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United States District Court
for the
Middle District of Georgia

Evgeniia Strelnikova

Petitioner

v.

Kristi Noem, Secretary of
the Department of Homeland Security;

DHS/ICE Office of Chief Counsel – SDC;

US Department of Homeland Security;

US Immigration and Customs Enforcement

Respondents

Case No. 4:25-cv-106-CDL-AGH

28 U.S.C. §2241

**PETITION BRIEF
IN SUPPORT OF WRIT OF HABEAS CORPUS**

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I. INTRODUCTION

Petitioner, Evgeniia Strelnikova A# [REDACTED], respectfully petitions this court for a writ of Habeas Corpus pursuant to 28 U.S.C. §2241, challenging the lawfulness of her continued detention by Immigration and Customs Enforcement (ICE), for over 11 months without sufficient grounds solely because she holds passport Russian Federation. Petitioner request immediate release on reasonable terms because her continued detention violates the 5th Amendment to the U.S. Constitution, which guarantees the right to due process of clause.

II. JURISDICTION AND VENUE

This court has jurisdiction under 28 U.S.C. §2241 the Suspension Clause, U.S. Constitution Art.I, § 9, cl.2.

Federal courts also have federal question jurisdiction, through the APA 5 U.S.C. §702 (establishing the right of review for a person suffering a legal wrong due to agency action).

Venue lies in the United States District Court for Middle District of Georgia, the judicial District where Petitioner is detained Steward Detention Center 146 CCA Road, Lumpkin, GA 31815.

III. FACTUAL BACKGROUND

Petitioner, Evgeniia Strelnikova, A# [REDACTED]. Citizen of the Russian Federation, Russian, born on [REDACTED]. She was born in Dresden, Germany. Place of residence before detention – Krasnogorsk, Moscow region, Russian Federation. Has a higher economic education. For more than 10 years, she worked as an accountant at Joint Stock Company "Rolf", the largest automobile dealer in the Russian Federation. She was involved in volunteering and charity work. Married, has a stepson.

Together with her husband, Aleksandr Chistiakov, A# [REDACTED] has forced to request

political asylum on the border of Mexico and the United States in the Port of San Ysidro from an CBP officer on 10/05/2024. The meeting with the officer was scheduled according to the schedule in the CBP-1 application. Being law-abiding citizens, the Petitioner and her husband waited for the appointment of a meeting with a CBP officer in the generally recognized dangerous country of Mexico (the waiting place is dictated by the rules of the CBP-1 program) for more than 6 months, since the CBP-1 application was adapted for a revalively legal, legitimate and safe passage of refugees from other countries.

The Petitioner, at the officer's first request, provided an all necessary documents for indetification and verification, she passed biometric and biographik check, and a check was conducted. She proved that she is who she claims to be, does not inted to hide, does not pose a danger to society, has no criminal record in any country in the world, and intends to go throught all immigration process. Despite this, following all procedures, the Petitioner and her husband were taken into custody as, direct quote: "citizens of Russian Federation".

Despite providing documents confirming the legality of their marriage and a common case, they were sent to detention centers in different states to undergo a Fear Credible Interview, which they possed with a "positive result", thereby providing their fear of returning to the Russian Federation. Despite all this, including having an address in the United Staes and a sponsor, they were not released under reasonable supervision, and they were left in custody without official explanation to undergo a court, where they have been to this day for more than 11 months.

IV. FACTS OF THE CASE

The Petitioner spent 5 days in the San Ysidro Border from 05/10/2024 to 05/14/2024. On 05/14/2024 she was transferred to the Detention Otay Mesa, CA. On 05/19/2024 she was admitted to the Stewart Detention Center, where she has been in custody more than 11 months.

On 06/03/2024 the Petitioner passed a Fear Credible Interview with a positive result,

where she proved that she has a well founded fear of being returned to her home country, where she would face imprisonment, torture, or death. Despite this, including having an address in the United States and a sponsor, she was not released under reasonable supervision and remained in detention. Without grounds explanation or official document ICE has repeatedly rejected the Petitioner's requests on parole without explanation, except for the last case, when a document from 02/24/2025 was provided with indication: "You did not establish, to ICE's satisfaction, substantial ties to the community". In the absence of a proven risk to public safety or evasion of participation in the immigration process, this contradict the principles of reasonable necessity and proportionality established in the practice of immigration detention. This raises legitimate questions about the observance of the principles of equal treatment and non-discrimination enshrined in both international and national acts (See Article 31 of the Refugee Convention (1951)).

This violates fundamental human rights, in particular the right to liberty and security of person quaranted by Article 9 of the International Covenant Civil and Political Rights: "Everyone has the right to liberty and security of person. No one shall be arbitrarily arrested or detained...Anyone arrested shall be promptly informed of the reasons for his arrest and of any charge against him". Article 31 of the Refugee Convention (1951) states: "Refugees shall not be penalized for "illegally crossing a frontier if they come from a country where their life or freedom would be threatened and they promptly present themselves to the authorities and explain the reasons for their illegal entry". The Petitioner complied with all these requirements by immediately presenting herself to the authorities upon crossing the border and proving in an Credible Fear Interview of her return in home country.

The Petitioner Individual Hearing took place on 10/15/2024. Due to the absence of a lawyer, the impossibility of obtaining evidence from personal belongings, the impossibility of preparing well in detention conditions (limited access to the library law with computers,

difficulties with copying documents, a generally nervous and depressing atmosphere), limited communication with her husband, who is the main defendant in her case (1 call in 1,5-2,5 months), she was unable to properly disclose and defend her case in Court and get asylum.

On 11/15/2024 Petitioner filed an appeal.

On 01/31/2025 Petitioner learned that the record of the decision made at the individual hearing had been lost. A new hearing was scheduled for 04/08/2025. Thus, her detention period was extended by more than 2 months.

This hearing did not take place without explanation. A new Individual Hearing took place on 04/15/2025. Petitioner learned about this Hearing 5 minutes before it started. Petitioner did not receive a document with notification.

The appeal process in Petitioner's case may take from 6 months to a year, during which Petitioner may be in ICE custody. In case a positive decision on an appeal on practice in the Steward Detention Center, the case is returned back to the Immigration Judge who made a negative decision earlier. Thus, the illegal prolonged detention of Petitioner in custody ICE can be from 1,5 to several years. And this does not take into account the filing of an appeal by the prosecutor. Petitioner was entitled to a hearing the issue of on release within 6 months of her detention, however, she was not granted a hearing on her release. Therefore, her term of detention may be significantly extended. See *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015) "Determined that detained immigrants have the right to a hearing for release within 6 months of detention".

Zadvydas v. Davis 533 U.S. 678, (2001) Indefinite detention and violation of the right liberty. In the case of *Zadvydas*, the US Supreme Court ruled that the indefinite detention of immigrants without a clear possibility of deportation violates the Fifth Amendment of the Constitution (due process) as detention without a reasonable time limit is unconstitutional.

The Due Process clause applies to all persons in the United States, "whether their

presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, "[f]reedom from imprisonment – from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem. "Id.; see also *Plyer v Doe*, 457 U.S. 202, 210(1982) ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments").

Petitioner's case reflects exactly the circumstances addressed in *Zadvydas*, as she has been detained for over 11 months without a foreseeable deportation date. Petitioner's asylum application is still in process and there are no clear indications that her removal will be possible in the near future, which according to the *Zadvydas* ruling, means her detention is illegal and must be reviewed. The case established that when deportation is unlikely in the near future, detention must be limited to six months since her detention has exceeded this time limit. Petitioner requests that her case be urgently reviewed and that she be released, as her detention is not a longer legally justified.

V. PETITIONER'S STATE OF HEALTH

After 5 days on the San Ysidro border, in extremely inhumane conditions, Petitioner's gynecological health problems worsened. Upon admission to Otay Mesa, Petitioner told the doctor about severe pain in her left side, however, no help was provided to her. Later, the pain intensified many times, fever and chills began, nausea. Petitioner could not eat for several days. Despite all this and written requests, she was called to the doctor only on the third day. There she was placed in a cold cell on an iron bench, where she spent more than an hour writhing in pain. After that, her condition only worsened. The only help she received was painkillers, which only slightly reduced the pain. She was not referred to a specialized doctor.

Despite the severe pain, Petitioner was transferred from Otay Mesa Detention to the Stewart Detention Center. The transfer took more than a day, including 10 hours of processing in a cold cell of intake and another 14 hours of travel. Petitioner was transported in iron handcuffs, fastened to a tightly tightened chain around her stomach and leg shackles. The officer in the Otay Mesa Detention who put the chain around Petitioner's stomach was warned about her severe pain, but despite this, he tightened the chain very hard and sharply and subjected her to it with the words: "It's fine", deliberately causing Petitioner severe pain.

Petitioner was not allowed to take painkillers on board the plane, away during a search before boarding as a throwing them result, she lost consciousness several times during the flight from pain. The staff on board rudely refused all requests for painkillers, arguing that there were no first aid kit on board transporting people.

Upon arrival at the Stewart Detention Center, Petitioner was given painkillers and promised an appointment with a doctor, however, after 11 months, there was still no appointment with a doctor, despite severe attacks of pain, accompanied by fever, chills, nausea, loss off appetite for several days, difficulty breathing, problems with walking. The reception is conducted only by junior medical staff, who were warned that Petitioner has a cyst on the left ovary, which should be observed by a specialist once every six months. However, the medical staff treats all of Petitioner's problems with distrust and disdain, once she was told that the biennial pain she was experiencing was: "normal". Despite repeated attacks and numerous requests, she never saw a doctor. Whereas her illness without proper observation and control can lead to death under unfavorable conditions, which is exactly where she finds herself. The only help she has received in this problem is painkillers, which only dull the pain, but with such frequent use cause liver problems. Also, there are persistent offers from medical staff to buy painkillers at the commissary.

While keeping, a person in custody with a serious illness without medical care for a

long period of time is a violation of both national and international law. In the United States, this violates the 8th Amendment and the 14th Amendment to the US Constitution. Federal Detention Standards, which sets requirements for ensuring proper conditions of detention, including medical care, food, safety and humane treatment of detainees (ICE Detention Standards).

There have been numerous law suits against ICE for denial of medical care (Human Rights Watch: "On deaths in ICE - cases of deaths in detention due from lack of treatment"; confirmed case NBS News: "On the death of a migrant with heart disease due to denial of care"; Physicians for Human Rights report; "On torture and medical negligence in ICE").

The U.S Supreme Court ruled in *Estelle v. Gamble* (1976) that "willful indifference to a prisoners serious medical needs of a detainee" violates the 8th Amendment of the US Constitution. Because Petitioner's health problems are completely ignored and this can lead to serious consequences, including infertility or death, Petitioner respectfully requests her immediate release.

VI. CONDITIONS OF DETENTION

1.Border San Ysidro

Petitioner was placed in a small cell in the basement with no access to daylight. The temperature in the cells was extremely low. The staff did not allow access to personal belongings and there was no opportunity to take either warm clothes or a change of underwear. The cells were brightly 24/7. For sleeping, Petitioner was given a dirty, worn-out, thin yoga mat and once disposable foil blanket, which did not changed for 5 days. This blanket is not able to protect the body from hypothermia from long-term exposure to the conditions that were created in the border cell, people, including Petitioner, had to sleep on the icy concrete floor, some slept right next to the open toilet. Constantly cold food – a small burrito, an apple, juice and cookies. Showers were allowed only once every three days, the water in them was cold.

They did not allow her to take a change of underwear after the shower and Petitioner had to put on dirty clothers. When she arrived at the border San Ysidro, Petitioner encountered a very rude attitude from the CBP officers, for example, after a search she had bruises on her arms. Because of such conditions of detention, similar to torture, Petitioner felt like a ptisoner criminal and not a refugee whose only crime was that she requested asylum.

2.Communication with ICE.

Such terms like "freeze" and "ban" have been used by ICE reprezentatives for over half a year when reffering to the citizens of some countries. According to ICE officers "freeze"/"ban" is placed for the 6 placed for the 6 countries Russia and several other post Soviet states, which is the reason why Petitioner have been refused parole since June 2024. Petitioner have been constantly requesting explanation for the "freeze"/"ban" and what the meaning of these terms was but were provided no response.

Petitioner never saw her ICE officer Atkinson from May 2024 to October 2024, although, according to the document "Deportation Officer Visitation Schedule", posted in each dorm, ICE officers must come 3 times a week according to the schedule – Tuesday, Wedensday, Thursday from 8:00 a.m. to 16:00 p.m. To the only way of communication is massages sent through prison tablets. But these requests are answered with a long delay, not on the essence of the question asked, or closed without an answer. Petitioner's paper requests were either lost or left unanswered. Petitioner sent her sponsorship package to ICE officer Atkinson twice via ICE box, but according to the ICE officer, it was never received.

3.Owercrowding

Currently, there are approximately 45 women living in the 40 person dorm (the number is constsantly changing). The constant noise, lack of places to eat, microwaves, showers, toilets, tablets and phones creates a negative and tense environment between women of different cultures and nationalities speaking different languages, which leads to frequent daily

conflicts and even fights. As a result, Petitioner does not feel safe while in the Steward Detention Center. Petitioner witnessed a mass fight in the neighboring dorm, where the officers, unable to cope with the situation, separated the fighting women by spraying gas from a canister. The effect of which caused some prisoners to lose consciousness and have severe coughing fits. All this causes great harm to Petitioner's psyche, which is already depressed by her untimely detention in inhuman conditions, does not feel safe and experiences ever-increasing stress.

4.Unsanitary conditions

There is no soap in the Unit for several days, or it is very diluted. According to the protocol, hygiene products are issued twice a week, however, it often happens that during the week they may not issue some of the hygiene products – toilet paper, shampoo, toothbrushes, arguing that they are not in stock. Femene hygiene products are often absent and of extremely low quality. Specialized cleaning products for toilet and schower areas, namely chlorine, disinfectants have not been issued for a long time.

5.Food

The quality of food is extremely low. A huge daily lack of vitamins, macro and microelements and nutrients. Petitioner more than 11 months of imprisonment with such a diet, Petitioner lost more than 22 pounds. Moldy bread and sour milk were repeatedly issued. When asked to replace spoiled food, officers reported that: "everyone has it". The portions are very small. The food is often spicy, with a lot of pepper, undercooked or overcooked. The break between meals are often up to 12 hours. *Ex.*, on March 17, 2024, Petitioner had lunch at approximately 11:30 am, dinner at approximately 23:28 pm .If the detainee does not have money in the commissary account, she has to go hungry.

6.Cold in the Unit

It is quite cold in the dorm, while Petitioner was given only 1 thin cotton blanket and

sheet. She is often forced to sleep in everyday clothes and cover herself with an outdoor jacket. Often, she has to take several bottles of hot water with her to bed. During the day, she also has to walk around in several layers of clothing and an outdoor jacket in the dorm.

In August 24, detainees of the Petitioner's dorm was transferred to an emergency dorm, where the ventilation system was broken – the room was very cold, water was pouring from the ceiling onto the beds and floor, and warning signs were posted. Detainees were forced to lie down on wet beds, threatening them with disciplinary punishment. It was very cold, detainees put on several pairs of socks, pants and T-shirts to keep warm. People were kept in such conditions for a day, then they transferred to another dorm, but many feel ill. They were not given medical care. Detainees who refused to sleep on beds with water pouring on them were given disciplinary punishment.

7. Tablets

Access to prison tablets is extremely limited on a daily basis. While for many, as well as for Petitioner, they are the only available way to communicate with loved ones, the only way to write a request, translate from their native language into English and vice versa. However, many detainees, like Petitioner, do not have a Russian keyboard in the profiles of almost all tablets. The box with them is closed throughout the day, even at the time when, according to the schedule, they can be used. Requests for issuing may be ignored or outright refused. On 40-45 detainees, only 7 working tablets instead of 12, despite the fact that they quickly discharge, and the charging box is constantly closed. In conditions of overcrowding in the dorms, there are not enough tablets for everyone, which, together with the policy of "permanently closed box" creates conflicts and an atmosphere of intolerance. Providing the detainee/prisoner with the opportunity to communicate with other people is one of the important elements guaranteeing the right to humane treatment and respect for the inherent dignity of the human being, as provided for in Article 10(1) of the International Covenant on Civil and Political Rights.

8.CoreCivic officers

Officers may show disrespect or rudeness towards detainees. Shout without reason, show contempt, may use insults (*Ex.*: show an obscene gesture "middle finger"). Gave commands in a rude manner. Petitioner was repeatedly left alone in a room with detainees of 2 and 3 dangers levels (Petitioner refers to 1), although this is strictly prohibited by the rules of the institution and unsafe, since these detainees there are real criminals. Upon admission to the Stewart Detention Center

Petitioner and the other detainees, who arrived with her that day were not issued an ID card for 4 days, and she could neither contact her relatives and notify them of her condition and location, nor go outside for a walk.

9.Medicine

The wait to see a junior medical staff in the overcrowded detention center can be more than 7 days. Or they may not call at all. Appointment are often at night, the wait in the reception area can be up to 4 hours. Petitioner, as a person with regular severe attacks of pain, it is extremely difficult to endure this. Petitioner, neither upon admission to Otay Mesa Detention, nor in Stewart Detention Center like all other detainees known to her, was given a chest X-ray, which is mandatory and prescribed in the rules. Petitioner fears that this could lead to an epidemic of tuberculosis or COVID 19 in the Institution. Two women with pediculosis (lice) were placed in Petitioner's dorm, the staff knew about it, the next day they were given medicated shampoo, but they was isolated only after complaints from other detainees.

10.Night rest

The right of detainees to rest at night is not respected in the Stewart Detention Center. The lights in the dorm are on 24/7. At night, they invite up to 40% on them. But the lights are bright and blind the eyes, so you have to cover you head. There were cases when they did not invite them at all, or turned of them on at fule power, arguing that they do not know

how to turn them off. This situation contradicts Rule 43(1)(a-e) of the Nelson Mandela Rules (The UN Standard Minimum Rules for the Treatment of Prisoners), which explicitly prohibits the use of such restrictions or disciplinary measures that may amount to torture or other cruel, inhuman or degrading treatment or punishment. In particular, it prohibits placing a prisoner in a dark or permanently lit cell. Petitioner spent 11 months of her life with the lights on. No silence is observed between 10:00 p.m./11:00 p.m. and 8:00 a.m. Officers can do any work in the dorm loudly. *Ex.*, at night, two officers, a man and woman, threw mattresses out of the utility room located in the dorm, at the same time, they laughed and talked loudly. The checking officers who enter the dorm at night can often also talk loudly, laugh, slam the doors, their radios (small portable transmitter) work at full volume. In such conditions, sleep is intermittent and inadequate, which has an extremely negative effect on Petitioner's psycho-emotional state.

Thus, all of the above conditions are a direct violation of the right established in the Convention against Torture and other cruel, Inhuman or degrading treatment or punishment, to which the United States has acceded. It also violates the 8th Amendment of the Constitution, which prohibits cruel and unusual punishment, including inhuman conditions of detention. The conditions in Stewart Detention Center can be classified as cruel.

The conditions in the Stewart Detention Center, including poor hygiene, inadequate medical care, and prolonged detention in inhuman conditions, violate the protections provided by the Covenant. These conditions subject Petitioner to cruel and degrading treatment. These violations of international and U.S. law should be grounds for Petitioner's release or at least an immediate review of the conditions of her detention.

VII. LEGAL ARGUMENTATION

1. Violation of 28 U.S.C. § 2241

Under 28 U.S.C. § 2241, federal courts have the authority to review the legality of

detention.

The Petitioner's continued detention, despite the lack of objective reasons and grounds, is unlawful.

2. Violation of the Fifth Amendment to the U.S. Constitution

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process. The government has failed to provide any objective and valid reasons for her ongoing detention.

3. Zadvydas v. Davis 533 U.S. 678 (2001)

The U.S. Supreme Court ruled that immigrants cannot be held in detention indefinitely. If detention is prolonged and the government cannot justify it is necessity, the immigrant should be released under supervision.

Petitioner has been unlawfully detained more than 11 months without sufficient justification for her detention

4. Rodriguez v. Robbins, 715 F. 3d 1127 (9th Cir. 2013)

The Ninth Circuit Court of Appeals ruled that prolonged detention of immigrants without the right to release violates the U.S. Constitution.

Petitioner poses no threat and has every reason to be released.

5. Demore v. Kim, 538 U.S. 510 (2003)

The U.S. Supreme Court confirmed that immigration authorities may detain immigrants, but only if there is a proven threat to society.

Petitioner has no criminal history, has a sponsor, and guarantees compliance with all release conditions.

6. Flores v. Reno, 507 U.S. 292 (1993)

Established minimum standards for the detention of immigrants in the U.S.

The conditions at Stewart Detention Center do not meet these standards.

7. *Nielsen v. Preap*, 139 S. Ct. 954 (2019)

The U.S. Supreme Court ruled that the detention of immigrants must meet clear criteria and not be arbitrary.

Petitioner was detained without objective grounds.

8. *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015)

Determined that detained immigrants have the right to a hearing for release within 6 months of detention.

Petitioner has been unlawfully detained for longer than this period.

9. *Guerra v. Shanahan*, 831 F.3d 59 (2d Cir. 2016)

Confirmed that detention must be justified by substantial facts, not just an administrative decision.

There are no justified reasons for Petitioner's detention.

10. *Barrera-Echavarria v. Rison*, 44 F. 3d 1441 (9th Cir. 1995)

Established that immigrants cannot be held indefinitely without proper judicial proceedings.

Petitioner has been detained more than 11 months without lawful grounds.

11. Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a)

This law gives DHS the authority to detain immigrants but also provides the possibility of release on bond or Parole.

Petitioner poses no threat, and her detention violates this law.

12. INA § 241(a)(6) (8 U.S.C. § 1231(a)(6))

Defines the grounds for prolonged detention of immigrants but requires that it be justified by necessity.

Petitioner's detention is not justified.

13. 8 C.F.R. § 241.4

Regulates the process for reviewing decisions on detention and establishes criteria for release.

Petitioner meets all the criteria for release.

14. United Nations Convention Against Torture (CAT), Article 3

The U.S. is obligated not to return immigrants to countries where they face persecution.

Petitioner has demonstrated a threat of persecution in Russia.

15. Fifth Amendment to the U.S. Constitution (Due Process Clause)

Protects against arbitrary detention and requires fair judicial proceedings.

Petitioner 's rights to a fair process have been violated.

16. Eight Amendment to the U.S. Constitution

Prohibits cruel and unusual punishment, including inhumane detention conditions.

The conditions at Stewart Detention Center can be classified as cruel.

17. Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706

Limits arbitrariness in the actions of government agencies.

ICE and DHS have acted with clear procedural violations in relation to Petitioner

18. International Covenant on Civil and Political Rights (ICCPR), Article 9

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

Petitioner's detention is arbitrary and illegal, as there are no sufficient legal grounds to justify her prolonged detention under U.S. law. The indefinite nature of her detention violates international standards set out in this provision.

19. European Convention on Human Rights (ECHR), Article 5

Everyone has the right to liberty and security of person. No one shall be deprived of

their liberty except in accordance with a procedure prescribed by law.

The detention of Petitioner violates her right to liberty. It is a disproportionate measure since her detention lacks legal justification and extends beyond reasonable limits.

20. UN Refugee Convention, Article 31

States shall not impose penalties on refugees for their illegal entry or presence if they come directly from a territory where their life or freedom was threatened and are seeking asylum.

Petitioner, as an asylum seeker, should not be penalized for irregular entry into the US, as her circumstances meet the criteria for refugee status. Her detention while seeking asylum is an unlawful punishment under international law.

21. International Covenant on Economic, Social and Cultural Rights, Article 10

Persons detained shall be protected from cruel, inhuman, or degrading treatment or punishment.

The conditions at Stewart Detention Center, including poor hygiene, inadequate medical care, and prolonged confinement in inhumane conditions, violate the protections provided under this covenant. These conditions subject Petitioner to cruel, inhuman, and degrading treatment.

The Immigration and Nationality Act allows for discretionary detention but requires periodic review of the detention status. Petitioner's continued detention without such review violates federal law.

22. Article 9 of the International Covenant Civil and Political Rights

Everyone has the right to liberty and security of person. No one shall be arbitrarily arrested or detained...Anyone arrested shall be promptly informed of the reasons for his arrest and of any charge against him.

The detention of Petitioner violates her right to liberty. It is a disproportionate measure

since her detention lacks legal justification and extends beyond reasonable limits.

23. Estelle v. Gamble (1976)

The U.S Supreme Court ruled in *Estelle v. Gamble (1976)* that "willful indifference to a prisoners serious medical needs of a detainee" violates the 8th Amendment of the US Constitution.

The failure to provide the necessary medication care and treatment for over eleven (11) months caused serious harm and worsened Petitioner's health. The lack of medical care can lead to irreversible consequences, including disability for her. Petitioner does not feel safe here and fears for her health. Petitioner respectfully requests her immediate release.

24. Federal Detention Standards

Federal Detention Standards, which sets requirements for ensuring proper conditions of detention, including medical care, food, safety and humane treatment of detainees (ICE Detention Standards.

The conditions of detention in Steward Detention Center do not correspond to the Federal Detention Standards. Petitioner is not provided with medical care. Food, safety and humane treatment at an extremely low level.

25. Rule 43(1)(a-e) of the Nelson Mandela Rules (The UN Standard Minimum Rules for the Treatment of Prisoners).

Which explicitly prohibits the use of such restrictions or disciplinary measures that may amount to torture or other cruel, inhuman or degrading threatment or punishment.

Petitioner in the Steward Detention Center id subjected to cruel, inhuman and treatment.

VIII. CONCLUSION

Petitioner respectfully requests this coure to:

1. Assume jurisdiction over this matter.

2. Issue a writ of Habeas corpus for Petitioner's immediate release under reasonable supervision.
3. Grant any other further relief this Court deems just and proper.

Date: 04/14/2025



Signature of Petitioner

CERTIFICATE OF SERVICE

I, Evgeniia Strelnikova hereby certify that on 04/17/2025, I sent a copy of this RESPONDENTS MOTION to the following parties via U.S. Mail:

The Honorable Kristi Noem

Secretary of Homeland Security

U.S. Department of Homeland Security

Washington, D.C. 20528

DHS/ICE Office of Chief Counsel - SDC

146 CCA Road, P.O. BOX 248

Lumpkin, GA 31815

U.S. Department of Homeland Security

Washington, D.C. 20528

U.S. Immigration and Customs Enforcement

500 12th Street SW

Washington, D.C. 20536

Date: 04/17/2025

A handwritten signature in black ink, appearing to read 'E. Strelnikova', is written over a horizontal line.

Signature of Petitioner