

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JOSE F.
AND ANDREW FUENTES

Petitioner,

KRISTI NOEM, *et al.*,
in their official capacities,

Respondents.

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Civil Action No. 1:25-cv-00091

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
AND
MOTION FOR SUMMARY JUDGMENT

In accordance with the Court's July 1, 2025, order, the Government¹ files this response to the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Dkt. 1) and moves for summary judgment pursuant to Federal Rule of Civil Procedure 56. As explained below, Petitioner's claim for habeas relief should be denied because he is lawfully detained, he is scheduled to be removed in the near future, and he has received adequate medical care while in detention.

I. SUMMARY OF THE ARGUMENT

Jose F. is a Venezuelan national in the custody of Immigration and Customs Enforcement (ICE). On December 17, 2024, Jose F. arrived at a port of entry in Brownsville, Texas, as an applicant for admission where it was determined he was inadmissible and subject to expedited removal under INA §235(b)(1). However, an asylum officer determined he had a credible fear of

¹ As the Court previously noted, the proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 124 S.Ct. 2711, 159 L.Ed.2d 513 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

returning to Venezuela, and Jose F. was issued a notice to appear before an immigration judge. On June 13, 2025, an immigration judge denied his asylum claim and ordered his removal to Venezuela but deferred such removal under the Convention Against Torture. In accordance with federal law, Jose F. has remained in detention while ICE obtains the necessary travel documents and schedules his flight to another country where he is not likely to be tortured prior to the end of his removal period on September 13, 2025. During his time in detention, Jose F.'s medical needs have been adequately attended to. Thus, Petitioner has failed to show Jose F.'s detention amounts to a constitutional violation and his petition should be denied.

II. THE NATURE AND STAGE OF THE PROCEEDING

On April 18, 2025, Andres Fuentes, on behalf of his father, Jose F., filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (the "Petition"), contesting his father's continued detention "despite his severe medical conditions and his pending asylum application." Dkt. 1, p.1. He claims that his continued detention violates the Due Process Clause of the U.S. Constitution and the Convention Against Torture. *Id.* at p.2. The Court ordered a response to Petitioner's allegations by August 1, 2025. Dkt. 8.

III. AUTHORITY BY WHICH PETITIONER IS HELD

Petitioner is being detained pursuant to 8 U.S.C. § 1231(a)(1)(A) following a removal order to Venezuela that was deferred under the Convention Against Torture. *See* Exhibit 1, Amended Order of the Immigration Judge, dated July 17, 2025.

IV. RELEVANT BACKGROUND

As stated in the Petition, Jose F. is a 54-year-old Venezuelan national. Dkt.1 at ¶ 6. On December 17, 2024, Jose F. arrived at a Port of Entry in Brownsville, Texas, for his CBP One appointment. *Id.* at ¶ 7. Upon arrival, Customs and Border Patrol (CBP) determined he was an

“applicant for admission” as an “arriving alien” who was inadmissible under 8 U.S.C. § 212(a)(7)(A)(i)(I)² and processed for expedited removal under 8 CFR § 235.3/INA § 235(b)(1). *See* Exhibit 2, Determination of Inadmissibility. After claiming a fear of returning to Venezuela, Jose F. was given an interview with an asylum officer and found to have a credible fear of returning to Venezuela. *See* Exhibit 3, Form I-870. He was issued a Notice to Appear (NTA) on January 29, 2025. *See* Exhibit 4, Notice to Appear. A routine check of Jose F.’s name through various databases revealed he was wanted in Venezuela on criminal charges and, thus, was not a good candidate for release on parole pending his scheduled appearance. *See* Exhibit 5, Form I-213. Due to these security concerns, Jose F. was detained at El Valle Detention Facility.

On June 13, 2025, the immigration judge (IJ) who heard Jose F.’s case denied his application for asylum and ordered he be removed from the United States. *See* Exhibit 6, Order of Immigration Judge, dated June 13, 2025.³ However, the IJ ordered Jose F.’s removal be deferred under the Convention Against Torture. Jose F. waived his appeal of the order. *Id.*

V. STANDARD OF REVIEW

Summary judgment is appropriate under Rule 56 of the Federal Rules of Civil Procedure only if the pleadings, along with evidence, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also* Fed. R. Civ. P. 56(c). Once a motion has been made, the nonmoving

² “Except as otherwise specifically provided in this chapter, any immigrant at the time of application for admission—(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 1181(a) of this title... is inadmissible.” 8 U.S.C. § 212(a)(7)(A)(i)(I).

³ The IJ’s order was later amended (*See* Exhibit 1) because the IJ neglected to include the required language that Petitioner be removed to the designated country of Venezuela.

party may not rest upon mere allegations or denials in the pleadings but must present affirmative evidence, setting forth specific facts, to show the existence of a genuine issue for trial. *Celotex Corp.*, 477 U.S. at 322-23. If the moving party meets its burden, the non-moving party must show a genuine issue of material fact exists. *Id.* at 322. Furthermore, “only reasonable inferences can be drawn from the evidence in favor of the nonmoving party.” *Eastman Kodak Co. v. Image Tech. Servs., Inc.*, 504 U.S. 451, 469 n.14 (1992) (emphasis in original) (quoting *H.L. Hayden Co. of N.Y., Inc. v. Siemens Med. Sys., Inc.*, 879 F.2d 1005, 1012 (2d Cir. 1989)).

VI. ARGUMENT

A. *Petitioner’s Custody is Lawful*

Jose F.’s detention is lawful because (1) the 90-day removal period has not lapsed; and (2) he fails to show that the length of his detention is unreasonable under the *Zadvydas*⁴ framework given his foreseeable removal.

1. Due to the recent removal order, Petitioner’s continued detention is lawful.

The statutory provision governing Petitioner’s detention is 8 U.S.C. § 1231, which applies once an alien is ordered removed. Under this section, DHS must physically remove him from the United States within a 90-day removal period,⁵ during which the government “shall detain the alien.” 8 U.S.C. § 1231(a)(2)(A) (emphasis added). However, even after the 90-day removal period expires, ICE has the discretion to continue detention for certain aliens. 8 U.S.C. § 1231(a)(6).⁶

Further, the Attorney General has promulgated regulations to establish and implement a formal administrative process to review the custody of aliens, like Jose F., who are being detained

⁴ *Zadvydas v. Davis*, 533 U.S. 678 (2001).

⁵ 8 U.S.C. § 1231(a)(1)(A).

⁶ Aliens, like Jose F., who was ordered removed and inadmissible under INA § 212(a) (e.g., an arriving alien who lacks valid entry documents). See 8 C.F.R. § 241.4(a).

subject to a final order of removal, deportation, or exclusion. 8 C.F.R. § 241, *et seq.* Under the regulations, post-order aliens who remain detained *beyond* the removal period may present to ICE their claims that they should be released from detention because there is no significant likelihood that they will be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(d). Unless and until ICE determines that there is no significant likelihood of removal in the foreseeable future, the alien will continue to be detained, and his detention will continue to be governed by the post-order detention standards. 8 C.F.R. § 241.13(g)(2).

Here, Jose F. was ordered removed on June 13, 2025, and is lawfully detained until the end of his removal period on September 13, 2025.⁷ ICE is working diligently to secure Jose F.'s removal to a third country.⁸ If ICE is unable to remove Jose F. within the 90 days, it will complete the necessary custody reviews regarding his continued detention.

2. Petitioner's detention is also lawful under *Zadvydas*.⁹

The length of Petitioner's detention is not unconstitutional, particularly considering his upcoming removal. A petitioner may challenge continued detention under the framework established by the U.S. Supreme Court in *Zadvydas v. Davis*, which held that detention may not be indefinite and is presumptively reasonable for only six months beyond the removal period. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). In a challenge to detention under *Zadvydas*, the petitioner must "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* The Government must then respond with evidence sufficient

⁷ See 8 C.F.R. § 241.3(a) ("Once the removal period defined in section 241(a)(1) of the Act begins, an alien in the United States will be taken into custody pursuant to the warrant of removal.").

⁸ Although Jose F.'s removal to Venezuela was deferred, he may still be removed to "another country where he or she is not likely to be tortured. See 8 CFR § 208.17(b)(2).

⁹ As a threshold matter, *Zadvydas* does not apply until after the end of Jose F.'s removal period on September 13, 2025. However, since Petitioner raised *Zadvydas* in his petition, Respondents are addressing it out of an abundance of caution.

to rebut that showing. *Id.* The Supreme Court further emphasized that the six-month presumption does not mean that every alien not removed must be released after six months. *Id.* “To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

However, a petitioner’s habeas petition fails under *Zadvydas* if it lacks specific allegations. When a petitioner fails to come forward with an initial offer of proof, the petition is ripe for dismissal. *Andrade v. Gonzalez*, 459 F.3d 538 (5th Cir. 2006) (acknowledging the petitioner’s initial burden of proof where claim under *Zadvydas* was without merit because it offered nothing beyond the petitioner’s conclusory statements suggesting that removal was not foreseeable). In this case, the Petition fails to cite to any evidence, other than conclusory statements, that there is no significant likelihood of removal in the reasonably foreseeable future. In fact, the Petition never mentions removal, only stating that “[h]is continued detention under these circumstances amounts to a slow death sentence[.]” Dkt. 1 at ¶ 8B. This conclusion alone does not lead to a reasonable inference that Jose F. has no significant likelihood of removal in the foreseeable future.

B. *Jose F. is receiving adequate medical care, and his detention is lawful.*

At various points in his petition, Petitioner claims Jose F. should be released because he is not receiving adequate medical care in detention. This is factually incorrect. During his credible fear interview, Jose F. reported his only medical conditions to be “high blood pressure and diabetes.” *See* Exhibit 3 at ¶ 2.19. Since being detained, Jose F. has been receiving his medications and attending all his off-site appointments. *See* Exhibit 7, Declaration of Officer Ruben Ramirez. When necessary, Jose F. has received additional medical care. *Id.* Thus, Petitioner’s claim is without merit and should be dismissed.

VII. CONCLUSION

For the foregoing reasons, the Petition for Writ of Habeas Corpus for Jose F. should be denied.

Dated: August 1, 2025

Respectfully submitted,

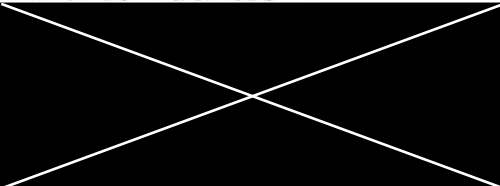
NICHOLAS GANJEI
UNITED STATES ATTORNEY

By: /s/ Lander B. Baiamonte
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Assistant United States Attorney
Southern District of Texas No.: 3312493
Texas State Bar No.: 24103831
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Corpus Christi, TX 78401
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Facsimile No.: (361) 888.3200
E-Mail: lander.baiamonte@usdoj.gov
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on August 1, 2025, the foregoing was filed and served on counsel of record through the Court's CM/ECF system, and a certified copy was sent to:

Andres Fuentes



s/ Lander B. Baiamonte
Lander B. Baiamonte
Assistant United States Attorney



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PORT ISABEL IMMIGRATION COURT

Respondent Name:

FUENTES CARRILLO, JOSE

To:

Tostado, Loreanne

Brownsville, TX 78526

A-Number:

244-850-459

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

07/17/2025

AMENDED ORDER OF THE IMMIGRATION JUDGE

- ☐ This is a summary of the oral decision entered on . The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☒ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I).

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Deferral of Removal under the Convention Against Torture was ☒ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

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- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of

nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- ☒ Respondent was ordered removed to Venezuela.
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
- ☐ Respondent's status was rescinded under INA § 246.
- ☐ Other:



Immigration Judge: Lewandowski, Robert 07/17/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☒ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [P] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : FUENTES CARRILLO, JOSE | A-Number : 

Riders:

Date: 07/17/2025 By: ALFARO, STEPHANIE, Court Staff

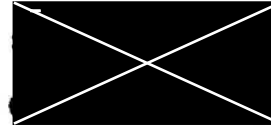
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U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number



File No:



SIGMA Event:

Date: December 17, 2024

In the Matter of: FUENTES CARRILLO, JOSE ANTONIO

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are ineligible for admission to the United States because at the time of your application for admission to the United States you were not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act, and/or at the time of your application for admission, you were not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality. To wit: your intentions were to seek asylum in the United States without valid documentation required by the INA due to your fear of returning to your native country.

...(CONTINUED ON I-831)

ANAYA, CAR33587
CBP OFFICER

Name and title of immigration officer (Print)

Digitally Acquired Signature

Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Name and title of immigration officer (Print)

Signature of immigration officer

Name and title of supervisor (Print)

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on _____

(Date)

Signature of immigration officer

Form I-860 (Rev. 08/01/07)

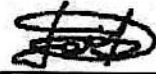
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U.S. Department of Homeland Security

Notice and Order of Expedited Removal

ACKNOWLEDGEMENT

I acknowledge receipt of this notification

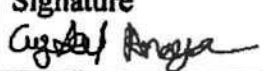


Digitally Acquired Signature

Signature of alien

U.S. Department of Homeland Security

Continuation Page for Form I-860

Alien's Name FUENTES CARRILLO, JOSE ANTONIO	File Number SIGMA Event No. 	Date December 17, 2024
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW: ===== Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature  ANAYA, CAR33587	Title CBP OFFICER	

Digitally Acquired Signature

3 of 3 Pages

FORM I-870 (Rev 05/12/2023)

**U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Record of Determination/Credible Fear Worksheet**

ZHN
Asylum Office Code


A-File Number

FUENTES CARRILLO
Noncitizen's Last/ Family Name

Amanda Brick
Asylum Officer

VENEZUELA
Noncitizen's Nationality

All statements in italics must be read to the applicant

SECTION I: INTERVIEW PREPARATION

1.1 Date of Arrival:

Dec 17, 2024

1.2 Place of Encounter:

Port of Entry

Specify POE:

BROWNSVILLE/MATAMOROS TX

1.3 Detention status at inter-
view:

Detained

1.4 Date of Detention:

Dec 17, 2024

1.5 Place of Detention:

EL VALLE DETENTION FACILITY, 1800 INDUSTRIAL DR, RAYMONDVILLE TX, 70930

1.6 Intended destination upon release from detention or non-detained address in the U.S.:

5500 Somerset Drive #210, The Colony, TX 75056

1.7 Date of Interview:

2024-12-22

1.8 Interview Site (applicant's location):

EL VALLE DETENTION FACILITY

1.9 Interview mode:

Telephonic

1.10 Applicant received and signed Form M-444 and relevant pro bono list:

Yes

Date signed:

Dec 17, 2024

1.11 If orientation more than one week from date of detention, explain delay:

n/a

1.12 Does applicant have consultant(s)/representative?

No

1.13 Persons present at the interview (select which apply and indicate if in person or by telephone or video conference):

No one other than applicant, officer, and interpreter (if applicable)

1.14 Language used by applicant in interview:

SPANISH

1.15 Interpreter used in interview?

Yes

Was the interpreter a contractor or provided by the applicant?

Contractor

1.16 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

Yes

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

SECTION II: BIOGRAPHIC INFORMATION

2.1 Last Name / Family Name:

FUENTES CARRILLO

2.2 First Name:

JOSE

2.3 Middle Name:

ANTONIO

2.4 Date of Birth:

1971

2.5 Gender:

Male

2.6 Other names and dates of birth used:

2.7 Country of Birth:

Venezuela

2.8 Country(ies) of citizenship:

• VENEZUELA

2.9 Address prior to coming to the U.S. (list address, city/town, province, state, department and country):

Illegally in Medellin, Colombia

2.10 Applicant's race or ethnicity:

Hispanic or Latino

2.11 Applicant's religion:

CHRISTIAN-CATHOLIC

2.12 All languages spoken by applicant:

• SPANISH

2.13 Marital Status:

Married

2.14 Did spouse arrive with applicant?

Yes

2.15 Is spouse included in applicant's claim?

No

2.16 If currently married (including common law, informal marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

Full Name: Elaine Colina Alvarado | Date of Birth: [REDACTED] 1971 | Citizenship: Venezuela | A-Number: Unknown

2.17 Children:

Yes

2.18 List any children:

1) Full Name: Maria Jose Fuentes | Date of Birth: [REDACTED] 1998 | Citizenship: Venezuela | Present Location: USA | A-Number: Unknown | Arrived with Applicant: YES | Included in Applicant's Claim: NO

2) Full Name: Andres Fuentes | Date of Birth: [REDACTED] 1997 | Citizenship: Venezuela | Present Location: USA | A-Number: Unknown | Arrived with Applicant: NO | Included in Applicant's Claim: NO

3) Full Name: Jose Alejandro Fuentes | Date of Birth: [REDACTED] 1995 | Citizenship: Venezuela | Present Location: Colombia | A-Number: Unknown | Arrived with Applicant: NO | Included in Applicant's Claim: NO

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists?

Yes

Explain Medical Condition:

high blood pressure and diabetes

2.20 Has applicant notified the facility of medical condition?

Yes

2.21 Does applicant claim that the medical condition relates to torture?

No

2.22 Does applicant have an email address?

No

2.23 If yes, please list all email addresses for the applicant:

N/A

2.24 If yes, can the applicant receive confidential information related to their asylum case at the above email address(es)?

N/A

2.25 Does applicant have a U.S. phone number?

Yes

2.26 If yes, please list phone number and type (mobile/landline):

2145452539

2.27 What is the highest level of education the applicant has completed?

Post-Secondary

SECTION III: CREDIBLE FEAR INTERVIEW

The attached notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for the purposes of this threshold screening.

The asylum officer shall elicit all relevant and useful information bearing on whether the applicant has a credible fear of persecution or torture. Typed Question and Answer (Q&A) interview notes and a summary of material facts as stated by the applicant, any additional facts relied upon by the officer, and analysis of the claim must be attached to this form for all credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear of persecution or torture.

☒ 3.1 At the conclusion of the interview, the asylum officer must read the following to the applicant:

If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

☒ 3.2 At the conclusion of the interview, the asylum officer must read a summary of the claim to the applicant.

SECTION IV: CREDIBLE FEAR FINDINGS

A. CREDIBLE FEAR DETERMINATION (AND REASONABLE POSSIBILITY DETERMINATION, WHERE APPLICABLE)

CREDIBILITY

- ☒ 4.1 Applicant found credible
☐ 4.2 Applicant found not credible

NEXUS

- | | | |
|--|---|--|
| ☐ 4.3 Race | ☐ 4.4 Religion | ☐ 4.5 Nationality |
| ☐ 4.6 Membership in a Particular Social Group | | |
| ☒ 4.7 Political Opinion | ☐ 4.8 Coercive Family Planning (CFP) | ☐ 4.9 No Nexus |

CREDIBLE FEAR FINDING

- ☒ 4.10 Credible fear of persecution established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution established.

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☐ 4.11 Credible fear of torture established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of torture established.

☐ 4.12 Credible fear of persecution NOT established and credible fear of torture NOT established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution NOT established and reasonable possibility of torture NOT established.

B. POSSIBLE BARS

☒ 4.13 There are reasonable grounds to believe that the applicant may be subject to a bar(s) to asylum or withholding of removal (select all that apply):

☐ 4.14 Particularly Serious Crime

☒ 4.15 Security Risk

☐ 4.16 Aggravated Felon

☐ 4.17 Persecutor

☐ 4.18 Terrorist

☐ 4.19 Firmly Resettled

☒ 4.20 Serious Non-Political Crime Outside the United States

☐ 4.21 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal

C. IDENTITY

☒ 4.22 Applicant's identity was determined with a reasonable degree of certainty (select all that apply):

☒ 4.23 Applicant's own credible statements (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty)

☐ 4.24 Passport which appears to be authentic

☐ 4.25 Other evidence presented by applicant or in applicant's file

☐ 4.26 Applicant's identity was not determined with a reasonable degree of certainty (Explain in additional information field below)

SECTION V: ASYLUM OFFICER / SUPERVISOR NAME AND SIGNATURES

Amanda Brick
5.1 Asylum Officer

Ahmed Abdulle

5.4 Supervisory Asylum Officer

Signed by: Amanda Brick on Sunday, December 22, 2024, 2:53 pm

5.2 Asylum Officer's Signature

Ahmed Abdulle

5.5 Supervisory Signature

2024-12-22

5.3 Asylum Officer's Decision Date

2024-12-22

5.6 Date Supervisor Approved Decision

ADDITIONAL INFORMATION/CONTINUATION



U.S. Citizenship
and Immigration
Services

Applicant: **JOSE FUENTES CARRILLO**
A #:

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Interview Notes

DOB: **1971** (Age **53**)

Country of Birth: **Venezuela**

Entry Date: **2024-12-17**

Apprehension Date: **2024-12-17**

Sex: **Male**

Nationality: **VENEZUELA**

Port of Entry: **BROWNSVILLE/MATAMOROS TX**

Detention Status: **Detained**

Introduction

Interview Start Time

Interview Start Time
10:48 AM

Interpreter and Oath

USCIS Interpreter (SPANISH) under oath

Interpreter Service

LanguageLine

Interpreter/Monitor ID

377062

Call Start Time

10:48 AM

Call End Time

12:22 PM

Interview Format

Telephonic interview with individual at EL VALLE DETENTION FACILITY.

What is your full and complete name?

Jose Antonio Fuentes Carrillo

What is your date of birth?

/1971

Is anyone else in the room with you?

No

Are you able to hear anyone else?

No

Do you believe you can be overheard by anyone else?

No



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #:

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Interpreter Guidance

(To Interpreter) Interpreter, please introduce yourself to the applicant and let the applicant know that you have been sworn in and you will keep everything discussed today confidential. (To Applicant) Before we get started, I have instructions for you and your interpreter to ensure the accuracy of this interview. Your interpreter must interpret everything that is said today literally and completely, such that everything remains in the first person. You are not to have any side conversations with your interpreter. If you do not understand a question, your interpreter must tell me and I will clarify it for you. Also, if the interpreter doesn't understand something you said, the interpreter must let me know. Working with an interpreter can be difficult. Please make sure to keep your sentences short. If you have a longer answer, please break it up into shorter pieces. Please tell me immediately if you feel uncomfortable with this interpreter and I will request a new interpreter.

Language

What is your native language?

SPANISH

Do you speak any other languages?

No

☒ Interpreter speaks native/preferred language

Q. Do you understand the interpreter?

A. Yes

Q. Interpreter, do you understand the applicant?

A. Yes

Q. Do you feel comfortable using an interpreter of the gender available on the phone today?

A. Yes

Q. Do you feel comfortable speaking with a female officer today?

A. Yes

Counsel

Do you have an attorney or consultant?

No

Did you receive a list of legal service providers who may be able to represent you for free or a low cost?

Yes



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**

A # 

Officer: **A Brick**

Interview Date: **Dec 22, 2024**

You may have an attorney or consultant of your choice with you during your interview. However, the presence of an attorney or consultant is not required for this interview. Do you wish to continue today without an attorney or consultant present?

Yes

Applicant Oath

Next, I would like to place you under oath. This is a legal obligation to tell the truth. Please stand and raise your hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Yes

M-444

Form M-444 included in the referral packet

Yes

According to our records, you received form M-444 on:

Dec 17, 2024

Q: The M-444 form explains the credible fear determination process. Do you understand the credible fear process that was explained on this form?

A: Yes, they explained to me- the one who did the interview that day.

Do you have any questions about the credible fear process?

No

Preliminary

Voluntary Withdrawal Advisal

Country(ies) of Citizenship

• **VENEZUELA**

Did the noncitizen return to the U.S. after previously being provided the voluntary withdrawal advisal, withdrawing their application for admission, and departing the U.S.?

No

Is the noncitizen in Border Patrol custody?

No



U.S. Citizenship
and Immigration
Services

Applicant: **JOSE FUENTES CARRILLO**

A #:



Officer: **A Brick**

Interview Date: **Dec 22, 2024**

Purpose of the Interview

☒ I-870 Section I Purpose of Interview Read to Applicant

Q: Records indicate you last entered the United States on 12/17/24, at or near Brownsville, TX, and were apprehended on the same day. Is that correct? A: **Yes**

Q: Was this the first time you entered the U.S.? A: **Yes**

Medical Issues / Ability to Testify

Do you currently have any medical or health problems that I should be aware of, physical or mental?

Yes

What is your medical/health problem?

high blood pressure and diabetes

Does your medical/health problem relate to the harm you suffered?

No

Have you notified the facility of your medical condition?

Yes

Are you taking any medications?

yes for blood pressure and diabetes

Is there anything that might affect your ability to testify today?

no my medications are normal for me.

Fear of Returning to Country

You previously indicated that you were afraid to return to your country. Are you still afraid to return to your country?

Yes

Do you want to continue with your credible fear interview today?

Yes

Biographic

Biographic Information

Other than the name you gave me, have you ever been known by any other names or aliases?



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**

A #:

Officer: **A Brick**

Interview Date: **Dec 22, 2024**

No

Have you ever used any other dates of birth?

No

What is your gender?

Male

What country were you born in?

Venezuela

What country are you a citizen of?

Venezuela

Are you a citizen of any other country?

No

What is your race or ethnicity, for example, do you identify as Hispanic, Indigenous, Latin, Mixed, White, Black, etc.?

Hispanic

Do you have a religion; if so, what is it?

Catholic

What was the address of the last place you lived before coming to the U.S.?

Illegally in Medellin, Colombia

What is your intended destination upon release from detention?

The Colony, TX 75056

Do you have an email address?

No

Do you have a U.S. phone number?

Yes

What is your phone number and type (mobile/landline)?

What is the highest level of education that you have completed?

Post-Secondary

POC in Texas is son, Andres de Jesus Fuentes Colina

Spouse and Children

Are you or have you ever been married or lived with a partner?

Married or Living with a Partner

Full Name

Elaine Colina Alvarado

Date of Birth



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #:

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

1971

Citizenship

Venezuela

Present Location

USA

Did you arrive to the U.S. with your spouse?

Yes

Do you know your spouse's A-number?

No

Do you have any children?

Yes

Did you arrive to the U.S. with your child(ren)?

Yes

List all children - include DOB, Name, Citizenship, Present Location (if w/PA, list A-numbers), Did child arrive with PA (Yes/No), Is child included in PA's claim (Yes/No)

1) Full Name: Maria Jose Fuentes | Date of Birth: 1998 | Citizenship: Venezuela | Present Location: USA | A-Number: Unknown | Arrived with Applicant: YES | Included in Applicant's Claim: NO

2) Full Name: Andres Fuentes | Date of Birth: 1997 | Citizenship: Venezuela | Present Location: USA | A-Number: Unknown | Arrived with Applicant: NO | Included in Applicant's Claim: NO

3) Full Name: Jose Alejandro Fuentes | Date of Birth: 1995 | Citizenship: Venezuela | Present Location: Colombia | A-Number: Unknown | Arrived with Applicant: NO | Included in Applicant's Claim: NO

Linked Case(s)

Did any family members, including your partner if you have one, travel with you to the United States?

Yes

Who?

Spouse, Daughter and her family

Did you arrive together?

Yes

List family members that arrived together with the noncitizen:

- Spouse / Domestic Partner

Family Processing Advisal



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #:

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Your spouse shall be included in your credible fear claim if they arrived in the United States with you, unless you or your spouse declines such inclusion. If your spouse is included in your claim and you are found to have a credible fear, then they will also be found to have a credible fear. If you are not found to have a credible fear, we will not include your spouse in that determination. Instead, we will make a separate credible fear determination for your spouse.

Do you understand and agree?

Yes

AOL (for non-Mexicans who entered at SWB)

AOL Screening

Did you ever cross the border from Mexico into the U.S. before now?

No

Screening Standard

Screening Standard

Did the applicant enter the southwest border while the suspension and limitation on entry was in effect (on or after June 5, 2024 at 12:01AM ET)?

Yes

Did CBP determine that the noncitizen demonstrated an exception described in section 3(b) of the Proclamation?

Yes

☒ Click here to continue interview

Is the applicant a Mexican national?

No

Did the applicant enter the southwest land border or adjacent coastal borders on or after May 12, 2023 at 12:00AM ET?

Yes

CLP Screening Intro Script

It appears that you are subject to the lawful pathways condition on asylum eligibility because you entered the U.S. on or after May 12, 2023 at 12:00 AM ET without documents sufficient for lawful admission, and traveled through at least one country, namely Mexico, that is a signatory to the Refugee Convention. In



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**

A #: 

Officer: **A Brick**

Interview Date: **Dec 22, 2024**

order to assess whether the condition should apply to you, I will ask you some questions to determine if you qualify for an exception or if you can rebut the presumption that you are ineligible for asylum.

EXCEPTION B: CBP ONE APP

Q: When you entered at the Brownsville, TX Port of Entry, did you use the CBP One App to enter? A: **Yes**

CLP Exceptions

Did the applicant establish an exception to the Circumvention of Lawful Pathways rule?
Yes

The noncitizen, or a family member traveling with the noncitizen:

Presented at a port of entry (POE), pursuant to a pre-scheduled time and place, or presented at a port of entry, without a pre-scheduled time and place, if the noncitizen demonstrates that it was not possible to access or use the DHS scheduling system due to language barrier, significant technical failure, illiteracy, or ongoing and serious obstacle to access

Designated Country of Removal

Country of Screening

Country(ies) of Nationality

• **VENEZUELA**

☒ Click here if there is no designated country of removal listed on I-213

Screening Standard

Significant Possibility Standard (CLP/SB not applied)

Screening for all countries of nationality: **VENEZUELA**

AND

Screening for all countries of designated removal: **N/A**

Past Harm/CAT



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #:

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your religion? A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your nationality? A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your political opinion? A: **Yes**

Q: Have you ever been harmed or threatened, or do you fear being harmed because of some characteristic that you have that makes you different from other people? A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed by a family member, such as a partner, spouse, parents, grandparent, aunt, or uncle? A: **No**

Q: Have you ever been harmed or threatened, or do you fear being harmed by anyone else for any other reason we did not talk about yet? A: **No**

Mandatory Bars

Q: Other than coming to the United States, have you traveled or lived outside of your country? A: **Colombia (illegally)**

Q: Lawful status may include but is not limited to asylum status, refugee status, permission to work, temporary and permanent residency and citizenship. Have you ever been offered or received lawful status from a country other than your own? A: **No I wanted to in Colombia but I was not able to. I was there illegally the whole time.**

Q: Have you ever harmed anyone for any reason? A: **No**

Q: Have you ever helped someone to harm anyone for any reason? A: **No**

Q: Have you ever committed a crime in any country? A: **No**



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #: [REDACTED]

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Q: Have you ever been arrested or detained for any reason in any country?

A: **Yes, detained 90 days in Colombia and 7 months in Venezuela then house arrest.**

Q: Did they convict you of the crimes you mentioned you were charged with?

A: **Once I paid they let me go without the charges and ordered me to home arrest for 2 years.**

Q: So no conviction?

A: **No**

Q: Have you ever served in the military or received any military-type training?

A: **No**

Q: Did you receive any weapons training as part of your work?

A: **In Venezuela as an immigration officer we do not carry weapons.**

Q: Have you ever assisted or been a member of a criminal group, such as a gang, cartel, or other organized criminal group?

A: **Never**

Q: Have you ever committed or helped to commit an act involving the use of firearms or other weapons?

A: **Never**

Q: Are you or have you ever been a member of an armed group or a group that uses violence to achieve its goals?

A: **No, I am Catholic.**

Q: Have you ever provided any type of support, like food, housing, money, or transportation, to an armed group or any group or person that uses violence to achieve their goals?

A: **No**

Q: Have you ever tried to convince others to join or give money or other things of value to an armed group or to any group or person that uses violence to achieve its goals?

A: **No**

Q: Do you intend to do anything illegal in the U.S.?

A: **No I just dream to work for my family and nothing else.**

Conclusion

Summary of Testimony



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #: 

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Officer: Please give me a moment to review my notes and summarize what we have discussed.

Summary

You were an immigration officer in Venezuela and you investigated corruption involving the national director's son and terrorists from other countries. You were arrested, detained, sexually abused and beaten by the CICPC. You were able to flee to Colombia. You fear if you return to Venezuela the government and CICPC will kill you for betraying the government of Venezuela.

☒ **Officer summarized claim**

Is this summary correct?

Yes

Are there any changes or additions you would like to make?

No

Is there anything else that is important to your claim that we have not yet discussed?

I have told you everything.

Conclusion Statement (I-870 Section III)

☒ **I-870 Section III Conclusion Statement Read to Applicant**

Do you understand what was read to you?

Yes

Do you have any questions?

No

Q: Did you understand all the questions I asked to-day? **A: Yes**

Q: Did you understand the interpreter? **A: Yes**

Dismiss Participants

To the applicant: Thank you for speaking with me today, this is the end of today's interview. (Instruct applicant to hang up the phone, or ask to speak to the official at the facility if necessary.)

To the interpreter: Interpreter, thank you for your service today. You may disconnect.

Interview End Time



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A #: 

Officer: **A Brick**
Interview Date: **Dec 22, 2024**

Interview End Time
12:22 PM



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE ANTONIO FUENTES
CARRILLO**
A #:

Officer: **Amanda Brick**
Date of Determination: **Dec 22, 2024**

Circumvention of Lawful Pathways (CLP) Presumption Worksheet (Credible Fear)

NONCITIZEN SUBJECT TO CIRCUMVENTION OF LAWFUL PATHWAYS (CLP) RULE

Arrival Date: Did the noncitizen enter the United States from Mexico at the southwest land border or adjacent coastal borders on or after May 12, 2023 at 12:00 AM ET?

Yes

Date of Arrival:
2024-12-17

Manner of Arrival:
By Foot

Travel: Did the noncitizen travel through any country apart from their country of citizenship, nationality, or last habitual residence (if stateless) en route to the United States?

Yes

Treaty Obligations: Are any of the applicable countries through which the noncitizen traveled signatories to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees?

Yes

List at least one applicable country:
• Mexico

EXCEPTIONS TO THE PRESUMPTION OF ASYLUM INELIGIBILITY

DHS Scheduling System Exception: Has the noncitizen made a sufficient showing that they, or a family member traveling with them as described in 8 CFR 208.30(c), could establish that they presented at a port of entry, pursuant to a pre-scheduled time and place, or presented at a port of entry, without a pre-scheduled time and place, but has demonstrated that it was not possible to access or use the DHS scheduling system due to language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle to access?

Yes

Evidence or Explanation:

Confirmed CBP One appointment

DETERMINATION



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE ANTONIO FUENTES
CARRILLO**

A #: 

Officer: **Amanda Brick**

Date of Determination: **Dec 22, 2024**

Does the presumption of ineligibility apply?
No



U.S. Citizenship
and Immigration
Services

Applicant: **JOSE FUENTES CARRILLO**
A #: [REDACTED]

Officer: **Amanda Brick**
Date of Determination: **Dec 22, 2024**

Credible Fear Determination Checklist and Written Analysis

Country
VENEZUELA

DECISION

Credible Fear Determination
Positive

HARM

Has the applicant testified that they have experienced past harm in their country?
Yes

Harm (for testimony elicited):

Detained, Beaten, Hung, Batons inserted in rectum resulting in surgery and intestinal damage

Entities (for testimony elicited):

CICPC (police)

Has the applicant testified that they fear future harm if returned to their country?
Yes

Harm (for testimony elicited):

Death

Entities (for testimony elicited):

CICPC (police) and government

CREDIBILITY

Was the applicant's testimony credible?
Yes

ANALYSIS

There is a significant possibility the applicant can establish



**U.S. Citizenship
and Immigration
Services**

Applicant: **JOSE FUENTES CARRILLO**
A# [REDACTED]

Officer: **Amanda Brick**
Date of Determination: **Dec 22, 2024**

Past persecution

Protected ground:

- Political Opinion

Specify:

Anti-Government corruption/supporter of opposition party

Past Persecution Written Analysis

The applicant was investigating and uncovered a fraud scheme orchestrated by the immigration service's national director's son where he would allow terrorists to enter the country and request the applicant to process/ignore abnormalities. When the applicant did not do so he was arrested and detained on false charges. He was unable to pay a bribe to the prosecutor and was detained for 7 months. During this time he was beaten, hung, and has batons inserted into his rectum. He was accused of betraying his country and patriots. He was released on house arrest after paying a smaller bribe and escaped to Colombia. He fears he will be killed by the government if he returns to Venezuela because he has proof of their corruption and is viewed as a traitor to his country.

Allegations: Admits All; | Charges: Concedes All;

Designated Country: VENEZUELA |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

In the Matter of:

File No: 

Respondent:

JOSE ANTONIO FUENTES CARRILLO

currently residing at:

 Raymondville, TX 78580
(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☒ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Venezuela and a citizen of VENEZUELA;
3. You applied for admission at BROWNSVILLE, TX on 2024-12-17;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

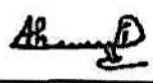
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

27991 Buena Vista Blvd, Los Fresnos, TX 78566
(Complete Address of Immigration Court, including Room Number, if any)

on January 29, 2025 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.


(Signature and Title of Issuing Officer)

Supervisory Asylum Officer

Date: 1/3/2025

Houston, TX
(City and State)

EOIR - 1 of 6

Allegations: Admits All; Charges: Concedes All; **Notice to Respondent**

Warning: Any statement you make may be used against you in removal proceedings.
Des: ~~Other Country: Venezuela~~

Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is

SPANISH

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 1-15-2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Allegations: Admits All; | Charges: Concedes All; **Privacy Act Statement**

Designated Country: VENEZUELA |

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorns>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Allegations: Admits All; | Charges: Concedes All;

Designated Country: VENEZUELA |

• Non-Profit Organization

** Referral Service

*** Private Attorney

List of Pro Bono Legal Service Providers

Updated October 2024

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Dallas Immigration Court Juvenile Docket

Dallas, Texas	
RAICES* Refugee and Immigrant Center for Education and Legal Services <u>Dallas:</u> 1420 W. Mockingbird Ln., Suite 840 Dallas, TX 75247 Mailing address: P.O. Box 565928 Dallas, TX 75356-5928 Tel: (214) 295-9554 www.raicetexas.org <u>Fort Worth:</u> 4200 South Fwy., Suite 704 Fort Worth, TX 76115 Tel: (817) 717-9377 fortworth@raicetexas.org • Will take all types of cases, including asylum • Will accept cases for those detained at Prairieland Detention Facility	Catholic Charities of Dallas* 1421 W Mockingbird Ln. Dallas TX 75247 Tel: (214) 634-7182 legal@ccdallas.org www.ccdallas.org • Primarily SIJS, Cancellation of Removal, Bond hearings, Asylum Human Rights Initiative of North Texas** 2801 Swiss Avenue Dallas, TX 75204 Tel: (214) 855-0520 info@hrionline.org www.hrionline.org • Represent non-detained asylum seekers • Represent non-detained unaccompanied children • Will take in person walk-in inquiries or phone inquiries • Language: Spanish
International Rescue Committee* 6500 Greenville Avenue, Suite 500 Dallas, TX 75206 Tel: (469) 504-1317 www.rescue.org • Will take removal defense cases • Will take cases of unaccompanied children	

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of the Director, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

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Allegations: Admits All; | Charges: Concedes All;
Designated Country: VENEZUELA |

U.S. Department of Justice

Executive Office for Immigration Review

Change of Address/Contact Information Form
Immigration Court

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at <https://respondentaccess.eoir.justice.gov>. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at <https://portal.eoir.justice.gov>. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in *removal* proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in *deportation* proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in *exclusion* proceedings: Your application for admission to the United States may be considered withdrawn.

Name – Last, First, Middle, Suffix (if applicable):	A-Number:
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My FORMER address and phone number were:
"in care of" other person (if any)
Number, Street, Apartment (if any)
City, State, and ZIP code; Country (if other than U.S.)
Phone Number (include country code if other than U.S.)
Email Address

My CURRENT address and phone number are:
"in care of" other person (if any)
Number, Street, Apartment (if any)
City, State, and ZIP code; Country (if other than U.S.)
Phone Number (include country code if other than U.S.)
Email Address

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE →	☒	Signature	Date
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PROOF OF SERVICE

I, _____, provided a copy of this Change of Address Form on, _____ to the
(Name) (date)
to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at:

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at <https://eservice.registration.ice.gov>), or by mail or personal delivery.

☐ No service needed. I am an ECAS-registered user who filed through the ECAS Case Portal.

SIGN HERE →	☒	Signature
--------------------	-------------------------------------	-----------

SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at <https://eserviceregistration.ice.gov>. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at <https://www.ice.gov/contact/legal>. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked "Fold Here" so that the address is visible. (Important: Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked "Fasten Here."
4. Place appropriate postage stamp in the area marked "Place Stamp Here."
5. Write your return address in the area marked "PUT YOUR ADDRESS HERE."
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

Place
Stamp
Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court
1100 Commerce Street
Suite 1060
Dallas, TX 75242

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2) in order to notify EOIR's immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice EOIR-001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PORT ISABEL IMMIGRATION COURT

Respondent Name:

FUENTES CARRILLO, JOSE

To:

Tostado, Loreanne

Brownsville, TX 78526

A-Number:

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/13/2025

ORDER OF THE IMMIGRATION JUDGE

- ☐ This is a summary of the oral decision entered on . The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☒ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I).

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Deferral of Removal under the Convention Against Torture was ☒ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

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- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of

nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- ☐ Respondent was ordered removed to
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
- ☐ Respondent's status was rescinded under INA § 246.
- ☐ Other:



Immigration Judge: Lewandowski, Robert 06/13/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☒ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : FUENTES CARRILLO, JOSE | A-Number : 

Riders:

Date: 06/13/2025 By: Murad, Sana, Court Staff

United States District Court
Southern District of Texas
Brownsville Division

Jose F.
And Andrew Fuentes,

Petitioner,

v.

Kristi Noem, et al.,

Respondent.

Case No. 1:25-CV-091

DECLARATION OF
Deportation Officer Ruben Ramirez.

I, Ruben Ramirez, make the following declaration under oath and under penalty of perjury:

1. I am currently employed as a Deportation Officer ("DO") at the Port Isabel Service Processing Center (also known as the "Port Isabel Detention Center" and "PIDC"), for the Harlingen Field Office of Enforcement and Removal Operations ("ERO"), U.S. Immigration and Customs Enforcement ("ICE"), U.S. Department of Homeland Security ("DHS"). I have served in this capacity since September 2015.
2. As a Deportation Officer, I am responsible for, inter alia, managing the cases of aliens who are in immigration proceedings. As a part of my duties, I am familiar with the case of Jose F., [REDACTED] ("Petitioner"), currently detained in the El Valle Detention Facility.
3. I have experience utilizing ICE record systems to obtain information regarding specific aliens. ICE maintains electronic and paper records on aliens in the course of its regularly conducted business activity. These records are made in the course of regularly conducted business activity at or near the time of relevant events by a person with knowledge of these events. In preparing this declaration, I have examined ICE official records, including the Enforce Alien Removal Module ("EARM"). EARM is the ICE electronic database utilized by ERO to maintain information regarding the custody and removal status of noncitizens. EARM is the electronic database ordinarily relied upon to ascertain an alien's immigration and criminal history, current case status, and plans for removal, if any.
4. I provide this declaration based on my personal knowledge, belief, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, employees of DHS contract facilities, and information portals maintained and relied upon by DHS in the regular course of business:

- a. Petitioner has several medical conditions for which he received prescribed medications.
- b. Petitioner is compliant with all prescribed medications.
- c. Petitioner was seen for a sick call on June 12, 2025 and the issue was addressed.
- d. Petitioner was last seen on June 19, 2025 for a chronic care visit and lab results review.
- e. During his June 19, 2025 visit, Petitioner and his care provider discussed and agreed to a continued plan of care.
- f. Petitioner is receiving his medications and attending his off-site appointments.
- g. On July 18, 2025, Petitioner received his orthopedic shoes.
- h. Petitioner's next chronic care visit is scheduled for November 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 1st day of August 2025.

Ruben Ramirez
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JOSE F.
AND ANDREW FUENTES

Petitioners,

KRISTI NOEM, *et al.*,
in their official capacities,

Respondents.

§
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Civil Action No. 1:25-cv-00091

ORDER GRANTING RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

Came on this day for consideration, the Motion of Respondents Kristi Noem, *et al.*, to dismiss this action filed by Petitioners, Jose F. and Andrew Fuentes, pursuant to FED.R.CIV.P. 56. After considering the Motion and file in this cause, it is hereby ORDERED AND ADJUDGED that Respondents' Motion is GRANTED, and this suit by Petitioners is hereby DISMISSED.

Done this _____ day of _____, 2025, at Brownsville, Texas.

HONORABLE KAREN BETANCOURT
UNITED STATES MAGISTRATE JUDGE