U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
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Name: SCHUBLER, VERA **A018-402-949**

Date of this notice: 12/16/2010

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Malphrus, Garry D.

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File: A018 402 949 - Oklahoma City, OK Date: DEC 16 2010

In re: VERA SCHUBLER a.k.a Vera Beene a.k.a Vera Schubler-Mills a.k.a. Vera Woods

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Arthur Campbell Cooke, Esquire

CHARGE:

Notice: Sec. 212(a)(2)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(2)(A)(i)(I)] - Crime involving moral turpitude

APPLICATION: Termination

The respondent appeals from the Immigration Judge's March 2, 2009, decision denying her request for termination, and ordering her removed to Germany. The appeal will be dismissed.

We review the Immigration Judge's findings of fact, including adverse credibility determinations, for clear error. 8 C.F.R. § 1003.1(d)(3)(i). All other issues, including whether the parties have met the relevant burden of proof, and issues of discretion, we review *de novo*. 8 C.F.R. § 1003.1(d)(3)(ii).

It is uncontested on appeal that the respondent's 1998 conviction for Wire Fraud and Causing a Criminal Act, in violation of 18 U.S.C. § 1343, was for a crime involving moral turpitude (CIMT). On appeal, however, the respondent argues that the Immigration Judge erred in finding that the "petty offense" exception to the CIMT ground of inadmissibility does not apply in the respondent's case. *See* section 212(a)(2)(A)(ii)(II) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(2)(A)(ii)(II). The respondent also argues that proceedings should be terminated so that she can seek adjustment of status, in conjunction with a § 212(h) waiver, before the Department of Homeland Security ("DHS").

The respondent argues that the petty offense exception applies to her 1998 conviction because the "maximum penalty possible" under the Federal Sentencing Guidelines was a term of imprisonment of less than one year. We affirm the Immigration Judge's decision rejecting the respondent's argument that the sentencing guidelines, as reflected in the sentencing transcript, determine the actual maximum penalty possible for her offense, rather than the maximum penalty for the crime set forth in the statute. (I.J. at 7. As the Immigration Judge properly noted, the plain language of the "petty offense" exception is focused on the statutory maximum penalty for the "crime" of conviction, rather than the guidelines maximum, which varies from one offender to another based on factors unrelated to the immediate "crime," such as criminal history. *See Mejia-Rodriguez v. Holder*, 558 F.3d 46, 47 (1st Cir. 2009) (the "maximum penalty possible" under the

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petty offense exception is the statutory maximum, not the guidelines maximum); *Mendez-Mendez v. Mukasey*, 525 F.3d 828, 835-36 (9th Cir. 2008) (same). We agree with the Immigration Judge that *Blakely v. Washington*, 542 U.S. 296 (2004), and *Matter of Cota-Vargas*, 22 I&N Dec. 849 (BIA 2005), are inapplicable to the facts here because neither case involves interpretation of the meaning of the petty offense exception. (I.J. at 6). As the statute under which the respondent was convicted set forth a maximum penalty of 5 years imprisonment, and 30 years imprisonment for offenses affecting financial institutions, the petty offense exception is inapplicable in the respondent's case.[1]

Turning to the respondent's argument that proceedings should be terminated so that she can seek adjustment of status, in conjunction with a § 212(h) waiver before the DHS, it is not appropriate to terminate proceedings when the alien is removable and has no relief from removal available in Immigration Court. Additionally, we note that the DHS retains jurisdiction to adjudicate applications for adjustment of status even where an administratively final order of removal remains outstanding, and may grant deferred action to a respondent if it chooses to do so. *See Matter of Yauri*, 25 I&N Dec. 103, 107, 110 (BIA 2009).

In view of the foregoing, the following order will be entered.

ORDER: The respondent's appeal is dismissed.

FOR THE BOARD

[1] In making his decision, the Immigration Judge relied on the current version of 18 U.S.C. § 1343, and not the version in effect at the time of the respondent's conviction (I.J. at 5). Under the current version of the statute, the maximum term of imprisonment is 20 years, with an alternative maximum of 30 years for a violation affecting a financial institution. 18 U.S.C. § 1343 (2010). Under the version of the statute in effect at the time of the respondent's conviction, however, the maximum term of imprisonment was 5 years, with an alternative 30- year maximum for a violation affecting a financial institution. *See* 18 U.S.C.A. § 1343, Pub.L. 103-322, Title XXXIII, § 330016(1)(H) 108 Stat. 2147 (effective September 13, 1994). Because the maximum penalty possible under both versions of the statute exceeds one year, we find that the Immigration Judge's error was harmless.

Cite as: Vera Schubler, A018 402 949 (BIA Dec. 16, 2010)

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
OKLAHOMA CITY, OKLAHOMA

Date: February 28, 2009

File: A 018-402-949

Immigration Removal Proceedings in the Matter of: Vera Schubler Mills, Respondent.

Charge: Section 212(a)(2)(A)(i)(I), INA.

Application(s): Motion to Terminate

On Behalf of the Respondent: Arthur Campbell Cooke, 4516 East 100th Street, Tulsa, Oklahoma 74137.

On Behalf of the Department of Homeland Security/Immigration and Customs Enforcement: Thomas Murphy, Assistant Chief Counsel, Office of the Chief Counsel, 4400 SW 44th Street, Suite A, Oklahoma City, Oklahoma 73119..

I. PROCEDURAL HISTORY

The Respondent is a sixty one year old native and citizen of Germany. On June 12, 2006, the Department of Homeland Security charged the Respondent with being subject to removal from the United States under § 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (Act or INA) in that the Respondent was convicted of a crime involving moral turpitude. During the course of the proceedings, the Respondent entered pleas as follows:

Allegations:

(1) The Respondent admitted she is not a citizen or national of the United States;
(2) The Respondent admitted she is a citizen and national of Germany;
(3) The Respondent admitted that she entered the United States at New York City, New York on or about September 14, 1969.
(4) The Respondent admitted that she applied for admission to the United States at Atlanta, Georgia on or about November 16, 2003 as an arriving alien.
(5) The Respondent admitted that she was paroled into the United States until May 26, 2004.
(6) The Respondent admitted that on November 16, 1998 she was convicted in the United States District Court of the Northern District of Oklahoma for the offense of wire fraud and causing a criminal act, in violation of 18 U.S.C. § 1343 & 2.

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Charge:

The Respondent conceded on August 23, 2006 that she was subject to removal pursuant to Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that she has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than purely political offense) or an attempt or conspiracy to commit such a crime.

Sustaining of the Charge:

Based on the present decision by the Court, this Court sustains the allegations, as previously admitted, and the charge of removal against the Respondent.

Applications:

The Respondent argues that the present case should be terminated to allow the Respondent to adjust her status based on an approved I-130 petition. Additionally, the Respondent argues that she is not inadmissible under INA §212(a)(2)(A)(i)(I) because the Petty Offense Exception outlined in INA §212(a)(2)(A)(i)(II) applies.

II. MOTIONS

The Respondent argued that the petty offense exception requires a maximum possible sentence of a period of no more than one year. The Respondent argued that the sentencing hearing held on August 20, 1999 in the criminal matter which forms the basis of this issue the judge stated that the sentencing range was six to twelve months which is less than one year. The Respondent argued that the Court must follow the judge's findings in the criminal matter as a matter of fact and law. The Respondent argued that she was sentenced to not more than one year and because the Respondent served zero months in prison the petty offense exception applies. Therefore, the Respondent argued that because the petty offense exception applies, she is exempted from inadmissibility for a crime involving moral turpitude and she should be readmitted.

The Government argued that the Respondent's reliance on *In Re Cota-Vargas*, 23 I&N Dec. 849 (BIA 2005) is an error because this case stands for the proposition that the sentence itself, when defining an aggravated felony, is used and if the sentenced is modified you use the modified sentence. The Government argues that for the petty offense exception the Court is to use the sentence for the crime itself and not the sentence as it relates to the Respondent after they go through the sentencing guidelines. The Government argued that the maximum penalty for the crime is the standard and presently, the maximum penalty for the Respondent's crime was thirty years. Therefore, the Government argued that the Respondent is removable as an arriving alien who has been convicted of a crime of moral turpitude.

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III. STATEMENT OF THE LAW

As a general rule, a crime involved moral turpitude if it in inherently base, vile, or depraved, and contrary to accepted moral standards. *Matter of Olquin*, 23 I&N Dec. 896 (BIA 2006). In order to determine if a specific offense constitutes a crime involving moral turpitude (CIMT) the court looks to the statutory definition of the offense as well as any relevant judicial interpretations. *Id.* at 897. The actual conduct underlying the conviction should not be considered. *Matter of Torres-Varela*, 23 I&N Dec. 78, 84.

INA § 212(a)(2)(A)(ii), 8 U.S.C. § 1182(a)(2)(A)(ii) provides that aliens who commit only one crime involving moral turpitude as enumerated in section (A)(i)(I) are not inadmissible if their conviction satisfies either of two requirements:

> (I) the crime was committed when the alien was under 18 years of age. . . or (II) the maximum possible penalty for the crime of which the alien was convicted (or which the alien admits having committed or which the acts that the alien admits having committed constituted the essential elements) did not exceed imprisonment for one year and, if the alien was not sentenced to a term of imprisonment in excess of 6 months (regardless of the extent to which the sentence was ultimately executed).

IV. EVIDENCE

The following documentary evidence was presented during the course of the proceedings.

Documentary Evidence

Exhibit 1:	Notice to Appear Dated June 12, 2006
Exhibit 2:	Judgment in a Criminal Case, Dated November 12, 1998
Exhibit 3:	United States Code Collection, Title 19, Part I, Chapter 63, Section 1343
Appellate Exhibit 1:	Respondent's Brief for Her Individual Hearing, Dated January 29, 2009

V. FACTUAL & LEGAL ANALYSIS AND FINDINGS OF THE COURT

A. Whether Conviction under 18 U.S.C § 1343 constitutes a crime involving moral turpitude.

The determination of whether a conviction under 18 U.S.C § 1343 constitutes a crime involving moral turpitude (CIMT) is a matter of first impression for this jurisdiction. As a general rule, any crime involving fraud is almost always a crime of moral turpitude. *See Jordan v. DeGeorge*, 341 U.S. 223, 227 (1951); *see also Matter of Adetiba*, 20 I&N Dec. 506 (BIA 1992). In determining whether a conviction is a CIMT, the court must look to "the inherent nature of the crime as defined by statute and interpreted by the courts as limited and described by the record of conviction" and not the facts and circumstances of the particular case. *Omagah v. Ashcroft*, 288 F.3d 254, 260 (5th Cir. 2002).

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In *Jordan v. DeGeorge*, the Supreme Court found that "[w]hatever else the phrase 'crime involving moral turpitude' may mean in peripheral cases, the decided cases make it plain that crimes in which fraud was an ingredient have always been regarded as involving moral turpitude." 341 U.S. 223, 232 (1951). Additionally, the BIA held in the *Matter of Flores*, 17 I&N Dec. 225, 228 (BIA 1980) that an offense without an explicit element of fraud may involve moral turpitude. The BIA stated "where fraud is inherent in the offense, it is not necessary that the statute prohibiting it include the usual phraseology concerning fraud in order for it to involve moral turpitude." *Id.*

The Tenth Circuit in *U.S. v. Cochran*, has found that a conviction under 18 U.S.C § 1343 shall establish the following elements of wire fraud: scheme or artifice to defraud or obtain money by false pretenses, representations or promises, and use of interstate wire communications to facilitate that scheme. 109 F.3d 660, 664 (10th Cir. 1997). The Court explained that the requisite intent "is conduct intended or reasonably calculated to deceive persons of ordinary prudence or comprehension." *Id.* at 665 (citing *U.S. v. Hanson*, 41 F.3d 580, 583 (10th Cir. 1994)). Thus, the Court concluded that fraudulent intent is required under 18 U.S.C § 1343. *Id.*; *see also U.S. v. Themy*, 624 F.2d 963, 965 (10th Cir. 1980).

The Supreme Court has concluded that a purposeful intent to deceive necessarily involves intent to defraud, and offenses involving fraud are generally classified as crimes involving moral turpitude. *Jordan v. DeGeorge*, 341 U.S. 223,229 (1951).

Court's Findings:

Presently, the Respondent conceded on August 23, 2006 that she had been convicted of a crime involving moral turpitude. However, even if the Respondent did not concede the charge against her, this Court would find that the Respondent's conviction under 18 U.S.C. §1343 was a conviction for a crime involving moral turpitude for the reasons outlined below.

First and foremost, in the present case, the elements for a conviction under 18 U.S.C § 1343 include: (1) a scheme to defraud, (2) use of the wires in furtherance of the scheme, and (3) the specific intent to defraud. Thus, the Respondent who was convicted under 18 U.S.C. §1343 contrived a scheme to defraud and had a fraudulent intent to deceive. Moreover, even if intent to defraud was not an explicit element of the crime, wire fraud under 18 U.S.C. §1343 inherently involves fraud as an ingredient because it involves a fraudulent scheme and deliberate deception. Presently, the Respondent's crime involved fraud and generally any crime involving fraud, especially where intent to defraud is an explicit element of the crime, are crimes involving moral turpitude. *See Jordan v. DeGeorge*, 341 U.S. 223, 227 (1951); *see also Matter of Adetiba*, 20 I&N Dec. 506 (BIA 1992).

Therefore, this Court finds that the Respondent's conviction on November 10, 1998 for Wire Fraud and Causing a Criminal Act under 18 U.S.C. §1343 was a conviction for a crime involving moral turpitude.

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B. Petty Offense Exception, INA § 212(a)(2)(A)(ii)(II).

Presently, the Respondent argues that if the Court found that the offense is a crime involving moral turpitude, the offense would qualify as a petty offense under section INA § 212(a)(2)(A)(ii)(II). The petty offense exception provides:

> (II) the *maximum penalty possible* for the crime of which the alien was convicted (or which the alien admits having committed or of which the acts that the alien admits having committed constituted the essential elements) *did not exceed imprisonment for one year* and, if the alien was convicted of such crime, the alien was *not sentenced to a term of imprisonment in excess of 6 months* (regardless of the extent to which the sentence was ultimately executed). (Emphasis added)

Consequently, in order to meet the first requirement of the petty offense exception, the alien's offense must not provide for a possible maximum penalty that exceeds imprisonment for one year.

Court's Finding:

In the present case, under the first prong of INA § 212(a)(2)(A)(ii)(II) the Respondent's conviction clearly does not fall under this exception since the statute carries a maximum possible term of imprisonment of 30 years since her violation affected a financial institution. 18 U.S.C. § 1343 states:

> Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

The Respondent argues that the "maximum penalty possible" under the conviction statute is twelve months based on the sentencing guidelines applied and cited by the Court on August 20, 1999, which took into account the individual criminal history of the respondent. The respondent cites *Blakely v. Washington*, 542 U.S. 269 (2004) and *In Re Cota-Vargas*, 23 I&N Dec. 849 (BIA 2005) to support this contention. However, both cases cited by the Respondent are distinguishable from the present case.

The Supreme Court in *Blakely* held that for purposes of the Sixth Amendment right to jury trial, the statutory maximum term of imprisonment is the longest sentence that may be imposed on the basis of the facts admitted by the defendant in his plea agreement or found by a

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jury. 542 U.S. 269 (2004). The Board of Immigration Appeals (BIA) in *Cota-Vargas* held that a conviction for stolen property did not qualify as an aggravated felony "for which the term of imprisonment is at least one year" when the original sentence was 365 days but was subsequently reduced to 240 days, *nunc pro tunc*, solely for affecting the immigration consequences of the conviction. 23 I&N Dec. 849 (BIA 2005). Both of the cases cited and argued by the Respondent do not interpret the congressional meaning under the INA petty offense exception and thus are not applicable to the present facts.

In fact, the BIA, in several unpublished opinions, has declined to extend the *Blakely* holding in the immigration context.[1] In addition, *Cota-Vargas* does not specifically address the petty offense statute as it pertains to crimes involving moral turpitude and is thus not applicable. 23 I&N Dec. 849 (BIA 2005).

Therefore, in order to determine whether INA §212(a)(2)(A)(ii)(II) which specifically states "maximum penalty possible" refers to the statutory maximum or the maximum imposed by sentencing guidelines, it is important to understand congressional intent by employing the principles of statutory construction. *See In Re Rodriguez-Rodriguez*, 22 I&N Dec. 991, 993 (BIA 1999). First, the interpretation of the statutory language begins with the terms of the statute itself, and if those terms, on their face, constitute a plain expression of congressional intent, they must be given effect. *Id.* (citing *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842-43 (1994)). Where Congress' intent is not plainly expressed, the next step in the analysis is to determine a reasonable interpretation of the language and fill any gap left, either implicitly or explicitly, by Congress. *Id.* (citing *Chevron*, 467 U.S. at 843-44). The rules of statutory construction dictate that court take into account the design of the statute as a whole. *Id.* (citing *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988)). This analysis focuses on the plain meaning of the words used in the statute taken as a whole. *Id.* (citing *INS v. Cardoza-Fonseca*, 480 U.S. 421, 431 (1987)). Therefore, the legislative purpose is presumed to be expressed by the ordinary meaning of the words used. *Id.* (citing *INS v. Phinpathya*, 464 U.S. 183, 189 (1984)).

First, the plain language of the petty offense exception expressly states that the "maximum penalty possible for the crime of which the alien was convicted" shall not exceed one year. Where the court finds the plain language of the statute ambiguous, the court must look to congressional intent. Accordingly, the amendment to the petty offense exception of the INA was intended to focus on the possible maximum sentence and not on sentencing guidelines based on the respondent's criminal history. The BIA stated that the substantive modifications of the 1990 Act specifically reversed the policy allowing aliens convicted of serious offenses but receiving minor sentences from qualifying for the petty offense exception to escape inadmissibility. *See In Re Garcia-Hernandez*, 23 I & N Dec. 590, 595 (BIA 2003). Moreover, the Supreme Court has held, outside of the immigration context, that where congress expressly states the maximum penalty, congress intended the statutory maximum sentence not the maximum sentence based on individual sentencing guidelines. *See U.S. v. Rodriguez*, 128 S.Ct. 1783, 1793 (2008); *see also U.S. v. Hill*, 539 F.3d 1213 (10th Cir. 2008). According to *Rodriguez*, in order to determine

[1] *See In Re Saber El Morsy*, 2007 WL 416704 (BIA 2007); *In Re Masud Chaudhary*, 2007 WL 4711469 (BIA 2007); *In Re Vasquez De Diaz*, 2007 WL 2074453 (BIA 2007); *In Re Vargas-Chacon*, 2006 WL 3485575 (BIA 2006); *In Re Rizo-Vargas*, 2005 WL 698390 (BIA 2005).

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whether a conviction statute exceeds one year, the court must look to the maximum penalty allowed by the statute. 128 S.Ct. 1783, 1793 (2008). The court explained that the criminal statute 18 U.S.C § 922(g)(1)[2], demands that courts focus on the maximum statutory penalty for the offense, not the individual sentencing guidelines. *Id.*

In summary, the petty offense exception under the statute was intended by Congress to focus on the maximum penalty allowed by statute, not based on individual sentencing guidelines. Moreover, the Supreme Court, as well as congressional intent expressed in the 1990 Acts, clearly establishes that the maximum penalty must not be based on individual factors but on the statutory maximum under a conviction statute. Presently, according to the statute, the maximum penalty under 18 U.S.C. § 1343 as applied to the Respondent's offense is thirty years, thus the Respondent's conviction does not qualify as a petty offense.

Conclusion

Upon consideration of all the evidence of record, the Court has found that the Respondent's wire fraud conviction under 18 U.S.C. §1343 is a conviction for a crime involving moral turpitude because intent to defraud is explicit in the statutory definition. Furthermore, the Court holds that the petty offense is not available to the Respondent because she was over fifty when she committed her crime, and because the maximum possible penalty for her felony was greater than one year. 18 U.S.C. §1343. The actual sentence the Respondent received is not relevant because the maximum possible penalty for her felony under federal law did exceed "one year of imprisonment" as defined in the petty offense exception in INA §212(a)(2)(A)(ii)(II). Furthermore, because the Court finds that the Respondent removable based on her conviction for a crime involving moral turpitude and because the Respondent has failed to assert any type of relief from removal in these proceedings, the Court orders the Respondent removed to Germany.

VI. VOLUNTARY DEPARTURE

To qualify for voluntary departure under Section 240B(b) of the Act, the Respondent must establish that:

(1) he has been physically present in the United States for a period of at least one year preceding the date the Notice to Appear was served;
(2) he has been a person of good moral character for at least 5 years immediately preceding such application;
(3) he is not deportable under Section 237(a)(2)(A)(iii) or 237(a)(4) of the Act;
(4) he can establish by clear and convincing evidence that he has the means to depart the United States and intends to do so; and,
(5) he shall be required to post a voluntary departure bond.

Additionally, the Respondent must be in possession of a travel document that will assure his lawful reentry into his home country.

[2] Although 18 U.S.C § 922(g)(1) does not use the term "maximum penalty", the court found that to determine whether a conviction is punishable for more that not years imprisonment the court looks to the maximum penalty allowed by statute.

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Discretionary consideration of an application for voluntary departure involves a weighing of factors, including the Respondent's prior immigration history, the length of residence in the United States, and the extent of his family, business and societal ties in the United States. Matter of Gamboa, 14 I&N Dec. 244 (BIA 1972).

Court's Conclusion:

In the present case, the Respondent did not seek voluntary departure. Although the Respondent has been in this country for a long period of time, she did not provide substantial positive equities for consideration, particularly in regard to the extent of her family, business and societal ties. Additionally, the seriousness of the Respondent's conviction weighs into the Court's discretionary grant of voluntary departure, and presently the Respondent was convicted of a serious offense to which the maximum penalty was thirty years imprisonment. Moreover, the amount of loss, as evidenced in Exhibit 2, indicates that restitution was ordered in the amount of $75,949.22. Furthermore, the Court has found that the Respondent was convicted of a crime involving moral turpitude. Therefore, as the Respondent did not seek voluntary, and a matter of discretion, this Court will deny the Respondent voluntary departure .

IX. ORDERS

Accordingly, the following Orders are entered.

IT IS HEREBY ORDERED, that Respondent's Motion to Terminate is **DENIED.**

IT IS HEREBY FURTHER ORDERED, that the Respondent be and is DENIED the privilege of Voluntary Departure.

IT IS HEREBY FURTHER ORDERED, that the Respondent be and is REMOVED from the United States to Germany on the charge contained in the Notice to Appear.

WARNING TO RESPONDENT: An order of removal has been entered against you. If you fail to appear pursuant to a final order of removal at the time and place ordered by the Government, other than because of exceptional circumstances beyond your control, you will not be eligible for VD, cancellation or removal, and any change of adjustment of status for 10 years from the date you are scheduled to appear.

Appeal: This Decision is final unless an appeal is filed with the Board of Immigration Appeal within 30 days of the issuance of this Decision.

Date: February 28, 2009.

Richard Randall Ozmun
Immigration Judge
EOIR/USDOJ

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Copy to:
Chief Counsel, DHS/ICE

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CERTIFICATE PAGE

I hereby certify that the attached proceeding before JUDGE RICHARD R. OZMUN, in the matter of:

VERA SCUBLER

A 018 402 949

Oklahoma City, Oklahoma

is an accurate, verbatim transcript of the recording as provided by the Executive Office for Immigration Review and that this is the original transcript thereof for the file of the Executive Office for Immigration Review.

Sherry Kruger, Transcriber
Free State Reporting, Inc.

April 23, 2009
(completion date)

By submission of this CERTIFICATE PAGE, the Contractor certifies that a Sony BEC/T-147, 4-channel transcriber or equivalent and/or CD, as described in Section C, paragraph C.3.3.2 of the contract, was used to transcribe the Record of Proceeding shown in the above paragraph.

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