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Itcwpmg."Mtkvk"N0"*(Counsel for Petitioner)*"

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Yknku." I tcekg"(Counsel for Petitioner)

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Tgur gehwmm{"uwd o kvvg f"vj ku"52<sup>j</sup>"qh"Qevqdg t."423:."

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" " " " " ul"Okej gmg"T0"Ncrqkpv g" "  
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*Counsel for Petitioner*

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Ektew o uvcpegu0A

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kp"ceeqtfcpegö" ykvj"ugevkqp"344;\*c+\*3+0"See : "W0U0E0"È"344;\*c\*d+\*7+\*E+\*"in absentia  
qtfgt" o c { "dg"tguekpf g f "kh"pqpekvk | gp"fg o qpuvtcvgu"vj cv"j g"õfkf"pqv"tgegkxg"pqvkeg"  
kp"ceeqtfcpeg" ykvj ö"È"344;\*c+\*3+0"kp"vj g"cnvgtpcvkxg."vj g"hcwnv { "PVC"hcngf"vq"xguv"  
vj g"ko oki tcvkqp"eqwv" ykvj "lwtkufkevqp"vq"j gct"j ku"ecug"cpf"vj g"tg o qxcn"qtfgt"ku"  
kpxcnkf"qp"vj cv"dcuku"cu" ygnn0"See *Virgen-Ponce*."542"H0"Uwr r0"5f"cv"33880<sup>6n</sup>

Vj g"DKC"cvvg o rvu"vq"guecrg"vj g"engct"ko rqtv"qh"*Pereira*"d { "ekvki "kvu" fgekukqp"  
kp"*Matter of Bermudez-Cota*."49"K ( P "Fge0"663"\*DKC"423 :+."*appeal filed*."Pq0"3 :/  
94/795"\*;vj "Ekt0"Ugrv0"42."423 :+0<sup>7</sup>"*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"  
wpgnxgtcdng0"See *Pereira*."35 : "U0"Ev0"cv"4329="Gz0"70"

6n"Vj ku"Eqwv"pggf"pqv"tgcej"vj g"lwtkufkevqp"kuuwg"jgtg."dgecwug"vj g"ncem"qh"c"  
uvcvwwqtkn { /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 0 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 "

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<sup>8</sup>"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 absentia*0"  
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" j k o "qh" cp { "cdknkv { "vq" rtgugpv" jku" cu { nw o "enck o u" cpf" hqteg" j k o "  
vq" tgvwtp" vq" c" eqwpvt { " 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 j qnfkpi "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{ " r t g u g p v ö"kp"v j g"Wpkvg f"Uvcvgu"vq"enck o "cu{nw o 0"See : "W0U0E0"  
 È"337 : \*c+\*3+0"Kh"j g"ku"tg o qxg f"dg hqtg"j g"ku"cdng"vq"rwtuwg"v j g u g"enck o u."j g" o c{"dg"  
 dcttg f"htq o "ghhgevkxg"tgnkgh0"See *Sadhvani v. Holder*."7 ; 8"H05 f"3 : 2."3 : 5"\*6v j "Ekt0"  
 422 ; +"\* y j g t g"cu{nw o "c r r nkecpv" y cu"tg o qxg f"dg hqtg"v j g"DKC"eqwn f"twng"qp"j ku"  
 o qvkqp"vq"tgqr g p."ö v j g"DKC" f k f"p q v"cdwug"kvu" f k u e t g v k q p"kp" f g p { k p i "t g n k g h" d c u g f" q p"  
 v j g"uvcvwwqt {"tgs wktg o g p v"v j cv"q p g" o w u v" d g" r t g u g p v" k p"v j g" W p k v g f" U v c v g u" v q" d g"  
 g n k i k d n g" h q t" c u { n w o 0 ö + 0" V j k u" E q w t v" j c u" p q v" f k t g e v n { " u r q m g p" q p" v j g" r j { u k e c n" r t g u g p e g"  
 k u u w g." c p f" F w t c p / Q t v g i c" f q g u" p q v" e q p e g f g" v j c v" t g o q x c n" y q w n f" d c t" j k o" h t q o "  
 g n k i k d k n v { " h q t" c u { n w o 0" D w v" v j g" t k u m" q h" j k u" t g v w t p" v q" c" e q w p v t { " y j g t g" j g" h g c t u"  
 r g t u g e w v k q p." y k v j q w v" c p { " i w c t c p v g g" v j c v" F J U" y q w n f" t g v w t p" j k o" v q" v j g" W p k v g f" U v c v g u"  
 h q t" h w n n" e q p u k f g t c v k q p" q h" j k u" c r r g c n." y q w n f" e c w u g" k t t g r c t c d n g" j c t o 0"

Kh"tg o qxg f." Fwtcp/Qtv g i c" h c e g u" r t q d c d n g" v j t g c v u" v q" j k u" r j { u k e c n" y g n h c t g"  
 i k x g p" j k u" t g r w w c v k q p" c u" c" l q w t p c n k u v" k p" v j g" W p k v g f" U v c v g u" c p f" j k u" g z r t g u u g f" k p v g p v" v q"  
 e q p v k p w g" y q t m k p i" c u" c p" k p x g u v k i c v k x g." c p v k / e q t t w r v k q p" l q w t p c n k u v 0" V j g u g"  
 e q p u k f g t c v k q p u" y g k i j" u v t q p i n { " k p" h c x q t" q h" c" u v c { 0" See, e.g., *Leiva-Perez v. Holder*."  
 862"H05 f"; 84." ; 8 ; "\*" ; v j " E k t 0" 4233+ "\*" ö ] V \_ j g" n k m g n k j q q f" q h" ] r j { u k e c n" f c p i g t \_."  
 f g v g t o k p g f" c r c t v" h t q o " o g t k v u" k u u w g u" 0" 0" 0" u j q w n f" d g" r c t v" q h" v j g" k t t g r c t c d n g" j c t o "  
 k p s w k t { 0 ö + 0" ""

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

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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" "