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**DETERMINATION OF INADMISSIBILITY**

Event Number :HID1411000138 File No: A087 402 454

SIGMA Event: 2024469

Date: November 5, 2013

In the Matter of: HANS SMEDEMA

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) 1. You are not a citizen or national of the United States;
- 2. You are a native of Netherlands and a citizen of Netherlands;
- 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;
- 4. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

... (CONTINUED ON I-831)

DANIEL SOLIS  
CBP OFFICER

Name and title of immigration officer (Print)



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)

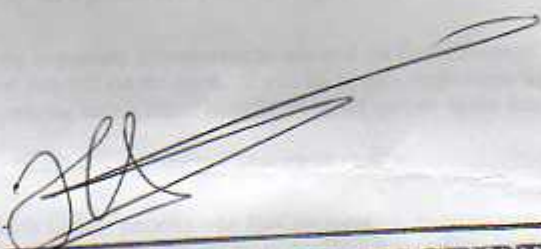
Signature of immigration officer

Applicant's Name <b>JANS SMEDEMA</b>	File Number A087 402 454 SIGMA Event: 2024469 Event No: HID1411000138	Date November 5, 2013
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5. On November 5, 2013 you applied for admission into the United States as a Netherlands National and requested Asylum.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

**X**   
**I ACKNOWLEDGE RECEIPT.**

Signature  DANIEL SOLIS	Title CBP OFFICER
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Record of Sworn Statement in Proceedings  
under Section 235(b)(1) of the ActOffice: HIDALGO, TX, POE

SIGMA Event: 2024469

File No: A087 402 454

Event Number :HID1411000138

Statement by: HANS SMEDEMAIn the case of: HANS SMEDEMADate of Birth: 03/27/1948

Gender (circle one): Male Female

At: HIDALGO, TEXAS POEDate: November 5, 2013Before: DANIEL SOLISCBP OFFICER

(Name and Title)

In the ENGLISH

language. Interpreter

Employed by

I am an officer of the United States Department of Homeland Security. I am authorized to administer the immigration laws and to take sworn statements. I want to take your sworn statement regarding your application for admission to the United States. Before I take your statement, I also want to explain your rights, and the purpose and consequences of this interview.

You do not appear to be admissible or to have the required legal papers authorizing your admission to the United States. This may result in your being denied admission and immediately returned to your home country without a hearing. If a decision is made to refuse your admission into the United States, you may be immediately removed from this country, and if so, you may be barred from reentry for a period of 5 years or longer.

This may be your only opportunity to present information to me and the Department of Homeland Security to make a decision. It is very important that you tell me the truth. If you lie or give misinformation, you may be subject to criminal or civil penalties, or barred from receiving immigration benefits or relief now or in the future.

Except as I will explain to you, you are not entitled to a hearing or review.

U.S. law provides protection to certain persons who face persecution, harm or torture upon return to their home country. If you fear or have a concern about being removed from the United States or about being sent home, you should tell me so during this interview because you may not have another chance. You will have the opportunity to speak privately and confidentially to another officer about your fear or concern. That officer will determine if you should remain in the United States and not be removed because of that fear.

Until a decision is reached in your case, you will remain in the custody of the Department of Homeland Security.

Any statement you make may be used against you in this or any subsequent administrative proceeding.

Q. Do you understand what I've said to you?

A. Yes.

Q. Any statement you make must be given freely and voluntarily. Are you willing to answer my questions at this time?

A. Yes.

Q. Do you swear or affirm that all the statements you are about to make are true and complete?

A. Yes.

Q. What is your true and correct name?

A. Hans Smedema.

Q. What is your true and complete date of birth?

A: March 27, 1948.

Q. Where were you born?

... (CONTINUED ON I-831)

Applicant's Name ANS SMEDEMA	File Number A087 402 454 SIGMA Event: 2024469 Event No: HID1411000138	Date November 5, 2013
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Leewarden, Netherlands.

Of what country are you a citizen?  
Netherlands.

What did you do for living in the Netherlands?  
I was retired and would receive a pension.

What are you parent's names, age and citizenship?  
My mother, Lippkje De Jong, she is deceased and was a citizen of the Netherlands and my father, Hette Smedema, He is also deceased and was a citizen of the Netherlands.

What is your marital status?  
I am married.

What is your wife's name?  
Wietske Jansma DOB 09/13/1951.

Where is your wife?  
She is in Holland, Netherlands.

Do you have any children if so how many and their names, age and citizenship?  
Yes I have 3 children and they reside in the Netherlands.

Have you ever applied for, or derived, citizenship or legal status from another country?  
I am resident of Spain.

When did you become a resident of Spain?  
I became a resident in June 01, 2008.

How did you become a Spanish resident?  
I nearly just applied for the residence and it was approved.

Did you live in Spain for a period of time?  
I lived there from June 01, 2008 to June 13, 2013.


Do you own property in Spain?  
No I do not I would rent while living there.

While living in Spain were you working?  
No I was not.

When did you depart from Spain?  
June 13, 2013 and went back to the Netherlands.

When did you leave the Netherlands?  
I departed from Netherlands on October 26, 2013 and traveled to Frankfurt via train and stayed there for 1 week.

After departing Frankfurt where did you travel?  
I took a flight to Mexico City and stayed there for 2 nights and then I took a flight to Monterrey, Mexico and then boarded a bus to Reynosa, Mexico.  
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Signature 	Title H. S. CBP OFFICER
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Alien's Name <b>HANS SMEDEMA</b>	File Number A087 402 454 SIGMA Event: 2024469 Event No: HID1411000138	Date November 5, 2013
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Q: Why did you depart from the Netherlands?  
 A: I departed from the Netherlands because in 1972 my wife was raped and since then I have not been able to file charges against the perpetrators which are government officials in the Netherlands. I was also incarcerated for 1 month in September 17, 2013 and was released on October 16, 2013 due to me attempting to leave the country.

Q: Have you ever received threats from the Netherlands government?  
 A: No I have not.

Q: Have you been physically harmed by them?  
 A: No I have not.

Q: Are you under petition?  
 A: No.

Q: Do you have relatives that are United States Citizens?  
 A: No I do not.

Q: What is the purpose of your arrival today at the Hidalgo POE?  
 A: To request asylum.

Q: Is this the first time you request asylum or any other benefit from the U.S.?  
 A: No I requested asylum in 04/20/2009 in Miami.

Q: Did you request Asylum in any other country?  
 A: No.

Q: Do you have legal documents to enter the United States?  
 A: No.

Q: Where do you plan to go if you are allowed to enter the United States?  
 A: I plan to go to Florida.

Q: Who are you going to live there with?  
 A: I am going to live there on my own.

Q: Do you have family in Florida?  
 A: No I do not.

Q: Where do you plan to live while in Florida?  
 A: I plan to rent an apartment there.


Q: Why do you want to go to Florida?  
 A: Because it is a very beautiful state.

Q: Have you ever visited the United States before?  
 A: Yes I have visited the United States.

Q: What cities have you visited?  
 A: I visited Harlingen, Texas two times and Boston, Massacutttes, and Los Angeles, California.

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H.S.

Signature  DANIEL SOLIS	Title CBP OFFICER
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Alien's Name <b>HANS SMEDEMA</b>	File Number A087 402 454 SIGMA Event: 2024469 Event No: HID1411000138	Date November 5, 2013
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Q: What was the purpose of the visit?  
A: To visit friends and vacation.

Q: Have you ever been arrested for any reason in the US, Netherlands or any other country? If so, for how long?  
A: Yes the Netherlands on September 17, 2013 and was incarcerated for 1 month.

Q: Have you ever been in trouble with US Customs and Border Protection?  
A: In 2009 I was deported back to the Netherlands via Miami.

Q: Have you ever used any other names?  
A: No.

Q: With whom are you traveling today?  
A: I am traveling alone.

Q: Have you ever applied for a visa to visit the U.S.?  
A: No, but I have applied for entry under the visa waiver program.

Q: Have you ever committed any terrorist crimes against authority or against the public?  
A: No.

Q: Are you in good health?  
A: Yes.

Q: Are you taking any medication?  
A: Yes for my blood pressure daily.

Q: Have you ever been infected with any communicable or infectious disease for which you need medical treatment? (If yes, type)  
A: No.

Q: Do you have fear to return to Netherlands?  
A: Yes I do.

Q: Would something happen to you if you were returned to Netherlands?  
A: I would get incarcerated.

Q: Who still resides in Netherlands?  
A: Brothers, sisters, wife, and children.

Q: If you were granted legal permanent residency, would you go back to Netherlands as a tourist to visit friends or family?  
A: Yes in the future it is possible that I would return to visit.

Q: How much money do you have with you?  
A: I have 90 dollars, 190 pesos, and 5 euros.

Q: Why did you choose this port of entry?  
A: Because it was the closest to my location.

Q: Do you have any questions or anything else to say?  
... (CONTINUED ON NEXT PAGE)

H.S.

Signature  DANIEL SOLIS	Title CBP OFFICER
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Alien's Name <b>HANS SMEDEMA</b>	File Number <b>A087 402 454</b> SIGMA Event: <b>2024469</b> Event No: <b>HID1411000138</b>	Date <b>November 5, 2013</b>
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A: Not right now.

*[Faint, mostly illegible text from the interview transcript, including questions and answers.]*

*[Handwritten signature of Daniel Solis]*

*[Handwritten initials "H.S."]*

Signature 	Title <b>DANIEL SOLIS</b> <b>CBP OFFICER</b>
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**Jurat for Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act**

SIGMA Event: 2024469

Q: Why did you leave your home country or country of last residence?

A. **Because i was incarcerated for 1 month and i cannot file charges against the perpetrators behind my wife's rape case in 1972.**

Q: Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. **Yes I fear returning to the Netherlands.**

Q: Would you be harmed if you are returned to your home country or country of last residence?

A. **I would be incarcerated.**

Q: Do you have any question or is there anything else you would like to add?

A. **Not at this time.**

I have read (or have had read to me) this statement, consisting of 1 pages (including this page). I state that my answers are true and correct to the best of my knowledge and that this statement is a full, true and correct record of my interrogation on the date indicated by the above named officer of the Department of Homeland Security. I have initialed each page of this statement (and the corrections noted on page(s) \_\_\_\_\_).

Signature: \_\_\_\_\_

**HANS SMEDEMA**

Sworn and subscribed to before me at HIDALGO, TEXAS POE on November 5, 2013.

Signature of Immigration Officer \_\_\_\_\_

**DANIEL SOLIS  
CBP OFFICER**

Witnessed by: \_\_\_\_\_

**S ALANIS**



**Purpose of this notice**

The purpose of this notice is to explain what will happen while you are in detention, what rights you have, and what may happen to you as a result of statements you make. It is important that you understand your rights and what will happen. **PLEASE READ THIS NOTICE CAREFULLY.**

You have been detained because the U.S. Department of Homeland Security (DHS) believes that you may not have the right to stay in the United States. You have indicated an intention to apply for asylum or a fear of persecution or return to your country. You will be interviewed by a specially-trained asylum officer to determine if you have a "credible fear of persecution." You will be detained until that interview takes place. If the DHS finds that you have a credible fear of persecution, you may or may not be released.

**Right to consult with other persons**

Normally, the interview will not take place sooner than 48 hours after you arrive at the detention facility. You may use this time to rest and consult with family members, friends, or other representatives. In unusual circumstances, you may be given additional time to contact someone. If you need this additional time, you should inform a DHS officer. You may request that the interview take place sooner if you are prepared to discuss your fears or claim immediately.

You may consult with a person or persons of your choosing, provided that such consultation is at no expense to the government and does not delay the process. A person of your choice can be present with you at your interview. A list of representatives who may be able to speak to you free of charge is attached to this notice. You may use the telephone while you are in detention to call a representative, friend or family member in the United States, collect or at your own expense. If you wish to call someone, you should inform an DHS officer for assistance. You also may contact the United States Office of the United Nations High Commissioner for Refugees, at (202) 296-5191 from 9:00 a.m - 5:00 p.m. (eastern standard time), Monday thru Friday.

**Description of credible fear interview**

The purpose of the credible fear interview is to determine whether you might be eligible to apply for asylum before an immigration judge. This interview is not your formal asylum hearing. It is only to help us determine whether there is a significant possibility that you may qualify as a refugee.

At your interview, you will have the opportunity to explain to the asylum officer why you think you should not be returned to your home country. If you want to apply for asylum in the United States, or think you will be harmed, persecuted or tortured if you return to your home country, you must show an asylum officer that you have a credible fear of being harmed or persecuted because of your race, religion, nationality, membership in a particular social group or political opinion, or that it is likely that you will be tortured.

If the officer determines that you have a credible fear or persecution or that you might face torture if you are returned to your home country, you may be eligible to remain in the United States.

It is very important that you tell the officer all the reasons why you have concerns about returning to your home country or are afraid to return to your home country. There are regulations protecting the confidentiality of asylum claims.

It is also very important that you tell the truth during your interview. Although the purpose of this interview is not to gather evidence against you, failure to tell the truth could be used against you in this or any future immigration proceeding.

### Need for interpreter or special consideration

If you do not speak English well or if you prefer to be interviewed in your own language, DHS will provide an interpreter for the interview. The interpreter has been told to keep the information you discuss confidential. If the interpreter is not translating correctly or you don't feel comfortable with the interpreter, you may request another interpreter. The officer will take written notes.


If you will need to tell the asylum officer information that is very personal and very difficult to talk about, you may request a female officer and female interpreter, or a male officer and male interpreter. The DHS will provide them if they are available. You will also have the opportunity to speak with the asylum officer separately from your family if you so desire.

### Consequences of failure to establish credible fear and review of determination

If the asylum officer determines that you do not have a credible fear of persecution, you may request to have that decision reviewed by an immigration judge. The immigration judge's review will be in person or by telephone or video connection. The review will happen as soon as possible, to the maximum extent practicable within 24 hours, but in no case later than 7 days from the date of the asylum officer's decision. You may consult with a person or person of your choosing before the review by the immigration judge, provided it does not cause unreasonable delay. You will be given a copy of the asylum officer's record of determination to examine prior to the review by the immigration judge. If any of the information is incorrect, you should notify the immigration judge. The immigration judge may decide that you do have a credible fear and that you are eligible for a full asylum hearing before an immigration judge. If you are ordered removed, you may be barred from reentry to the United States for a period of 5 years or longer.

#### Interpreter Certification

I DANIEL SOLIS (name of interpreter) certify that I am fluent in both the ENGLISH and English languages, that I interpreted the above information from English to ENGLISH completely and accurately, and that the recipient understood my interpretation.

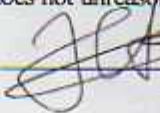
  
Signature of interpreter

11/05/2013

Date

#### Alien Acknowledgment of Receipt

I acknowledge that I have been given notice concerning my credible fear interview. I understand that I may consult with a person or persons of my choosing prior to the interview as long as it does not unreasonably delay the process and is at no expense to the Government.

  
Alien's signature

November 5, 2013

Date