Second Notice to: _____		
OK TO GRANT EXCEPT FOR: 08-74-07-74988			
1. _____	DV current AP		
2. _____	Approval Notice		
3. _____	CASE Approved		
4. _____			

This form may be overprinted or stamped to show instructions, items requested, items received, or other pertinent data which may facilitate processing.

Keep this sheet on top of all material in file until initial decision is made.

Form I-485
 rev. 11-1-70

cited in *Angov v. Holder*, No. 07-74988, archived on December 11, 2013

U.S. Department of Justice
Immigration and Naturalization Service

OMB # 15-0051
Supplement A to Form I-485

START HERE - Please Type or Print

Part 1. Information about Applicant

Family Name	HEDAYET	First Name	HESHAM	Middle Name	M.
Address - CO					
Street Number and Name		City		State	Zip
		ANAHEIM		CA	92804
Country		U.S.A.		ZIP/Postal Code	
				92804	
INS A #		Date of Birth (month/day/year)	7/4/61	Country of Birth	EGYPT

Part 2. Basis for Eligibility (check one)

- On Form I-485, Part 2, I checked application type (check one):
 - ☒ An immigrant petition Go to #2.
 - ☐ My spouse or parent applied Go to #2.
 - ☐ I entered as a K-1 fiancé Stop Here. Do Not File This Form.
 - ☐ I was granted asylum Stop Here. Do Not File This Form.
 - ☐ I am a native or citizen of Cuba Stop Here. Do Not File This Form.
 - ☐ I am the spouse or child of a Cuban Stop Here. Do Not File This Form.
 - ☐ I have continuously resided in the U.S. Stop Here. Do Not File This Form.
 - ☐ Other Go to #2.
 - ☐ I am already a permanent resident Stop Here. Do Not File This Form.
 - ☐ I am already a permanent resident and am the spouse or child of a Cuban Stop Here. Do Not File This Form.
- I have filed Form I-360; and I am applying for adjustment of status as a special immigrant juvenile court dependent (check one):

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #3.
- I have filed Form I-360; and I am applying for adjustment of status as a special immigrant who has served in the United States Armed Forces (check one):

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #4.
- I last entered the United States (check one):

☐ Legally as a crewman (D-1/D-2 visa). Go to #11. ☐ Legally without a visa Go to #5.

☐ Without inspection. Go to #11. ☐ Legally as a parolee. Go to #5.

☐ Legally in transit without visa status. Go to #11. ☒ Legally with another type of visa (show type B2) Go to #5.
- I last entered the United States legally without a visa as a visitor for tourism or business; and I am applying for adjustment of status as the spouse, unmarried child less than 21 years old, parent, widow or widower of a United States citizen (check one):

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #6.
- I last entered the United States legally as a parolee, or with a visa (except as a crewman), or as a Canadian citizen without a visa; and I am applying for adjustment of status (check one):

☐ As the spouse, unmarried child less than 21 years old, parent, widow or widower of a United States citizen. Stop Here. Do Not File This Form.

☐ As a special immigrant retired international organization employee or family member of an international organization employee or as a special immigrant physician, and I have filed Form I-360. Stop Here. Do Not File This Form.

☒ Under some other category. Go to #7.

FOR INS USE ONLY

Returned	Receipt
	01/08/97 14:21
Resubmitted	I 485A 650.03
	\$650 -
Reloc Ser'd	
Reloc Rec'd	
Interviewed	
File Renewed	Class of Adjustment Code:
To Be Completed by Attorney or Representative if any	
<input checked="" type="checkbox"/> Check if U.S. is attached showing you represent the petitioner	
ATTY State License #	

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0053
Application to Register Permanent Residence or Adjust Status

START HERE - Please Type or Print

Part 1. Information about you.

Family Name	HEDAYET	Given Name	HESHAM	Middle Initial	M.
Address - C/O					
Street Number and Name		Apt. #		211	
City		ANAHEIM			
State		CA			
Zip Code		92804			
Date of Birth (month/day/year)		7/4/1961			
Country of Birth		EGYPT			
Social Security #		A # (if any) N/A			
Date of Last Arrival (month/day/year)		JUL. 31, 1992			
Current I-94 #		[REDACTED]			
Current I-94 Status		DV-1 WINNER			
Expires on (month/day/year)		N/A			

Part 2. Application Type. (check one)

I am applying for adjustment to permanent resident status because:

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved (attach a copy of the approval notice), or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application will give me an immediately available visa number if approved.
- b. ☐ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e) (attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. ☐ I was granted asylum or derivative asylum status as a spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f. ☐ I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other-explain _____

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Form I-485 (09-09-92)N

Continued on back.

FOR INS USE ONLY

Returned	Receipt
[REDACTED]	01/08/97 14:28
Resubmitted	I485 130.00
Reloc Sent	\$130
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	
Section of Law	
<input type="checkbox"/> Sec. 406(b), INA <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> Sec. 245, INA <input type="checkbox"/> Sec. 249, INA <input type="checkbox"/> Sec. 1 Act of 11/2/66 <input type="checkbox"/> Sec. 2 Act of 11/2/66 <input type="checkbox"/> Other _____	
Country Chargeable	
EGYPT	
Eligibility Under Sec. 245	
<input checked="" type="checkbox"/> Approved Visa Petition <input type="checkbox"/> Dependent of Principal Alien <input type="checkbox"/> Special Immigrant <input type="checkbox"/> Other _____	
Preference	
PVG	
Action: [REDACTED]	
APPROVED	
AUG 28	
LOS ANGELES	
To Be Completed by Attorney or Representative, if any	
<input checked="" type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.	
VOLAGE	
ATTY State License # [REDACTED]	

cited in Argony-Holzer, No. 97-74963, archived on December 11, 2013

Part 2. continue.

7. I am a national of the (former) Soviet Union, Vietnam, Laos or Cambodia who last entered the United States legally as a public interest parolee after having been denied refugee status; and I am applying for adjustment of status under Public Law 101-167 (check one):
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #8.
8. I have been employed in the United States after 01/01/77 without INS authorization (check one):
☐ Yes Go to #9. ☒ No Go to #10.
9. I am applying for adjustment of status under the Immigration Nursing Relief Act (INRA); I was employed without INS authorization only on or before 11/29/90; and I have always maintained a lawful immigration status while in the United States after 11/05/86 (check one):
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #10.
10. I am now in lawful immigration status; and I have always maintained a lawful immigration status while in the United States after 11/05/86 (check one):
☐ Yes Stop Here. Do Not File This Form.
☐ No, but I believe that INS will determine that my failure to be in or maintain a lawful immigration status was through no fault of my own or for technical reasons. Stop Here. Do Not File This Form, and attach an explanation to your Form I-485 application.
☒ No Go to #11.
11. I am unmarried and less than 17 years old (check one):
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #12.
12. I am the unmarried child of a legalized alien and am less than 21 years old, or I am the spouse of a legalized alien; and I have attached a copy of my receipt or approval notice showing that I have properly filed Form I-817, Application for Voluntary Departure under the Family Unity Program (check one):
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #13.
13. File This Form and Form I-485. You must pay the additional sum:
\$130.00 - Fee required with Form I-485* and
\$650.00 - Additional sum under section 245(i) of the Act
\$780.00 - Total amount you must pay.

*If you filed Form I-485 separately, attach a copy of your filing receipt and only the additional sum of \$650.00. In #11 and for #12, show the answer you would have given on the date you filed Form I-485.

Part 3. Signature. Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition he or she must complete Part 4.

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature Hesham Hedayet Print Your Name HESHAM HEDAYET Date 11/15/1996 Daytime Telephone No. [REDACTED]

Please Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 4. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature [REDACTED] Print Your Name [REDACTED] Date [REDACTED] Daytime Telephone No. [REDACTED]

Firm Name
and Address

ANAHEIM, CA

Part 3. Processing Information.

City/Town/Village of birth	ELGHARBIA	Current occupation	DRIVER
Our mother's first name		Your father's first name	
Write your name exactly how it appears on your Arrival/Departure Record (Form I-94): HESHAM REDAYET			
Place of last entry into the U.S. (City/State)	LOS ANGELES, CA	In what status did you last enter? (Visitor, Student, Exchange alien, crewman, temporary worker, without inspection, etc.) B-2	
Are you inspected by a U.S. Immigration Officer?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Immigrant Visa Number		Consulate where Visa was issued CAIRO	
Date Visa was issued (month/day/year)	Jul 13, 1992	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
Have you ever before applied for permanent resident status in the U.S.? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (give date and place of filing and final disposition): POLITICAL ASYLUM (STILL PENDING) LOS ANGELES 1991			

List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).			
Family Name	AL AWADLY	Given Name	HALA
Relationship	WIFE	Middle Initial	A.
Country of birth	EGYPT	Date of Birth (month/day/year)	
Applying with you?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Family Name		Given Name	
Relationship	SON	Middle Initial	
Country of birth	EGYPT	Date of Birth (month/day/year)	
Applying with you?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Family Name		Given Name	
Relationship	SON	Middle Initial	
Country of birth	U.S.A.	Date of Birth (month/day/year)	
Applying with you?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Family Name		Given Name	
Relationship		Middle Initial	
Country of birth		Date of Birth (month/day/year)	
Applying with you?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Family Name		Given Name	
Relationship		Middle Initial	
Country of birth		Date of Birth (month/day/year)	
Applying with you?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or semi-group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name of organization, location, dates of membership from and to, and the nature of the organization. If additional space is needed, use separate paper.

NONE

Part 3. Processing Information. (Continued)

Please answer the following questions. If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status.

1. Have you ever, in or outside the U. S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested?
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action?
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.?

☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?

☐ Yes ☒ No
3. Have you ever:
 - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future?
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally?
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?

☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?

☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
 - a. espionage?
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means?
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?

☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?

☐ Yes ☒ No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion?

☐ Yes ☒ No
8. Have you ever engaged in genocide, or have you ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, national origin, ethnic origin, or political opinion?

☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?

☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?

☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces?

☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not yet complied with that requirement or obtained a waiver?

☐ Yes ☒ No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child?

☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.?

☐ Yes ☒ No

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature Hesham Hedayet Print Your Name HESHAM HEDAYET Date 11/22/1996 Daytime Phone Number [REDACTED]

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature [REDACTED] ATTORNEY Date [REDACTED] Day time Phone Number [REDACTED]

Firm Name [REDACTED]
and Address ANAHEIM, CA [REDACTED]

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: HALA ABDELSALAM ALAWADLY	DATE 11/15/1996
	FILE No. [REDACTED]

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME HALA ABDELSALAM ALAWADLY	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Applicant
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) [REDACTED] IRVINE CA [REDACTED]	
NAME	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary <input type="checkbox"/> Applicant
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code)	

Check Applicable Item(s) below:

☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
BAR OF ASSOCIATION STATE OF CALIFORNIA (Name of Court) and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.):

SIGNATURE [REDACTED]	COMPLETE ADDRESS [REDACTED]
NAME (Type or Print) [REDACTED]	TELEPHONE NUMBER [REDACTED]

Privacy Notice: Pursuant to the Privacy Act of 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
[REDACTED] (Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONFORMITY WITH THE FOLLOWING STATEMENT:
[REDACTED]

NAME OF PERSON CONSENTING HALA ABDELSALAM ALAWADLY	SIGNATURE OF PERSON CONSENTING Hala A. Alawadly	DATE 11/15/1996
--	---	---------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Form G-28
(Rev. 10-25-79)N

(OVER)

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20540

(Family name) HADAYET		(First name) HESHAM		(Middle name)		(Male) (Female) 7/4/1961		NATIONALITY EGYPTIAN		FILE NUMBER A- N/A	
ALL OTHER NAMES USED (including names by previous marriages) N/A						CITY AND COUNTRY OF BIRTH EL GHARBIA, EGYPT			SOCIAL SECURITY NO. (if any)		
FATHER (Maiden name)		FAMILY NAME		DATE, CITY AND COUNTRY OF BIRTH (if known)		CITY AND COUNTRY OF RESIDENCE					
MOTHER (Maiden name)		FAMILY NAME		EGYPT		EGYPT					
HUSBAND (if none, so state) OR WIFE		FAMILY NAME		FIRST NAME		BIRTHDATE		CITY & COUNTRY OF BIRTH		DATE OF MARRIAGE	
FORMER HUSBANDS OR WIVES (if none, so state)		EL AWADLY		HALA		CAIRO/EGYPT		1988		EGYPT	
FAMILY NAME (For wife, give maiden name)		FIRST NAME		BIRTHDATE		DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE			
NONE											

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST											
STREET AND NUMBER		CITY	PROVINCE OR STATE	COUNTRY	FROM	TO					
					MONTH	YEAR	MONTH	YEAR			
		IRVINE	CA	U.S.A.	MAY	95	PRESENT TIME				
		FOREST	"	"	JUN.	93	MAY 95				
		JUSTIN	"	"	JUL.	92	JUN. 93				
		CAIRO	"	EGYPT	JUL.	61	JUN. 92				

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR											
STREET AND NUMBER		CITY	PROVINCE OR STATE	COUNTRY	FROM	TO					
					MONTH	YEAR	MONTH	YEAR			

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST											
FULL NAME AND ADDRESS OF EMPLOYER					OCCUPATION (SPECIFY)	FROM	TO				
					DRIVER	MONTH	YEAR	MONTH	YEAR	PRESENT TIME	
						FEB.	93				

Show below last occupation abroad (if not shown above. (include all information requested above.)

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR <input type="checkbox"/> NATURALIZATION <input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT				SIGNATURE OF APPLICANT		DATE	
<input type="checkbox"/> NATURALIZATION <input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT				Hesham Hadayet		11/22/1996	
Are all copies legible? <input checked="" type="checkbox"/> Yes				IF YOUR NATURALIZATION IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET IN THIS SPACE.			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT. BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETION BOX (family name)	(Given name)	(Middle name)	(Alien registration number)
HADAYET	HESHAM	M	N/A

16. PERSON(S) NAMED IN 14 AND 15 WHO WILL ACCOMPANY OR FOLLOW ME TO THE UNITED STATES
HESHAM HEDAYET (FATHER)
HALA ALAWADLY (MOTHER)
[REDACTED]

17. NAME OF FATHER, DATE AND PLACE OF BIRTH, AND ADDRESS (If deceased, so state, giving year of death)
HESHAM HEDAYET D.O.B: 7/4/1961 EGYPT
 ADDRESS: SAME AS IN # 13

18. MAIDEN NAME OF MOTHER, DATE AND PLACE OF BIRTH, AND ADDRESS (If deceased, so state, giving year of death)
HALA ABDELSALAM AL AWADLY D.O.B: [REDACTED] EGYPT
 ADDRESS: SAME AS IN # 13

19. IF NEITHER PARENT IS LIVING, PROVIDE NAME AND ADDRESS OF NEXT OF KIN (nearest relative) IN YOUR HOME COUNTRY

20. LIST ALL LANGUAGES YOU CAN SPEAK, READ, AND WRITE

LANGUAGE	SPEAK	READ	WRITE
ARABIC	GOOD	FAIR	OK
ENGLISH	GOOD	GOOD	GOOD

21. LIST BELOW ALL PLACES YOU HAVE LIVED FOR SIX MONTHS OR LONGER SINCE REACHING THE AGE OF 15. BEGIN WITH YOUR PRESENT RESIDENCE

CITY OR TOWN	PROVINCE	COUNTRY	OCCUPATION	DATES (FROM TO)
IRVINE	CA	U.S.A.	CHD	5/95-NOW
LAKE FOREST	"	"	"	6/93-5/95
TUSTIN	"	"	"	7/92-5/93
CAIRO	CAIRO	EGYPT	"	7/89-7/92

22. LIST ANY POLITICAL, PROFESSIONAL OR SOCIAL ORGANIZATIONS AFFILIATED WITH WHICH YOU ARE NOW OR HAVE BEEN A MEMBER OF OR AFFILIATED WITH SINCE YOUR 16TH BIRTHDAY. NAME AND ADDRESS TYPE OF MEMBERSHIP

NONE

23. LIST DATES OF ALL PREVIOUS RESIDENCE IN OR VISITS TO THE UNITED STATES. (If never, so state) GIVE TYPE OF VISA STATUS IF ANY. GIVE I-9 NUMBER IF ANY

FROM TO	FROM TO	VISA	I-9 FILE NO. IF ANY
IRVINE, CA	5/95-NOW	B-2	N/A
LAKE FOREST	6/93-5/95	"	"
TUSTIN	7/92-6/93	"	"

SIGNATURE OF APPLICANT: *Hala A. Alawadly* DATE: 11/22/1996

*Public reporting burden for this collection of data is estimated to average 24 hours per response, including the time for reviewing existing data sources, gathering the data, reviewing the information, and reviewing the final collection. Send comments on the accuracy of this estimate and the burden of this collection of data, including suggestions for reducing the burden, to Washington, D.C. 20503-0001, and to the Office of Management and Budget, Paperwork Project, Washington, D.C. 20503-0001.

OPTIONAL FORM 230 (Rev. 4-91)
U.S. DEPARTMENT OF STATE

1997
APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

PART II - SWORN STATEMENT

INSTRUCTIONS: Complete one copy of this form for yourself and each member of your family, regardless of age, who will immigrate with you. Please print or type your answer to all questions. Questions that are Not Applicable should be so marked. If there is insufficient room on the form, answer on a separate sheet using the same numbers as appear on the form. Attach the sheet to this form. DO NOT SIGN this form until instructed to do so by the consular officer. The fee for filing this application is listed under tariff item No. 20. The fee should be paid in United States dollars or local currency equivalent or by bank draft, when you appear before the consular officer.

WARNING: Any false statement or concealment of a material fact may result in your permanent exclusion from the United States. Even though you should be admitted to the United States, a fraudulent entry could be grounds for your prosecution and/or deportation.

This form (OF-230 Part II) is a continuation of Form OF-230 Part I, which together, constitute the complete Application for Immigrant Visa and Alien Registration.

24. FAMILY NAME		FIRST NAME		MIDDLE NAME	
25. ADDRESS (Local)		26. FINAL ADDRESS TO WHICH YOU WILL TRAVEL IN THE UNITED STATES (Street address including ZIP code)			
Telephone No.		Telephone No.			
27. PERSON YOU INTEND TO JOIN (Name, address, and relationship)			28. NAME AND ADDRESS OF SPONSORING PERSON OR EMPLOYER		
HESHAM HEDAYET (FATHER) HALA AL AWADLY (MOTHER) (BROTHER) ADDRESS: SAME AS IN # 25					
29. PURPOSE IN GOING TO THE UNITED STATES DV-1 97			30. LENGTH OF INTENDED STAY (If permanent, so state) PERMANENT		
31. INTENDED PORT OF ENTRY LOS ANGELES, CA			32. DO YOU HAVE A TICKET TO FINAL DESTINATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<p>33. United States laws governing the issuance of visas require each applicant to state whether or not he or she is a member of any class of individuals excluded from admission into the United States. The excludable classes are described below in general terms. You must carefully study the following list and answer YES or NO to each category. The answers you give will assist the consular officer to reach a decision on your eligibility to receive a visa.</p> <p>EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WHO ARE IN THE FOLLOWING CLASSIFICATIONS ARE INELIGIBLE TO RECEIVE A VISA. DO ANY OF THE FOLLOWING CLASSES APPLY TO YOU?</p> <p>a. An alien who has a communicable disease of public health significance, or has or has had a physical or mental disorder that poses, or is likely to pose a threat to the safety or welfare of the alien or others; an alien who is a drug abuser or addict. [212(a)(1)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>b. An alien convicted of, or who admits committing a crime involving moral turpitude, or violation of any law relating to a controlled substance; an alien convicted of 2 or more offenses for which the aggregate sentences were 5 years or more; an alien entering the United States for prostitution or commercialized vice, or who has engaged in prostitution or procuring within the past 10 years; an alien who has been an illicit trafficker in any controlled substance; an alien who has committed a serious criminal offense in the United States and who has asserted immunity from prosecution. [212(a)(2)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>c. Alien who seeks to enter the United States to engage in espionage, sabotage, export control violations, overthrow of the Government of the United States, or other unlawful activity; an alien who seeks to enter the United States to engage in terrorist activities; an alien who has been a member of or affiliated with the Communist or any other totalitarian party; an alien who, under the direction of the Nazi Government of Germany, or any area occupied by, or allied with the Nazi Government of Germany, ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion; an alien who has engaged in genocide. [212(a)(3)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>d. An alien who is likely to become a public charge. [212(a)(4)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>e. An alien who seeks to enter for the purpose of performing skilled or unskilled labor who has not been certified by the Secretary of Labor; an alien graduate of a foreign medical school seeking to perform medical services who has not passed the NDME exam or its equivalent. [212(a)(5)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>f. An alien previously deported within one year, or arrested and deported within 5 years; an alien who seeks or has sought a visa, entry into the United States, or any U.S. immigration benefit by fraud or misrepresentation; an alien who knowingly submitted any other alien to enter or try to enter the United States in violation of the law; an alien who is in violation of Section 214C of the Immigration Act. [212(a)(6)] YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>					

Previous editions obsolete

Public reporting burden for this collection of information is estimated to average 24 hours per response, including time for reviewing existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on this aspect of this estimate of the burden and recommendations for reducing it to: Department of State (OS/RA/DI) Washington, D.C. 20520-0204 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Project (1410-0016), Washington, D.C. 20503

OPTIONAL FORM 230 Part II (Excluded)
REVISED 4-91
DEPT. OF STATE

NSN 7540-10-149-0919
50233-76

1997
APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

PART I - BIOGRAPHIC DATA

INSTRUCTIONS: Complete one copy of this form for yourself and each member of your family, regardless of age, who will immigrate with you. Please print or type your answer to all questions. Questions that are Not Applicable should be so marked. If there is insufficient room on the form, answer on a separate sheet using the same numbers as appear on the form. Attach the sheet to this form.

WARNING: Any false statement or concealment of a material fact may result in your permanent expulsion from the United States. This form (OF-230 PART I) is Part I of two parts which, together with Optional Form OF-230 PART II, constitute the complete Application for Immigrant Visa and Alien Registration.

1. FAMILY NAME HADAYET		FIRST NAME HESHAM	MIDDLE NAME MOHAMED
2. OTHER NAMES USED OR BY WHICH KNOWN (If married woman, give maiden name) N/A			
3. FULL NAME IN NATIVE ALPHABET (If Roman letters not used) Hesham Mohamed Hadayet			
4. DATE OF BIRTH (Day) (Month) (Year) 4 7 61	5. AGE 35 YRS	6. PLACE OF BIRTH (City or town) (Province) (Country) SL. GHARBIA EGYPT	
7. NATIONALITY (If dual national, give both) EGYPTIAN	8. SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	9. MARITAL STATUS <input type="checkbox"/> Single (Never married) <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated including my present marriage, I have been married 1 times.	
10. PERSONAL DESCRIPTION a. Color of hair BLK c. Height 6'1" b. Color of eyes BRN d. Complexion FAIR		11. OCCUPATION DRIVER	
12. MARKS OF IDENTIFICATION PRESC. GLASSES		13. PRESENT ADDRESS IRVINE, CA Telephone number _____ Office _____	
14. NAME OF SPOUSE (Maiden or family name) (First name) (Middle name) ALAWADLY ALA ABDELSALAM Date and place of birth of spouse: _____ EGYPT Address of spouse (If different from your own): _____			
15. LIST NAME, DATE AND PLACE OF BIRTH, AND ADDRESSES OF ALL CHILDREN			
NAME	DATE AND PLACE OF BIRTH	ADDRESS (If different from your own)	
_____	_____ EGYPT	_____	
_____	_____ U.S.A.	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	

THIS FORM MAY BE OBTAINED GRATIS AT CONSULAR OFFICES OF THE UNITED STATES OF AMERICA
OPTIONAL FORM 230 (Part I) (English)
REvised 4-91
DEPT. OF STATE

cited in Angov v. Holder No. 07-4963 archived on December 11, 2013

16. PERSON(S) NAMED IN 14 AND 15 WHO WILL ACCOMPANY OR FOLLOW ME TO THE UNITED STATES

HALA AL AWADLY (WIFE)
 [REDACTED] (SON)
 [REDACTED] (SON)

17. NAME OF FATHER, DATE AND PLACE OF BIRTH, AND ADDRESS (If deceased, so state, giving year of death)

[REDACTED] EGYPT

18. MAIDEN NAME OF MOTHER, DATE AND PLACE OF BIRTH, AND ADDRESS (If deceased, so state, giving year of death)

[REDACTED] EGYPT

19. IF NEITHER PARENT IS LIVING PROVIDE NAME AND ADDRESS OF NEXT OF KIN (nearest relative) IN YOUR HOME COUNTRY

20. LIST ALL LANGUAGES YOU CAN SPEAK, READ, AND WRITE

LANGUAGE	SPEAK	READ	WRITE
ARABIC	GOOD	GOOD	GOOD
ENGLISH	"	"	"
FRENCH	"	"	"

21. LIST BELOW ALL PLACES YOU HAVE LIVED FOR SIX MONTHS OR LONGER SINCE REACHING THE AGE OF 16. BEGIN WITH YOUR PRESENT RESIDENCE.

CITY OR TOWN	PROVINCE	COUNTRY	OCCUPATION	DATES (FROM TO)
IRVINE	CA	U.S.A	DRIVER	MAY '95-NOW
LAKE FOREST	"	"	"	JUN. 93-5/95
TUSTIN	"	"	"	JUL. 92-6/93
ABDEAH	CAIRO	EGYPT	ACCOUNTANT	JUL. 61/92

22. LIST ANY POLITICAL, PROFESSIONAL, OR SOCIAL ORGANIZATIONS AFFILIATED WITH COMMUNIST, TOTALITARIAN, TERRORIST OR NAZI ORGANIZATIONS WHICH YOU ARE NOW OR HAVE BEEN A MEMBER OF OR AFFILIATED WITH SINCE YOUR 16TH BIRTHDAY.

NAME AND ADDRESS: NONE

TYPE OF MEMBERSHIP: NONE

23. LIST DATES OF ALL PREVIOUS RESIDENCE IN OR VISITS TO THE UNITED STATES. (If never, so state). GIVE TYPE OF VISA STATUS IF ANY. GIVE I.N.S. 'A' NUMBER IF ANY.

LOCATION	FROM/TO	VISA	I.N.S. FILE NO. IF KNOWN
IRVINE, CA	5/95 - NOW	B-2	N/A
LAKE FOREST, CA	6/93-5/95	"	"
TUSTIN CA	7/92-6/93	"	"

SIGNATURE OF APPLICANT: Heslan Hadyet

DATE: 11/22/1996

*Public reporting burden for this collection of information is estimated to average 24 hours per response, including time for reviewing existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: Department of State (CIS/PM/AM) Washington, D.C. 20520-0204, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1405-0018), Washington, D.C. 20503

1997
ESTIMATED BURDEN: 23 HOURS

APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

PART II - SWORN STATEMENT

INSTRUCTIONS: Complete one copy of this form for yourself and each member of your family, regardless of age, who will immigrate with you. Please print or type your answer to all questions. Questions that are Not Applicable should be so marked. If there is insufficient room on the form, answer on a separate sheet using the same numbers as appear on the form. Attach the sheet to this form. **DO NOT SIGN** this form until instructed to do so by the consular officer. The fee for filing this application is listed under tariff item No. 20. The fee should be paid in United States dollars or local currency equivalent, or by bank draft, when you appear before the consular officer.

WARNING: Any false statement or concealment of a material fact may result in your permanent exclusion from the United States. Even though you should be admitted to the United States, a fraudulent entry could be grounds for your prosecution and/or deportation. This form (OF-230 Part II) is a continuation of Form OF-230 PART I, which together, constitute the complete Application for Immigrant Visa and Alien Registration.

24. FAMILY NAME			FIRST NAME	MIDDLE NAME
HEDAYET			HESHAM	MOHAMED

25. ADDRESS (Local)		26. FINAL ADDRESS TO WHICH YOU WILL TRAVEL IN THE UNITED STATES (Street address including ZIP code)	
IRVINE, CA		SAME AS IN # 25	
Telephone No.		Telephone No.	

27. PERSON YOU INTEND TO JOIN (Name, address, and relationship)		28. NAME AND ADDRESS OF SPONSORING PERSON OR EMPLOYER	
HALA ALAWADLY (WIFE)			
(SON)			
(SON)			
ADDRESS: SAME AS IN # 25			

29. PURPOSE IN GOING TO THE UNITED STATES		30. LENGTH OF INTENDED STAY (If permanently, so state)	
DV-1 97		PERMANENT	
31. INTENDED PORT OF ENTRY		32. DO YOU HAVE A TICKET TO FINAL DESTINATION?	
LOS ANGELES, CA		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

33. United States laws governing the issuance of visas require each applicant to state whether or not he or she is a member of any class of individuals excluded from admission into the United States. The excludable classes are described below in general terms. You should determine which of the following list and answer YES or NO to each category. The answers you give will assist the consular officer to reach a decision on your eligibility to receive a visa.

EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN THE FOLLOWING CLASSIFICATIONS ARE INELIGIBLE TO RECEIVE A VISA. DO ANY OF THE FOLLOWING CLASSES APPLY TO YOU?

a. An alien who has a communicable disease of public health significance, or has or has had a physical or mental disorder that poses, or is likely to pose a threat to the safety or welfare of the community; or an alien who is a drug abuser or addict. [212(a)(1)] YES ☐ NO ☒

b. An alien convicted of, or who admitted committing a crime involving moral turpitude, or violation of any law relating to a controlled substance; an alien convicted of 2 or more offenses for which the aggregate sentences were 5 years or more; an alien coming to the United States to engage in prostitution or commercialized vice, or who has engaged in prostitution or procuring within the past 10 years; an alien who has been an illicit trafficker in any controlled substance; an alien who has committed a serious criminal offense in the United States and who has asserted immunity from prosecution. [212(a)(2)] YES ☐ NO ☒

c. An alien who seeks to enter the United States to engage in espionage, sabotage, export control violations, overthrow of the Government of the United States, or other unlawful activity; an alien who seeks to enter the United States to engage in terrorist activities; an alien who has been a member of or affiliated with the Communist or any other totalitarian party; an alien who under the direction of the Nazi Government of Germany, or any area occupied by, or allied with the Nazi Government of Germany, ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion; an alien who has engaged in genocide. [212(a)(3)] YES ☐ NO ☒

d. An alien who is likely to become a public charge. [212(a)(4)] YES ☐ NO ☒

e. An alien who seeks to enter for the purpose of performing skilled or unskilled labor who has not been certified by the Secretary of Labor; an alien graduate of a foreign medical school seeking to perform medical services who has not passed the NBME exam or its equivalent. [212(a)(5)] YES ☐ NO ☒ Not Applicable ☒

f. An alien previously deported within one year, or arrested and deported within 5 years; an alien who seeks or has sought a visa, entry into the United States, or any U.S. immigration benefit by fraud or misrepresentation; an alien who knowingly assisted any other alien to enter or try to enter the United States in violation of the law; an alien who is in violation of Section 274C of the Immigration Act. [212(a)(6)] YES ☐ NO ☒

Previous editions obsolete

*Public reporting burden for this collection of information is estimated to average 24 hours per response, including time for reviewing existing data sources, gathering the necessary data, reviewing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to the Department of State (DSS/OPM) Washington, D.C. 20520-0266, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1645-0043) Washington, D.C. 20503.

OPTIONAL FORM 230 (Part II) (ENCLOSURE)
REVISED 4-91
DEPT OF STATE

g. An alien who is permanently ineligible to U.S. citizenship, a person who has departed the United States to perform military service in time of war. [212(a)(8)] YES ☐ NO ☐

h. An alien who is coming to the United States to practice polygamy; an alien who is a guardian required to accompany an excluded alien; an alien who withholds custody of a child outside the United States from a United States citizen granted legal custody. [212(a)(9)] YES ☐ NO ☒

i. An alien who is a former exchange visitor who has not fulfilled the 2-year foreign residence requirement. [212(e)] YES ☐ NO ☒

If the answer to any of the foregoing questions is YES or if unsure, explain in the following space or on a separate sheet of paper.

34. Have you ever been arrested, convicted or ever been in a prison or almshouse; have you ever been the beneficiary of a pardon or an amnesty; have you ever been treated in an institution or hospital or other place for insanity or other mental disease. [222(a)] YES ☐ NO ☒

35. I am unlikely to become a public charge because of the following:

☐ Personal financial resources (describe) ☐ Employment (attach) ☒ Affidavit of Support (attach)

36. Have you ever applied for a visa to enter the United States? YES ☐ NO ☐
 (If answer is Yes, state where and when, whether you applied for a nonimmigrant or an immigrant visa, and whether the visa was issued or refused.)
 CAIRO, EGYPT JUL. 13, 1992 B-2 GRANTED

37. Have you been refused admission to the United States? YES ☐ NO ☒
 (If answer is Yes, explain)

38. Were you assisted in completing this application? YES ☒ NO ☐
 (If answer is Yes, give name and address of person assisting you, indicating whether relative, friend, travel agent, attorney, or other)

NAME	ADDRESS	RELATIONSHIP
_____	_____	_____

39. The following documents are submitted in support of this application:

<input checked="" type="checkbox"/> Passport	<input checked="" type="checkbox"/> Military record	<input type="checkbox"/> Evidence of own assets
<input checked="" type="checkbox"/> Birth certificate	<input type="checkbox"/> Police certificate	<input checked="" type="checkbox"/> Affidavit of support
<input checked="" type="checkbox"/> Marriage certificate	<input type="checkbox"/> Medical records	<input type="checkbox"/> Offer of employment
<input type="checkbox"/> Death certificate	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Other (describe)
<input type="checkbox"/> Divorce decree	<input checked="" type="checkbox"/> Birth certificates of all children who will not be immigrating at this time. (List those for whom birth certificates are not available.)	

DO NOT WRITE BELOW THE FOLLOWING LINE
 The consular officer will assist you in answering items 40 and 41.

40. I claim to be exempt from ineligibility to receive a visa and exclusion under item 212(a)(2). Beneficiary of a Waiver under: In Part or in Full, for the following reasons:

<input type="checkbox"/> Not Applicable	<input type="checkbox"/> 212(a)(3)(D)(ii)	<input type="checkbox"/> 212(h)
<input type="checkbox"/> Not Required	<input type="checkbox"/> 212(a)(3)(D)(iii)	<input type="checkbox"/> 212(i)
<input type="checkbox"/> Attached	<input type="checkbox"/> 212(a)(4)	<input type="checkbox"/> 212(j)

41. I claim to be:

<input type="checkbox"/> A Family-Sponsored immigrant	<input type="checkbox"/> I derive foreign state chargeability under Sec. 202(b) through my _____	I am subject to the following:
<input type="checkbox"/> An Employment-Based immigrant		<input type="checkbox"/> Preference: _____
<input type="checkbox"/> A Diversity Immigrant		<input type="checkbox"/> Numerical limitation: _____ (foreign state)
<input type="checkbox"/> A Special Category (Specify) _____ (Assuming resident, Hong Kong, Tibetan, Private Legislation, etc.)		

I understand that I am required to surrender my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws.

I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may subject me to permanent exclusion from the United States and, if I am admitted to the United States, do solemnly swear (or affirm) that all statements which appear in this application, consisting of Optional Forms 230 PART I and 230 PART II combined, have been made by me, including the answers to items 1 through 41 inclusive, and that they are true and complete to the best of my knowledge and belief. I do further swear (or affirm) that, if admitted into the United States, I will not engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; in any activity a purpose of which is the opposition to or the control, overthrow of, the Government of the United States, by force, violence, or other unconstitutional means.

I understand all the foregoing statements, having asked for and obtained an explanation on every point which was not clear to me.

The relationship claimed in items 14 and 15 verified by documentation submitted to consular officer except as noted. _____ (Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____ at: _____

TARIFF ITEM NO. 20 _____ (Consular Officer)

U.S. Government Printing Office: 1992 — 512-071520-1

TRANSLATION OF A BIRTH CERTIFICATE

1. Name HEDAYET HESHAM MOHAMED-ALI
(As it appears on the original - Last, First, Middle)

2. Date and Place of Birth 7 4 1961
(Month) (Day) (Year)

EL GHARBIA EGYPT
(City or Town) (Country)

3. Father-Name: [REDACTED]

4. Mother-Name: [REDACTED]

5. Certificate Issued: Date: 7 31 1996
(Month) (Day) (Year)

Place: EL GHARBIA EGYPT
(City or Town) (Country)

Magistrate: AIDA HASAN
(Full Name)

6. Certificate Forund: Archive or Rregister: [REDACTED]
Page: 89 NO: 24491, 2013

7. Notation of Importance: Certified copy from the Original

CERTIFICATION OF TRANSLATOR'S COMPETENCE

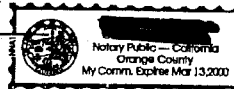
I [REDACTED], hereby certify that the above is and accurate translation of the original birth certificate in ARABIC and that I am competent in both English and ARABIC to render such a translation.

Date: 11/22/1996 Signature of Transl: [REDACTED]

Subscribed and sworn to (affirmed) before me this 27th day of NOV.

1996 at 5:15 pm in ORANGE COUNTY

(Seal) My commission expires MARCH, 13, 2000



NOTARY PUBLIC

THE ARAB REPUBLIC OF EGYPT

THE MINISTRY OF DEFENSE

CERTIFICATE OF COMPLETION OF MILITARY SERVICES

MINISTRY OF DEFENSE CERTIFIES

That # [REDACTED] WITH GRADE OR N/A,
NAME: HESHAMM.ALI HEDAYET, HIS ID # [REDACTED], IN THE
COUNTY: CAIRO, HAS FINISHED HIS MILITARY SERVICES
IN THE [REDACTED] FORCES, FOR THE PERIOD OF [REDACTED]
WAS EXEMPTED FROM THE SERVICE ON 9/13/1991

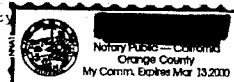
HIS BEHAVIOR, AND HIS ATTENDANCE WAS N/AWAS GIVEN ON 11/22/1996

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, [REDACTED], HEREBY CERTIFY THAT THE ABOVE IS
AND ACCURATE TRANSLATION OF THE ORIGINAL MILITARY CERTIFICATE
IN ARABIC AND THAT I AM COMPETENT IN BOTH ENGLISH AND
ARABIC TO RENDER SUCH A TRANSLATION.

DATE 11/22/1996 SIGNATURE OF TRANSLATOR [REDACTED]

SUBSCRIBED AND SWORN TO AFFIRMED BEFORE ME THIS 22nd DAY
OF NOV. 1996 AT 5:10 pm in Orange County



"ARAB REPUBLIC OF EGYPT"
MINISTRY OF JUSTICE
FORM NO. : 76 " JUSTICE "

MARRIAGE DEED

REGISTERED SUB NO. 2652 N. 28-11-1988

AT CIVIL REGISTRY OFFICE OF

SERIAL NO. 97904 FOLIO NO. 3

ON THE DAY OF Friday, 3rd Rabi II 1409 Hija

CORRESPONDING TO 25th Nov. 1988 A.D. AT 9 p.m.

IN MY PRESENCE AND BY ME

MA'ZOUN OF

AFFILIATED TO THE PERSONAL
STATUS COURT "TUTELAGE" OF

Bandar Embaba

AND AT THE PREMISES NO. — LOCATED AT wife representative's house, Aldeen

THE FOLLOWING "MARRIAGE DEED" HAS BEEN CONCLUDED BY AND BETWEEN :

THE HUSBAND :

NAME IN FULL Heham Mohamed Ali Hedayat, of age,

he is not married with another wife

OCCUPATION Accountant

NATIONALITY Egyptian

DATE OF BIRTH 4-7-1961

PLACE OF BIRTH E.C. Ghordia

RESIDENCE

NO. :

IDENTITY CARD

ISSUED ON

BY :

MOTHER'S NAME :

THE WIFE :

NAME IN FULL

Hala Mohamed Sadeh Abdel Salam
E.C. Awadly, virgin, represented by her father,
and she hasn't been married before



cited in Angov v. Holder, No. 07-14963 argued on December 11, 2013

- 2 -

OCCUPATION _____ NATIONALITY Egyptian
 DATE OF BIRTH [REDACTED] BIRTH NAME Abdeen
 RESIDENCE [REDACTED]
 IDENTITY CARD NO. [REDACTED]
 ISSUED ON 14/11/79
 BY Abdeen Civil Registry Office
 MOTHER'S NAME [REDACTED]
 ENTRY OF HUSBAND'S FAMILY IN CIVIL REGISTRY OFFICE :
 TOWN/VILLAGE _____ DISTRICT/SHELALAH _____
 NO. _____ CIVIL REGISTRY OFFICE OF _____
 ENTRY OF WIFE'S FAMILY IN CIVIL REGISTRY OFFICE :
 TOWN/VILLAGE _____ DISTRICT/SHELALAH _____
 NO. _____ CIVIL REGISTRY OFFICE OF _____

THE TWO PARTIES AGREED ON A DOWRY (NAHR) OF : as amount agreed upon

OUT OF WHICH THE SUM OF as amount agreed upon
 HAS BEEN PAID, RECEIVED AND ACKNOWLEDGED BY wife representative
 AND THE DEFERRED DOWRY AMOUNTING TO as amount agreed upon
 TO BE DUE AND PAYABLE BY THE HUSBAND ON EITHER DEATH OR DIVORCE.

THIS "MARRIAGE BOND" HAS BEEN ACCOMPLISHED IN ACCORDANCE WITH THE
 PROVISIONS OF THE HOLY KORAN AND THE SUNNA OF THE PROPHET MUHAMMAD AND IN
 VIRTUE OF A LAWFUL TENDER AND ACCEPTANCE BETWEEN THE TWO PARTIES.

AFTER THEY HAVE BEEN LEGALLY IDENTIFIED AND AFTER ASCERTAINING THAT THERE
 ARE NO LEGAL OR FORMAL IMPEDIMENTS PREVENTING THEM

1. Does not receive A GOVERNMENTAL SALARY, A PENSION OR A SECURITY.
2. POSSESSES no money EXCEEDING L.E. 100.

AND THAT THE TWO SPOUSES ARE OF AGE under my responsibility



cited in Angov. Holder No. 97-74963 archived on December 11, 2013

and in accordance with the provisions of the law of 1938.

FIRST WITNESS :

NAME IN FULL [REDACTED]
 OCCUPATION *Officer at the Army Academy* NATIONALITY *Egyptian*
 DATE OF BIRTH [REDACTED] BIRTH PLACE *Cairo*
 RESIDENCE *with the Husband*
 IDENTITY CARD NO. [REDACTED]
 ISSUED ON *1963*
 BY *Helipolis Civil Registry Office*

SECOND WITNESS :

NAME IN FULL [REDACTED]
 OCCUPATION *Manager of a Factory* NATIONALITY *Egyptian*
 DATE OF BIRTH [REDACTED] BIRTH PLACE *Alexandria*
 RESIDENCE [REDACTED]

IDENTITY CARD NO. [REDACTED]
 ISSUED ON *1986*
 BY *Alexandria Civil Registry Office*

IN WITNESS WHEREOF, THIS " MARRIAGE DEED " HAS BEEN SIGNED BY
 THREE COPIES, OF WHICH ONE WAS DELIVERED TO THE DEPARTMENT
 THE SECOND TO *wife representative* AND THE THIRD TO THE CIVIL REGISTRY
 OFFICE OF *Siout* ON *28-11-1988*

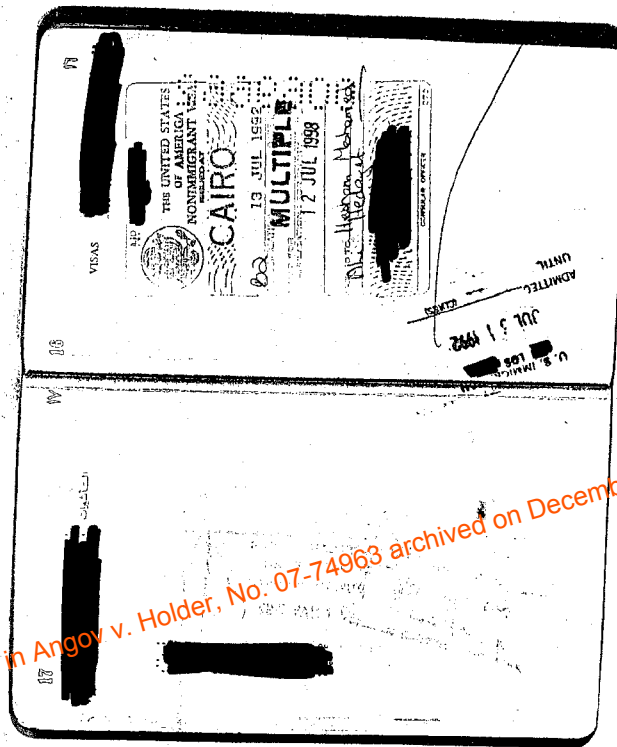
WITNESSES (SIGNED) [REDACTED] [REDACTED] [REDACTED] [REDACTED]

TRANSLATED BY: [REDACTED]

DATE: *20-8-1996*



14963 archived on December 11, 2013
 cited in Angov v. Forder, No. 67



[illegible]

Departure Record

JUL 3 1962

ADMITTED _____ CLASS _____

UNTIL _____

14 Family Name
HEDAYET

15 First Given Name
HESAM

17 Country of Citizenship
EGYPT

19 Date (Day/Mo/Yr)
1940.7.6.1

See Other Side

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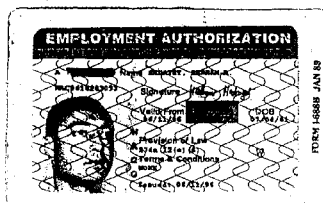
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cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

Memorandum

Subject <u>Policy Closure & Service of OSC</u>	Date: JUN 11 1996
To: Memorandum to File	From: Office of the Deputy Assistant District Director Detention & Deportation Los Angeles, CA

Based on a thorough review of the Alien's a-file it appears that the Alien was not served with the Order to Show Cause (Form I-221). The OSC was inadvertently forwarded to the EOIR and a hearing date was set for the alien to appear. Based on the evidence that the file contained, the Immigration Judge ordered the case to be administratively closed.

Therefore, inasmuch as the charging document was not served on the alien and the file does not contain a current address to which the OSC could be mailed, this case is considered not properly under Docket Control. The file will be forwarded to records and the case closed in DACS.

If at any time after the date of this memorandum, the alien is encountered, a superseding OSC is to be issued, if applicable, and properly served on the alien and the EOIR.

FOR:

Deputy Assistant District Director
 Detention & Deportation

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

Department of Justice
Immigration and Naturalization Service

District Office **LOS**

RECORD OF ACTS

Name **HERAYET** Alias A-Number **A [REDACTED]**

Address **[REDACTED]** Telephone Number **[REDACTED]**

Attorney of Record **[REDACTED]**

Immig. Judge	Action	Disposition
3/26/94	FIN Adm. closed. No proof of OSC. Service Clerk, pl. locate et. rec. then to IIR for MTC CLERK → TA [REDACTED]	
3/29/94	unable to locate. re: rec. sp case	

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

TRIAL ATTORNEY WORKSHEET

Name: _____ Judge: _____
 Place: LOS File No. A _____ Trial Attorney: _____
 Date: 3/26/96 Custody: NO Counsel: _____
 Proceedings: _____ Language: _____
☐ Bond ☐ Remand Interpreter: _____
☐ Deportation ☐ Rescission
☐ Exclusion ☐ Other _____

ALLEGATIONS (1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____
 (6) _____

DEPORTABILITY:
☐ Conceded
☐ Denied

COUNTRY DESIGNATED:

choice _____

alternate _____

EXHIBITS:

(1) OSC / I-122

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

DECISION:

☐ Oral

☐ Summary

☐ Reserved

ORDER:

☐ Deported/excluded

☐ V/R to _____

☐ Withdrew

☐ Terminated/admin. closed

☐ Asylum

☐ Bond

☐ _____

APPEAL:

☐ Waived

☐ Reserved by:

☐ _____

APPLICATIONS ☐ None ☐ Asylum/withholding
 FOR RELIEF: ☐ V/R ☐ Suspension
☐ 212(c) ☐ Adjustment
☐ Other _____
☐ ALIEN GIVEN LEGAL AID LIST & FORM I-618

Reset for Attmy to _____

Reset to _____ for _____ filing

Reset to _____ for _____ merits

Reset to _____ for _____

Reset to _____ for _____

V/R granted to _____

FTA: Ordered Deported in Absentia

TA NOTES: _____

cited in *Angov v. Holder*, No. 07-74963 archived on December 11, 2013

FTA Adm. closed, no
 proof of OSC source



U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

MEMO TO FILE

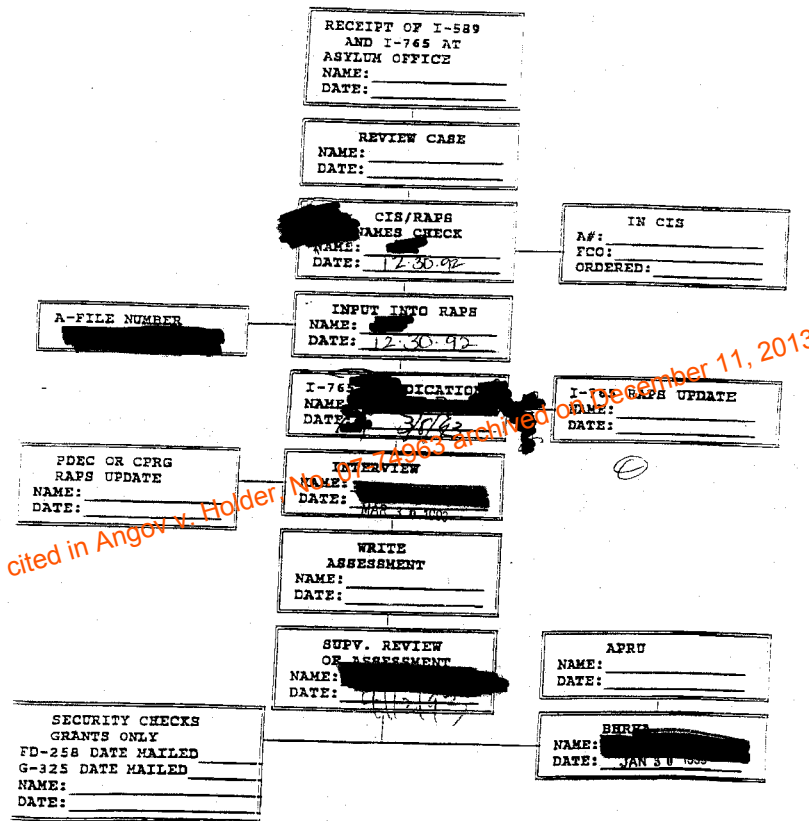
FROM: [REDACTED]
Acting Director
Los Angeles Asylum Office

OSC has been served on the court. File is routed to you
for your review.

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

RECORD OF DEPORTABLE ALIEN (See A.M. 2790 11 - 14 Kit Instructions)									
Family Name (Capital Letters)		Given Name		Middle Name		Sex	Race	Eyes	Complexion
HEDAYET HESHAM MOHAMED ALI						MALE			
Country of Origin	Passport Number and Country of Issue	File Number		Height	Weight lbs	Occupation			
EGYPT		A							
US Address: Residence Number (Street) (City) (State) (Zip Code)		F.B.I. No.		Marital Status		<input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced			
MISSION 1210, CA 92692-0000									
Date, Place, Time, Manner of Last Entry		Passenger Boarded At		Scars or Marks					
July 31, 1992, LOS ANGELES, CA (IA)									
Number, Street, City, Province (State) and Country of Permanent Residence		Method of Location/Apprehension							
Egypt		WALK IN							
Birthdate	Date of Action	Location Code		(A/Near)		Date & Hour			
July 4, 1945	August 10, 1993	LOS		LOS		3-30-93			
City, Province (State) and Country of Birth	AR	Form (Type & No.)		By					
EGYPT	<input type="checkbox"/>	<input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted							
Visa Issued At - NIV No.	Social Security Account Name		Status at Entry		Status When Found				
	HEDAYET, HESHAM MOHAMED ALI		VISITOR FOR PLEASURE		Over Stay				
Date Visa Issued	Social Security No.	Send CO Res. Check To:		Length of Time Illegally in U.S.					
Immigration Record		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Criminal Record					
Name, Address and Nationality of Spouse (Maiden name, if appropriate)		Number & Nationality of Minor Children							
HALA EL AWAADLY, EGYPT		0							
Father's Name, and Nationality, and Address, if Known		Mother's Present and Maiden Names, Nationality, and Address, if Known							
MOHAMMED HEDAYET, EGYPT		SAMIA EL ABED, EGYPT							
Monies Due/Property in U.S. Not in Immediate Possession		Fingerprinted		Lookout Book Checked		Deportation Charge(s) (Code Words)			
<input type="checkbox"/> None Claimed <input type="checkbox"/> See Form I-43		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Not <input type="checkbox"/> Listed Code					
Name and Address of (Last) (Current) Employer		Type of Employment		Salary		From: To			
				\$		hr.			
Narrative (Outline particulars under which alien located/apprehended. Include details, not shown above, re: time, place, manner of entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior). Alien has been advised of communication privileges pursuant to 8 CFR 242.1(c).									
Initial _____ Date _____									
The above information was furnished by _____ or by the alien's spouse, parent, or legal guardian) when he/she appeared for a scheduled asylum interview, or was obtained from Forms I-589, I-589A, I-589B, FD-258, and/or other documents contained in the file.									
SUBJECT: _____ for Asylum was denied/referred on April 11, 1993 at ZLA and an Order to Show Cause is requested									
SUBJECT: _____ (Language) ARABIC.									
(If space insufficient, show "continued" and continue on reverse, from bottom up): (Signature and Title) SAO									
Distribution:		Received (subject and documents) (report of interview) from							
1 - A-file		Officer _____							
		SEP 8 0 1993 19 at _____ () M							
		Disposition OSC _____							
		(Receiving Officer) _____ Asylum Officer							

FLOW CHART OF THE ASYLUM PROCESS



COMMENT NOTES WITH DATE STAMP

DATE	COMMENTS

RAXCAS01 CASE ENTRY (I589) 12/30/92 15:06:26
 CCO: ZLA A-NUMBER: [REDACTED]
 INTERVIEW OFFICE: ZLA PRINCIPAL A-NUMBER: [REDACTED]
 LAST NAME: HEDAVET MIDDLE NAME: COUNTRY OF RESIDENCE,
 FIRST NAME: HESHAM IF NOT IN U.S.:
 C/O:
 STREET1: [REDACTED]
 STREET2: [REDACTED]
 CITY: TUSCIN STATE: CA ZIP: 92705 -
 SEX: M MARITAL STATUS: M DOB: 7/04/61 COB: EGYPT NATIONALITY: EGYPT
 ETHNIC: OTHER RELIGION: OTHER PCR: LOS DOE: 7/31/92 SSN: [REDACTED]
 STATUS AT ENTRY: B2 FILING DATE: 12/29/92
 NEW A-FILE? (Y/N): Y HOLD CODE: SPECIAL GROUP:
 IMMEDIATE ACTION (Y/N): N SEPARATE SPOUSE CASE (Y/N): N A-NUMBER:
 WORK AUTH ROST (Y/N): Y ROST DATE: 12/29/92
 WORK ROST DISP (G/D): DISP DATE:
 COMMAND: I589 A-NUMBER: [REDACTED]
 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10
 CANCEL PR. MENU HELP MAIN MENU CODES LOGOFF MOD REL ADD REL
 RA000009 RECORD UPDATED, PLEASE SELECT FUNCTION

MAP: NIXOBAS NONIMMIGRANT INFORMATION SYSTEM DATE: 03/30/93
BASIC DATA DISPLAY TIME: 16:34:09

LAST NAME: HEDAYET
ADMISSION NUMBER: [REDACTED]
COUNTRY OF CITIZEN: EGYPT
CLASS OF ADM: B2
PORT OF ENTRY: LOS
CURR CLASS: B2
NUMBER OF EXT: [REDACTED]
SPECIAL STATUS: A O
ALIEN NUMBER: [REDACTED]
TRAVEL MODE: AIR
VISA ISSUE POST: CAIRO
PORT OF DEP: [REDACTED]
ADDRESS - STREET: [REDACTED]
ITINERARY: [REDACTED]
NOTATIONS: [REDACTED]
ARR CARRIER: [REDACTED]
PASSPORT NUMBER: [REDACTED]
CLEAR: LOGOFF PF4: RETURN TO ROSTER PF6: MENU PF7: INQUIRY

FIRST NAME: HESHAM
DATE OF BIRTH: 070461
COUNTRY OF RESID: EGYPT
DATE ADMITTED: 073192
DATE ADM TO: 01251993
CLASS DATE: [REDACTED]
EXT ADM TO: [REDACTED]
WAIVER: [REDACTED]
GENDER: M
BOND FLAG: [REDACTED]
VISA ISSUE DATE: 071392
DEP DATE: [REDACTED]
CITY STATE: LOS ANGELES CA
CONTROL OFC CODE: [REDACTED]
ARR FLT NO: [REDACTED]
INSPECTOR: [REDACTED]

BU

M2 R 1 C 1

MAP: NIXOBAS NONIMMIGRANT INFORMATION SYSTEM DATE: 03/30/93
BASIC DATA DISPLAY TIME: 16:34:40

LAST NAME: HEDAYET
ADMISSION NUMBER: [REDACTED]
COUNTRY OF CITIZEN: EGYPT
CLASS OF ADM: B2
PORT OF ENTRY: LOS
CURR CLASS: B2
NUMBER OF EXT: [REDACTED]
SPECIAL STATUS: A O
ALIEN NUMBER: [REDACTED]
TRAVEL MODE: AIR
VISA ISSUE POST: CAIRO
PORT OF DEP: [REDACTED]
ADDRESS - STREET: [REDACTED]
ITINERARY: [REDACTED]
NOTATIONS: [REDACTED]
ARR CARRIER: [REDACTED]
PASSPORT NUMBER: [REDACTED]
CLEAR: LOGOFF PF4: RETURN TO ROSTER PF6: MENU PF7: INQUIRY

FIRST NAME: HESHAM
DATE OF BIRTH: 070461
COUNTRY OF RESID: EGYPT
DATE ADMITTED: 073192
DATE ADM TO: 01251993
CLASS DATE: [REDACTED]
EXT ADM TO: [REDACTED]
WAIVER: [REDACTED]
GENDER: M
BOND FLAG: [REDACTED]
VISA ISSUE DATE: 071392
DEP DATE: [REDACTED]
CITY STATE: LOS ANGELES CA
CONTROL OFC CODE: [REDACTED]
ARR FLT NO: [REDACTED]
INSPECTOR: [REDACTED]

INVALID FUNCTION KEY

BU

M2 R 1 C 1

MAP: NIXOBAS NONIMMIGRANT INFORMATION SYSTEM DATE: 03/30/93
BASIC DATA DISPLAY TIME: 16:34:40

LAST NAME: HEDAYET
ADMISSION NUMBER: [REDACTED]
COUNTRY OF CITIZEN: EGYPT

FIRST NAME: HESHAM
DATE OF BIRTH: 070461
COUNTRY OF RESID: EGYPT

Saw passport - (Egyptian)

HESHAM MUHAMMED ALI HEDAYET

WHY ARE YOU APPLYING FOR ASYLUM?

In the last couple of months I was arrested for a couple of times, & made me sign reports I

belonged to

They said you are trying to overthrow the government.

I used to be head of a section in the bank.

My father is a foreigner president came to the country they put a head on my father's head are opened.

My father used to be a lord in the army & tried to finish what was happened.

cited in Angov v. Holder, No. 07-74963, archived on December 11, 2013

They said he wasn't
Egyptian he was
by Islamic rule
+ that it not just.

It was just speaking
in the mosque.

I have a chill,
so I'm scared.

From Egypt, I ~~was~~
wanted to ask for
asylum.

If I ask in Egypt
it takes maybe
3/4 year.

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

I just real lucky
go to the mosque.

I can't have
a gun.

I don't make anything.

I scared them very
much.

They scared me,
beat me, let me

spent like 14 hours in
the water.

They sent a letter to
the bank saying if you
could fix him, it would
please us.
My wife works as
a fashion designer in
the factory.

I want to be helped.

I can join a bank
over here. I have
more than 8, 5 years
experience in
department.

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

I want to a lawyer
to prepare the papers.
I want some papers.

(Don't sign the form)

What Morgan is saying?

Asad el Ben el Fort
in Dohy square,
in Cairo.

The leader of the
Morgan said to speak that
the government is not a
good government, &
it should be judged by
Islamic rules.

Are the Coptic heresy monks in Egypt?

I don't believe so.

Polyp is very good
(I am not a monk)

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

I grew up in
Coptic school, I
entered the university,
just have fun. I
go to other countries
like Spain, Denmark.

On the other hand
 I'm a religious person.

Father is retired
 1977. He's 63.

His friend said:

Don't go to that place,
 + don't see those
 names. Then they can
 keep you from being arrested again.
 I said, "I'm
 just going to go to
 the
 prison."

cited in Angov v. Holder, No. 07-74963 archived on December 11, 2013

Sometimes they can
 arrest 700,000 a day
 & they return home
 as if nothing has
 happened

They didn't
even have enough
to take care to
use for blindfolds.
They had people take off
their shirts to use for blindfolds.
The government is
scared for their chairs.

Anything else?

no relationship between
Egyptians who board
New York.

no friends. Not
all the Egyptians
in NY are not
his friends.

[REDACTED]

FROM

COMPUTER GENERATE
POSTAGE AND FEES PAID
DOJ JOURNAL POSTAL
PLEASE FURNISH HERE

[illegible]

HE SHAM: HEDAYEI

AT-
I. N. S.
290 S. ANAHEIM BLVD.
ANAHEIM, CA 92805

JUSTIN, CA 92705
REORDER

cited in Angov ~~XXXXXX~~ No. 07-74963 approved on December 11, 2013

9:30

US DEPARTMENT OF JUSTICE
 US IMMIGRATION AND NATURALIZATION SERVICE
 P.O. BOX 85015
 ANAHEIM, CA 92815-5015

NEW INTERVIEW NOTICE ***
 DATE: 3/02/93
 FROM: 1-284

YOU AND THE PERSONS LISTED IN YOUR APPLICATION HAVE BEEN SCHEDULED FOR AN INTERVIEW AT THE U.S. IMMIGRATION AND NATURALIZATION SERVICE OFFICE IN ANAHEIM, CALIFORNIA. THE INTERVIEW WILL BE HELD ON MARCH 11, 1993 AT 10:00 AM. YOU MUST APPEAR AT THE INTERVIEW WITH YOUR PASSPORT AND TWO 2x2 INCH PHOTOGRAPHS. IF YOU ARE NOT ABLE TO ATTEND, YOU MUST CONTACT THE OFFICE AT (714) 774-8800 BY MARCH 8, 1993 TO REQUEST A NEW DATE.

RESHAH HED-YEL
 JUSTIN, CA 92105