

The Honorable Nikki R. Haley,

I am writing this letter because I am desperate to try and save my family from being torn apart.  
My name is Elena Melendez.

I am a 42 year old Army veteran, mother of three and wife.

My husbands name is Julio Cesar Rosendo Serrano. He is a 30 year old native Of Mexico. He came here as a young man with his older brother. He has been in the United States for more than 12 years. We have been together going on 8 of those 12.

We have two beautiful daughters together.

Julianna Elena Melendez-Rosendo Age 6

Isabella Rose Melendez-Rosendo. Age 4 months

I also have a 25 year old son named Brandon Scott Melendez who is a United States Marine.

In 2014 we hired Attorney Eguardo Hernandez to file the necessary paperwork with Immigration for my husband to become a lawful permanent resident based on us being legally married with children and myself being prior military.

On July 8, 2014, Julio was going for a job on Fort Jackson.

He was stopped and detained for a fake ID.

He was subsequently charged with forgery.

All the information on the ID was correct to Julio.

It had his picture, name, date of birth, address etc.

There was no intent to defraud or deceive anyone!

Because of this charge he was placed in removal proceedings.

On November 3, 2014, Julio was scheduled for court on the forgery charge.  
Mr Hernandez said he would represent Julio for this court appearance.

Mr Hernandez advised Julio to plead guilty to the fraud and that he would only Have to pay \$55.00 in court fees and that's it.

Since Mr Hernandez is representing Julio for Immigration purposes he should Have known the consequences this charge would have for Immigration purposes.

Julio had his Master hearing with Immigration on November 17, 2015  
We were given two continuencys because we were waiting on Julio's approved I 130, approved on April 22, 2015 that had not been received by the National Visa Center yet.

Each and every court date we were assured by Mr Hernandez not to worry. That Everything would be fine and that Julio would not be deported.

On our last hearing date the judge refused to continue his case and Julio was informed that he had no options available to him except voluntary departure or accept an Order of Removal.

The Department of Homeland Security asserted that he was not eligible for a provisional waiver due to the forgery charge Mr Hernandez advised Julio to plead guilty  
To.

We were in shock with our then 5 year old daughter and myself 6 months pregnant!  
Crying and not understanding or knowing what to do.

Mr Hernandez advised Julio to take an order of deportation because we would at least have appeal



rights. Later find out that Mr Hernandez had waived Julio's Appeal rights.

Desperate to try and save my family from being torn apart, we then hired Attorney Amanda Keaveny to file an appeal for us.

This Appeal was filed on December 16, 2015 and is still currently pending.

Every night and every morning I wonder if today is the day my family will be torn apart.

If my two girls will be fatherless,

If I will be a single parent with two young girls?

If my life partner, my husband will be ripped out of our lives?

How do you explain to a 6 year old that she will not see her daddy again.

And that her four month old sister will grow up without a daddy?

Please I beg of you to help me save my family and not have my husband and my girls father deported.

I willing signed up for the military to protect families,

Please don't let my government repay me by tearing mine apart!

We are requesting that the Board of Immigration Appeals to reverse the Immigration Judges decision of November 17, 2015 and remand his immigration case for further Proceedings.

Sincerely,  
Elena Melendez

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Cayce, SC  
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Bonita-Chica-1@hotmail.com  
Julio's Alien # 206-482-000

State of South Carolina

County of Lexington

Eduardo V. Hernandez personally appears before me, the undersigned officer duly authorized by the laws of South Carolina to administer oaths, and now on this 3rd day of April, in the year of 2016; being by me first duly sworn on his/her oath/affirmation, deposes and says:

1. I represented Julio Rosendo-Serrano in removal proceedings, in the filing of applications with USCIS, and in Magistrate's Court in Columbia SC from August 20, 2014 until November 17, 2015.

2. In my representation of Mr. Rosendo-Serrano in Magistrate's Court, I arranged for him to plead guilty to misdemeanor forgery and advised him that it was a good deal because he only had to pay a fine of \$55.00. I truly believed that it carried the same penalties as other misdemeanors handled in the SC Magistrate's court, which is at most 30 days in jail. I failed to look at the statute that I advised my client to plead guilty to and now realize that this was a huge mistake on my part. I now know, only because it was brought to my attention by DHS that the possible penalty for this crime is much greater than I believed. The possible penalty for this crime has significant immigration consequences for my client and I failed in my duties to my client by not researching this before I advised him to plead guilty to such a charge. I also recognize that I should have looked at the statute also from the standpoint of the relief that my client might be eligible for in removal proceedings.

3. I understand that Mr. Rosendo-Serrano has hired an attorney to reopen the Magistrate's Court charge based upon my failures in that case. I have provided her with an affidavit describing my failures in that case. I understand my errors and have learned from this mistake.

4. In my representation of Mr. Rosendo-Serrano in immigration court, I also made two mistakes. I knew that Mr. Rosendo-Serrano was eligible to apply for military parole in place and I filed an application with USCIS for him. This application was denied because USCIS did not have jurisdiction because MR. Rosendo-Serrano was in removal proceedings. Had I investigated further, I would have learned that I should have filed the application with ICE, since they have jurisdiction over those applications when someone is in removal. I realize that I should have filed this application because if it had been granted my client would have been able to adjust his status and his removal proceedings would have been terminated.

5. I also made the mistake of waiving appeal in my client's case after I had advised him to take a removal order since he would have the option of appealing the judge's order and he would not have that option if he took VD. I do not believe that my waiving appeal was intentional; I just got nervous and failed to think at the time because the judge seemed upset about the hearing. My client clearly did not want to waive appeal and I made a mistake.

I am writing this affidavit to acknowledge my mistakes. I have spoken with Mr. Rosendo-Serrano's attorneys and we have discussed these mistakes and I hope to never make such mistakes again.

  
(Signature of Affiant)

EDUARDO V. HERNANDEZ  
(Printed Name of Affiant)

SWORN TO BEFORE ME

THIS 3<sup>RD</sup> DAY OF APRIL, 2016

Carl G. Hernandez

CARL G. HERNANDEZ, NOTARY PUBLIC

MY COMMISSION EXPIRES: July 19, 2021

