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Yknnku." I tcekg"(Counsel for Petitioner)

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Counsel for Petitioner

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CTIWGPV

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94/795"*;vj "Ekt0"Ugrv0"42."423 :+0⁷"*Bermudez-Cota* jgnf"vj cv"c" fghgevkxg" PVC"xguvu"
lwtkufkevqp" hqt"vj g"rwtrqugu"qh" : "W0U0E0"È"344;*c+."cu"nqpi "cu"kv"ku" hqnnq y gf" d { "c"
rtqrgtn { "ugtxgf" Pqvkeg"qh" J gctkpi "*õPQJ ö+0"Vj cv" fgekukqp"ku" tgc fkn { "
fkuvkpi wku jcdng"htq o "vj g"kpucpv"ecug0"Hktuv."wpnkmg"vj g"pqpekvk | gp"kp"*Bermudez-*
Cota."Fwtcp/Qtvgi c"pgxgt"tgegkxgf"pqvkeg"qh" j ku"j gctkpi 0"Nkmg"vj g" PQJ "ugpv"vq"vj g"
pqpekvk | gp"kp"*Pereira*."vj g" PQJ "ugpv"vq" Fwtcp/Qtvgi c" y cu"tgvwtpgf"cu"
wpfgnxgtcdng0"See *Pereira*."35 : "U0"Ev0"cv"4329="Gz0"70"

6n"Vj ku"Eqwv"pggf"pqv"tgcej"vj g"lwtkufkevqpcn"kuuwg"jgtg."dgecwug"vj g"ncem"qh"c"
uvcvwwvqtkn { /eq o rnkcpv" PVC"ku"uw h O O fgt"Ugevkqp" O
344;*c*D+*7+*E+0"

7n"Vj g"nc y "kp"vj ku"ctgc"j cu"dgpp"tcrkfn { "fgxgnrkpi" fwtkpi"vj g"eqwtug"qh" Fwtcp/
Qtvgi cøu"cr rgen0"Vj g"*Pereira*" fgekukqp"ec o g"fqyp"chvgt"vj g"KLøu"Cr tkn"46"qtfgt."cpf"
vj g"*Bermudez-Cota*" fgekukqp" y cu"kuuwgf" y jkng"vj g"cr rgen" y cu"rgpfkpi"cv"vj g"DKC0"

Ugeqpf."vjg"DKC"kp"*Bermudez-Cota* k o rtqrgtn{"cvvg o rvgf"vq"nk o kv"vjg"
 j qn f k p i "k p "P e r e i r a "v q "v j g "õ u v q r /v k o g ö "t w n g "h q t "r w t r q u g u "q h "v j g "t g o g f {"q h"
 e c p e g m n c v k q p "q h "t g o q x c n 0 " Y j k n g "k v "k u "v t w g "v j c v "P e r e i r a "c t q u g "k p "v j g "e c p e g m n c v k q p "
 e q p v g z v . "v j g "U w r t g o g "E q w t v " o c f g "e n g c t "v j c v "È"344 ; *c + "õ u r g c m] u _ "k p " f g h k p k v k q p c n "
 v g t o u ö "P e r e i r a . "35 : "U 0 "E v 0 "c v "43380 " Y j g t g "c "u v c v w v g "k u " f g h k p k v k q p c n "h q t "q p g "
 u w d u g e v k q p " * i . e . "h q t "v j g "r w t r q u g u "q h "v j g "u v q r /v k o g "t w n g "k p " : "W 0 U 0 E 0 "È"344 ; d + . "k v "k u "
 f g h k p k v k q p c n "h q t "r w t r q u g u "q h "q v j g t "u w d u g e v k q p u " * i . e . "h q t "v j g "g p v t {"q h "c p "i n a b s e n t i a "
 q t f g t "w p f g t " : "W 0 U 0 E 0 "È"344 ; c * d + * 7 + + 0 ⁸ ""

V j k t f . "c r r n {"k p i "B e r m u d e z - C o t a "v q "F w t c p /Q t v g i c ø u "h c e v u " y q w n f "h n {"k p "v j g "
 h c e g "q h "v j g "r n c k p "u v c v w v q t {"n c p i w c i g "w p f g t " y j k e j "j g "k u "u g g m k p i "v q "t g q r g p "j k u "e c u g 0 "
 S e e : "W 0 U 0 E 0 "È"344 ; c * d + * 7 + * E + * "k h "p q p e k v k | g p "f g o q p u v t c v g u "v j c v "j g "õ f k f "p q v "t g e g k x g "
 p q v k e g "k p "c e e q t f c p e g "y k v j ö "È"344 ; *c + * 3 + = "i . e . "c "p q v k e g "e q p v c k p k p i "v j g "f c v g "c p f "v k o g "
 q h "c "j g c t k p i . "i n a b s e n t i a q t f g t " o c {"d g "t g u e k p f g f + 0 "D g e c w u g "v j g "r w v c v k x g "P V C "

⁸"Ugxgtcn"fkuvtkv"eqwtvu"jcxg"tglgevgf"vjg"pcttqy"kpvgtrtgvckqp"qh"

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/"39"/

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Fwtcp/Qtvgi cøu" PQJ " y cu" tgvwtpgf" y kvj " vjg" pqvcvkqp" qh" ökpwwhkekgpv" cf ftguu.ö"
engctn{ "kpfkecvkpi" vjcv" jg" jcf" pqv" tgegkxgf" vjg" pqvkeg0" Gz0" 70" Cf. Carrera v. U.S.
Att'y Gen.. "644" Hgf0" Cr røz0" 977. "978" ("p05" *33vj "Ekt0" 4233+ "*"pqvkeg" y cu" uwhhkekgpv"
y jgtg" övjg" tgeqtf" ncemu" cp{ "gxkfgpeg" vjcv" vjg" pqvkeg" y cu" tgvwtpgf" cu" wpfgnkxgtgfö"
cpf" öpgkvjgt" vjg" Eqwv" pqt" KPU" jcf" cp{ "kpfkecvkqp" vjcv"]vjg" rgvkvkqpgt_ " jcf" pqv"
tgegkxgf" vjg" pqvkeg" qh" jgctkpi 0ö+0"

Dgecwug" F J U" pgkvjgt" eq o rnkf" y kvj" uvcvwwqt{ "tgswtg o gpvu" kp" ugtxkpi " vjg"
kpkvkn" PVC. "pqt" fkv" kv" fg o qpuvtcvg" rtqrgt" ugtxkeg. "kv" hckngf" vq" o ggy" kvu" dwtfgp" vq"
ujqy " d{ "öengct. "wpgs wqxqecn. "cpf" eqpxkpekpi "gxkfgpegö" vjcv" kv" eq o rnkf" y kvj "
uvcvwwqt{ "pqvkeg" tgswtg o gpvu" dghqtg" Fwtcp/Qtvgi c" y cu" tgoqxgf" in absentia0"
Vjwu. "vjg" wuwcn"; 2" fc{ "fgcfnkpg" hqt" c" o qvkqp" vq" tgrrgp" fqu" pqv" dct" Fwtcp/Qtvgi c"
htq o "tgnkgh. "cpf" jku" in absentia tgoqxcn" qtfgt" ujqwnf" dg" tguekpfgf0" See : "W0U0E0"
È"344; c*d+*7+*E+*kk+= "Matter of M-R-A-. "46" K (P" Fge0" 887" *DKC" 422: +0"

KK0 TGOQXCN" YKNN" ECWUG" KTTGRCTCDNG" JCTO0"

**C0 Fwtcp/Qtvgi c" Y km" Uwhhgt" Rgtugewkqp" Wrqp" Tgoqxcn" Y kvj " Pq"
I wctcpvgg" qh" Tgvwtp" vq" vjg" Wpkvgf" Uvcvgu"**

Fwtcp/Qtvgi cøu" tgoqxcn" rgpfkpi " jku" cr rgen" y qwnf" ecwug" kttgrctcdng" jct o "
dgecwug" kv" eqwnf" uvtkr" jk o "qh" cp{ "cdknkv{ "vq" rtgugpv" jku" cu{ nw o "enck o u" cpf" hqteg" jk o "
vq" tgvwtp" vq" c" eqwvvt{ " y jgtg" jg" jcu" c" y gmn/hqwpfgf" hgct" qh" rgtugewkqp0" Fwtcp/
Qtvgi c" jcu" c" prima facie" ecug" hqt" cu{ nw o "cpf" y kvj jqnfkpi "qh" tgoqxcn" dcugf" qp"

ejcpi g f"ektew o uvcpegu"kp"Gn"Ucnxc fqt0"V j g"KPC"tgs wktgu"v j cv" Fwtcp/Qtv g i c"dg"
 òr j {ukecnn{ "rtgugpvö"kp"v j g"Wpkvgf"Uvcvgu"vq"enck o "cu{nw o 0"See : "W0U0E0"
 È"337 : *c+*3+0"Kh"j g"ku"tg o qxgf"dg hqtg"j g"ku"cdng"vq"rwtuwg"v j gug"enck o u."j g" o c{"dg"
 dcttgf"htq o "ghhgev kxg"tgnkgh0"See *Sadhvani v. Holder*."7 ; 8"H05 f"3 : 2."3 : 5"*6v j "Ekt0"
 422 ; +* y jgtg"cu{nw o "c r nkecpv" y cu"tg o qxgf"dg hqtg"v j g"DKC"eqwnf"twng"qp"j ku"
 o qvkqp"vq"tgqr gp."ö v j g"DKC"fkf"pqv"cdwug"kvu"fkuegvkqp"kp"fgp{kp i "tgnkgh"dcugf"qp"
 v j g"uvcvwwqt{"tgs wktg o gpv"v j cv"qp g" o wuv"dg"rtgugpv"kp"v j g"Wpkvgf"Uvcvgu"vq"dg"
 gnk i kdng"htq"cu{nw o 0ö+0"V j ku"Eqwtv"j cu"pqv"fk tgevn{"urqmgp"qp"v j g"r j {ukecn"rtgugpeg"
 kuuwg."cpf" Fwtcp/Qtv g i c"fqgu"pqv"eqpefg"v j cv"tg o qxcn"y qwnf"dct"j ko"htq o "
 gnk i kdknv{"htq"cu{nw o 0"Dwv"v j g"tkum"qh"j ku"tgvwtp"vq"c"eqwpt{"y jgtg"j g"hgctu"
 rgtugewkqp."y kv j qwv"cp{"i wctcpvgg"v j cv" F J U"y qwnf"tgvwtp"j ko"vq"v j g"Wpkvgf"Uvcvgu"
 htq"hwmm"eqpukfgtcvkqp"qh"j ku"c r r gcn."y qwnf"ecwug"kttg r ctcdng"j ct o 0"

Kh"tg o qxgf." Fwtcp/Qtv g i c"hcegu"rtqdc dng"v j tgcvu"vq"j ku"r j {ukecn"y gnhctg"
 i kxgp"j ku"tgrwvcvkqp"cu"lqwtpcnkuv"kp"v j g"Wpkvgf"Uvcvgu"cpf"j ku"gz r tguugf"kpvgpv"vq"
 eqpvkpwg"y qtmkp i "cu"cp"kp xguvk i cvkxg."cpvk/eqttwrvkqp"lqwtpcnkuv0"V j gug"
 eqpukfgtcvkqpu"y gk i j"uvtqpin{"kp"hcxqt"qh"cuvc{0"See, e.g., *Leiva-Perez v. Holder*."
 862"H05 f"; 84." ; 8 ; * ; v j "Ekt0"4233+*õ]V_j g"nkmgkjqqf"qh"]r j {ukecn"fcpi gt_."
 fgvgt o kpgf"crctv"htq o " o gtkvu"kuuwgu"0"0"0"u j qwnf"dg"rctv"qh"v j g"kttg r ctcdng"j ct o "
 kpswkt{0ö+0" ""

"

D0 Fwtcp/Qtvgi cøu" Tg o qxcn" Y qwnf" Xkqncvg" vjg" Eqpukvwvkqp" cpf"
Ejkn" Hktuv" C o gpf o gpv" Tki jvu0"

"

Rwtuwcpv"vq": "W0U0E0"È"3474*c+*4+*F+."v jku"Eqwtv"jcu"lwtkufkevqp"vq"tgxkgy"

Fwtcp/Qtvgi cøu"enck o u"vjcv"jku"tg o qxcn" y qwnf" xkqncvg" vjg" Eqpukvwvkqp0" *Bing Quan*

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C o g p f o g p v " r t g e n w f g u " n e y " g p h q t e g o g p v " q h h k e k c n u " h t q o " v c m k p i " c f x g t u g " c e v k q p "

R i c h a r d " c p " k p f k x k f w c n " k p " t g u r q p u g " v q " v j g k t " #

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EGTVKHKECVG"QH"EQORNKCPEG"YKVJ"V [RG/XQNWOG"NKOKV."
V [RGHCEG"TG SWKTGO GPVU."CPF"V [RG/UV [NG"TG SWKTGO GPVU"

30"" V{rg/Xqnw o g"
Vjku"fqew o gpv"eq o rnkgu"ykvj"vjg"yqtf"nk o kv"qh"Hgf0"T0"Cr r0"R0"49*f+*4+ "
dgecwug"vjku"fqew o gpv"eqpvckpu"7.348"yqtfu."gzenwfkpi"vjg"rctvu"qh"vjg"
fqew o gpv"gzg o rvgf"d{ "Hgf0"T0"Cr r0"R0"54*h+0""

40"" V{rghceg"cpf"V{rg/UV{ng"
Vjku"fqew o gpv"eq o rnkgu"ykvj"vjg"v{ rghceg"tgs wktg o gpvu"qh"Hgf0"T0"Cr r0"R0"
54*c+*7+"cpf"vjg"v{ rg/uv{ng"tgs wktg o gpvu"qh"Hgf0"T0"Cr r0"R0"54*c+*8+"dgecwug"
vjku"fqew o gpv"jcu"dggp"rtgrctgf"kp"c"rtqrqtvkqpcnn{"urcegf"v{ rghceg"wukpi "
Oketquqhv"Yqtf"4232"kp"36"rqkp"Vko gu"Pgy" Tq o cp0"

FCVGF<"Qevqdg"52."423:" " " ul"Okejgmg"T0"Ncrqkpvg""

EGTVKHKECVG"QH"UGTXKEG"

" K" JGTGD ["EGTVKH ["vjcv"qp"Qevqdt"52."423:."K"ecwugf"Rgvkvkqpgtøu"
" OQVKQP"VQ"UVC ["TGOQXCN"cpf"ceeq o rcp{kpi"gzjkdkvu"vq"dg"ugtxgf"qp"cmn"
" rctvkgu"qt"vjgkt"eqwpugn"qh"tgeqtf"d{"ugtxkpi"c"vtwg"cpf"eqttgev"eqr{"d{"Hgfgtcn"
" Gzrtguu"cv"vjg"cf ftguugu"nkuvgf"dgnqy<"

Lghgtuqp"D0"Uguukqpu"KKK"
Cvvtqpg{" I gpgtcn"
W0U0" Fgrctv o gpv"qh"Lwuvkeg"
;72"Rgppu{nxcpkc"Cxgpwg." P Y "
Y cuj k p i v q p ." F E " 4 2 7 5 2 / 2 2 2 3 "

Fcxkf" OeEqppgm"
Fktgevqt." Qhhkeg"qh"K o o k i t c v k q p " N k v k i c v k q p "
Ekxkn" Fkxkukqp"
W0U0" Fgrctv o gpv"qh"Lwuvkeg"
R0Q0"Dqz":9:."Dgp"Htcpmnp"Uvcvkqp"
Y cuj k p i v q p ." F 0 E 0 " 4 2 2 6 6 "

Ugcp" I c m n c i j g t "
Hkgnf"Qhhkeg" Fktgevqt"
Cvncpvc" Hkgnf" Qhhkeg"
W0U0"K o o k i t c v k q p " c p f " E w u v q o u " G p h q t e g o g p v "
3:2"Vgf"Vwtpgt" Ftxg." U Y " U w k v g " 7 4 4 "
Cvncpvc." I C " 5 2 5 2 5 "

" " " " " " " " ul"Okejgmg"T0"Ncrqkpvq" "
" " " " " " " " Okejgmg"T0"Ncrqkpvq" "