

IV. ARGUMENT

A. A STAY OF THE MANDATE IS WARRANTED UNDER THIS COURT'S PRECEDENT

A stay of the mandate is warranted in this case because the Petitioners have filed a second application for asylum to the USCIS, but are subject to the execution of a removal order if the mandate is not stayed in their case. This Court has stayed the mandate in similar cases in order to allow unsuccessful litigants to pursue alternate claims before the agency. For instance, in Aguilar-Escobar v. INS, 136 F.3d 1240, 1240 (9th Cir. 1998), this Court stayed the mandate in a case where it denied the petition for review, but also noted that the litigants may have been eligible for an alternate form of relief:

Because the petitioner arrived in the United States prior to September 9, 1990, she may be entitled to relief under the Nicaraguan Adjustment and Central American Relief Act of 1997. Pub.L. No. 105-100, 111 Stat. 2160 (Nov. 19, 1997), as amended by Act of Dec. 2, 1997, Pub.L. No. 105-139, 111 Stat. 2644. Because of the possibility that she may qualify, on a proper application, for a remedy under the 1997 Act, we will stay the mandate for ninety days. If the petitioner applies for relief under the 1997 Act within ninety days from the date this disposition is filed, the stay will continue until her application is disposed of. If no timely application is made, the petition will be denied and the mandate will be filed on May 19, 1998.

Id.

In addition, this Court has stayed the mandate in cases where alternative relief had not even been pursued by the unsuccessful party. See Alvarez-Ruiz, 749 F.2d at 1316; Khourassany v. INS, 208 F.3d 1096, 1101 (9th Cir. 2000);

Roque-Carranza, 778 F.2d at 1374. In each of those cases, even though the petitioners had not yet even filed a Motion to Reopen before the BIA, this Court nevertheless found it appropriate not only to issue a stay of the mandate in order to allow for the opportunity to file the motion but, once filed, to extend that stay until the BIA adjudicated that Motion to Reopen. Here, Petitioners have already filed their application for asylum, and only request that the issuance of the mandate be stayed until that application has been adjudicated. As Petitioners present strong claims in their asylum application, a stay of the mandate is warranted to allow those claims to be properly considered.

B. THREE CIRCUITS, INCLUDING THIS COURT, REQUIRE THAT AN APPLICANT WHO ASSERTS A CHANGE IN INDIVIDUAL CIRCUMSTANCES MUST BE ALLOWED TO FILE A SUCCESSIVE ASYLUM APPLICATION EVEN WHEN SUBJECT TO A FINAL ORDER OF REMOVAL

Petitioners must be afforded the opportunity to apply for asylum, withholding of removal, and CAT, notwithstanding the final order of removal in their case. The statute at 8 U.S.C. § 1158(a)(2)(D) states that an application for asylum may be considered, notwithstanding a previously submitted application or the expiration of one year before filing, if the applicant has demonstrated “the existence of changed circumstances which materially affect the applicant’s eligibility for asylum.” (emphasis added). This Court has determined that Petitioners may not pursue a claim to asylum and withholding of removal through

a motion to reopen, as the regulations permit only the filing of a motion to reopen based on changed country conditions, and not based on a change in individual circumstances. Exh. A.H citing 8 C.F.R. § 1003.2(c)(3)(ii).

However, three circuits have concluded that because the regulation at 8 C.F.R. § 1003.2(c)(3)(ii) precludes reopening for asylum and withholding of removal based on a change in individual circumstances, the statute at 8 U.S.C. § 1158(a)(2)(D) requires that an applicant be permitted to file a new and successive application for asylum. See He v. Gonzales, --- F.3d ----, 2007 WL 2472546 *4, n. 9 (9th Cir. Sept. 4, 2007); Haddad v. Gonzales, 437 F.3d 515 (6th Cir. 2006); Guan v. BIA, 345 F.3d 47, 49 (2d Cir. 2003). All of these decisions state that the proper route for an alien who has a final order of removal, and who has a claim to asylum and withholding of removal based on changed individual circumstances, is to file a new application for asylum. As this Court stated:

Although the Hes are barred in the motion to reopen context, they may file a new asylum application pursuant to 8 U.S.C. § 1158(a)(2)(C), which allows for the filing of multiple or untimely asylum applications if an alien can establish changed or extraordinary circumstances under § 1158(a)(2)(D). The relevant regulation makes clear that the term “changed circumstances” for purposes of filing an asylum application—as opposed to a motion to reopen—includes a change in personal circumstances occurring outside the country of nationality. See 8 C.F.R. § 208.4(a)(4)(i)(B) (referring to “changes in the applicant's circumstances that materially affect the applicant's eligibility for asylum, including ... activities the applicant becomes involved in *outside* the country of feared persecution that place the applicant at risk” (emphasis added)).

He v. Gonzales, --- F.3d ----, 2007 WL 2472546 *4, n. 9 (emphasis added).

The Second and Sixth Circuits have also reached the same conclusion. In Guan v. BIA, the Second Circuit stated:

Although we find no legal error or abuse of discretion in the BIA's denial of Guan's motion for reopening, another administrative remedy may still be open to Guan. Under 8 U.S.C. § 1158(a)(2)(D), an alien may request permission to file a successive, untimely asylum application based upon "changed circumstances which materially effect [her] eligibility for asylum." The government agrees that the definition of such "changed circumstances" provided by 8 C.F.R. § 208.4(a)(4) (2003) encompasses changed personal circumstances arising in the United States)

345 F.3d at 49 (emphasis added).

Furthermore, the Sixth Circuit made clear that the new application is to be filed affirmatively:

It may seem odd that an asylum application that would not be considered when attached to a motion to reopen very well might be considered when simply filed anew under 8 U.S.C. § 1158, but this result is required by the statute and regulations. Thus, Haddad may still pursue this avenue of relief.

Haddad v. Gonzales, 437 F.3d at 518-19.

Thus, an individual who has been ordered removed must have the opportunity to present a case for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT") based on changed individual

circumstances.³ This Court should therefore stay the mandate in Petitioners' case so that they have a chance to pursue this avenue of relief.

C. PETITIONERS HAVE A WELL-FOUNDED FEAR OF PERSECUTION IF REMOVED TO INDONESIA

Petitioners are natives and citizens of Indonesia and are practicing Christians. On June 15, 2004 Petitioner Raymond Soeoth was ordained by the "Gereja Bethel Indonesia" church as a pastor. Exh. A.J. He is now a Church Minister for the Bethany International Church in San Bernardino, California.

Because Petitioner Raymond Soeoth is now an ordained Pentecostal Christian

³ Additionally, to not allow such an opportunity would violate the INA, CAT, and international law. For instance, the asylum statute at 8 U.S.C. § 1158 (a)(2)(D) states that an untimely and successive application for asylum may be considered if the applicant demonstrates the existence of changed circumstances which materially affect the applicant's eligibility for asylum. In addition, the withholding of removal statute provides that the "Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1231(b)(3)(A). Article 33.1 of the United Nations Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, 176 (1954), provides: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421, 429, 107 S.Ct. 1207, 1212, 94 L.Ed.2d 434 (U.S. 1987) citing 189 U.N.T.S. 150, 176 (1954), 19 U.S.T. 6259, 6278, T.I.A.S. No. 6577 (1968). Last, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), as implemented by Pub. L. No. 105-277, § 2242, 112 Stat. 2681-822 (Oct. 21, 1998), states that it shall be the "policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States." See also 8 C.F.R. § 208.16(c).

pastor, he has a newly developed fear of persecution if removed to Indonesia. While the immigration judge in his case considered the general fear of Christians returning to Indonesia, the judge never considered the fear that Petitioner Raymond Soeoth would face as a religious leader because he was not ordained as a pastor at the time of his hearing. In fact, the attached country conditions demonstrate that pastors, and their wives, are specifically targeted for persecution. In the past three years, seven different Christian pastors have been attacked, threatened, and killed by Muslim extremists. As recently as September 2007, a group of over 300 Islamic extremists attacked a church in Tangerang, 25km from Jakarta. The attackers gravely wounded the pastor and six others. Exh. A.Q. Additionally, in May 2007 a pastor and his wife were attacked by a Muslim mob in the town of Aceh. They later fled the town due to death threats. Exh. A.T. In June 2007 Christian News Today reported that Muslim radicals threatened to destroy the homes of two pastors, sending them letters stating "if your house is still functioning as a church, we will destroy it." A mob entered one of the pastors' homes and beat his wife because she was teaching Sunday school. Exh. A.R. In October 2006 a pastor in the Sulawesi was killed by a group of armed men who shot him in the neck while he was shopping in a ceramics store. Exhs. A.U through A.X. In September 2006 a mob of over 100 men, some of them with swords, burned a church and then went to the pastor's home, looking for him and

his wife. The pastor and his wife hid in the jungle for hours to escape the mob. Exh. A.Y. Also, a pastor in the city of Poso survived a third death attempt on his life when a Muslim fanatic attempted to cut his head off with a machete. The pastor was struck in the mouth, losing many of his teeth. Exh. A.BB.

Along with the specific targeting of pastors, news sources are reporting enduring and escalating violence against the general Christian population in Indonesia. Exhs. A.CC through A.MM. Two of the most recent examples include an attack on a congregation by a mob armed with axes, stones, and knives, and the deactivation of a bomb outside a Christian church in Poso. Exhs. A.CC and A.DD. Petitioners have filed this new asylum application because they are afraid to return to Indonesia based on Petitioner Raymond Soeoth's status as a Christian Pentecostal pastor, a status which has only arisen subsequent to the entry of an order of removal. They clearly have a well-founded fear of persecution if removed to Indonesia.

V. POSITION OF OPPOSING COUNSEL

On October 10, 2007, undersigned counsel spoke with Jennifer Lightbody of the Office of Immigration Litigation. She informed counsel that Respondent opposes this motion. Exh. C, Declaration of Stacy Tolchin.

IV. CONCLUSION

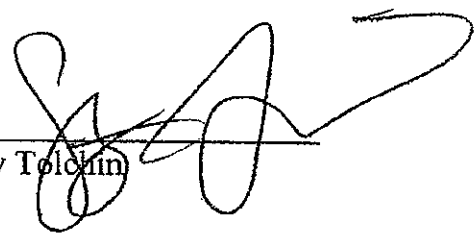
For all of the foregoing reasons, Petitioners respectfully request that this Court stay the issuance of the mandate pending adjudication of their application for asylum, withholding of removal, and Convention Against Torture.

Dated: October 11, 2007

Respectfully submitted,

Marc Van Der Hout
Stacy Tolchin
Van Der Hout, Brigagliano &
Nightingale, LLP
634 S. Spring St. Suite 714
Los Angeles, CA 90014

Attorneys for Petitioners

By: 
Stacy Tolchin

EXHIBITS

Soeth v. Keisler
Nos. 05-71755, 05-75655

EXHIBITS IN SUPPORT OF MOTION TO STAY MANDATE

- A. Affirmative Application for Asylum, dated September 28, 2007
- B. Proof of October 1, 2007 receipt of Affirmative Application for Asylum
- C. Declaration of Stacy Tolchin, dated October 10, 2007

EXHIBIT

A

Van Der Hout, Brigagliano & Nightingale, LLP

Marc Van Der Hout
Christine Brigagliano
Zachary Nightingale
Ilyce Shugall *
Stacy Tolchin
Courtney McDermed **
Stacey L. Gartland
Avantika Shastri
Beth Feinberg

Los Angeles Office
634 S. Spring Street, Suite 714
Los Angeles, CA 90014
(213) 622-7450 Telephone
(213) 622-7233 Facsimile
STol@vblaw.com Electronic Mail

*Admitted in Illinois
**Admitted in Arizona

VIA CERTIFIED MAIL
September 28, 2007

U.S. Citizenship and Immigration Services
California Service Center
P.O. Box 10589
Laguna Niguel, CA 92607

Re: **Raymond Soeoth Agostino, A 75 694 789**
Mumu Cindy Soeoth, A75 696 058
Application for Asylum, Withholding of Removal, and Protection
Under Convention Against Torture

To Whom it May Concern:

My office represents Raymond Soeoth Agostino ("Mr. Soeoth") and his wife Mumu Cindy Soeoth in their immigration matters. A Form G-28 Notice of Entry of Appearance is attached.

Mr. Soeoth is submitting a second application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"), and his wife Mumu Cindy Soeoth is a derivative on that application. Please note that Mr. and Mrs. Soeoth are subject to final orders of removal, although a stay of removal has been ordered by the Ninth Circuit and currently remains in place. They nevertheless are requesting a new asylum interview and have submitted a new asylum application based on a change in individual circumstances—namely, Mr. Soeoth was ordained as a Pentecostal Christian pastor and faces persecution on account of that position if he is returned to Indonesia.

In the event that you do not believe that the exercise of discretion in granting asylum is warranted in this case, then the office should issue a form I-863 Notice to Referral to Immigration Judge and the case should be referred to an immigration judge for a hearing on asylum, withholding of removal, and CAT.

A. The Immigration and Nationality Act, the Regulations Implementing the Convention Against Torture, and International Law Require that Mr. and Mrs. Soeoth Be Permitted to File a New Asylum Application Based on Changed Individual Circumstances

I believe that US Citizenship and Immigration Services ("US CIS") has the authority to consider this new application pursuant to Immigration and Nationality Act ("INA") § 208(a)(2)(D) which states that an application for asylum may be considered, notwithstanding a previously submitted application or the expiration of one year before filing, if the applicant has demonstrated "the existence of changed circumstances which materially affect the applicant's eligibility for asylum." (emphasis added).

Please note that Mr. and Mrs. Soeoth have previously submitted a motion to reopen to the Board of Immigration Appeals ("BIA") based on a change in individual circumstances. That motion was denied by the BIA because the BIA, in part, concluded that a change in personal circumstances does not constitute a basis for reopening a removal order under 8 C.F.R. § 1003.2(c)(3)(ii). Exh. E, attached. That decision was then appealed to the Ninth Circuit. On August 30, 2007, the Ninth Circuit denied Mr. and Mrs. Soeoth's petition for review because, in part, "[c]hanges in Mr. Soeoth's personal circumstances in the United States" do not constitute a change in country conditions that warrants the untimely filing of a motion to reopen. See Exh. H, Soeoth v. Gonzales, Nos. 05-71755, 05-75655 (9th Cir. Aug. 30, 2007).

However, four decisions from the Courts of Appeals have concluded that because the regulation at 8 C.F.R. § 1003.2(c)(3)(ii) precludes reopening for asylum and withholding based on a change in individual circumstances, the statute at INA § 208(a)(2)(D) requires that an applicant be permitted to file a new and successive application for asylum. See He v. Gonzales, -- F.3d ---, 2007 WL 2472546 n. *9 (9th Cir. Sept. 4, 2007); Haddad v. Gonzales, 437 F.3d 515 (6th Cir. 2006); Guan v. BIA, 345 F.3d 47, 49 (2d Cir. 2003); Ho v. Gonzales, 127 Fed.Appx. 514 (1st Cir. 2005) (unpublished) (attached as exhibits NN through QQ). All of these decisions state that the proper route for an alien who has a final order of removal, and who has a claim to asylum and withholding of removal based on changed individual circumstances, is to file a new application for asylum. As the Ninth Circuit stated:

Although the Hes are barred in the motion to reopen context, **they may file a new asylum application pursuant to 8 U.S.C. § 1158(a)(2)(C), which allows for the filing of multiple or untimely asylum applications if an alien can establish changed or extraordinary circumstances under § 1158(a)(2)(D).** The relevant regulation makes clear that the term "changed circumstances" for purposes of filing an asylum application—as opposed to a motion to reopen—includes a change in personal circumstances occurring outside the country of nationality. See 8 C.F.R. § 208.4(a)(4)(i)(B) (referring to "changes in the applicant's circumstances that materially affect the applicant's eligibility for asylum, including ... activities the applicant becomes involved in *outside* the country of feared persecution that place the applicant at risk" (emphasis added)).

He v. Gonzales, --- F.3d ----, 2007 WL 2472546 n. *9 (emphasis added).

The Second Circuit reached the same conclusion:

Although we find no legal error or abuse of discretion in the BIA's denial of Guan's motion for reopening, another administrative remedy may still be open to Guan. Under 8 U.S.C. § 1158(a)(2)(D) [INA § 208(a)(2)(D)], **an alien may request permission to file a successive, untimely asylum application based upon "changed circumstances which materially effect [her] eligibility for asylum."** The government agrees that the definition of such "changed circumstances" provided by 8 C.F.R. § 208.4(a)(4) (2003) encompasses changed personal circumstances arising in the United States.

Guan v. BIA, 345 F.3d at 49 (emphasis added).

Furthermore, the Sixth Circuit made clear that the new application is to be filed affirmatively:

It may seem odd that an asylum application that would not be considered when attached to a motion to reopen very well might be considered when simply filed anew under 8 U.S.C. § 1158 [INA § 208], but this result is required by the statute and regulations. Thus, Haddad may still pursue this avenue of relief.

Haddad v. Gonzales, 437 F.3d at 518-19.

An individual who has been ordered removed must have the opportunity to present a case for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT") based on changed individual circumstances. To not allow such an opportunity would violate the INA, CAT, and international law. For instance, the asylum statute at INA § 208(a)(2)(D) states that an untimely and successive application for asylum may be considered if the applicant demonstrates the existence of changed circumstances which materially affect the applicant's eligibility for asylum. In addition, the withholding of removal statute provides that the "Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." INA § 241(b)(3)(A). Article 33.1 of the United Nations Convention Relating to the Status of Refugees, 189 U.N.T.S. 150, 176 (1954), provides: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." I.N.S. v. Cardoza-Fonseca, 480 U.S. 421, 429, 107 S.Ct. 1207, 1212, 94 L.Ed.2d 434 (U.S. 1987) citing 189 U.N.T.S. 150, 176 (1954), 19 U.S.T. 6259, 6278, T.I.A.S. No. 6577 (1968). Last, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), as implemented by Pub. L. No. 105-

277, § 2242, 112 Stat. 2681-822 (Oct. 21, 1998), states that it shall be the “policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.” See also 8 C.F.R. § 208.16(c).

All of these provisions require some forum to raise a claim for protection and asylum based on a change in individual circumstances that has arisen after the entry of an order of removal. As four Courts of Appeals have stated that a motion to reopen is not the way to obtain review of a change of individual circumstances, an affirmative application for asylum then must be available to Mr. and Mrs. Soeoth.

B. Mr. Soeoth Fears Persecution Based on a Change in Individual Circumstances that Materially Affect His Claim

Mr. and Mrs. Soeoth are natives and citizens of Indonesia and are practicing Christians. When they first came to the United States in 1999, they applied for asylum, withholding of removal, and protection under the Convention Against Torture based on their fear of returning to Indonesia because they are practicing Pentecostal Christians. At the time of their hearing before the immigration judge, which took place between June 2000 and February 2001, Mr. Soeoth was not ordained as a pastor. Exh. I, Declaration of Raymond Soeoth. The immigration judge found that there was no well-founded fear of persecution because Mr. Soeoth could not show past persecution as a member of the general Christian population, or a well-founded fear of persecution on account of his religion. The immigration judge denied asylum, withholding of removal and protection under CAT. Exh. A, IJ Decision. This denial was upheld by the BIA on December 18, 2002 and by the Ninth Circuit on June 14, 2004. Exhs. B and C.

On June 15, 2004 Mr. Soeoth was ordained by the “Gereja Bethel Indonesia” church as a pastor. Exh. J. He is now a Church Minister for the Bethany International Church in San Bernardino, California. The church has a congregation of about sixty people who are primarily Christian Indonesian immigrants. There are two other branches of the church, one in downtown Los Angeles and one in San Gabriel. Altogether, the church congregation is about two hundred people. Mr. Soeoth now holds a prominent position with the church as the church minister.

After he became a pastor on June 15, 2004, Mr. Soeoth hired an attorney to file a motion to reopen to the Board of Immigration Appeals for asylum. The Board denied his case on March 7, 2005. Exh. E. He then hired a different attorney who filed a motion to reconsider that decision, which was denied on September 7, 2005. Exh. F. That case was appealed to the Ninth Circuit, and on August 30, 2007, the court denied the petition for review. Exh. H. In part, the Ninth Circuit denied the case because it found that the regulation at 8 C.F.R. § 1003.2(c)(3)(ii)

provided that an untimely motion to reopen can only be filed based on a change in country conditions, and not based on a change in individual circumstances. Id.¹

Because Mr. Soeoth is now an ordained Pentecostal Christian pastor, he has a newly developed fear of persecution if removed to Indonesia. While the immigration judge in his case considered the general fear of Christians returning to Indonesia, the judge never considered the fear that Mr. Soeoth would face as a religious leader because he was not ordained as a pastor at the time of his hearing. In fact, the attached country conditions demonstrate that pastors, and their wives, are specifically targeted for persecution. In the past three years, seven different Christian pastors have been attacked, threatened, and killed by Muslim extremists. As recently as September 2007, a group of over 300 Islamic extremists attacked a church in Tangerang, 25km from Jakarta. The attackers gravely wounded the pastor and six others. Exh. Q. Additionally, in May 2007 a pastor and his wife were attacked by a Muslim mob in the town of Aceh. They later fled the town due to death threats. Exh. T. In June 2007 Christian News Today reported that Muslim radicals threatened to destroy the homes of two pastors, sending them letters stating "if your house is still functioning as a church, we will destroy it." A mob entered one of the pastors' homes and beat his wife because she was teaching Sunday school. Exh. R. In October 2006 a pastor in the Sulawesi was killed by a group of armed men who shot him in the neck while he was shopping in a ceramics store. Exhs. U through X. In September 2006 a mob of over 100 men, some of them with swords, burned a church and then went to the pastor's home, looking for him and his wife. The pastor and his wife hid in the jungle for hours to escape the mob. Exh. Y. Also, a pastor in the city of Poso survived a third death attempt on his life when a Muslim fanatic attempted to cut his head off with a machete. The pastor was struck in the mouth, losing many of his teeth. Exh. BB.

Along with the specific targeting of pastors, news sources are reporting enduring and escalating violence against the general Christian population in Indonesia. Exhs. CC through MM. Two of the most recent examples include an attack on a congregation by a mob armed with axes, stones, and knives, and the deactivation of a bomb outside a Christian church in Poso. Exhs. CC and DD.

Mr. Soeoth is filing this new asylum application because he is afraid to return to Indonesia based on his status as a Christian Pentecostal pastor, a status which has only arisen subsequent to the entry of an order of removal. Although Mr. and Mrs. Soeoth are the subject of orders of removal, I believe that the asylum office still has the authority to adjudicate a new and successive application for asylum based on a change of individual circumstances. I therefore request that you accept the attached application. Again, if you believe that the asylum office does not have jurisdiction over the matter, then please issue a form I-863 Notice to Referral to

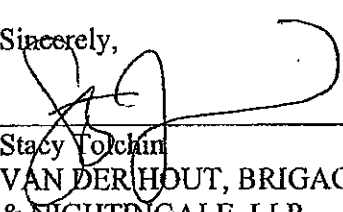
¹ In addition, on January 7, 2004, Mr. Soeoth's Church filed an I-360 Petition for Religious Worker visa on his behalf, demonstrating the leadership position that Mr. Soeoth holds with the church. Exh. P.

U.S. Citizenship and Immigration Services
California Service Center
September 28, 2007
Page 6

Immigration Judge so that the case is referred to an immigration judge for a hearing on asylum, withholding of removal, and CAT.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Stacy Tolchin

VAN DER HOUT, BRIGAGLIANO
& NIGHTINGALE, LLP
634 S. Spring St. Suite 714
Los Angeles, CA 90014
Telephone (213) 622-7450
Facsimile (213) 622-7233

Enclosures
cc: Raymond Soeoth

**Notice of Entry of Appearance
as Attorney or Representative**

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: SOEOTH, RAYMOND AGUSTINO	Date: 9/27/07
	File No. 9075-694-789

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: RAYMOND AGUSTINO SOEOTH	<input type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	<input type="checkbox"/>
Address: (Apt. No.) (Number & Street)	(City)	(State) (Zip Code)
17130 LA VESU ROAD	FONTANA	CA 92337
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	<input type="checkbox"/>
Address: (Apt. No.) (Number & Street)	(City)	(State) (Zip Code)

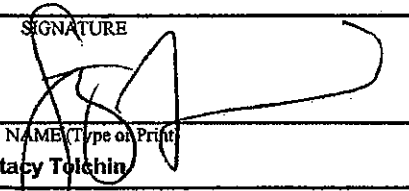
Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
SUPREME COURT OF CALIFORNIA and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
Name of Court

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

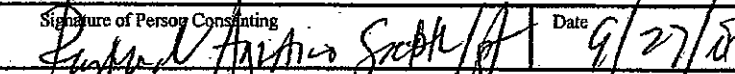
3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS Van Der Hout, Brigagliano & Nightingale, LLP 634 S. Spring Street, Suite 714 Los Angeles, CA 90014
NAME (Type or Print) Stacy Tolchin	TELEPHONE NUMBER (213) 622-7450

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
Van Der Hout, Brigagliano & Nightingale, LLP
(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Name of Person Consenting RAYMOND AGUSTINO SOEOTH	Signature of Person Consenting 	Date 9/27/07
---	--	------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

**I-589, Application for Asylum
and for Withholding of Removal**

START HERE - Please type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Please check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A. I. Information about you.

1. Alien Registration Number(s) (A#s) (If any) A 075 694 789		2. U.S. Social Security Number (If any) 614-11-6618	
3. Complete Last Name Soeoth		4. First Name Raymond	5. Middle Name Agustino
6. What other names have you used? (Include maiden name and aliases.) Raymond Gerald Soeoth			
7. Residence in the U.S. (Where you physically reside.)		Telephone Number (909) 349-0961	
Street Number and Name 17130 La Vesu Rd.		Apt. Number	
City Fontana	State CA	Zip Code 92337	
8. Mailing Address in the U.S. (If different than the address in No. 7) In Care Of (If applicable):		Telephone Number	
Street Number and Name		Apt. Number	
City	State	Zip Code	
9. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		10. Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
11. Date of Birth (mm/dd/yyyy) 08/13/1968		12. City and Country of Birth BALIKPAPAN INDONESIA	
13. Present Nationality (Citizenship) INDONESIA		14. Nationality at Birth INDONESIA	15. Race, Ethnic or Tribal Group INDONESIAN
16. Religion PENTECOSTAL CHRISTIAN			
17. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input checked="" type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c. a. When did you last leave your country? (mm/dd/yyyy) 01/25/1999 b. What is your current I-94 Number, if any? _____ c. Please list each entry into the U.S. beginning with your most recent entry. <i>List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)</i>			
Date _____ Place _____ Status _____ Date Status Expires: _____		Date _____ Place _____ Status _____	
Date _____ Place _____ Status _____			
19. What country issued your last passport or travel document? INDONESIA		20. Passport # H241412 Travel Document # _____	21. Expiration Date (mm/dd/yyyy) 11/26/2003
22. What is your native language? (Include dialect, if applicable.) INDONESIAN <i>For EOIR use only.</i>		23. Are you fluent in English? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		24. What other languages do you speak fluently? NONE	
		For USCIS use only. Decision:	
		Approval Date: _____	
		Denial Date: _____	
		Referral Date: _____	
		Interview Date: _____	
		Asylum Officer ID#: _____	
		29	

Part A. II. Information about your spouse and children.

Your spouse. I am not married. (Skip to Your children, below.)

1. Alien Registration Number (A#) <i>(If any)</i> A075 696 058		2. Passport/ID Card No. <i>(If any)</i> E047423		3. Date of Birth <i>(mm/dd/yyyy)</i> 03/17/1966		4. U.S. Social Security No. <i>(If any)</i>	
5. Complete Last Name Soeoth			6. First Name Cindy		7. Middle Name		8. Maiden Name Mumu
9. Date of Marriage <i>(mm/dd/yyyy)</i> 12/12/1998			10. Place of Marriage Jakarta, Indonesia			11. City and Country of Birth INDONESIA	
12. Nationality <i>(Citizenship)</i> INDONESIA			13. Race, Ethnic or Tribal Group INDONESIAN			14. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
15. Is this person in the U.S.? <input checked="" type="checkbox"/> Yes <i>(Complete Blocks 16 to 24.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>							
16. Place of last entry in the U.S. LAX		17. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i> 02/1999		18. I-94 No. <i>(If any)</i>		19. Status when last admitted <i>(Visa type, if any)</i>	
20. What is your spouse's current status? VISA OVERSTAY		21. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		23. If previously in the U.S., date of previous arrival <i>(mm/dd/yyyy)</i> 02/1999	
24. If in the U.S., is your spouse to be included in this application? <i>(Check the appropriate box.)</i> <input checked="" type="checkbox"/> Yes <i>(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No							

Your children. Please list all of your children, regardless of age, location or marital status.

I do not have any children. *(Skip to Part A. III., Information about your background.)*

I have children. Total number of children: _____

(NOTE: Use Supplement A Form I-589 or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A#) <i>(If any)</i>		2. Passport/ID Card No. <i>(If any)</i>		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>		4. U.S. Social Security No. <i>(If any)</i>	
5. Complete Last Name			6. First Name		7. Middle Name		8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth			10. Nationality <i>(Citizenship)</i>		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 No. <i>(If any)</i>		17. Status when last admitted <i>(Visa type, if any)</i>	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)</i> <input type="checkbox"/> No							

Part A. II. Information about your spouse and children. (Continued.)

1. Alien Registration Number (A#) <i>(If any)</i>		2. Passport/ID Card No. <i>(If any)</i>		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>		4. U.S. Social Security No. <i>(If any)</i>	
5. Complete Last Name			6. First Name		7. Middle Name		8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth			10. Nationality <i>(Citizenship)</i>		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>							
14. Place of last entry in the U.S.			15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 No. <i>(If any)</i>		17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>			20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

1. Alien Registration Number (A#) <i>(If any)</i>		2. Passport/ID Card No. <i>(If any)</i>		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>		4. U.S. Social Security No. <i>(If any)</i>	
5. Complete Last Name			6. First Name		7. Middle Name		8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth			10. Nationality <i>(Citizenship)</i>		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>							
14. Place of last entry in the U.S.			15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 No. <i>(If any)</i>		17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>			20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

1. Alien Registration Number (A#) <i>(If any)</i>		2. Passport/ID Card No. <i>(If any)</i>		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>		4. U.S. Social Security No. <i>(If any)</i>	
5. Complete Last Name			6. First Name		7. Middle Name		8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth			10. Nationality <i>(Citizenship)</i>		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location.)</i>							
14. Place of last entry in the U.S.			15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 No. <i>(If any)</i>		17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>			20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*
 Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
 No

Part A. III. Information about your background.

1. Please list your last address where you lived before coming to the U.S. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
JL. OTISTA NO. 28		JAKARTA	INDONESIA		

2. Provide the following information about your residences during the past five years. List your present address first.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
17130 La Vesu Rd.	Fontana	CA	USA		
24597 CANADA STREET	LOMA LINDA	CA	USA		
2047 OLIVA CT	COLTON	CA	USA		
17130 LA VESU ROAD	FONTANA	CA	USA		
24597 CANADA STREET	LOMA LINDA	CA	USA		

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
BETHANY INTERNATIONAL CHURCH, SCHOOL OF MINISTRY	MINISTRY	1507 EAGLE PARK ROAD, HACIENDA HEIGHTS, CA		
UNIVERSITY OF PANCASILA	ELECTRONICS	JAKARTA, INDONESIA		
TECHNOLOGY HIGH SCHOOL	TECHINICIAN	BALIKPAPAN, INDONESIA		
JUNIOR HIGH SCHOOL		BALIKPAPAN, INDONESIA		

4. Provide the following information about your employment during the past five years. List your present employment first.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
UNITY WIRELESS, WATER & RETAIL RIVERSIDE	OWNER		
SUPER SHUTTLE, GROVE AVE- ONTARIO	OWNER- OPERATOR		PRESENT

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location	
		Deceased	Current Location
Mother TOMBOKAN, ANATJE	MENADO, INDONESIA	<input checked="" type="checkbox"/> Deceased	
Father SOEOTH, WIM WILLPAM	MENADO, INDONESIA	<input checked="" type="checkbox"/> Deceased	
Sibling SOEOTH, JEAN CHARLIE	BALIKPAPAN, INDONESIA	<input type="checkbox"/> Deceased	USA
Sibling SOEOTH, BILLY	BALIKPAPAN, INDONESIA	<input type="checkbox"/> Deceased	NEW ZEALAND
Sibling SOEOTH, ESTHER	BALIKPAPAN, INDONESIA	<input type="checkbox"/> Deceased	AUSTRALIA
Sibling		<input type="checkbox"/> Deceased	

Part B. Information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture) you should provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places and descriptions about each event or action described. You should attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, please explain why in your responses to the following questions.

Refer to Instructions, Part I: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on:

- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Political opinion |
| <input checked="" type="checkbox"/> Religion | <input checked="" type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input checked="" type="checkbox"/> Torture Convention |

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

- No Yes

If "Yes," explain in detail:

- (1) What happened;
- (2) When the harm or mistreatment or threats occurred;
- (3) Who caused the harm or mistreatment or threats; and
- (4) Why you believe the harm or mistreatment or threats occurred.

SEE ATTACHED DECLARATION.

B. Do you fear harm or mistreatment if you return to your home country?

- No Yes

If "Yes," explain in detail:

- (1) What harm or mistreatment you fear;
- (2) Who you believe would harm or mistreat you; and
- (3) Why you believe you would or could be harmed or mistreated.

SEE ATTACHED DECLARATION.

Part B. Information about your application. (Continued.)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No Yes

If "Yes," explain the circumstances and reasons for the action.

[Empty box for explanation]

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

On June 15, 2004 I was ordained as a pastor by the Gereja Bethel Indonesia Church. My sister Esther is also a pastor for the Indonesian Pentacostal Christian Church in Australia, and my brother Billy is a devoted Christian.

B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

I am currently a pastor for the Bethany International Church in San Bernardino. My sister is also a pastor for the Indonesian Pentacostal Church in Australia and my brother is a devoted Christian in New Zealand.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

SEE ATTACHED DECLARATION.

Part C. Additional information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U. S. Government for refugee status, asylum or withholding of removal?

No Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents or your siblings received as a result of that decision. Please indicate whether or not you were included in a parent or spouse's application. If so, please include your parent or spouse's A-number in your response. If you have been denied asylum by an Immigration Judge or the Board of Immigration Appeals, please describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

I applied for asylum in 1999 and then I had a hearing before the Immigration Judge in 2000 and 2001. The judge denied asylum and that was upheld by the Board of Immigration of Appeals and the Ninth Circuit. I am filing this new application because I am now an ordained Christian pastor and I am afraid to return to my country because of the treatment of religious Christian leaders.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States? No Yes

B. Have you, your spouse, your child(ren) or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

When my wife and I fled Indonesia we went to Amsterdam for two weeks to see my wife's family before coming to the US. My sister Esther and my brother Billy fled Indonesia because they were too scared of the violence and persecution against Christians. My sister became a legal resident of Australia around 2003, she is also currently a pastor for the Indonesian Pentacostal Christian Church. My brother became a legal resident of New Zealand in 2001.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes

If "Yes," describe in detail each such incident and your own, your spouse's or your child(ren)'s involvement.

Part C. Additional information about your application. (Continued.)

4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s) and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than one year after your last arrival in the United States?

No Yes

If "Yes," explain why you did not file within the first year after you arrived. You should be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part I: Filing Instructions, Section V. "Completing the Form," Part C.

On June 15, 2004 I became an ordained pastor with the Pentacostal Christian Church called Gereja Bethel Indonesia Church. Because of my leadership position with the Christian Church, I am afraid to return to Indonesia.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted and sentenced for any crimes in the United States?

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, the reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.



Part D. Your Signature.

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

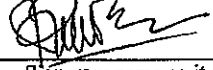
WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name. Raymond Agustino Soeprh	Write your name in your native alphabet.
---	--

Did your spouse, parent or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
Did someone other than your spouse, parent or child(ren) prepare this application? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," complete Part E.)			
Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

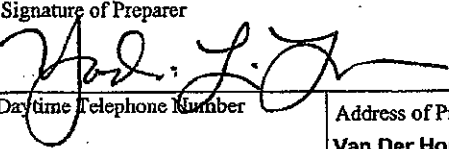
Signature of Applicant (The person in Part A.I.)

[]
Sign your name so it all appears within the brackets

9/27/07
Date (mm/dd/yyyy)

Part E. Declaration of person preparing form, if other than applicant, spouse, parent or child.

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer 		Print Complete Name of Preparer Yadira L. Limon	
Daytime Telephone Number (213) 622-7450		Address of Preparer: Street Number and Name Van Der Hout, Brigaglinao & Nightingale, LLP 634 S. Spring Street, Suite 714	
Apt. No.	City Los Angeles	State CA	Zip Code 90014

Part F: To be completed at asylum interview, if applicable.

NOTE: You will be asked to complete this Part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of asylum officer

Part G: To be completed at removal hearing, if applicable.

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of immigration judge

Raymond Agustino Soeoth, A 75 - 694 - 789
Exhibits In Support of Application For Asylum

I. PROCEDURAL HISTORY

A.	Oral Decision of the Immigration Judge, dated February 2, 2001.....	1
B.	Board of Immigration Appeals' Affirmance Without Opinion of the Immigration Judge's Opinion, dated December 18, 2002	9
C.	Decision of the Ninth Circuit Court of Appeals denying petition for review, dated June 14, 2004 (Case No. 03-70303).....	10
D.	Motion to reopen to the Board of Immigration Appeals, based on changed circumstances (without attachments), dated January 10, 2005	13
E.	Decision of the Board of Immigration Appeals denying motion to reopen for changed circumstances, dated March 7, 2005	23
F.	Motion to reconsider to the Board of Immigration Appeals, dated July 2005	26
G.	Decision of the Board of Immigration Appeals denying motion to reconsider, dated September 7, 2005.....	38
H.	Decision of the Ninth Circuit Court of Appeals denying petition for review challenging BIA denial of motion to reopen, dated August 30, 2007 (Case Nos. 05-71755, 05-75655).....	40

II. DOCUMENTS EVIDENCING CHANGE IN MR. SOEOTH'S INDIVIDUAL CIRCUMSTANCES SINCE THE BIA'S DECEMBER 18, 2002 DENIAL OF ASYLUM

I.	Declaration of Raymond Soeoth, dated September 25, 2007	43
J.	Certificate of Ordination certifying Raymond Agustino Soeoth's ordination by Gereja Bethel Indonesia Church, dated June 15, 2004	50
K.	Photographs of Mr. Soeoth sermonizing at Bethany International Church, September 2007	51
L.	Letter of Support from Reverend Budhi Juwono, dated September 19, 2007	53

"[h]e was ordained as a reverend on June 15, 2004. I usually meet with him at our church annual meeting and other church's [sic] regional occasions, from which I had a very strong impression of him as a humble minister."

"I also met with him when I came and trained all the church's [sic] workers and leaders in Bethany International Church. During the training, I knew that he was a diligent man of God, possessed a good Christian character and had the desire to learn more about ministry and the work of God."

- M. Letter of Support from Susanti Soebianta, dated September 25, 200755

"This is to certify that Raymond Soeoth was an assistant pastor of Bethany International Church in San Bernardino. He actively served as a home fellowship leader, singer, and usher at my church. He opened his house to be used as a gathering place for Christians. He also cared for church members who fellowshipped in his group..."

In Southern California, there is concentrated Indonesian population who are Christian. Many of them migrated to the United States due to church persecution that is still happening all over Indonesia. They remain in the United States in order to practice their belief in Jesus Christ without breaking the law."

"I have confidence in Raymond Soeoth for his excellent moral standard. Since he received Christ as his personal savior, he ha[s] shown great contribution to the church and I believe that Raymond Soeoth will be able to contribute in a great capacity of he lives in the community."

- N. Letter of Support from Kenneth Pramana, dated September 25, 200756

"This is an urgent request to keep Raymond Soeoth in the United States. It is crucial due to hostile attitude of Indonesian Muslims toward Christians. They are able to torture, brutalize, or murder Christians with impunity. By granting him political asylum to Raymond Soeoth, he may stay in the United States and serve as a pastor in our church. Thank you for your consideration."

- O. Letter of Support from Chris Banunaek, dated September 26, 200757

"I have had the pleasure of knowing Ray Soeoth for 3 years as a pastor Bethel International Church. During the years of our acquaintance, I have known Ray in many capacities of serving the church community. His responsibility in the capacity has grown with the activity level of the church. Ray is intelligent, capable, dedicated and personable young pastor. I would recommend him."

- P. Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Religious Worker Petition) (with attachments and letters evidencing employment with church) (demonstrating that Bethany International Church filed a petition for religious worker visa for Mr. Soeoth), dated January 7, 200558

III. DOCUMENTS EVIDENCING MR. SOEOTH'S FEAR OF PERSECUTION IF RETURNED TO INDONESIA

1. Documents Evidencing Violence Against Christian Pastors in Indonesia

- Q. *AsiaNews*, "Domestic Church Attacked, Pastor and Faithful Injured," dated September 5, 200783

"A group of over 300 Islamic extremists attacked a domestic church in the regency of Tangerang . . . the attackers gravely wounded the pastor and six of the faithful . . . Jau Dolokseribu, pastor of the Protestant Churches of the Christian Synod is currently in the hospital in grave condition."

- R. *Christian News Today*, "Muslim Radicals in Indonesia Threaten House Churches," dated June 21, 200784

"[A] pastor on Sunday received an anonymous letter promising to destroy his home if it is 'still functioning as a church'. . . On June 9, a mob attacked the Assembly of God (GSJA) church in Talegong with stones and wooden clubs, smashing doors, roofs, windows and kitchen furniture. They also took away a Bible and ownership deeds for the church land and threatened the pastor's wife with a machete . . . Witnesses said the mob was looking for Pastor Tata Budiman, who was away at the time."

"A week earlier, on June 3, 56 members of the Anti-Apostasy Alliance Movement broke into a GSJA house church in Soreang, West Java, disturbing a Sunday school class. 'I was away when they came, but my wife Lidia was home, along with several Sunday school teachers and children,' the Rev. Robby Elisa told *Compass*. "The mob entered my bedroom by force and threw my books around. My wife was hit twice on the head – first with a Bible, and then with a bare hand – when she tried to stop them."

- S. *Reuters*, "Hardline Muslims attack Indonesia Christians – teacher," dated June 4, 2007.....87

"Around 100 Muslim hardliners barged into a Christian reverend's house in Indonesia's Java island, beating his wife and a teenager during Sunday school, a teacher said. The attackers, who were dressed in black and said they were part of the Alliance of Anti-Apostasy Movements, said the house was being illegally used as a place of worship."

- T. *CBN News*, "Pastor, Wife Stand Strong After Muslim Attack," dated May 21, 2007.....88

"In the region of Aceh last year, an angry mob set fire to a church that had stood strong for 28 years. The pastor and his wife had to flee through the jungle for

safety. [The pastor's wife's] face was covered during television interviews to protect them from retribution. "

"Luther Saragih has been the pastor of the Indonesian Evangelical Mission Church since 2003. He says it was about midnight when two trucks and 50 motorcycles carrying more than 100 Muslims surrounded their church building. 'The people were holding swords ready to kill us,' Pastor Saragih said."

U. *BBC News*, "Sulawesi Christian Priest Killed," dated October 16, 2006.....89

"The Rev. Kongkoli was buying construction materials at a shop when he was targeted, a spokesman for the provincial government's information bureau said."

"He had finished bargaining for some tiles when someone called him back into the store. When he entered, two shots were fired at the back of his head . . ."

V. *ABC News*, "Christian Priest Shot Dead in Indonesia," dated October 16, 2006.....91

"An unidentified gunman shot dead a Christian priest on Monday in Indonesia's Central Sulawesi province, where relations between Muslims and Christians are fragile, local media reports."

W. *Indonesia.com*, "Christian Pastor Shot Dead in Sulawesi," dated October 16, 2006.....92

"Reverend Irianto Kongoli was shot in the head when he was buying construction materials at a shop in the provincial town of Palu . . ."

X. *Persecution.org*, "Protestant Pastor Killed," dated October 16, 2006.....93

"[A] Pastor who spoke out against police and local authorities for not fully investigating violence against Christians was shot dead in a ceramics shop by men who approached from behind on a motorcycle."

Y. *Compass Direct News*, "Indonesia: Angry Mob Attacks Church in Aceh, Pastor Faces Wrath of Muslims After Organizing Revival Service for Christians," dated September 8, 200695

"A pastor and his wife living in Aceh province, Indonesia, have gone into hiding after a Muslim mob set fire to a church building following a revival service on September 1 . . . Some of the attackers came looking for [Pastor] Saragih and [his wife] at their home, which is nearby. The couple escaped into the nearby jungle and stayed hidden in the undergrowth . . ."

"Christians in a neighboring province have provided shelter for Saragih and his wife, following reports that local police and Muslim leaders are still searching for the couple. It is uncertain when – or if – they will be free to return home."

- Z. *Human Rights Watch*, “Indonesian Pastor Kidnapped and Still Missing,” dated November 13, 2004.....97

“At press time, Rev. Jarok Ratu, 35, of Labuang Village, Namrole District, Buru Island was still missing 10 days after a group of unidentified men kidnapped him in the early hours of December 3. Ratu pastored the local Pentecostal Church of Indonesia.”

- AA. *BBC News*, “Gunmen Attack Indonesian Church,” dated July 19, 2004.....99

“A priest has been killed and four others wounded during an attack inside a Christian church in Indonesia . . . The female priest, 29-year-old Reverend Susianti Tinulele, died at the scene after preaching a sermon.”

- BB. *Persecution.org*, “Indonesian Pastor Attacked by Muslims”101

“Santoso is a farmer and pastor for a small village church in Indonesia. He was attacked on the way home after sharing Christ with Muslims on a farm by the city of Poso. He and a friend, both on motorbikes, were hit with a machete . . . Because of the attack Santoso lost ten teeth and damaged his tongue and his friend’s fingers were cut off.”

2. Documents Evidencing Violence Against Christians and Christian Churches in Indonesia

- CC. *Journal Chretien*, “Angry Muslim Mob Storms Indonesian Church” September 20, 2007.....103

“Tensions remained high Wednesday, September 19, in an area of the Indonesian city of Tangerangd on the island of java, after several Christians were injured when a congregation of the Protestant Batak Church was attacked by an angry Muslim mob, investigators said . . . Armed with pole axes, knives and stones over 100 people marched September 2 towards a tent where about 200 church members gathered for worship, Open Doors said. They started throwing stones at the church members and destroyed the tent where they had gathered.”

- DD. *Persecution.org*, “Indonesia: Bomb Deactivated Outside Adventist Church,” dated January 31, 2007105

“According to the police, the bomb was active and could have been detonated by a cellular phone. Police also say that so far leads point to involvement of Muslim extremists. The Poso Adventist Church has a membership of 100, a number that shrunk from around 200 original members when the feud between Muslims and Christians flared up six years ago.

“Prior to the discovery of this bomb, the previous Poso Adventist church was among four other Adventist churches in the area burned down by extremists in the past few years.”

- EE. *Associated Press*, “Tension Mounting for Indonesian Christian Minority,” dated December 28, 2006 106

“Dr. Carl Moeller is president of Open Doors USA, a ministry that serves persecuted Christians worldwide. Moeller says over the past year, tensions have mounted between Christians and Muslims. ‘We’ve seen in just one province, Central Sulawesi ... 15 bomb explosions, which have killed at least two Christians,’ he notes.”

- FF. *Persecution.org*, “Beheaded Girls Were Ramadan Trophies,” dated November 8, 2006 107

“The girls’ severed heads were dumped in plastic bags in their village in Indonesia’s strife-torn Central Sulawesi province, along with a handwritten note threatening more such attacks. The note read: ‘Wanted: 100 more Christian heads, teenaged or adult, male or female; blood shall be answered with blood, soul with soul, head with head.’”

- GG. *Westernresistance.com*, “Indonesia: Muslim-Christian Tensions Rising,” dated October 17, 2006 109

“[Catholic Bishop] Suwatan said: ‘I do not understand why all these years, the government has not been able to find out who is behind all this violence.’ ... On September 6, a 50-year old Christian man, John Tobeli, was killed by a bomb in a village in Poso district. On Saturday, September 9, a 20-year old Christian woman, Nela Saliango, was killed when a bomb was thrown at her house in a suburb of Poso City. On October 1, three homemade bombs went off in Poso, on the first anniversary of the last Bali bombings... Later in the day, a Muslim mob dragged a Christian man off a bus and stabbed him”

- HH. *Christianity Today*, “Christmas Attacks Suspected, Indonesia’s Christians Dig Bomb Pits to Prep For Terrorists Assaults Over Weekend,” dated December 2005 112

“Many Indonesians anticipated more year-end violence because of worsening economic conditions, political unrest, and the strength of militant Islam. This year has seen renewed violence targeting Christians.”

- II. *Christian Persecution*, “Christian Couple Shot in Indonesia,” dated November 22, 2005 115

“Masked gunmen shot a Christian couple in the Indonesian Province of

Sulawesi in the latest in a series of attacks against Christians there... Saturday's shooting came a day after unidentified assailants shot three teenage girls in Palu... Human rights groups have expressed concern about what they say is growing Muslim violence against Christians..."

JJ. *Christian Today*, "Christian Persecution in Indonesia Escalates in Street Attacks," dated October 28, 2005117

"Christian persecution in Indonesia has seemingly dropped to new depths this month, as it has been reported that a number of Christians who had previously been forced to worship outside after being evicted from their churches by Islamic militants have been attacked while worshipping on the streets."

KK. *Christian Today*, "Imprisoned Indonesian Women Praise God Despite Three-Year Sentence," dated September 7, 2005.....118

"The women, 'guilty' of Christianizing Muslim children, were teachers at a Happy Sunday Class."

LL. *Christian Today*, "Maluku Christian-Muslim Crisis Intensifies," dated April 29, 2004.....120

"Today enters the fifth day of Christian-Muslim conflicts in Ambon, Indonesia. The atmosphere of hatred and distrust reigns between Christians and Muslims in the city."

MM. *Religoscope*, "Indonesia: Christian Villages Burn Again," dated August 26, 2002.....122

"The villages of Sepe and Silanca, some 10 miles from the city of Poso, have been burned to the ground. Reports from several sources confirm that attacks on the Christian villages started on the evening of Monday, August 12, after units of the armed forces which had been guarding the villages were unexpectedly withdrawn."

IV. DECISIONS FROM THE COURT OF APPEALS PROVIDING THAT AN INDIVIDUAL WHO IS THE SUBJECT OF A FINAL ORDER OF REMOVAL WHO HAS A CHANGE IN INDIVIDUAL CIRCUMSTANCES, MAY FILE A NEW SUCCESSIVE ASYLUM APPLICATION

NN. He v. Gonzales, --- F.3d ----, 2007 WL 2472546 n. *9 (9th Cir. Sept. 4, 2007)125

OO. Haddad v. Gonzales, 437 F.3d 515 (6th Cir. 2006)131

PP. Guan v. BIA, 345 F.3d 47, 49 (2d Cir. 2006)136

QQ. Ho v. Gonzales, 127 Fed.Appx. 514 (1st Cir. 2005) (unpublished)139

V. ADDITIONAL EXHIBITS

RR. Marriage Certificate of Raymond Soeoth and Cindy Mumu, dated December
12, 1998.....141

SS. Birth Certificate of Raymond Soeoth142

I, Raymond Gerald Agustino Soeoth, declare as follows:

1. I currently reside at 17130 La Vesu Road in Fontana, California with my wife, Cindy Mumu Soeoth. I am a native and citizen of Indonesia and a practicing Christian. When I first came to the United States in 1999 I applied for asylum, withholding of removal, and protection under the Convention Against Torture based on my fear of returning to Indonesia because I am a practicing Pentecostal Christian. At the time of my hearing before the immigration judge, which took place between June 2000 and February 2001, I was not ordained as a pastor. The immigration judge found that I did not have a well-founded fear of persecution and denied me asylum, withholding of removal, and protection under the Convention Against Torture. This denial was upheld by the Board of Immigration Appeals on December 18, 2002 and by the Ninth Circuit on June 14, 2004.
2. On June 15, 2004 I was ordained by the "Gereja Bethel Indonesia" church as a pastor. I am now a Church Minister for the Bethany International Church in San Bernardino, California. The church has a congregation of about sixty people who are primarily Christian Indonesian immigrants. There are two other branches of the church, one in downtown Los Angeles and one in San Gabriel. Altogether, the church congregation is about two hundred people. Because I now hold a prominent position with the church, I am very much afraid to return to Indonesia because of the treatment that Christian leaders face in my country, which is predominantly Muslim. After I became a pastor on June 15, 2004, I hired an

attorney to file a motion to reopen to the Board of Immigration Appeals for asylum. The Board denied my case on March 7, 2005. I then hired a different attorney who filed a motion to reconsider that decision, which was denied on September 7, 2005. That case was appealed to the Ninth Circuit, and on August 30, 2007, the court denied my case. In part, the Ninth Circuit denied my case because it said that my ordination as a pastor did not excuse the requirement that I was to file a motion to reopen within 90 days of the Board of Immigration Appeals' December 18, 2002 decision.

3. In addition, on January 7, 2004, My Church, Bethany International, filed an I-360 Petition for Religious Worker visa on my behalf. That petition is still pending.
4. I am filing this new asylum application because I am afraid to return to Indonesia based on my status as a Christian Pentecostal pastor. I request the opportunity for an interview before an asylum officer or an immigration judge, as I was not ordained at the time of my hearing before the immigration judge and I am afraid for my life, and my wife's life, if I am deported to Indonesia.
5. The Indonesian government supports Islam, and Christians in Indonesia are frequently persecuted by Muslim fanatics. Hundreds of thousands of Christians in Indonesia have been killed, beaten, and tortured due to their religion. Christians are not allowed to worship freely, and churches have been destroyed and burned. Christians are frequently intimidated, threatened, and chased out of church during services.
6. I have been a Christian since childhood and frequently encountered discrimination in Indonesia due to my religion. As a child I was always harassed and badgered

by Muslims who degraded my religious beliefs. In August of 1988 I was stopped and interrogated by five Muslim men on my way to church. They asked whether I was Christian and when I said yes, they beat me. Even though a police officer saw what happened, the men who beat me were never processed by the law. My own church in Indonesia was burned to the ground in 1998, leaving only a charred frame.

7. Although the Indonesian government says that there is no discrimination against Christians, they have no control over the Muslims who are persecuting Christians. There is no one to report the abuse and terror inflicted on Christians, because a majority of the police officers and government officials in Indonesia are Muslim and unsympathetic to the violence.
8. Pastors are threatened, killed and persecuted even worse than the lay Christian population. Recently, I heard that a pastor near my hometown was assaulted while preaching from the pulpit. Unfortunately, information on the violence does not get reported in the U.S. They do however get reported in local papers and travel fast through Christian networks as they are always asking for our prayers during times of turmoil. Since I work for the church, I am privileged to receive information that does not get reported to the State Department.
9. In these Christian publications, there are accounts of pastors being killed, threatened, and attacked as recently as September 2007. For example:
 - In September 2007 AsiaNews reported that a group of over 300 Islamic extremists attacked a church in Tangerang, 25km from Jakarta. The attackers gravely wounded the pastor, Jau Dolokseribu, and six others.

- In June 2007 Muslim extremist mobs stormed the homes of pastors, Tata Budiman and the Reverend Robby Elisa, in two separate incidents that occurred a week apart. The mobs threatened to destroy their homes, sending them letters stating “if your house is still functioning as a church, we will destroy it.”
- Also in June 2007, a mob stormed a Christian Reverend’s home in West Java, interrupting Sunday school and assaulting his wife.
- In May 2007 The Christian Broadcasting Network reported that pastor Luther Saragih and his wife were attacked by a mob of over 100 Muslims in the town of Aceh. They later fled the town due to death threats.
- In October 2006 Reverend Irianto Kongoli was killed by a group of armed men who shot him in the neck while he was shopping in a ceramics store in Sulawesi.
- In November 2004 Human Rights Watch reported that a pastor was kidnapped by a group of unidentified men. The police suspect that the motive for the kidnapping was the pastor’s involvement in the building of a new church in the Malukus.
- In July 2004 BBC News reported that a female priest, Reverend Susianti Tinulele, was wounded during an attack inside a Christian church by armed gunmen. Reverend Tinulele was shot while preaching a sermon.
- Recently a pastor by the name of Santoso survived an attempt on his life by an unidentified man on a motorcycle who struck him and his friend

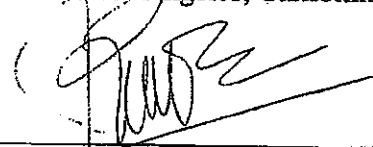
with a machete. Due to the attack Santoso lost ten teeth and damaged his tongue and his friend's fingers were cut off.

10. In addition, news sources are reporting violence, threats, and intimidation of the general Christian population in Indonesia. For example, in June 2007 more than 50 Muslim extremists attacked a Sunday school in West Java where 15 children were worshipping. Even though police were nearby, they did not stop the attack. In January 2007 news sources reported that a bomb was deactivated outside a Christian church in Poso. In 2005, Christian Today reported that Christian persecution was escalating, and that an entire congregation was attacked by a mob of three hundred militants in the Bekasi area of West Java. Additionally, in 2005 a notable Christian professor and his wife were shot and killed in Palu.
11. I have a sister who is a pastor and a brother who is also a very devout Christian. Both of my siblings have fled Indonesia. My brother currently lives in New Zealand and my sister is in Australia. They were too scared to live in Indonesia because of the violence and persecution. As a result, I have no immediate family in Indonesia.
12. As a pastor at the Bethany International Church, I am responsible for preaching in every church branch. I give speeches and sermons in front of the entire congregation at least once a week on Saturdays and Sundays. I also lead cell group meetings every Friday night. On other days, I lead group activities and prayer. I also visit with members of the congregation in their homes, and I visit hospitals to provide religious and moral support as a representative of the church. I also manage social activities, event planning, and the day to day management of

the church. I participate in every meeting regarding the theology and doctrinal statements of the church, church law, administration, and modeling evangelism. The members of our church recognize that I am an active member of our community and as a devout religious leader.

13. I believe that if I am deported to Indonesia my life will be in danger. No matter what happens, I will continue my work as a pastor and with the church. I am now held to a higher duty to preach the gospel, even if my life is at stake. The church in which I am ordained is the same church in Indonesia to which I belong, so I would have to carry on my duties there. However, as a pastor I will be under threat even more than as a lay person because I will be a religious leader and can be easily targeted by Muslims who want to rid Indonesia of Christians. Because of this, I am afraid for my life, and the life of my wife. I seek your permission to remain in the United States.
14. Because of the recent incidents of violence and threats against Christian leaders and pastors in Indonesia, I plead for the U.S. government to give me and my family a chance to live in this country. I want to continue dedicating my life to the Lord and Bethany International Church.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 27th day of September 2007 at Los Angeles, California.



Raymond Gerald Agustino Soeoth

Register No. 2200071

"Be thou an example of believers in word, in conversation, in charity, in spirit, in faith, in purity".


"A bishop then must be blameless, the husband of one wife, vigilant, sober, of good behavior, given to hospitality, apt to teach".

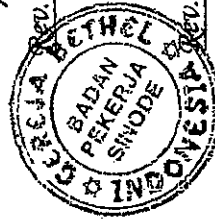
Certificate of Ordination


This Certifies that Pdp. Raymond Gerald Agustino Soeoth

has been duly set forth and ordained by GEREJA BETHEL INDONESIA, with headquarters in Jakarta, Indonesia, and is hereby authorized to do all the work that may devolve upon him as a minister of the Gospel : To preach, publish, teach, and defend the Gospel of Jesus Christ, to baptize, establish churches, administer the Lord's Supper, to ordain Elders, to solemnize the rites of matrimony in legal marriages - all the above only within the rules of the Synod of Gereja Bethel Indonesia.

This confirmed at the General office of said Gereja Bethel Indonesia at Jakarta, Indonesia this 15 day of June, A.D. 2004


Rev. Soehandoko Wirhaspati, MA
National Overseer




Rev. DR. Japartat Marbun
General Secretary

COUNTRY: Southern California, USA

GEREJA BETHEL INDONESIA

Revisi Hukum Gereja Bethel Indonesia, Keputusan Presidial Departemen Hukum, 11 Desember 1972 dan
SK Dirjen Bimas Kristen Protestan Departemen Agama RI No. 121/12/1980 dan 121/12/1981, 1982, 1983, 1989

AKTA NIKAH

No. 98C0102-5F33/PN

Demikianlah mereka bukan lagi dua melainkan satu
Karena itu apa yang telah dipersatukan Allah,
Tidak boleh diceraikan manusia.
(Matius 19 - 6)

PADA HARI **Sabtu** TANGGAL **12 Desember 1998**
DIHADAPAN SIDANG JEMAAH **BETHEL** di **BALIKAPAU** diberkati
PERNIKAHAN YANG KUDUS INI

Raymond Gerald Agustino Soeoth

dilahirkan di **Balikpapau** tanggal **13 Agustus 1968**
anak laki-laki dari **Wim William Soeoth** dan **Annatje Soeoth Tormbokan**

dengan

Cindy Ancilla Revo Prihatiny Mumu

dilahirkan di **Jakarta** tanggal **17 Maret 1966**
anak perempuan dari **Poly Jan Joel Mumu** dan **Avieene Odrada Mumu Gome**
Upacara Pernikahan yang kudus ini telah dilakukan di **BETHEL** di **BALIKAPAU**

YESUS KRISTUS oleh **Pdt. Ir. Djohan Handoyo**



GEREJA BETHEL INDONESIA
Jemaat Bethany

Pdt. Ir. Niko Njotoraningrat
Gembala Jemaat

EXHIBIT



Home | Help | Sign In



Track & Confirm

FAQs

Track & Confirm

Search Results

Label/Receipt Number: 7006 0810 0000 3429 7621

Status: Delivered

Your item was delivered at 11:00 AM on October 1, 2007 in LAGUNA NIGUEL, CA 92607.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)

[Return to USPS.com Home >](#)

[Go >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#) [jobs](#) [National & Premier Accounts](#)
Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)



7006 0810 0000 3429 7621

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$	\$8.75
Certified Fee		\$2.65
Return Receipt Fee (Endorsement Required)		\$2.15
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$13.75



Sent To US Citizenship + Immigration
 Street, Apt. No., or PO Box No. P.O. Box 10589
 City, State, ZIP+4 Laguna Niguel CA 92607

PS Form 3800, June 2002 See Reverse for Instructions

CERTIFICATE OF SERVICE

I am employed in the office of a member of the bar of this Court, at whose direction the following service was made. I am over the age of eighteen years and am not a party to this action.

On October 29, 2007, I served two copies of the foregoing **Appellee's/Cross Appellant's Principal and Response Brief** by U.S. mail, postage prepaid, addressed as follows:

Gjon Juncaj
Zoe J. Heller
Trial Attorneys
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
Ben Franklin Station
PO Box 878
Washington, DC 20044



GENEVA TIEN