

U.S.C. §3571(b). On September 14, 2022, Ms. Ferreira was sentenced to, among other things, 14 days of incarceration. Ms. Ferreira reported to Aliceville FCI on December 1, 2022 and was released from Bureau of Prison custody on December 13, 2022.

II. RELEASE OF PASSPORT IS APPROPRIATE IN THIS CASE

This Court has the authority to modify Ms. Ferreira's condition of probation to allow her to travel and to obtain her surrendered passport from the current custodian of her passport. In the instant case, permitting Ms. Ferreira to travel and to obtain her surrendered passport to travel is appropriate. Ms. Ferreira has substantially completed the most significant part of her sentence, the period of incarceration. Ms. Ferreira has always been and continues to be in full compliance with all Court imposed pre-trial release orders and the terms of her probation. She is not a flight risk. She has no prior contacts with the criminal justice system, both of her parents reside in the United States, she owns a condominium outside of Chicago and is gainfully employed.

Ms. Ferreira requires her passport and travel authorization to travel abroad, renew her L-1 nonimmigrant visa, and return to the U.S. in lawful nonimmigrant status to live and work in the U.S. lawfully and to comply with the remainder of her sentence. Ms. Ferreira has a pending application to extend her nonimmigrant visa status in the U.S. However, if that application is not granted, then Ms. Ferreira will be retroactively penalized with more than 180 days of unlawful presence if she remains in the U.S. past January 6, 2023. Upon departure, such a penalty would bar her from reentering the U.S. for a period of 3 years. Thus, Ms. Ferreira must make arrangements to depart the U.S. by January 6, 2023, obtain a new L-1 visa from the U.S. Consulate in Sao Paulo, Brazil, and return to the country in order to maintain lawful nonimmigrant status in the United States. If she does not depart and obtain a new visa, she will be subject to a three-year bar on her ability to return to the United States. These ramifications are extraordinarily significant.

Ms. Ferreira has scheduled an appointment with the U.S. Consulate in Sao Paulo to renew her visa, and pending approval of the visa by the U.S. Department of State, she would return within 30 days of her departure. Ms. Ferreira therefore requires her passport in advance of January 6, 2023 to enable her departure and return to the country after her visa appointment. During all times, she will be available by phone or email to respond to requests from her probation officer.

On December 21, 2022, the undersigned counsel was informed by the assuaged Assistant United States Attorney that the Government does not oppose the instant motion.

III. CONCLUSION

Ms. Ferreira has already served the custodial phase of her sentence. She took early responsibility for her actions and pled guilty to the offense. She has complied with all conditions of her pre-trial release conditions as well as the terms of her probation. She has no history of violence or drug/alcohol abuse and poses no risk to public safety.

In short, there is minimal risk to granting the motion to permit Ms. Ferreira to travel to Brazil and to order the custodian of her passport to return Ms. Ferreira's passport to her.

Accordingly, Defense counsel respectfully requests that the instant unopposed motion be granted.

Dated: December 21, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2022, I caused a true and correct copy of the foregoing motion to be served via the Court's ECF system to all counsel of record in this matter.

/s/ Lionel André