

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LILIAN PAHOLA CALDERON JIMENEZ,
and LUIS GORDILLO, *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs-Petitioners,

v.

MARKWAYNE MULLIN, *et al.*,

Defendants-Respondents.

No. 18-cv-10225-PBS

**DECLARATION OF
STEPHEN BANDAR
IN SUPPORT OF PETITIONERS'
MOTION TO ENFORCE THE
SETTLEMENT AGREEMENT**

I, Stephen Bandar, declare as follows:

1. I am the proprietor of the Law Offices of Stephen E. Bandar, and I represent Nathalya Alves da Silva in immigration matters. I am over the age of eighteen and have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify thereto. I submit this Declaration in support of Petitioners' Motion to Enforce the Settlement Agreement.

2. Ms. Alves da Silva is a *Calderon* class member who resides in Massachusetts. She has an approved Form I-130, a final order of removal, and is married to a U.S. citizen. She has not departed under her final order of removal.

3. Ms. Alves da Silva was born in Brazil and entered the United States in April 2021 at age twenty-four.

4. Ms. Alves da Silva came to the United States in pursuit of a better life and to escape an abusive former partner.

5. Ms. Alves da Silva was issued a Notice and Order of Expedited Removal by the U.S. Department of Homeland Security pursuant to 8 U.S.C. § 1225(b)(1) on April 22, 2021. Attached as **Exhibit A** is a true and correct copy of the Notice and Order of Expedited Removal dated April 22, 2021, with Ms. Alves da Silva's Alien Number and the name of the Immigration Officer who signed the form redacted for confidentiality.

6. At the time she was issued the Notice and Order of Expedited Removal, Ms. Alves da Silva expressed a fear of return to Brazil, and was referred for credible fear proceedings.

7. While awaiting the scheduling of her credible fear interview, Ms. Alves da Silva moved to Framingham, Massachusetts and became integrated into the local community there.

8. Ms. Alves da Silva married Noel Lee Rolon, a United States citizen, on April 26, 2023. Since their marriage, Ms. Alves da Silva and her husband have resided together in Framingham, Massachusetts.

9. Ms. Alves da Silva is a pillar of support for her husband, and together they have built a life here in the United States. Since becoming authorized to work in the United States, she has made every effort to comply with her legal and tax obligations. She has filed federal tax returns for 2023 to 2025, demonstrating her compliance with her tax obligations during those years. She has otherwise remained law-abiding since entering the United States and has developed strong personal and familial ties within her community.

10. Ms. Alves da Silva attends Abba Church in Marlborough, where she has become an active member of her faith community and established meaningful ties within the United States.

She is committed to improving her future by continuing to study English and is currently pursuing certification as a Certified Nursing Assistant (CNA), reflecting her dedication to building a career in the healthcare field. In the meantime, she works both in a nursing home and as a home health aide, providing compassionate care and assistance to elderly and medically vulnerable patients.

11. In addition to her professional responsibilities, Ms. Alves da Silva serves as the primary caregiver for her husband, who suffers from an autoimmune disease. She diligently helps manage his medications, monitors and responds to his flare-ups, and assists him with his daily needs whenever his condition deteriorates. Her commitment to serving others, both professionally and within her own family, reflects her strong character, compassion, and dedication to her community.

12. Ms. Alves da Silva has no criminal record in the United States or in Brazil.

13. After living in the United States for approximately four years, Ms. Alves da Silva was scheduled for a credible fear interview on September 8, 2025. During that interview, Ms. Alves da Silva explained that she feared returning to Brazil because of an abusive former partner affiliated with a criminal organization.

14. On September 8, 2025, the asylum officer who conducted her credible fear interview issued a negative credible fear determination. Ms. Alves da Silva timely sought review of that determination by an Immigration Judge.

15. On September 11, 2025, the Immigration Judge affirmed the negative credible fear determination.

16. On September 29, 2025, on Ms. Alves da Silva's behalf, my law office submitted a request by e-mail to ICE OPLA seeking relief under Section II of the *Calderon* Settlement

Agreement by requesting OPLA's joinder in a motion to reopen and dismiss ("JMTR") Ms. Alves da Silva's order of removal. The JMTR request included, among other items, the approval notice of Ms. Alves da Silva's Form I-130, a receipt notice of her Form I-601A, an affidavit of support from Ms. Alves da Silva describing her and Mr. Rolon's marriage and the hardship they would face if Ms. Alves da Silva were removed from the United States, and a copy of the as-filed Form I-601A that was submitted to USCIS, which itself included photos of the couple, joint tax returns, an apartment lease, and other evidence of jointly held assets.

17. On January 30, 2026, ICE OPLA approved Ms. Alves da Silva's JMTR request and agreed to join in a motion directed to the Immigration Judge who had reviewed Ms. Alves da Silva's credible fear determination. In an e-mail from OPLA Assistant Chief Counsel ("ACC") Bradley A. Sherman to my colleague, Hiliana Santos, Mr. Sherman wrote, "To the extent that you believe EOIR has jurisdiction and the ability to entertain this JMTR, DHS agrees. Signed motion attached. Please review/sign and file with EOIR."

18. Attached as **Exhibit B** is a true and correct copy of the e-mail chain between my law office and ICE OPLA, including the September 29, 2025 e-mail sent from my colleague Hiliana Santos to ICE OPLA attaching the JMTR request, and the January 30, 2026 response from ACC Sherman, with Ms. Alves da Silva's Alien Number redacted.

19. After receiving the e-mail from ACC Sherman agreeing to join in the request, my firm promptly submitted the joint motion to Immigration Judge Nina Froes, who had presided over Ms. Alves da Silva's credible fear interview, on January 30, 2026. Attached as **Exhibit C** is a true and correct copy of the Joint Motion to Reopen signed by ACC Sherman on January 30, 2026 that my office submitted to the Immigration Court, with Ms. Alves da Silva's Alien Number redacted.

20. Later that same day, on January 30, 2026, Immigration Judge Froes rejected the filing on jurisdictional grounds, stating that “motions [are] not accepted for [credible fear] proceedings; Please refer matter to USCIS.” Attached as **Exhibit D** is a true and correct copy of the January 30, 2026 rejection issued by the Immigration Court, with Ms. Alves da Silva’s home address and Alien Number redacted.

21. On March 2, 2026, my colleague Hiliana Santos e-mailed Alicia S. McAfee of USCIS seeking an update regarding Ms. Alves da Silva’s JMTR request, noting that “DHS already agreed on a JMTRD, but the Immigration Court refused to accept the motion stating that jurisdiction vests with USCIS.” On March 3, 2026, Ms. McAfee responded that “USCIS’s process is complete and we have no authority to take any further action on this matter.” Attached as **Exhibit E** is a true and correct copy of the March 2, 2026 e-mail to Ms. McAfee and her March 3, 2026 response, with Ms. Alves da Silva’s Alien Number redacted.

22. On March 9, 2026, my law office submitted a new request under Section II of the *Calderon* Settlement Agreement requesting that ICE OPLA join Ms. Alves da Silva’s motion to reopen and dismiss. This motion was directed to DHS, rather than the Immigration Court.

23. On April 2, 2026, ICE OPLA declined to join in Ms. Alves da Silva’s March 9 JMTR request. In an e-mail to my colleague, Ms. Hiliana Santos, OCC Sherman stated, “[w]e had previously responded to your request. OPLA believes that we have fulfilled our obligations under the settlement agreement and we decline to take any further action.”

24. Attached as **Exhibit F** is a true and correct copy of the e-mail chain between my law office and ICE OPLA, including the March 9, 2026 e-mail from my office to ICE OPLA requesting their joinder in a motion directed to DHS, and OCC Sherman’s response on April 2, 2026, with Ms. Alves da Silva’s Alien Number redacted.

25. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 14th day of August, 2026 Burlington, Massachusetts.

/s/ 
Stephen Bandar, Esq.,

EXHIBIT A

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: YUS2104000895

File No: [REDACTED]

Date: April 22, 2021

In the Matter of: NATHALYA STEFANNY ALVES-DA SILVA

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are not a citizen or national of the United States;
2. You are a native of BRAZIL and a citizen of BRAZIL ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; To wit you illegally entered afoot into the United States by walking across the Mexico/United States international boundary approximately 6 miles northwest of the San Luis, AZ Port of Entry. You were en-route to Ashland, MA to illegally reside and seek employment in the United States.

[REDACTED]
Name and title of immigration officer (Print)

[REDACTED]
Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Name and title of immigration officer (Print)

Signature of immigration officer

Name and title of supervisor (Print)

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on _____

(Date)

Signature of immigration officer

EOIR - 17 of 28

EXHIBIT B



Hiliana Santos <hsantos@bandarlawoffice.com>

ALVES DA SILVA, Nathalya Stefanny, A [REDACTED]

3 messages

Hiliana Santos <hsantos@bandarlawoffice.com>

Mon, Sep 29, 2025 at 1:42 PM

To: Calderon-JMTR-Requests@ice.dhs.gov

Cc: bandarlawofficema@gmail.com

Good Morning Sir/Madame,

This office represents Nathalya Steffany Alves da Silva, A [REDACTED]. Mrs. Alves da Silva is married to USC Spouse Noel Lee Rolon, who applied for an I-130, Relative Petition on her behalf. The I-130, Relative Petition was Approved on November 14, 2024, with a Priority Date of August 25, 2023. Her case is currently at NVC to complete the Immigration Visa Application, but she must first overcome her Removal Order from September 11, 2025, before she can adjust with USCIS.

This office is reaching out to get your thoughts on Joining in a Motion to Reopen and Dismiss her Removal Proceedings based on the **Calderon Settlement** (*Calderon Jimenez v. Mayorkas*).

Mrs. Alves da Silva is *prima facie* eligible for consular processing utilizing the Form I-601A. Mrs. Alves da Silva is not a threat to public safety, nor is she a threat to national security, nor has she engaged in serious immigration benefit fraud or is a repeat immigration violator.

Mrs. Alves da Silva has been married to her USC husband since April 26, 2023. Mrs. Alves da Silva has been in the US since May of 2021. She has abided by the laws of the US, and is the Beneficiary of an Approved I-130 and is currently in the NVC Process.

Please refer to the **Calderon Settlement** (*Calderon Jimenez v. Mayorkas*) which was Approved by a federal judge on January 16, 2025, when making your decision.

Attached, for your consideration, please find:

1. I-130 Approval Notice
2. I-601A Receipt Notice
3. Affidavit of Support from Mrs. Alves da Silva.
4. Copy of I-601A submitted to USCIS

Thank You for your time and attention to this matter. If you have any questions or concerns pertaining to this matter, please reach out to the office at the information provided below.

Hope you have a great rest of your day.

Best Regards,

--

Law Office of Stephen E. Bandar
2000 Massachusetts Ave, Ste 2
Cambridge, MA 02140
Cel: 617-938-7681
Tel: 617-417-1145
Fax: 617-830-9805

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This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use

this information. Any disclosure of this communication or its attachments must be approved by the Law Office of Stephen E. Bandar.

2 attachments

Copy of I-601A From Nahalya & Noel file 5254_compressed (1)_compressed_compressed_compressed_compressed_compressed_compressed.pdf
10420K



Calderon Settlement Nathalya Stefanny Alves da Silva.pdf
5814K

Sherman, Bradley A <Bradley.A.Sherman@ice.dhs.gov>
To: Hiliana Santos <hsantos@bandarlawoffice.com>
Cc: "bandarlawofficema@gmail.com" <bandarlawofficema@gmail.com>

Fri, Jan 30, 2026 at 10:19 AM

To the extent that you believe EOIR has jurisdiction and the ability to entertain this JMTR, DHS agrees. Signed motion attached. Please review/sign and file with EOIR. Let us know when you file so we can track it.

If you have any other ideas as to how to proceed, please let us know.

Bradley A. Sherman

Assistant Chief Counsel

Office of the Principal Legal Advisor, Boston (Hartford)

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

Hartford, CT

860-244-0592

*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***

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EXHIBIT C

Bradley A. Sherman
Assistant Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Office of Chief Counsel
450 Main Street
Hartford, CT 06106

NON-DETAINED

Stephen Bandar, Esq.
2000 Massachusetts Ave Suite 2
Cambridge MA 02140

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHELMSFORD, MA**

In RE:	)
Motion to Reopen	)
	)
	)
ALVES-DA SILVA,	)
NATHALYA	)
	)
In Credible Fear Review Proceedings	)

File No.: [REDACTED]

**JOINT MOTION TO REOPEN AND THE DEPARTMENT'S
UNOPPOSED MOTION TO DISMISS PROCEEDINGS**

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHELMSFORD, MA**

In RE:	)
Motion to Reopen	)
ALVES-DA SILVA,	)
NATHALYA	)
In Credible Fear Review Proceedings	)
	)

File No.: A [REDACTED]

JOINT MOTION TO REOPEN PROCEEDINGS

The U.S. Department of Homeland Security ("Department") and the respondent jointly move the Immigration Court to reopen the respondent's REMOVAL proceedings. The Department also moves to dismiss the proceedings, without prejudice, enabling the respondent to pursue adjustment of status with U.S. Citizenship and Immigration Services ("USCIS") or consular process.

The time and numerical limitations generally applicable to motions to reopen do not apply to joint motions to reopen. 8.C.F.R. §1003.23(b)(4)(iv).

On 9/11/25 the Immigration Judge affirmed a prior credible fear determination and returned the case to DHS for removal from the United States. The respondent has a pending or approved I-130 filed by his or her USC spouse. The respondent intends to pursue adjustment status with consular processing.

The Department does not adopt or endorse any facts or legal arguments previously set forth by the respondent or express any opinion relating to the outcome of any pending or future application for relief. The Department reserves the right to oppose relief before the Immigration Court if the respondent remains in proceedings or is placed in proceedings in the future.

WHEREFORE, the Department and the respondent respectfully request that the Immigration Court reopen the respondent's proceedings.

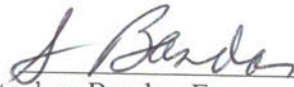
Respectfully submitted this 30th day of January 2026

On behalf

U.S. Immigration and Customs Enforcement,
U.S. Department of Homeland Security:

On behalf of the respondent(s):

BRADLEY Digitally signed
A ACC by **BRADLEY A**
SHERMAN
SHERMAN Date: 2026.01.30
10:12:51 -05'00'


Stephen Bandar, Esq.
2000 Massachusetts Ave Suite 2
Cambridge MA 02140

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHELMSFORD, MA**

In RE:	)
Motion to Dismiss	)
	)
ALVES-DA SILVA,	)
NATHALYA	)
	)
In Credible Fear Review Proceedings	)
	)

File No.: A [REDACTED]

JOINT MOTION TO DISMISS PROCEEDINGS

The U.S. Department of Homeland Security ("Department") and the respondent jointly move the Immigration Court to dismiss the respondent's REMOVAL proceedings. The Department may move for the dismissal of proceedings when, *inter alia*, the circumstances of the case have changed after the notice to appear was issued to such an extent that continuation is no longer in the best interest of the government. 8.C.F.R. §1239.2(c).

In the present case, the respondent is eligible to seek adjustment of status with USCIS and/or consular processing.

WHEREFORE, the Department and the respondent respectfully request that the Immigration Court dismiss these proceedings without prejudice.

Respectfully submitted this 27th day of January 2026

On behalf

U.S. Immigration and Customs Enforcement,
U.S. Department of Homeland Security:

BRADLEY Digitally signed
by BRADLEY A
A SHERMAN
SHERMAN Date: 2026.01.30
10:13:23 -05'00'

On behalf of the respondent(s):



Stephen Bandar, Esq.
2000 Massachusetts Ave Suite 2
Cambridge MA 02140

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHELMSFORD, MA

In RE:)
Motion to Reopen)
)
ALVES-DA SILVA,)
NATHALYA)
)
)
In Credible Fear Review Proceedings)
)

File No.: A [REDACTED]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Joint Motion to Reopen**, it is HEREBY ORDERED that the motion be:

☐ **GRANTED.**

☐ **DENIED**, because: _____

Date

Immigration Judge

CERTIFICATE OF SERVICE

This document was served by: ☐ M] Mail; ☐ P] Personal Service; ☐ O] Other: _____

To: ☐] Alien; ☐] Alien c/o Custodial Officer; ☐] Alien's Atty/Rep.; ☐] DHS

Date: _____

By: _____

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
CHELMSFORD, MA

In RE:)
Motion to Dismiss)
ALVES-DA SILVA,)
NATHALYA)
In Credible Fear Review Proceedings)

File No.: A [REDACTED]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Joint Motion to Dismiss**, it is HEREBY ORDERED that the motion be:

☐ **GRANTED.**

☐ **DENIED**, because:

Date

Immigration Judge

CERTIFICATE OF SERVICE

This document was served by: ☐ M] Mail; ☐ P] Personal Service; ☐ O] Other: _____

To: ☐] Alien; ☐] Alien c/o Custodial Officer; ☐] Alien's Atty/Rep.; ☐] DHS

Date: _____

By: _____

EXHIBIT D



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

Respondent Name:

ALVES-DA SILVA, NATHALYA

A-Number:

[REDACTED]

Address:

[REDACTED]

REJECTION NOTICE

Date: 01/30/2026

**REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE**

This notice is to inform you that the document(s) received by the Immigration Court on 01/30/2026 is/are being rejected for the reasons given below. When re-filing the corrected document(s) other than initiation documents, please attach this rejection notice. A copy of the corrected filing must also be served on the opposing party.

Document(s) being rejected:

JMTRD Nathalya Alves-Da Silva.pdf

Rejection Reason(s)

1. Rejection Reason Not Found (Other)

Rejection Explanation:

Motions not accepted for CFR proceedings; Please refer matter to USCIS

Certificate of Service

This document was served:

X

X
GubbinsM
01/30/2026



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CHELMSFORD IMMIGRATION COURT**

Respondent Name:

ALVES-DA SILVA, NATHALYA

To:

Bandar, Stephen Edmond
2000 Massachusetts Ave
Suite # 2
Cambridge, MA 02140

A-Number:



Riders:

In Credible Fear Review Proceedings
Initiated by the Department of Homeland Security

Date:

09/11/2025

ORDER OF THE IMMIGRATION JUDGE

On 09/11/2025, a review of the Department of Homeland Security's (DHS's) negative credible fear determination was held in this matter. This Court considered testimony and any documentary evidence submitted regarding the Applicant's fear of persecution or torture.

Upon de novo consideration, the Court makes the findings below —

[complete section (1), then complete either section (2) or (3)]

(1) — For all cases

A. The Applicant —

☐ Is covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2),

or

☒ Is not covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2).

B. If the Applicant is covered by the presumption of asylum ineligibility, the Applicant —

☐ Has rebutted the presumption under 8 C.F.R. § 1208.33(a)(3),

or

☐ Has not rebutted the presumption under 8 C.F.R. § 1208.33(a)(3).

(2) — IF the Applicant *is not covered by the presumption OR has rebutted the presumption*

☐ The Applicant *has* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT).

☒ The Applicant *has not* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of

the Act, or withholding of removal under the Convention Against Torture (CAT).

(3) — IF the Applicant is covered by the presumption AND has not rebutted the presumption

☐ The Applicant *has* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

☐ The Applicant *has not* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

Based on the findings above, the Court issues the following order -

IT IS HEREBY ORDERED THAT:

- ☒ The DHS credible fear determination is **AFFIRMED**, and the case is returned to DHS for removal of the Applicant.
- ☐ The DHS credible fear determination is **VACATED**.

This is a final order. There is no appeal from this decision.



Immigration Judge: FROES, NINA 09/11/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : ALVES-DA SILVA, NATHALYA | A-Number : [REDACTED]

Riders:

Date: 09/11/2025 By: GUBBINS, MATTHEW, Court Staff

EXHIBIT E

From: **McAfee, Alicia S** <Alicia.S.Mcafee@uscis.dhs.gov>
Date: Tue, Mar 3, 2026 at 5:41 PM
Subject: RE: Guidance Request – Calderon Class Member in Credible Fear Review Proceedings
To: Hiliana Santos <hsantos@bandarlawoffice.com>
Cc: Psorn, Mia <mia.psorn@uscis.dhs.gov>, RALD <RALD.RALD@uscis.dhs.gov>, Boston Asylum Office <bostonasylumoffice@uscis.dhs.gov>

Good evening,

USCIS reviewed this matter with counsel from ICE OPLA. USCIS notes that the agency conducted a credible fear interview and issued a negative determination. The immigration judge subsequently concurred with that determination. Thus, the respondent now has a final expedited removal order. USCIS's process is complete and we have no authority to take any further action on this matter.

Please contact OPLA if you have any additional questions.

Thank you,

Alicia

Alicia Simpson McAfee

Associate Counsel

Refugee and Asylum Law Division

Office of the Chief Counsel

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

Cell: (771) 215-6606

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*****DO NOT PLACE THIS EMAIL IN AN A-FILE OR T-FILE WITHOUT USCIS COUNSEL PERMISSION*****

From: Hilaria Santos <hsantos@bandarlawoffice.com>

Sent: Monday, March 2, 2026 10:32 AM

To: McAfee, Alicia S <Alicia.S.Mcafee@uscis.dhs.gov>

Cc: Psorn, Mia <mia.psorn@uscis.dhs.gov>; RALD <RALD.RALD@uscis.dhs.gov>; Boston Asylum Office <bostonasylumoffice@uscis.dhs.gov>

Subject: Re: Guidance Request – Calderon Class Member in Credible Fear Review Proceedings

CAUTION: This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Phishing" button to report it as a phishing attempt.

Good Morning,

I am reaching out to seek an update on Nathalya Alves da Silva, A [REDACTED], a Calderon Class Member currently in CFR Proceedings. As mentioned previously, DHS already agreed on a JMTRD, but the Immigration Court refused to accept the motion stating that jurisdiction vests with USCIS.

Thank You

LiLi

EXHIBIT F



Hiliana Santos <hsantos@bandarlawoffice.com>

Calderon Settlement – Request for OPLA to Join DHS Motion to Reopen Expedited Removal (Nathalya Alves da Silva, A [REDACTED])

2 messages

Hiliana Santos <hsantos@bandarlawoffice.com>

Mon, Mar 9, 2026 at 1:17 PM

To: opla-boston-dutyattorney@ice.dhs.gov

Cc: boston.outreach@ice.dhs.gov

Bcc: Adriana Lafaille <alafaille@aclum.org>, "Luo, Christina" <Christina.Luo@wilmerhale.com>, amreis@bandarlawoffice.com, bandarlawofficema@gmail.com, Daniel Kravitz <dkravitz@bandarlawoffice.com>

Dear ACC Sherman,

I am writing on behalf of Nathalya Alves da Silva, a *Calderon* class member, to request that ICE OPLA join a motion to reopen her expedited removal order directed to ICE ERO pursuant to the *Calderon* Class Settlement and under 8 C.F.R. § 103.5.

Background

Ms. Alves da Silva was placed in expedited removal proceedings and subsequently received a negative credible fear determination which was affirmed by an IJ. We initially requested that ICE OPLA join a joint motion to reopen directed to the Immigration Judge. ICE OPLA agreed to join the motion, indicating OPLA's conclusion that Ms. Alves da Silva satisfies the requirements for the JMTR process including showing prima facie eligibility for consular processing with a 601A on not being found ineligible on the basis of public safety or fraud grounds. However, the immigration court rejected the filing, as the immigration court had not issued Ms. Alves da Silva's removal order.

Calderon Basis for Request

Ms. Alves da Silva is a qualifying noncitizen class member under the *Calderon* settlement and has submitted documentation demonstrating prima facie eligibility to pursue lawful status. Section II of the settlement obligates ICE OPLA to presumptively join motions to reopen and dismiss removal orders for qualifying class members.

Regulatory Authority

DHS regulation, 8 C.F.R. § 103.5, provides a mechanism for reopening DHS-issued removal orders. 8 C.F.R. § 103.5 governs motions to reopen or reconsider DHS decisions, holding that an "affected party" may seek reopening or reconsideration of a proceeding, decision, or action of "the Service," meaning USCIS, CBP, and ICE. See 8 C.F.R. § 1.2. 8 C.F.R. § 103.5 expressly excludes certain matters from its grant of authority—expedited removal orders are not among those exclusions.

Request

In light of the above, we respectfully request that ICE OPLA join a joint motion to reopen her expedited removal order before ICE ERO, pursuant to 8 C.F.R. § 103.5, so that the removal order may be reopened and dismissed consistent with the *Calderon* settlement.

We would welcome guidance from OPLA regarding the preferred format for transmitting this request to ICE ERO with OPLA's support.

Thank you for your consideration.

Kind regards,

Hiliana Santos, J.D.

—

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Sherman, Bradley A <Bradley.A.Sherman@ice.dhs.gov>
To: Hiliana Santos <hsantos@bandarlawoffice.com>

Thu, Apr 2, 2026 at 8:31 AM

Good morning-

We had previously responded to your request. OPLA believes that we have fulfilled our obligations under the settlement agreement and we decline to take any further action.

Bradley A. Sherman

Counsel

Northeast Region

Office of the Principal Legal Advisor, Boston (Hartford)

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

Hartford, CT

860-244-0592

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From: Hilaria Santos <hsantos@bandarlawoffice.com>

Sent: Monday, March 9, 2026 1:17 PM

To: OPLA-Boston-DutyAttorney, <opla-boston-dutyattorney@ice.dhs.gov>

Cc: Boston.Outreach <boston.outreach@ice.dhs.gov>

Subject: Calderon Settlement - Request for OPLA to Join DHS Motion to Reopen Expedited Removal (Nathalya Alves da Silva, A [REDACTED])

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