

Via Mail

Jo Ellen Ardinger, Chief Counsel
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By Hand

Assistant Field Office Director Todd Thurlow

cc: *Via Electronic Mail*

ICE director John Morton
ICE Public Advocate Andrew L. Strait
Boston Field Office Director Dorothy Herrera-Niles

June 19, 2013

**Re: Daniel Alejandro Lopez Santiago (A# 089-088-623)
Review of Request for Favorable Exercise of Prosecutorial Discretion**

Dear Chief Counsel Adinger:

I write on behalf of Migrant Justice in Vermont to notify you about a case of urgent importance to our constituency and community. Mr. Daniel Alejandro Lopez Santiago has been granted voluntary departure and is currently scheduled to depart the country by July 5, 2013. However, based on ICE's prosecutorial discretion policies, as described by ICE Director John Morton in the June 17, 2011 memoranda *Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens and Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs*, Mr. Lopez Santiago is an excellent candidate for prosecutorial discretion. We ask that ICE commit to granting prosecutorial discretion as soon as possible so that Mr. Lopez Santiago can seek to reopen and then administratively close his immigration court proceedings prior to July 5, 2013.

Mr. Lopez Santiago is a valuable member of our community, and a highly esteemed civil rights leader in the state, who was recognized at the University of Vermont as the "Vermont Human Rights Hero" of the year for 2011. He has no criminal history and poses no threat to public safety. His departure would be an enormous loss to the country.

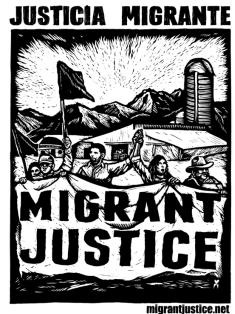
We are providing the information below at his request in order to assist with ICE's prosecutorial discretion review of his case. I am enclosing over 20 letters from individuals who know Mr. Lopez Santiago and attest to his character, leadership, and civic involvement, as well as 10 news articles covering Mr. Lopez-Santiago's community work. Also attached is a privacy waiver from Mr. Lopez Santiago authorizing ICE to discuss his case with myself and Migrant Justice (7).

I. Case Background

Mr. Lopez Santiago has lived in Vermont since 2007. He came to the United States as a teenager to support his younger sister's dreams of attending school. Since his release, he has worked day and night to support his family.

On September 13, 2011, Mr. Lopez-Santiago was a passenger in a vehicle on Interstate Highway 89, which was pulled over for speeding. The police officer questioned Mr. Lopez Santiago about his immigration status, then called Border Patrol. Mr. Lopez-Santiago was taken into custody and placed in removal proceedings. The Vermont Human Rights Commission investigated the incident and found that Mr. Lopez-Santiago was unlawfully discriminated against in violation of Vermont's Fair Housing and Public Accommodation Act (5).

On February 28, 2012 Mr. Lopez-Santiago filed a Motion to Suppress before Immigration Judge Robin Feder in Boston immigration court. The motion was denied, and an appeal was entered in May 24 2012. The Board of Immigration Appeals upheld Judge Feder's decision on May 6, 2013. On April 24, 2012, Mr. Lopez



Santiago filed a request for Prosecutorial Discretion with the Office of Chief Counsel in Boston, MA (4). The request was denied. Mr. Lopez-Santiago has one prior entry attempt from 2007.

II. Mr. Lopez Santiago merits a positive exercise of prosecutorial discretion

Mr. Lopez Santiago is a highly respected civil rights leader in Vermont. Just three weeks before his September 2011 arrest, Mr. Lopez Santiago led the first farmworker press conference and rally at the Vermont State House. A month later, he met with Vermont Governor Peter Shumlin to address building trust between police agencies and immigrant communities. His leadership and advocacy led directly to the adoption of an improved State Police Bias-Free Policing policy. More recently, he was a key leader in advocating for a successful road safety bill for Vermont, expanding access to drivers licenses to more state residents.

In his letter, U.S. Patrick Leahy (1) states “Mr. Lopez...has become a leader in his community” and urges ICE to exercise prosecutorial discretion. Senator Bernie Sanders (1) notes that Mr. Lopez-Santiago “has an excellent reputation...he was a key leader in the successful two year effort to persuade the Vermont legislature to pass a new law”. Congressman Welch (1) adds, “his strong ties to Vermont ...his commitment to improving opportunities for farmworkers...is why I am joining many Vermonters in weighing on his behalf”. State Senator Anthony Pollina (2), who worked with Mr. Lopez to pass the road safety bill, echoes this sentiment, stating that through his advocacy, Mr. Lopez-Santiago “was honest and fair, gaining the respect of all with whom he came in contact”. Other letters discuss Mr. Lopez-Santiago’s generosity, his hours of volunteering, his leadership skills and his dedication to his community (3,4).

III. Conclusion

I am aware that Mr. Lopez-Santiago has a prior apprehension at the border. However, I believe that the strong positive factors in his case outweigh this negative factor. Mr. Lopez Santiago is an exemplary individual by all accounts. Mr. Lopez-Santiago is deeply committed to public service. He is not a threat to public safety, has no criminal record and is an irreplaceable asset to the community. He has cemented deep ties in Vermont after living here for six continuous years. His record and story show that if given a chance to remain in the United States, he will use his time and work to make Vermont and the country a better place, and will continue to be a civic leader. Please consider exercising prosecutorial discretion prior to his voluntary departure deadline of July 5, 2013, so that legal action can be taken on his behalf to prevent an order of removal from being issued.

IV. Supporting Documents

The following documents are attached to assist your review of this case:

1. Letters from U.S. Senators Patrick Leahy, Bernie Sanders and Congressman Peter Welch (VT)
2. Letters from State Senator Anthony Pollina, State Representatives Kesha Ram, Christopher Pearson, Diane Lanpher, and Mollie Burke
3. Letters from other community members
4. Prior Prosecutorial Discretion request, with letters of support
5. VT Human Rights Commission ruling on Daniel A. Lopez -Santiago vs. Vt Dept. of Public Safety
6. Compilation of media coverage of Mr. Lopez-Santiago’s civic engagement and leadership
7. Privacy waiver (ICE form 60-001)

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,

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