

#### Hans Smedema <hans.smedema@gmail.com>

### DOJ-EOIR FOIA Request # 2025-05132

1 message

eoir.foiarequests@usdoj.gov <eoir.foiarequests@usdoj.gov>
To: hans.smedema@gmail.com

Tue, Dec 3, 2024 at 7:55 PM

Re: 2025-05132

Freedom of Information Act Request for SMEDEMA, HANS

Dear Hans Smedema,

This letter is in response to your Freedom of Information Act (FOIA) request in which you seek the record of proceeding regarding the above-referenced individual.

We are providing the Executive Office for Immigration Review (EOIR) Record of Proceeding (ROP) as provided to us by the Immigration Court, Federal Records Center, or Board of Immigration Appeals for the above-referenced individual. You may access and download the ROP for up to **60 days** at this link:

CFR ROP (22 pages)-; https://jefs.box.com/s/7bd5pfhag4u82kosjdrp4ci1slqfiqav \*Important: Do not click the link. You must copy and paste the link into your browser to view the file.

There will be no charge for this information.

Please be aware that EOIR is a component of the **Department of Justice** and the custodian of records for the "Record of Proceedings" (ROP), which is the compilation of documents and digital audio recordings produced in proceedings before the immigration courts and the BIA. The Department of Homeland Security (DHS) is the custodian of records for the "A-file," which is a series of records of a person's immigration history and is maintained and stored by DHS. **EOIR is not the custodian of records for DHS or its components, nor does EOIR have access to DHS's A-files.** EOIR does not create an ROP until matters are initiated by DHS. Nevertheless, EOIR may create and maintain ROPs for proceedings other than removal proceedings (i.e., credible fear reviews, bond hearings). You may request a copy of your Notice to Appear (NTA) and full A-file from DHS.

Note that parties to immigration cases (including respondents and their representatives of record) have the option to request their Record of Proceedings directly from the immigration court or Board of Immigration Appeals. Please see the instructions here: https://www.justice.gov/eoir/ROPrequest.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <a href="http://www.justice.gov/oip/foiapost/2012foiapost9.html">http://www.justice.gov/oip/foiapost/2012foiapost9.html</a>.

I trust that this information fully satisfies your request. If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst who processed your request or the EOIR FOIA Public Liaison at EOIR.FOIArequests@usdoj.gov. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601

Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the EOIR's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website <a href="https://www.justice.gov/oip/submit-and-track-request-or-appeal">https://www.justice.gov/oip/submit-and-track-request-or-appeal</a>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

**FOIA Delivery** 

# UNITED STATES DEPARTMENT OF JUSTICE

Executive Office of Immigration Review U.S. Immigration Court (PIS)
27991 Buena Vista Blvd.
Los Fresnos, TX 78566

# **MEMORANDUM**

TO:

Crystal Souza, FOIA POC

Office of General Counsel, FOIA Unit

5107 Leesburg Pike

Suite # 2600

Falls Church, VA 22041

FROM:

Judy Gomez, FOIA POC USDOJ / EOIR / Intake Unit Immigration Court (PIS)

FOIA NUMBER	ALIEN NUMBER	LAST NAME
2017-8151	087-402-454	SMEDEMA

## PLEASE RETURN ROP(S) TO JUDY GOMEZ, FOIA POC UPON COMPLETION

<u> </u>	PLEASE RETURN AS SOON AS POSSIBLE
$\cdot \chi \chi$	CLOSED
•	TAPES INCLUDED
•	MIXED MEDIA
•	TAPES NOT INCLUDED
REMARKS:	

#### IMMIGRATION COURT 27991 BUENA VISTA BLVD LOS FRESNOS, TX 78566

In the Matter of:	Case No: AU8/-4U2-454
Respondent	IN: CREDIBLE FEAR REVIEW PROCEEDINGS
ORDER OF THE IN	MIGRATION JUDGE
On Dec 6, 2013 at 09:00 A.M. a review was held in the matter noted above. Taken regarding the background of the of returning to his/her country of or	Applicant and the Applicant's fear
After consideration of the evidence, to $[\ ]$ has $[\ V\ ]$ has not established a swould be persecuted on the basis of himmembership in a particular social group opinion, or that he would be to	significant possibility that he/she is/her race, religion, nationality, up, or because of his/her political
ORDER: It is hereby ordered that the	decision of the immigration officer is:
[ 🗸] Affirmed, and the case is alien.	returned to the DHS for removal of the
[ ] Vacated.	
This is a final order. There is	no appeal available.
DONE and ORDERED this 6th day of Decem	mber, 2013.
	HOWARD E. ACHTSAM Immigration Judge
CERTIFICATE	
DATE: 12/4/13 BY: COURT	al Officer () ALIEN'S ATT/REP () DHS STAFF
Attachment6: [ ] EOIR-33 [ ] E	OIR-28 [ ] Tegal Services List [ ] Other

#### IMMIGRATION COURT 27991 BUENA VISTA BLVD LOS FRESNOS, TX 78566

SMEDEMA, HANS C/O PISD 27991 BUENA VISTA BLVD. LOS FRESNOS, TX 78566

FILE: A087-402-454

RE: SMEDEMA, HANS

NOTICE OF REVIEW OF CREDIBLE FEAR DETERMINATION

PLEASE TAKE NOTE THAT YOUR REQUEST FOR REVIEW OF THE DHS CREDIBLE FEAR DETERMINATION HAS BEEN SCHEDULED/RESCHEDULED BEFORE THE IMMIGRATION COURT ON Dec 6, 2013 AT 09:00 A.M. AT THE FOLLOWING ADDRESS:

27991 BUENA VISTA BLVD LOS FRESNOS, TX 78566

YOU MAY CONSULT WITH A PERSON OR PERSONS OF YOUR CHOOSING PRIOR TO THE REVIEW. SUCH CONSULTATION IS AT NO EXPENSE TO THE GOVERNMENT AND MAY NOT UNREASONABLY DELAY THE PROCESS.

IN THE EVENT THAT YOU ARE RELEASED FROM CUSTODY, YOU MUST IMMEDIATELY REPORT ANY CHANGE-IN YOUR ADDRESS AND TELEPHONE NUMBER TO THE IMMIGRATION COURT ON THE ATTACHED FORM EOIR-33. IF YOU FAIL TO PROVIDE AN ADDRESS, YOUR SCHEDULED REVIEW MAY BE HELD IN YOUR ABSENCE.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE 1-800-898-7180 OR 240-314-1500.

CERTIFICATION OF SERVICE	
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)	
TO: [] ALIEN d] ALTEN c/o Custodial Officer ALIEN S ATP/REP DATE: BY: COURT STAFF	( ) DHS
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services Lis	t [] Other

			<del></del>				
					ſ	NOV 26	2013
					<u> </u>	A-File	
N	ame	<del></del>		<del></del>		087 402 454 Country of Citizenship	<u> </u>
S	SMEDEMA, Hans					NETHERLANDS	·
1		and Manner of Arrival idalgo, TX POE				Date of Arrival 11/05/13	
То	im	migration judge:					
	233 asy has	The above-named alien has be 5(b)(1) of the Immigration and vlum and/or protection under s concluded the alien does no termination in accordance with	Natio the C t have	nality Act (Act). A copy of the onvention against Torture a a credible fear of persecution	he rem and the on or to	oval order is attached. The matter has been review orture. The alien has re	The alien has requested ed by an asylum officer wh
	235 and per	The above-named alien arrived 5(a)(2) of the Act. The alien had the matter has been reviewe secution or torture. The alier he Act.	as requ d by a	uested asylum and/or withl in asylum officer who has co	nolding onclud	of removal under the C ed the alien does not ha	onvention against Torture ve a credible fear of
	WIL	The above-named alien arrive hholding of removal under the FR 208.2(c). Arrival category	COIN	chuon agamst forture. The	ner de e matte	scribed below and has reer is referred for a deterr	uniation in accordance wit
		Crewmember/applicant		Crewmember/refused		Crewmember/landed	BATIO
		Crewmember/violator		VWP/applicant		VWP/violator	
	cop	235(c) order  The above-named alien has been been seen to be a second to the removal order is attact to order. The above-named alies	ched.	In accordance with section		officer pursuant to secti	
			011 010	mis to be (encor one).			
		a United States citizen				a lawful permanent resid	
		an alien granted refugee sta Act.	tus ur	nder section 207 of the Act	۽ ليا	an alien granted asylum	under section 208 of the
	Nati pur atta has	The above-named alien has be uralization Service (INS) has resuant to section 241(a)(5) of the ched. The alien has expressed concluded the alien does not be alien in accordance with	einsta he Acı d fear t have	ted a prior exclusion, depor . A copy of the removal ord of persecution or torture ar a reasonable fear of persect	tation, er and nd the	or removal order of the , if applicable, the notice claim has been reviewed	above-named alien of reinstatement, are by an asylum officer who
	excl rem tort	The above-named alien has be lusion, deportation, or remove loval order and, if applicable, ure and the claim has been re secution or torture. The matt	d orde the no viewe	r of the above-named alien tice of reinstatement, are at d by an asylum officer who	pursua tached has co	ant to section 241(a)(5) o I. The alien has express ncluded the alien <b>has</b> a	f the Act. A copy of the ed fear of persecution or reasonable fear of
	orde has	The Commissioner of the INS er of removal would pose a sp therefore invoked procedures be removed from the United S	ecial d	langer to the public according time the alien's detention	ng to th even tl	ne standards set in 8 CF hough there is no signifi	R § 241.14(f)(1). The INS cant likelihood that the ali

for a review of this determination in accordance with 8 CFR § 241.14 (g).

#### NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on

To Be Determined at (Date)	To Be Determined (Time)	
You are to appear at: PIS	C EOIR, 27991 Buena Vista Blvd., Los Fresnos, TX 78566	
	(complete office address)	
and qualified to represent per representative should appear any change of your address to	this proceeding, at no expense to the government, by an attorney or other individual authorized ons before an Immigration Court. If you wish to be so represented, your attorney or with you at this hearing. In the event of your release from custody, you must immediately report the Immigration Court on Form EOIR-33, which is provided with this notice. If you fail to apposion may be rendered in your absence.	ort
	son or persons of your own choosing prior to your appearance in Immigration Court. Such o the government and may not unreasonably delay the process.	
Attached is a list of recogn	ed organizations and attorneys that provide free legal service  Burt Broussard  Immigration Analyst – ZHN  (Signature and title of immigration officer)	1
The original of this notice was	certificate of Service  ead and explained to the applicant in the English anguage.  divered to the above-named applicant by the undersigned on //-2le-/3 and the alien has been advised of 8 CFR 236.1(e). Delivery was made:	
in person	by certified mail, return receipt requested  by regular mail  Burt Broussard  Immigration Analyst – ZH	N
Attachments to copy presented to	nmigration judge:	
☐ Passport	⊠ Form 1-860	
☐ Visa	☑ Form I-869	
Form 1-94	☐ Form I-898	
Forensic document analysis	Asylum officer's reasonable fear determination worksheet (1-899)	
☐ Fingerprints and photographs	Asylum officer's credible fear determination worksheet (1-870)	
☐ EOIR-33		
FOR 8 CFR 241.14(f) CASES ON description of the evidence relied on	Y: Written statement including summary of the basis for the Commissioner's determination to continue the alien in detention, and finding the alien specially dangerous (with supporting documents attached).	Ė
☐ EOR 8 CFR 241.14(f) CASES ON Hearing at 8 CFR 241.14(h).	Y: Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cau	ise
Other (specify): Asylum Offi	r's notes	

Department of Homeland Security
U.S. Citizenship and Immigration Services

### Record of Determination/Credible Fear Worksheet

HLG	ZHN	087 402 454	SMEDEMA
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
Urka	Michelle	NETHERLANDS	
Asylum Officer's Last Name Asylum Officer's First Name Alien's Nationality			
All statements in italics must be read to the applicant			

SEC	<u> TION I:</u>	<u>NTERVIEW P</u>	REPARATION		
1.1	11/05/13	1.2	Hidalgo, TX PO	3	
	Date of arrival [MM/DD/YY]		Port of arrival		
1.3	11/05/13	1.4	Port Isabel SPC		
	Date of detention [MM/DD/YY]		Place of detention		
1.5	11/05/13	1.6	N/A		
	Date of AO orientation [MM/DD/YY]		If orientation more	than one week from d	ate of detention, explain delay
1.7	11/21/13	Los Fresnos, T	X		
	Date of interview [MM/DD/YY]	Interview site			
1.9	Applicant received and signed Form M-444	and relevant pro	bono list on	11/05/13	
				Date signed [MM/DD	YYY]
1.10	Does applicant have consultant(s)?	Yes 🛚	] No		
	1.11 If yes, consultant(s) name, address, telepho	one number and re	elationship to applicat	nt	
		<del></del>	<del></del>	<del></del>	
			····	·	
1.12	Persons present at the interview (check which app	ly)			•
	1.13 Consultant(s)				
	1.14 Other(s), list:				
	1.15 No one other than applicant and as	ylum officer			
1.16	Language used by applicant in interview:	English			
1.17		Yes	☐ No		
	Interpreter Service, Interpreter ID Number.	Interpreter	Has Forms	Time Started	Time Ended
81.1		Yes Yes	☐ No		
	Interpreter Service, Interpreter ID Number.	Interpreter	Has Forms	Time Started	Time Ended
1.19		_ Yes	☐ No		
	Interpreter Service, Interpreter ID Number.	Interpreter	Has Forms	Time Started	Time Ended
1.20	Interpreter was not changed during the inter	view			
1.21	Interpreter was changed during the interview	for the following	g reason(s):	,	
	1.22 Applicant requested a female interpre	ter replace a male	interpreter, or vice ve	ersa	
	1.23 Applicant found interpreter was not co	•	•	pplicant found interpr	eter was not neutral
	1.25 Officer found interpreter was not com	•		fficer found interprete	
	1.27 Bad telephone connection	-	- س	P	
1.28	Asylum officer read the following paragraph	to the applicant a	t the beginning of the	interview:	

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

		Alien's I	File Number: 087 402 454				
SEC	TION II:	BIOGRAPHIC II	NFORMATION				
2.1	SMEDEMA						
	Last Name/ Family Name [ALL CAPS]						
2.2	Hans	2.3	N/A				
	First Name		Middle Name				
2.4	03/27/48	2.5	Gender Male	emale			
	Date of birth [MM/DD/YY]		•				
2,6	N/A	•					
	Other names and dates of birth used		•				
2.7	NETHERLANDS	2.8	NETHERLANDS				
	Country of birth		Country (countries) of citizenship (	list all)			
2.9	Drachden, Netherlands						
	Address prior to coming to the U.S. (List A	ddress, City/Town, Prov	ince, State, Department and Country).				
2.10		None	2.12 Dutch, English, Ge				
2.13	Marital status: Single Single 2.14 Did spouse arrive with applicant?  2.15 Is spouse included in applicant's cl	Yes X		Wid	lowed	ı applica	nt,
	Wietska Jamsma. She is a citize  Children: Yes No  List any children (Use the continuation sector birth Name  DD/YY)		l children):  Present location (if w/PA, list A-Numbers)	Did ch arrive PA?		Is child includ PA's c	ed in
			·····	Yes	□ No	∏ Yes	□ No
		<u> </u>		Yes Yes	□ No □ No	Yes Yes	□ × □ × 0
		<del></del>		Yes	□ No	☐ Yes	N° □
		<del></del>	<del></del>	- Yes	No	Yes	No

	Alien's File Number:	087 402 454
)	Does applicant claim to have a medical condition (physical or mental), or has the of medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below	
	See attached memorandum.	
	2.20 Has applicant notified the facility of medical condition?	Yes No
	2.21 Does applicant claim that the medical condition relates to torture?	☐ Yes ⊠ No
	Does the applicant have a relative, sponsor or other community ties, including spou or child already listed above?	
	2.23 If YES, provide information on relative or sponsor (use continuation section	on, if necessary):
	Name	Relationship
	Address	Telephone Number
	Citizen Legal Permanent Resident Other	
77	TION III: CREDIBLE FEAR INTERVIE	CXX7
<u>ا</u>	<del></del>	
	The following notes are not a verbatim transcri	
	These notes are recorded to assist the individual officer in mal	king a credible fear determination
	and the supervisory asylum officer in reviewing	g the determination.
10	re may be areas of the individual's claim that were not explored or docu	
as	ylum officer must elicit sufficient information related to both credible fear of persecu	ution and credible fear of torture to determine whether
	ant meets the threshold screening. Even if the asylum officer determines in the cours	
	ution, the asylum officer must still elicit any additional information relevant to a fear	
	ons and may use the continuation sheet if additional space is required. If the applicar	
	-up questions to elicit sufficient details about the claim in order to make a credible fe	
	a. Have you or any member of your family ever been mistreated or threatened by an	
	Yes No	tyone in any country to which you may be returned.
	See attached notes and checklist.	
	<del></del>	·
	b. Do you have any reason to fear harm from anyone in any country to which you m	nay be returned?
	Yes No	
	See attached notes and checklist.	
	c. If YES to questions a and/or b, was it or is it because of any of the following reason	ons? (Check each of the following boxes that apply).
		ons? (Check each of the following boxes that apply).
	c. If YES to questions a and/or b, was it or is it because of any of the following reason.  Race Religion Nationality Membership in a par	ons? (Check each of the following boxes that apply).
	c. If YES to questions a and/or b, was it or is it because of any of the following reason	ons? (Check each of the following boxes that apply).
	c. If YES to questions a and/or b, was it or is it because of any of the following reason.  Race Religion Nationality Membership in a par	ons? (Check each of the following boxes that apply).

		MEZ AN
<del></del>	Alien's File Number: 087 402 454	
3.2	At the conclusion of the interview, the asylum officer must read the following to applicant:	
•	If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?	;
credib	At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.  The Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material at the applicant was given every opportunity to establish a credible fear.	
	ION IV:  CREDIBLE FEAR FINDINGS	
<b>A.</b> <u>Credib</u> 4.1	Credible Fear Determination:	
Nexus 4.6 (Defin 4.10	Race 4.7 Religion 4.8 Nationality 4.9 Membership in a Particular Social Group e the social group):  Political Opinion 4.11 Coercive Family Planning [CFP] 4.12 No Nexus	
Credit 4.13	le Fear Finding  Credible fear of persecution established.  OR	
4.14	Credible fear of torture established.  OR	
4.15	Credible fear of persecution NOT established and there is not a significant possibility that the applicant could establish eligibility withholding of removal or deferral of removal under the Convention against Torture.	ty for
В.	Possible Bars:	
4.16	Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):	
	4.17 Particularly Serious Crime 4.18 Security Risk 4.19 Aggravated Felon	
	4.20 Persecutor 4.21 Terrorist 4.22 Firmly Resettled	
	4.23 Serious Non-Political Crime Outside the United States	
4.24	Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal.	

	Alien's File Number: 087 402 454
C.	Y. Jan Gran
4.25	Identity:  Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
	4.26 Applicant's own credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty).
	4.27 Passport which appears to be authentic.
	4.28 Other evidence presented by applicant or in applicant's file (List):
4.29	Applicant's identity was <b>not</b> determined with a reasonable degree of certainty. (Explain on the continuation sheet.)
SEC	TION V: ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES
5.1	Michelle Wha, 714095 5.2 Which w. Illia 5.3 11 / 21 / 13 Asylum officer name and ID CODE (print) Asylum officer's signature Decision date
5.4	DARICE IRONS Supervisor's signature  5.6  \( \lambda \lambda \rangle \lambda \rangle \lambda \rangle \lambda \rangle \lambda \rangle \rangle \lambda \rangle \

#### ADDITIONAL INFORMATION/CONTINUATION

The following notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

(1.28) The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

[Applicant and interpreter placed under oath]

Start Time: 8:04

Q: You received a form that explained the credible fear process on 11/05/13. Did you understand the M-444? A: Yes.

Alien's File Number:

087 402 454

- Q: What is your native language?
- A: Dutch
- Q: What other languages do you speak?
- A: English and German
- Q: Are you comfortable to complete this interview in English?
- A: Yes
- Q: Do you have an attorney or Consultant?
- A: At the moment not, but I have a lawyer from the old case. This is my second time asking for asylum.
- Q: Are you comfortable to continue the interview without an attorney on the phone?
- A: Yes
- Q: Are you willing to answer my questions at this time?
- A: Yes
- Q: Do you have any physical or mental problems today?
- A: No
- Q: What is your full and complete name?
- A: Hans Smedema
- Q: Have you used any other names/versions of your name before?
- A: Never
- Q: What is your date of birth?
- A: March 27, 1948
- Q: Have you used any other dates of birth before?
- A: Never
- Q: Where were you born?
- A: Netherlands, in Leeuwarden
- Q: What country are you a citizen of?
- A: Netherlands
- Q: Are you citizen of any other countries?
- A: I am a resident of Spain. I left Spain on June 13, but I am still in the files over there and I pay taxes over there.
- Q: Where were you deported after your last asylum case?
- A: To the Netherlands.
- O: What is your race or ethnicity?
- A: White
- Q: Where did you last live in your country?

A: Just now I came from the Netherlands. I went from Spain on June 13 and went to the Netherlands. I went with my wife in a town called Drachden. I was put in jail and after that I fled Holland.

Q: Have you lived in any other country before?

A: Only in Spain. From June 1, 2008 to June 13, 2013.

Q: What kind of work did you do?

A: At the moment, I am a pensioner. I did not work since January 2004. I get disability allowance but it stopped now in March because I got retired.

Q: Why were you paid disability?

A: PTSD. It was from this whole case.

Q: When were you diagnosed with PTSD?

A: Never by a psychiatrist.

Q: How were you paid disability if you were never diagnosed with PTSD?

A: I just told them what was happening and they paid me 60,000 euro per year. It was very easy.

Q: Who paid the disability?

A: A private company. I had an insurance policy. And there was a small 5,000 disability from the Dutch government each year as well for the PTSD. Both started in January 2004 and ended in March 2013.

Q: Why did the payments stop?

A: Because I retired in April of this year, so the pension changes.

Q: What work were you doing until April of this year?

A: Nothing. I stopped working in January 2004. But I did not retire until March of this year, so that is when the disability stopped.

Q: Are you now or have you ever been married? Spouse's name? Where is she?

A: Yes, My wife is Wietska Jamsma. She is a citizen of the Netherlands and she is there in Drachten today.

Q: Do you have children under 21?

A: No children under 21.

Q: Did you belong to any groups or organizations?

A: Yes, many commercial groups, like the Center of Dutch Directors and the Rotary Club. I was a donating member of the Liberty Party for many years. Nothing relevant to the asylum claim.

Q: Did you ever perform any military service?

A: No

Q: Was anyone in your family in the military?

A: Yes, three brothers.

Q: Were you ever involved with any political parties?

A: For many years I donated to and voted for the Liberty Party.

Q: Do you belong to any ethnic/indigenous/minority groups?

A: No

Q: Do you have a religion?

A: No

Q: Have you been to the US before?

A: Several times. The main thing was 2009 asking for political asylum. It started April 23, 2009 when I arrived and ended November 4, 2009 when I was deported to the Netherlands.

Q: Do you have any relatives in the US?

A: No, not close family. There should be about 100 Smedemas here. I have some in Facebook. Annabelle, Neal, Cindy Smedema.

Q: Who would you stay with if you were released?

A: I would like to live in Florida because it is an international state. There are people there from many countries. I have a lawyer over there, Chandler Findlay. But as long as he is my lawyer, he cannot sponsor me. It would mix things up he said. I think someone could be found who could sponsor me.

Q: Is there anyone whose name and contact information you would like me to write down as a potential sponsor? A: At the moment, no.

CLAIM

Q: What is the reason you left the Netherlands?

A: Because they put me in jail and it was unlawful. It was confirmed by three judges in a plural court.

Q: Before you were put in jail, were you convicted of a crime?

A: I was convicted by appeal court for putting names on the internet. It was libel. But I was innocent because I defending the rights of myself and my wife. The trial was not fair.

Q: Did you have an attorney representing you?

A: Yes, a famous lawyer. But there was no defense allowed, no witnesses or DNA. That is why I fled to Spain.

Q: What date were you convicted of Libel?

A: 12/03/2012

O: What was the sentence for that?

A: I had to remove all names from my blog and my books. And three months of jail conditional if I didn't take the names off. And there was a fine of 5,300 euros.

Q: Was this a civil trial where the man sued you and the jail term was a penalty for not complying with the sentence?

A: Yes, exactly.

.Q: Did you remove the names as you were told?

A: I took it out of the books. They are only available digital, so it is easy. And I took it from the blog. But then when I was in asylum court in 2009, I was told that under international law I have a right to name names. I asked myself during that court case, "What can I do? Can I name names?" And he said yes, if my story was right.

Q: Can you clarify that time line? I thought that you were told to remove the names in December 2012.

A: Well, I had taken them down, but then after the 2009 trial I put them back up. I complied with the sentence, but not completely.

Q: Were you ever harmed in the Netherlands?

A: Yes, I was made infertile by the rapist who raped my wife in 1972. That was not the government.

O: What is the name of the man who did this?

A: Jam Fam Beek.

Q: How did he make you infertile?

A: He drugged me and put some glue in both finnacles. It has made me infertile without knowing. I found out about this in March 2000. It happened in 1972.

Q: How did you find out about this in March 2000?

A: I got flashbacks of suppressed memories. I had amnesia.

Q: Did you see a doctor after the flashbacks started?

A: Yes, I saw 14-15 psychologists. Most of them thought that I was delusional, because everybody in my family and the Dutch government denies what happened to me at that time.

Q: Why did the psychologists think that you were delusional?

A: My wife has amnesia and suppression as well. And the DNA tests show that the children are mine, but they are falsified.

Q: Who told you that the children are not yours?

A: Jan Fam Beek confessed that the children are not mine because he made me infertile. But my wife has disassociation and suppression, so it is difficult.

Q: Do you think that the government was involved in the cover up of this rape and forced infertility?

A: Oh, yes. I wrote it in my book. There are at least fifty police and other government members who deny that this happened. It is a conspiracy and a cover-up. That is why I got disability. I had to quit my job as a top headhunter. Because of all of the lying and covering up and calling me delusional, I had to stop my job. I lost over 100,000 euro a year in income. If I win the case, the Dutch government will probably have to pay me 5-10 million euro.

Q: Do you have a court case pending about this now?

A: No, but if I win this asylum case, I can get a lawyer and the Dutch government can be made to pay. That 5-10 million euro is an educated guess. There are indications that the Dutch queen in 1975 must have signed a special ruling that makes my case a secret. She is not behind it, but now the Dutch have to protect the queen, even if she is wrong.

Q: Do you think that the Dutch government is actively involved in covering up what was done to you or do they simply not believe you?

A: No, they are actively involved. They changed laws for this case. In America you have the Freedom of Information Act. In the Netherlands, we have something the same. I asked about this case, but I found out that in October 31, 1991 the Dutch made a special law to take out the FOIA in cases which the crown was involved. If the queen is involved, as she is in this case, no one can get information about what the queen did. In January of that year, a friend of mine started an investigation of the rapes of my wife and he was called to The Hague and told to stop investigating and they hurried and made that law.

Q: This law was made in 1991, but you did not start having flashbacks until 2000. Why do you think that the limitation of the FOIA law is related to your case?

A: I cannot be sure, but it is making it impossible to research my case. And my wife has stayed defenseless because she has a double personality. She does not know.

Q: Since you were deported in 2009, did you face further harm?

A: Yes. I got the appeal case from that slander. I tried again to file charges against everyone involved, but that is still not allowed. It is human rights violation.

Q: What were you trying to file?

A: I am not allowed to file charges, so in the appeal case I tried to do the same and accuse people. We brought the case of fifty witnesses down to twelve, but none of the witnesses were allowed. That means the judges must be working with the cover-up.

Q: Why do you think that the Dutch government has taken such an interest in covering up your case?

A: I think that the queen must have made a special ruling not to take up the case. And now if it were to come out that the queen made the special ruling, she would look bad. I am the victim of her signature.

Q: Why do you think that the queen took an interest in covering up your case?

A: I think that my family and my wife's family asked the queen to make a special ruling. We both had amnesia. I had it for 28 years and my wife still has it. In the appeal case in 2011 and 2012 we were not allowed to hear any witnesses or a DNA test. Three judges refused. Six, even because there were three judges and they were changed for three others. All six refused any defense. If you cannot defend yourself, anyone would be defenseless. The sentence of 2012 proves that the judges and the Dutch government are working together. So I had to leave Holland. Especially because they put me in jail for a month for trying to get to America.

Q: When were you put in jail for trying to get to America?

A: I was deported in 2009 because there was not enough proof. I asked what I could do if I got enough proof. They said that I could come to American soil and ask for asylum again. So I went to Vancouver and said I was going to America. But they refused me entry. When they were taking me to the plane to leave, one of the border control agents told me that the Dutch government was behind it. So I was sent back. I had a return ticket to Seville, but the next flight they could get me on was Paris. So they sent me to Paris and from there I went to the Netherlands. Then I booked a flight to Mexico City to get to the American border. A few hours before my flight to Mexico, three police came to my door and I spent a month in jail.

Q: What was the reason that they took you to jail?

A: For not conforming to the sentence from December 2012. I kept some names on my blog because I have to defend myself. That was confirmed by Judge Rex Ford of Miami, that I have every right to name names to defend myself. But afterwards, the judges told me that you can never put someone in jail for libel. So the prosecutor and the judges set me free immediately. The whole case was just so I could not get to Mexico that time. That is proof that the Dutch government is behind this case.

Q: Did you ever have problems because of your religion?

A: No

Q: Did you ever have any problems because of your nationality?

A: No

Q: Because of your race?

A: No

Q: Because of your political opinion?

A: No

Q: Because you are part of any group?

A: No

Q: For any other reason?

A: No

Q: Do you believe you would have problems in the future because of your religion/nationality/political opinion/or because you are part of any group?

A: No

Q: Would you be safe if you lived in Spain?

A: I don't know because Spain is also royalty. It could be that it would not solve the case. My wife is still defenseless in the Netherlands. Being in Spain will not help me. I need to protect my wife. But she does not believe me. She is made to believe that I am delusional. The last years have been very difficult. I call it mental torture.

Q: When you were living in Spain, did your wife live with you?

A: No. She thought I was delusional. She wanted to stay in the Netherlands with the children. When we are together we fight, because she wants me treated for being delusional and I want her treated. I also refuse to pay the 5,300 euro to the rapist. That also means that I would face three months in jail in the Netherlands for not paying the fine. And still I am not allowed any defense in the Netherlands. And the newspapers refuse to publish about this. The editors are not allowed to publish because the queen is involved. So, your question about Spain, I don't know. I could finish my book. I could live easily with friends, but my wife and I would be separated. She still thinks I am delusional. She still does not know what happened because of her disassociation.

Q: Anything else you haven't mentioned you think would be important for me to know?

A: It is very important that I spent a month in jail. It should never have happened for libel. I went to jail Sept 17, 2013 and I was released Oct 16, 2013.

Q: What do you think will happen if you return to the Netherlands?

A: They started a new case in the court to sentence me. They are trying to get me into jail for libel. Also, the justice department is trying to get the 5,300 euro that I have refused to pay. I would be forced to live in the Netherlands because my wife refuses to leave. And if I went to Spain, the Netherlands could make a European arrest warrant to put me in jail for six months for refusing to pay and not taking the names down. And they could do more because on my blog I accuse the Dutch queen.

#### **BAR Questions**

Q: Have you ever asked for asylum/residence in any other countries?

A: Here in the United States. I hope that Judge Rex Ford can reopen the case. That would be easier than doing the whole case over. I would ask that if that is possible, that my case would be transferred to Miami. Now that I have more proof, the case would be easier for Judge Rex Ford to hear it.

Q: Were you ever in the military or police force?

A: No

Q: Have you ever committed a crime anywhere in the world?

A: No

O: Have you ever been arrested?

A: The only time was in September and it was unlawful.

Q: Have you ever hurt anyone for any reason?

A: No

Q: Are you a member of any group that advocates violence or terrorism?

A: No

Q: Have you ever provided assistance to a group that advocates violence or terrorism?

A: No

Q: Are you currently receiving any disability payments at this time?

A: No. I receive my pension from the government and my work. It should be more but I spent much of our pension money living in two places. I was forced to live in two houses.

Asylum Officer summarized applicant's claim: You are afraid to return to the Netherlands because you believe that you could be jailed for up to six months for your refusal to pay a fine of 5,300 euro and your refusal to remove names from your blog. In the past, a man drugged you and your wife and left you infertile. Your wife was also raped many times. You believe that there is an extensive conspiracy to cover up these crimes and the conspiracy reaches to the Dutch queen and throughout the Dutch government. You are a permanent resident of Spain, but you do not believe that you could live safely in Spain, as you would still be vulnerable to a European arrest warrant to remove you to the Netherlands for your outstanding legal charges.

Q: Is this summary complete and accurate?

A: Yes, you are doing a great job.

Q: Anything to add to summary?

A: No. With the other stuff that we talked about, it should be more than enough for a case.

READ: (3.2) If the Asylum Office determines you have a credible fear of persecution or torture, your case will be referred to an immigration court. In the court you will be allowed to seek asylum or withholding of removal based on fear of persecution: or withholding of removal under the Convention Against Torture. The ICE Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

A: No.

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	Alien's File Number:	087 402 454	<del></del>
Call Ended: 9:35			

#### CREDIBLE FEAR DETERMINATION CHECKLIST

### FILE#: A 087.402-454 OFFICER: ZCH095-DATE: NOVEMBER 22, 2013. The factual summary (required by 8 CFR § 208.30) must be included at the end of the O/A notes for each interview. Torture: If there is a significant possibility of torture, complete Part A and Part C. Credibility: If there is no significant possibility assertions could be found credible, complete Part A and Part D. A. Harm 1. Has the applicant testified to past harm or mistreatment in his or her country? If yes, identify Persecutor / Torturer / Other Individual: A private citizen named Jan Fam Beek and the entire Dutch government Yes No No Past Harm: forced sterilization by Jan Fam Beek; intentional conspiracy to cover up this sterilization by the Dutch government 2. Has the applicant testified that he or she fears future harm if returned to his or her country? If ves. identify Persecutor / Torturer / Other Individual: Dutch government Yes No No Feared Future Harm: incarceration 3. If no to A.1 and A.2, STOP HERE and complete Form I-870. If yes, continue. B. Persecution 1. Is there a significant possibility that the applicant could establish in a full hearing that the claimed past or future harm is on account of one of the five protected grounds? Race Religion Nationality Political Opinion Membership in a Particular Social Group If yes, check applicable ground(s) above and specify: If no, specify motive of alleged persecutor, explain why a protected ground does not apply, and move to Part C: Applicant does not claim any nexus to a protected ground and the record does not reflect that a nexus exists. Regarding past harm, applicant was unable to give a reason why Jan Fam Beek chose to drug applicant and make him infertile. Applicant speculated that the Dutch government conspired to cover up Yes No No the crimes of Jan Fam Beek because applicant's family requested that the Dutch Queen make a special ruling to prevent exposure of the crime, and the rest of the government must obey and protect the queen. Regarding future harm, applicant stated that he may be jailed for 3-6 months for his failure to comply with an earlier libel suit against him by Jan Fam Beek. The suit requires applicant to remove Jan Fam Beek's name from applicant's blog and e-books, as well as to pay a 5,300 euro fine. Applicant refuses to comply with these terms, so he fears being incarcerated. Applicant's feared future harm is as a result of prosecution, not persecution. Neither the past harm claimed or the future harm feared have a nexus to any protected ground. 2. Is there a significant possibility that the applicant could establish in a full hearing that the claimed past or future harm did or would rise to the level of persecution? Yes No If no, explain, and move to Part C:

3. Is there a significant possibility that the applicant could establish in a full hearing that the entity that harmed or would harm the applicant is either an agent of the government or an entity that the government is unable or unwilling to control?  If no, explain, and move to Part C:	Yes 🗌 No 🗌
4. Is there a significant possibility that the applicant could establish in a full hearing that the applicant was persecuted or that his or her fear of future persecution is well-founded?  If no, explain, and move to Part C:  If yes, STOP HERE and complete Form I-870	Yes 🗌 No 🗌
C. Turture	
1. Is there a significant possibility that the applicant could establish in a full hearing that s/he was or would be intentionally subject to serious physical or mental harm in a country of intended removal?  If no, STOP HERE, explain, and complete Form 1-870:  Applicant fears that he would be incarcerated for 3-6 months if he is returned to the Netherlands.  Applicant could avoid incarceration by complying with the terms of his libel sentence, i.e. paying the 5,300 euro fine and removing Jan Fam Beek's name from his blog and e-books. If applicant is incarcerated for his failure to comply with his sentence, it would be as a result of a legitimate legal procedure, and not persecution. There is no objective evidence that applicant would suffer any other type of harm if he were returned to the Netherlands.	Yes □ No ⊠
<ul> <li>2. Is there a significant possibility that the applicant could establish in a full hearing that the person he or she fears is:</li> <li>a public official acting in an official capacity?</li> <li>an individual(s) who would act at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity?</li> <li>If no, STOP HERE, explain, and complete Form I-870:</li> </ul>	Yes 🗌 No 📋
D. Credibility	
1) Explain each credibility issue in detail: 2) Explain materiality of each issue: 3) Provide the applicant's response for each material credibility issue: 4) Assess the reasonableness of applicant's response as to each material credibility issue:	

	00/4024	454	
	1.	To be explained to the allen by the asylum officer:	
	The INS reason(s)	has determined that you do not have a credible fear of persecution or torture pursuant to 8 CFR 208,30 for the following:	
,	A.	You have not established a credible fear of return to your country of nationality or country of last residence because:	
		You have not indicated that you were harmed in the past and you have not expressed fear of future harm.	
		There is no significant possibility that you could establish in an asylum hearing that the harm you experienced and/or the harm you fear is on account of one or more of the five grounds for asylum (race, religion, nationality, political opinion, or social group).	
	ANI	You have not indicated that you were harmed in the past, and there is no significant possibility that you could establish in an asylum hearing that the harm you fear is well founded.	
		You have not expressed a fear that you would be intentionally subjected to serious physical or mental harm in a country to which you may be removed.	
		There is no significant possibility you could establish that the harm you fear would be inflicted by, or at the instigation of, or with the consent or acquiescence of, a government official or other person acting in an official capacity.	
	B. There is no significant possibility that your claim is credible because your testimony was inconsistent or lacked detail on material issues. When you were given an opportunity to explain you were unable to give a reasonable explanation about following issues:		
		Your testimony was internally inconsistent on material issues.	
		Your testimony was not consistent with country conditions on material issues.	
		Your testimony lacked reasonably sufficient detail on material issues.	
	Therefore	, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.	
		uest that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your at review could occur as long as 7 days after you receive this decision.	
	If you do	not request that an Immigration Judge review the decision, you may be removed from the United States immediately.	
	2.	To be completed by the alien:	
		I request Immigration Judge review of the decision that I do not have a credible fear of persecution or torture.	
	☐ No, 1	do not request Immigration Judge review of the decision that I do not have a credible fear of persecution or torture.	
	SMEDEMA		
	Applicant's UKKA	Last Name Family Name (Print)  Applicant's Signature  NOV 26 2013	
	Asylum Off	icer's Last Name (Print) Asylum Officer's First Name, (Print) Date	
	The contents	s of this form were read and explained to the applicant in the ENGLISK language	
	Interpreter u	sed:	
	By telephon	e (list interpreter service /ID number used).	
	In person (I	completely and accurately to the alien.)	
		Interpreter's Signature Date	

#### **Harlingen Immigration Court**

Probar - South Texas Pro Bono Asylum Representation	South Texas Immigration Council
301 East Madison Harlingen, TX 78550 (956) 425-9231 If calling from the Port Isobel Detention Center, for free call without calling card: Detainee picks up the phone in the dorm Presses 1 for English, 2 for Spanish Enters PIN number Selects prompt 6 Enters 5708# (#sign) Will represent aliens in Asylum hearings	Casa Mexico Bldg. 4793 West Expressway 83 Harlingen, TX 78552 (956) 425-6987  Will represent aliens in Asylum hearings
Casa De Proyecto Libertad	South Texas Immigration Council, Inc.
113 N. 1st St. Harlingen, TX 78550 (956) 425-9552 1-800-477-9552 if calling from the PISPC Detention Center • Will represent aliens in Asylum hearings	1201 Galveston St. McAllen, TX 78501 (956) 682-5397 (956) 682-8133, Fax Will represent aliens in Asylum hearings May charge a nominal fee
South Texas Immigration Council	Texas Riogrande Legal Aid, Inc.
4 E. Levee St. Brownsville, TX 78520 (956) 542-1991  • Will represent aliens in Asylum hearings	316 S. Closner Blvd. Edinburg, TX 78539 Local Tel: (956) 393-6200 Toll Free Intake: 1-888-988-9996 Will represent Legal Permanent Residents, United States citizens, and VAWA, U-visa or T- visa applicants

<u>Disclaimer</u>: As required by 8 C.F.R. § 1003.61, the Office of the Chief Immigration Judge (OCIJ) maintains a list of organizations and attorneys qualified under the regulations who provide free legal services. The information posted on this list is provided to OCIJ by the Free Legal Services Providers. The Executive Office for Immigration Review (EOIR) does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of these organizations or attorneys.