

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 13-cv-22589-KMW CV/CR WILLIAMS
(Judge's Last Name/Magistrate's Last Name)

MIGUEL ANGEL CORBACHO
DAUDINOT

_____/Plaintiff(s)
(Full Name of Plaintiff/s)

v.

YASIEL PUIG VALDES a/k/a YASIEL
PUIG and MARITZA VALDES
GONZALEZ

_____/Defendant(s)
(Full Name of Defendant/s)

FILED by SM D.C.
JAN 09 2015
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

CERTIFICATION OF EMERGENCY

I hereby certify that, as a member of the Bar of this Court, I have carefully examined this matter and it is a true emergency.

I further certify that the necessity for this emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by the circumstances of this case. The issues presented by this matter have not been submitted to the Judge assigned to this case or any other Judge or Magistrate Judge of the Southern District of Florida prior hereto.

I further certify that I have made a bona fide effort to resolve this matter without the necessity of emergency action.

Dated this 8TH day of JANUARY, 2015
Signature: [Signature]
Printed Name: KENIA BRAVO
Florida Bar Number: 68296
Telephone Number: 305-668-3535 X3238

=====

FOR CLERK'S OFFICE USE ONLY

I hereby certify that the Judge assigned to this case is unavailable for this emergency. (A copy of notification to the Clerk is on file). In accordance with the Court's Internal Operating Procedures, the matter has been assigned to the Honorable _____ through a blind random assignment process. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

[If Applicable] I hereby certify that the above Judge randomly assigned to this emergency is unavailable. (A copy of notification to the Clerk is on file). Therefore, in accordance with the Court's Internal Operating Procedures, the Honorable _____ has subsequently been assigned to the matter through a blind random assignment procedure. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

Dated this _____ day of _____, 20____.

STEVEN M. LARIMORE
Court Administrator - Clerk of Court

By: _____, Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIGUEL ANGEL CORBACHO DAUDINOT.

Plaintiff,

CASE NO. 1:13-cv-22589-KMV

v.

YASIEL PUIG VALDES a/k/a YASIEL PUIG
and MARITZA VALDES GONZALEZ.

Defendants.

**EMERGENCY MOTION FOR CONTINUANCE OF MEDIATION, OR IN THE
ALTERNATIVE, TO ALLOW THE PLAINTIFF TO APPEAR THROUGH
REPRESENTATION OF COUNSEL WITHOUT BEING PHYSICALLY PRESENT**

COME NOW the Plaintiff, by and through the undersigned counsel, and respectfully files this Motion requesting that this court grant a continuance to the mediation scheduled on January 14, 2014, or, in the alternative, enter an order permitting the Plaintiff to appear through representation of counsel, rather than require him to be physically present, and in support thereof states:

1. The parties are scheduled to participate in Mediation on January 14, 2014. However, Plaintiff has good cause for an inability to appear due to unavoidable circumstance.

2. Plaintiff, who lives in Cuba, filed an application to the Department of Homeland Security for an I-130 visa, which was approved and sent out on October 6, 2014. In December U.S. Citizenship and Immigration Services indicated that Corbacho Daudinot could participate in the Cuban Family Reunification Parole Program based on the approval of his Form I-130. *See* **“Exhibit A”**

3. Before Plaintiff and his counsel were able to schedule an interview with Homeland Security regarding the visa, Corbacho Daudinot was detained in September by Cuban police and held without charges until the end of the year.

4. Due to his unwarranted incarceration, Corbacho Daudinot was unable to schedule an interview with Homeland Security in order to pursue his I-130 visa in time to come to the

United States in order to participate in the mediation between the parties, which was scheduled to take place on January 14, 2015.

5. Due to the unexpected, unjustified, and disruptive incarceration, Plaintiff is unable to pursue his visa to the United States, and will be physically unable to participate in the mediation.

6. Despite his inability to physically participate in the mediation, he has authorized his attorneys to enter into any settlement agreement on his behalf if permitted by the court. *See* “**Exhibit B**”, an affidavit by Avelino J. Gonzalez, Esq.

WHEREFORE, the Plaintiff requests that this court enter an order granting a continuance for the mediation, or, in the alternative, to allow Plaintiff to appear through representation by his counsel, rather than appearing physically.

Local Rule 7.1(a)(3) Certification

Undersigned counsel has conferred with counsel for Defendants, Sean Santini, regarding this motion and certifies that he stated that the Defendants objected to same.

By: *s/Kenia Bravo* 

Kenia Bravo, Esq., FBN 68296

Avelino J. Gonzalez, Esq., FBN 75530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document was filed in federal court using CM/ECF on January 7, 2015.

s/Kenia Bravo 

Kenia Bravo, Esq., FBN 68296

Avelino J. Gonzalez, Esq. FBN 75530

Law Offices of Avelino J. Gonzalez, P.A.

6780 Coral Way, Miami, Florida 33155

Ph: 305-668-3535; Fax: 305-668-3545

E-mail: AvelinoGonzalez2@bellsouth.net

Exhibit A



18-DEC-14

U.S. Department of Homeland Security
Refugee, Asylum and International Operations Directorate
20 Massachusetts Avenue, NW, Suite 3200
Washington, DC 20529-2100

GONZALEZ, AVELINO
AVELINO J. GONZALEZ
6780 CORAL WAY
MIAMI FL 33155



U.S. Citizenship
and Immigration
Services

RE: MIGUEL ANGEL CORBACHO

Dear Petitioner:

U.S. Citizenship and Immigration Services (USCIS) records indicate the National Visa Center (NVC) sent you written notice that your relative in Cuba and his or her family members (spouse and unmarried children under 21 years old) may participate in the Cuban Family Reunification Parole (CFRP) Program based on the approved Form I-130, *Petition for Alien Relative*, you filed on his or her behalf.

There is currently no required form or fee to participate in the CFRP Program. However, that will change on February 16, 2015, when USCIS will require petitioners to file the Form I-131, *Application for Travel Document*, and submit the required fee or a written fee waiver request (petitioners can use Form I-912, *Request for Fee Waiver*), to apply for the CFRP Program.

If you wish to have your relative in Cuba considered for parole under the CFRP Program *without* having to file a Form I-131 and pay the fee or request a fee waiver (the "grandfathered" process), you must sign and date the last page of this letter, enter your contact information, and return it to the National Visa Center postmarked before February 16, 2015, along with the documents listed below:

1. A photocopy of your Form I-797, *Notice of Action*, Form I-130 approval notice, or your receipt number for Form I-130.
2. A photocopy of a written statement describing any changes in the family composition of your relative in Cuba that have occurred since the date that you filed your Form I-130 (i.e., births, marriages, or deaths).
3. A photocopy of the biographical page of your relative's and each of his or her family members' valid Cuban passport(s).
4. A photocopy of State Department Form DS-230, parts I and II for your relative and each family member. To download fill-in DS-230 forms, go to <http://www.state.gov/documents/organization/81807.pdf>. In order to download forms, you will need to have a recent version of Adobe Reader installed on your computer. If you do not have Adobe Reader on your computer, please visit <http://www.adobe.com/>. There is no charge to download Adobe Reader. Please note that you may receive a "file corrupted" error message if you are using an older version of Adobe Reader. Please fill out the DS-230 Part I and Part II completely. If a question does not apply to the applicant then the applicant must mark it with "N/A". **Note:** The applicant should sign Part I only at this time. Part II of the form must be signed at the time of the applicant's visa interview.

REMINDER NOTICE



5. Two 5 cm x 5 cm full face color photographs of your relative and for each of his or family members.
6. A photocopy of a birth certificate for your relative and for each of his or her family members.
7. Photocopies of the following civil records:
 - Current marriage certificate
 - Divorce decree from any previous marriage
 - If widowed, death certificate of previous spouse
8. A photocopy of police certificates/court records.

Additional information regarding these documents is provided in the attachment to this letter.

Your signed copy of this letter and the above documents must be mailed to the NVC and postmarked before February 16, 2015:

National Visa Center
Attn: CFRP Program
31 Rochester Avenue, Suite 100
Portsmouth, NH 03801

Your completed application package, including your signed copy of this letter and all required documents listed above, must be postmarked before February 16, 2015 in order to be considered for CFRP processing without a Form I-131 and fee or fee waiver request (“grandfathered” process).

After you complete these steps, you will receive instructions by U.S. mail on how to complete your request to have your family members considered for parole under the CFRP Program. Your relative and his or her family members will be required to appear for an interview with U.S. government officials at the U.S. Interests Section in Havana, Cuba. Your relative will be required to bring to the interview original documents, including passports, birth certificates, marriage certificates, and evidence of a medical examination for each family member. Please ensure all required original documents are available at the interview. Failure to provide original documentation could result in a delay in processing or refusal.

Under the “grandfathered” process, if an immigrant visa becomes available for your relative before your relative’s parole interview, your relative will not be eligible for parole.

If you do not wish to have your relative in Cuba considered for parole under the current CFRP Program, there is no further action you must take at this time. The NVC will send you another invitation and instructions on how to participate in the CFRP Program after February 16, 2015.

Choosing *not* to participate in the CFRP Program will not affect the approved Form I-130 visa petition for your relative(s).

Additional information concerning this program is available on the USCIS website at www.uscis.gov, or by calling the USCIS National Customer Service Center at 1-800-375-5283.

Sincerely,

International Operations Division



TO: National Visa Center

RE: HAV2014811007 

My relative is currently living in Cuba.

YES NO

I wish to have my relative(s) in Cuba considered for parole under the CFRP Program.

YES NO

(Signature)

(Date)

My Contact Information:

Printed Name

Street

City

State

Zip Code

Telephone

Email

Petitioner's Name: MARIA DE LOS ANGELES CORBACHO

Beneficiary's Name: MIGUEL ANGEL CORBACHO





Documents Required for Participation in the Cuban Family Reunification Parole (CFRP) Program

The following provides additional detail on obtaining the documents required if you choose to have your relative, hereafter referred to as "applicant", in Cuba be considered for parole under the CFRP Program.

Copy of the Petitioner's I-130 Petition Approval Notice

The applicant must provide a copy of the petitioner's I-130 petition approval notice, form I-797, or be able to provide the U.S. Citizenship and Immigration Service's (USCIS – formerly known as INS) receipt number for the approved I-130 petition.

Written Statement Describing a Change in the Applicant's Family Composition

The applicant must provide the NVC with a statement detailing the addition or removal of a family member. Along with the written statement, the applicant must provide the NVC with a copy of any relevant death certificates, divorce decrees, marriage certificates, birth certificates, or adoption decrees, documenting the change in family status.

Photocopy of Valid Passport Biographic Data Page

The applicant and his or her spouse and minor children who are traveling together with the applicant must submit a photocopy of the biographic data page from each of their valid passports.

What to send

Submit a **photocopy** of the biographic data page of the applicant's and the applicant's individual family members' **valid** passports. The page shows the passport number, date of issuance, date of expiration, applicant's photograph, applicant's name, and date and place of birth.

Note: Do NOT send the applicant's passport(s) to the NVC, just the photocopy of the biographic data page.



Form DS-230, Application for Immigrant Visa and Alien Registration

The DS-230 Part I and Part II contain questions regarding specific biographical information required for the immigrant visa.

Who completes the forms

Each family member that is eligible to travel to the United States with the applicant under this visa classification is required to complete the DS-230 Part I and Part II.

Completing the forms

Please fill out the DS-230 Part I and Part II completely. The form must be typed or filled out with legible handwriting. If a question does not apply to the applicant then the applicant must mark it with "N/A".

Note: The applicant should sign Part I only at this time. Part II of the form must be signed at the time of the applicant's visa interview.

Birth Certificates

Each applicant will need to obtain an original birth record (or a certified copy of the original, obtained from the issuing government authority).

The certificate must contain the:

- Person's date of birth
- Person's place of birth
- Names of *both* parents
- Annotation by the appropriate authority indicating that it is an extract from the official records

Unobtainable birth certificates

The applicant's birth record may not be obtainable. Some reasons are listed below:

- The applicant's birth was never officially recorded.
- The applicant's birth records have been destroyed. The appropriate government authority will not issue one.

Please obtain a certified statement from the appropriate government authority stating the reason the applicant's birth record is not available. With the certified statement, the applicant *must* submit secondary evidence. For example:

- A baptismal certificate that contains the date and place of birth, as well as both parents names (providing the baptism took place shortly after birth)
- An adoption decree for an adopted child
- An affidavit from a close relative, preferably the applicant's mother, stating the date and place of birth, both parents names, and the mother's maiden name.

Note: An affidavit must be executed before an official authorized to take oaths or affirmations.



Photographs

Each applicant must provide two 5 cm x 5 cm full face color photographs with a white background. The image size must be between 25 and 35 mm.

Marriage Certificate

Married applicants must obtain an original marriage certificate, or a certified copy, bearing the appropriate seal or stamp of the issuing authority.

Note: Marriage certificates from certain countries are unavailable. More specific information is available online at: <http://travel.state.gov/content/visas/english/fees/reciprocity-by-country.html>

Termination of Prior Marriages

Applicants who have been previously married must obtain evidence of the termination of **EACH** prior marriage. Evidence must be in the form of original documents issued by a competent authority, or certified copies bearing the appropriate seal or stamp of the issuing authority, such as:

- **FINAL** divorce decree
- Death certificate
- Annulment papers

Police Certificates / Court Records

Police Certificates (Antecedentes penales)

Each applicant must present police records from Cuba and from any country where the applicant lived for more than a year after turning 16 years of age. Police and prison records are available from the Ministry of Justice. There may be a fee for this service.

Those applicants who lived for one year or more (after turning 16 years of age) in one of the following countries: Angola, Ethiopia, the former Soviet Union, Germany, Poland, Czechoslovakia, Romania, Hungary, or Bulgaria, should request their police certificates at the civil registry located at Linea y E street in Vedado, Havana City. Those applicants who may have lived in any other country may address their request to the corresponding embassy. If the applicant is unable to obtain police records in the previously mentioned countries, the applicant should request information at the enterprise or association for which the applicant served.

Court Records (Sentencias)

If the applicant has a criminal record, the applicant should present a copy of the court records providing the trial disposition and sentence.

Cuban court records are supposedly available from the courts, however, in practice, they are sometimes unavailable.

Exhibit B

AFFIDAVIT OF AVELINO J. GONZALEZ

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority personally appeared AVELINO J. GONZALEZ, who after first being duly sworn states:

1. I am over 18 years of age and legally competent to testify as to the facts herein of which I have personal knowledge.

2. I am familiar with all pertinent facts of this case and specifically with the contents of this affidavit.

3. I am one of the attorneys for MIGUEL ANGEL CORBACHO DAUDINOT, Plaintiff in the case of *Corbacho Daudinot v. Puig Valdes et al*, Case No. 13-cv-22589, which is currently underway in Miami, Florida, USA in the U.S. District Court for Southern District of Florida.

4. I have been assisting Mr. Corbacho Daudinot to obtain a visa to travel to the United States, and have been able to procure approval of an I-130 application and an approval for Family Reunification for him.

5. In September 2014, I lost contact with Corbacho Daudinot, and was unable to speak with him for several months. I later learned through his wife that he had been arrested and was being held without charges in Cuban prison.

6. As a result of his incarceration, he was unable to advance his visa application, which requires an interview with Homeland Security.

7. The halt in his immigration process makes it impossible for him to travel to the United States in January or February, as more time is required to obtain the interview with Homeland Security.

8. Corbacho Daudinot's inability to travel makes it impossible for him to appear physically at the mediation scheduled in the case for January 14, 2014, but he has authorized me and Kenia Bravo to settle this case on his behalf.

Affidavit of Yunior Despaigne.

FURTHER AFFIANT SAYETH NAUGHT.



AVELINO J. GONZALEZ

SWORN TO and subscribed before me on this 8th day of January, 2014 at the state and county above mentioned.


Notary Public, State of Florida

My Commission Expires:
(Personally known to me)

