

## November 12, 2015 hypos

***Thanks for participating!*** Please be ready to summarize the facts and analysis when we get back together.

### Hypo #1

A 15 year old girl came in 2014. Kept four days in a small room with adults. No bed, lights on 24 hours, and extremely cold. No medical care for her fever. How would you argue a termination motion? If you have time, please outline how would you argue for suppression.

### Hypo #2

A girl was held in very cold conditions with lights kept on around the clock. On the second day in detention, DHS advised her of her rights then got the child to admit she was born outside the US. IJ Cheng asks you (a) what was violated, (b) why should prejudice be presumed, and (c) what facts in this hypo or that you'd hope to gather would prove that actual prejudice exists?

### Hypo #3

A 13 year old boy was given an NTA but DHS would not give him a copy until 3 weeks later. DHS did not serve the parents. The child is released with the NTA, joins his parents in NYC, and brings a lawyer to the first court date. IJ Wright wants to understand how you are contesting NTA service and how come there isn't merely a technical violation.

### Hypo #4

A 14 year old girl was caught at the border and put in an ORR shelter. At that point, ICE created an NTA. The NTA has a stamp saying "served on conservator" with an illegible scribble for a signature and no typed name. What is the argument that the NTA was not properly served? If DHS gives you a copy at the MCH, how do you respond?

### Hypo #5

A 17 year old boy from Honduras was caught at the border, lost his birth certificate during the trip, told CBP he was 17 but they treated him as >18 and put him with adults for 8 days, traumatizing him. DHS attorneys claimed ICE could not get an answer from the consulate about the boy's true age. After realizing the mistake, ICE put him in solitary for 24 hours then moved him to a shelter. What's the termination motion?

### Hypo #6

A 15 year old boy from El Salvador was caught at McAllen, TX, put in a frigid room, and wasn't shown or given an NTA, an I-770 form, or an *Orantes* notice. CBP created an NTA and I-770 that say the child supposedly refused to sign for them – he says that didn't happen. IJ Tsankov wants to know (a) why terminate and (b) whether ICE can cure any problem by serving an NTA in court? If IJ Tsankov allows ICE to cure in court, what's your next move?

Hypo #7:

A 13 year old boy from Honduras was caught at the border during the “surge,” is held in the “hieleras” for 10 days without being allowed to shower and then sent to an ORR shelter without getting an I-770 or NTA from CBP. At court, ICE argues that DHS and EOIR entered an “agreement” to not provide the I-770 or NTA at the time of capture because it was impossible to do during the “surge.” What’s your response?