



**U.S. Customs and  
Border Protection**

JUN 07 2016

Anish Vashistha

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Re: Motion to Reopen and Rescind ER Orders Dated March 20, 2016 for [REDACTED] ([REDACTED])  
and [REDACTED] ([REDACTED]).

On March 20, 2016 at the Los Angeles International Airport, Mr. [REDACTED] and Mrs. [REDACTED] married citizens of Fiji, were refused admission and ordered removed by U.S. Customs and Border Protection (CBP) pursuant to Section 235(b)(1) of the Immigration and Nationality Act (INA), Expedited Removal. They were ordered removed after having been determined to be inadmissible under Section 212(a)(7)(A)(i)(I) of the INA, as immigrants without immigrant visas.

On or around April 20, 2016, CBP at LAX received correspondence from your office, a Motion to Reopen and Rescind these Orders of Expedited Removal. Accompanying your requests were supporting documentation which argued your case on behalf of your clients.

INA Section 214 (b) states that all visitors coming to the United States shall be presumed to be immigrants until they demonstrate to the satisfaction of the inspecting CBP Officer that they are entitled to admission as a non-immigrant. This burden rests solely with the applicant for admission.

In Mr. [REDACTED]'s case, photographs on his telephone seemed to indicate that he was involved in unauthorized employment on a past visit. Additionally, both Mr. [REDACTED] and Mrs. [REDACTED] were only in possession of \$140 USD between them.

Mr. [REDACTED] and Mrs. [REDACTED] did not overcome the INA 214 (b) immigrant presumption to the satisfaction of the inspecting officers on March 20, 2016, and were therefore determined to be inadmissible under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act.

However, after consideration of the documentation and arguments provided by your office, an evaluation of the full case file itself and a review of the appropriate CBP electronic databases, it does appear that an offer to withdraw their applications for admission to the U.S. would have been a reasonable component of these cases, and in the overall best interest of your client and the Agency (in fact, Mrs. [REDACTED] was twice offered the opportunity to Withdraw on that date, but never answered the question).

Based on the totality of the circumstances, the Orders of Expedited Removal issued to Mr. [REDACTED] and Mrs. [REDACTED] are hereby rescinded and converted to Withdrawals.

All CBP databases will be updated to reflect Withdrawals of Application for Admission, which carries no bar for reentry, and the visa issuance section of the U.S. Consulate in Suva will be notified of these changes to the disposition of these two cases.

Sincerely,

A handwritten signature in black ink that reads "RJ House". The signature is written in a cursive style with a large, stylized "R" and "H".

Russell J. House  
CBP Section Chief, Admissibility and Enforcement Programs  
Los Angeles International Airport