

## **Summary Timeline Immigration History of Rosa Aurora Sabido-Valdivia**

*To the greatest extent possible, the information specified in this summary has been verified with documentation that can be available upon a request to [jennifer@KainRiosImmigration.com](mailto:jennifer@KainRiosImmigration.com)*

Rosa was born in Jalapa, Veracruz, Mexico April 3, 1964.

Blanca and Manuel Sabido were married in 1965 and divorced in 1974.

Rosa's mother Blanca married Rosa's stepfather Roberto on April 3, 1982. It was Rosa's 18<sup>th</sup> birthday. For US immigration law to recognize the relationship of stepchild between Rosa and Roberto, the marriage needed to take place before she turned 18.

After doing agricultural work in the US for several years, Rosa's stepfather established a home in Cortez, Colorado in about 1984.

Rosa first entered the US as a visitor in April or May of 1987 at the age of 23. Rosa remembers traveling with her mother, flying from Mexico City to an airport in the US and then flying to Cortez, Colorado to spend time with Roberto. Rosa remembers that Blanca was still working for a construction company in Mexico City as bookkeeper and office administrator until about 1993 or 1994 when she retired to join Roberto permanently at the family home in Cortez, Colorado.

Copies of pages of Rosa's old passport shows that she entered the US with a visitor visa on April 17, 1990 through the Dallas airport. Rosa traveled to Mexico in July 1991; she returned to the US after 2 weeks and entered with a B2 visitor visa through the airport in San Francisco and flew to Cortez, Colorado.

Copies of pages of Rosa's passport shows that Rosa traveled to Mexico in 1992; she returned to the US and entered with a B2 visitor visa on March 21, 1992 through the Denver airport.

Rosa remembers that she traveled to Mexico in December 1995; she returned to the US after one month and entered with a B2 visitor visa.

Rosa remembers that she traveled to Mexico on May 31, 1996; she returned to the US after 2 weeks and entered with a B2 visitor visa.

Rosa traveled to Mexico on December 17, 1997; she tried to re-enter the US at the airport in Phoenix AZ with her visitor visa on April 7, 1998. She was questioned about the time she spent in the US and if she was working in the US. She was sent back to Mexico after being permitted to withdraw her application for admission. The immigration judge described this as a Voluntary Return and found it to be an independent reason to find a break in her required 10 years continuous presence in the US, which disqualified her from Cancellation of Removal.

Rosa entered the US without inspection on or about May 31, 1998. She was absent from the US for 5 and half months. According to legal precedent, because this absence was longer than 90 days, it broke the accrual of 10 years of continuous physical presence in the US, which later

disqualified Rosa from Cancellation of Removal when the immigration judge decided her case in 2002.

Roberto naturalized on October 21, 1999. Blanca was now the spouse of a US citizen and she was able to immediately apply for and receive her lawful permanent residence through Roberto's petition for her.

Blanca became a lawful permanent resident in 2001.

Blanca filed an I-130 Petition for Rosa in July 2001. This was too late to preserve the opportunity for INA §245(i) protection. Rosa's was initially classified in the F2B visa preference category, as an adult daughter of a lawful permanent resident.

A notario in Los Angeles filed an asylum application for Rosa.

The asylum application was referred to US Immigration Court in Los Angeles.

Rosa represented herself *pro se* in Immigration Court and withdrew the asylum application in immigration court on April 16, 2001.

Rosa agreed to Change of Venue to US Immigration Court in Denver, March 22, 2002.

Rosa filed for Cancellation of Removal before the Immigration Judge in Los Angeles and completed the submission of documents with the US Immigration Court in Denver. Rosa continued to represent herself in immigration court *pro se*.

The Immigration Judge denied Rosa's Cancellation of Removal on August 19, 2002 and granted a 60 day voluntary departure period to October 18, 2002.

Rosa appealed to Board of Immigration Appeals *pro se* on September 18, 2002.

Board of Immigration Appeals denied Rosa's Appeal on February 20, 2004.

Rosa appeared for an interview appointment scheduled on March 17, 2004 with US ICE to demonstrate her means to depart the US. She returned to her family home in Cortez, Colorado.

Rosa filed a Petition for Review *pro se* before the 10<sup>th</sup> Circuit Court of Appeals on March 18, 2004.

10<sup>th</sup> Circuit denied Rosa's Petition for Review on September 13, 2005.

ICE arrested Rosa at her family home on September 12, 2008, having classified her as a fugitive. There is no available evidence of correspondence from ICE to Rosa after the March 2004 ICE interview, which she attended. Rosa was detained for several hours at the US ICE office in Durango, Colorado. Rosa was released from detention under an Order of Supervision. Her nephew

and cousin, who were also arrested at the family home that day, were later deported to Mexico. Rosa returned to her family home in Cortez.

Rosa underwent major abdominal surgery to remove massive uterine myomas on March 26, 2009. She was in the hospital for more than a week following surgery.

Rosa worked with Attorney Kelly Ryan to get help with understanding her legal situation and communicating with USICE about her medical condition and continuing the Order of Supervision in 2009.

Attorney Jennifer Kain-Rios first contacted US ICE in July 2010 on Rosa's behalf and again in December 2010. US ICE informed Attorney Kain-Rios that Rosa's order of supervision would terminate on March 15, 2011.

Attorney Kain-Rios filed an application for a Stay of Removal on March 3, 2011. It was granted on March 11, 2011, valid with an Order of Supervision through March 2, 2012. Stays of Removal can be granted for a maximum of one year at a time. An Order of Supervision was continued, which is the basis for eligibility for employment authorization.

Attorney Kain-Rios filed a second Application for Stay of Removal on behalf of Rosa on March 2, 2012. It was granted on March 16, 2012 valid until March 1, 2013.

Attorney Kain-Rios filed a third Application for Stay of Removal on behalf of Rosa on February 27, 2013, which was granted on March 8, 2013 valid until March 3, 2014.

Attorney Kain-Rios filed a fourth Application for Stay of Removal on behalf of Rosa on March 14, 2014, which was granted on March 18, 2014 valid for one year.

Attorney Kain-Rios filed a fifth Application for Stay of Removal on behalf of Rosa on April 3, 2015, which was granted on April 23, 2015 valid for one year.

Attorney Kain-Rios filed a sixth Application for Stay of Removal on behalf of Rosa on April 19, 2016, which was granted on April 27, 2016 valid for one year.

Attorney Kain-Rios filed a seventh Application for Stay of Removal on behalf of Rosa on April 26, 2017. Another ICE officer signed the denial for Acting Field Officer Director Jeffrey Lynch on May 11, 2017. The denial was postmarked on May 16 and was received at my Office on Friday May 19, 2017

Rosa asked for sanctuary at the Mancos United Methodist Church. They accepted and she entered sanctuary on Friday, June 2, 2017. She has remained in sanctuary there since.

Rosa was previously scheduled for a check in appointment with US ICE in Durango on Monday June 5, 2017. Pastor Craig Paschal, members of his Mancos United Methodist Church congregation, members of the Montelores Catholic Communities and community members from

the towns near Mancos and Cortez, Colorado, attended the check in appointment with USICE on Rosa's behalf on June 5, 2017.

Rosa is still waiting for the opportunity to become a Lawful Permanent Resident, based on the approved I-130 Petition filed by her mother Blanca in July 2001. Rosa is now classified in the Family Based Preference Category 1, as the adult unmarried daughter of a US citizen, because her mother is now a US citizen. The US Department of State Visa Bulletin for July 2017, shows that those in FB1 category from Mexico, who filed on or before January 15, 1996, now finally as of July 1, 2017 can apply to become lawful permanent residents because their priority date is finally current, 21 years after the petition was filed. Based on the limited number of visas set by Congress for each immigrant category and the number of petitions ahead of her, it will still be many years before Rosa will be able to apply for lawful permanent residence based on her mother's petition for her.

Rosa may file for a new Stay of Removal. She will work with her family, community members and Attorney Kain-Rios to prepare and file a new application for Stay of Removal when sufficient additional documentation and evidence is available. Even if a new Stay of Removal is granted, it is a short term and impermanent solution.

Rosa will work with community members and Congressional offices to request support for a Private Bill, which if passed, may result in lawful permanent residence.

Rosa will work with her attorney to pursue any other opportunities that the law or agency discretion may offer, which would allow her to remain with her family and her community in Colorado.