

Case No. 01-1849

---

Attorney for Petitioners  
Case No. 01-1849

---

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

---

VLADO PALAVRA  
MARINA PALAVRA  
DANIJEL PALAVRA  
BRANKICA PALAVRA  
Petitioners

vs.

IMMIGRATION AND NATURALIZATION SERVICE,  
Respondent

---

PETITION FOR REVIEW  
FROM BOARD OF IMMIGRATION APPEALS  
DENIAL OF ASYLUM CLAIM

---

PETITIONERS' BRIEF

---

ROBERT FRAGER      Mo. Bar No.  
17734  
ROBERT FRAGER P.C.  
4550 Belleview Ave.  
Kansas City, MO 64111-3506

(816)756-5800





TABLE OF AUTHORITIES

Judicial Cases

Statutes

The Illegal Reform and Immigrant Responsibility Act of 1996 (IIRIRA),  
Pub. L. No. 104-208, 110 Stat. 3009 (September 30, 1996),  
amended by Act of October 11, 1996, Pub. L. No. 104-302,  
110 Stat. 3656, repealed 8 U.S.C. 1105(a)

42Procedures25\(\Cr6feria Tc Defermining38 ugeeIR66f 3ant Respo96 (I196 ), ) T650 2105TD /F

amended by Act of October 11, 1996, Pub. L. No. 104-302, 110 Stat. 3656, repealed 8 U.S.C. 1105a (1994) and replaced it with a new judicial review provision codified at 8 U.S.C. 1252. See IIRIRA Sec. 306. As the new provision does not









passport by the alien. MacCaud involved a decision by the immigration judge



country of citizenship and nationality, i.e., Bosnia by the simple finding that the Immigration Service stated its intention to deport Petitioners to Croatia based upon their possession of Croatian issued passports. The Judge in effect applied the word “indicia” as if it meant conclusive. This deprivation of Petitioners’ rights was improper and contrary to the laws of this country which allows aliens to apply for











deprived of making an evidentiary submission to the judge.

Counsel suggests that these were errors of authority rather than errors of discretion. Discretion presumes that there was consideration of all pertinent factors of a case, which was not the situation in this cause.

For these reasons, counsel for Petitioners suggests that the Immigration Judge's

nationals of Croatia for the purpose of country designation, when they were not



CERTIFICATE OF SERVICE

I certify that two copies of Alien-Petitioner's Brief in compliance with FRAP 32(a) and order of Court with computer diskette was mailed by United States Postal Over night express postage prepaid to Brian G. Slocum, Office of Immigration Litigation, United States Department of Justice P.O. Box 878, Ben Franklin Station, Washington, DC 20022 this day of October, 2001.

-----  
ROBERT FRAGER