


**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

<b>Genauris Jose Arias Lara,</b>	)
	)
Petitioner,	)
	)
vs.	)
	)
<b>Esker Tatum</b> , Warden, FCI – Berlin;	)
<b>Patricia Hyde</b> , Acting Field Office Director,	)
Boston, U.S. Immigration and Customs	)
Enforcement;	)
<b>Todd Lyons</b> , Acting Director, U.S. Immigration	)
and Customs Enforcement;	)
<b>Kristi Noem</b> , Secretary, U.S. Department of	)
Homeland Security,	)
	)
Respondents.	)

**Case No:**

**PETITION FOR WRIT OF HABEAS CORPUS**

*INTRODUCTION*

1. Petitioner Genauris Jose Arias Lara has been unlawfully detained by the Department of Homeland Security (DHS) since approximately February 18, 2025.
2. Mr. Arias Lara fled his home in the Dominican Republic in 2024 for fear of  He left his home and made his way to the U.S.-Mexico border where he then entered the United States in July 2024 to seek asylum.
3. After crossing the border, Mr. Arias Lara surrendered to Customs and Border Protection (CBP) officers and he was placed in detention while officers assessed his fear of persecution.
4. After being heard by an Immigration Judge, Mr. Arias Lara was found to have a credible fear of persecution, and he was released on parole to live with his U.S. Citizen cousin in

Boston, Massachusetts and to apply for asylum. His parole was effective from August 28, 2024 and was not due to expire until August of this year.

5. As part of the conditions of his release, Immigration and Customs Enforcement (ICE), a component of DHS, enrolled Mr. Arias Lara in its Intensive Supervision Appearance Program (ISAP). Mr. Arias Lara was placed on a GPS ankle monitor, was provided a phone through which he was instructed to report to ICE periodically, and was given a hearing notice for his next court hearing before an Immigration Judge which was scheduled for September 2025.

6. Once paroled, Mr. Arias Lara did just as he was instructed: he sent photographs to ICE using the phone that was provided to him, complied with ICE's check-ins, and lived a quiet life in Massachusetts while awaiting his next court hearing.

7. Yet, despite his full compliance with ICE's directives and his active parole grant, Mr. Arias Lara was arrested in February without warning and placed in ICE custody where he has been detained ever since.

8. To date, Mr. Arias Lara has received no information—from ICE or any other component of DHS—explaining on what basis he is being held in custody. He neither knows whether his parole has been revoked nor the basis for that revocation, if such has indeed happened.

9. In order to grant Mr. Arias Lara parole, DHS was required by statute and by regulation to make an individualized determination that urgent humanitarian reasons or significant public benefit justified the parole grant. By regulation, DHS was required further to determine that Mr. Arias Lara presented neither a security risk nor a risk of absconding.

10. By that same regulation, DHS may only revoke Mr. Arias Lara's grant of parole if the purpose for the parole has been accomplished or if, in the opinion of DHS, the public interest

no longer warrants the grant of parole – such as, if Mr. Arias Lara had become a danger or a flight risk.

11. Mr. Arias Lara reasonably and lawfully relied on DHS's parole determination to live in the United States and to seek relief under the Immigration and Nationality Act (INA) and pursuant to the United States's treaty obligations for the period of his parole. That reasonable expectation has been cut short for no discernible reason.

12. Mr. Arias Lara has been detained by DHS for close to four months without any information about the reason for his detention. He is currently detained at Federal Correctional Institution (FCI) – Berlin in New Hampshire.

13. In the absence of any legitimate justification for his detention, Mr. Arias Lara's continued custody is not authorized by law or otherwise violates the Due Process Clause of the Fifth Amendment.

14. Accordingly, by this Petition, Mr. Arias Lara requests that the Court order his immediate release from detention.

#### *JURISDICTION & VENUE*

15. The U.S. District Court for the District of New Hampshire has jurisdiction to adjudicate the present Petition for Writ of Habeas Corpus pursuant to Sections 2241 and 1331 of United States Code Title 28.

16. The U.S. District Court for the District of New Hampshire is the proper venue to hear Mr. Arias Lara's petition because Mr. Arias Lara is presently being detained at FCI - Berlin within the State of New Hampshire.

*PARTIES*

17. Genauris Jose Arias Lara is a national of the Dominican Republic who is presently detained by Respondent Esker Tatum, Warden of FCI – Berlin, at the direction of DHS.

18. Respondent Esker Tatum is the Warden of, and thus has day-to-day control over, FCI – Berlin, the facility in which DHS is presently housing Mr. Arias Lara. Respondent Tatum is being sued in his official capacity.

19. Respondent Patricia Hyde is the Acting Field Office Director for the U.S. Immigration and Customs Enforcement (ICE) Boston Field Office and directs the detention of individuals in ICE custody in New England. She is being sued in her official capacity.


20. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement (ICE) and supervises all ICE field offices, including the Boston Field Office. He is being sued in his official capacity.

21. Respondent Kristi Noem is the U.S. Secretary of Homeland Security. She supervises the Department of Homeland Security (DHS), including its sub-component, U.S. Immigration and Customs Enforcement (ICE). She is being sued in her official capacity.

*FACTS*

**A. Mr. Arias Lara’s Grant of Parole**

22. Genauris Jose Arias Lara was born in the Dominican Republic and is a citizen of that country.

23. Mr. Arias Lara fled the Dominican Republic in 2024 after he was attacked and threatened 

24. Mr. Arias Lara traveled through Central America to Mexico, near the U.S.-Mexico border, to seek asylum in the United States.

25. Mr. Arias Lara crossed the border into the U.S. through San Diego, California where he then surrendered to Customs and Border Protection (CBP) officers. CBP detained Mr. Arias Lara for approximately one month.

26. At the detention center, Mr. Arias Lara told immigrations officers that he was afraid of returning to the Dominican Republic and he was scheduled for a Credible Fear Interview (CFI) related to this fear.

27. The interviewing officers returned a negative finding on his credible fear, but the denial was reversed by an Immigration Judge after Mr. Arias Lara sought further review. The Immigration Judge told Mr. Arias Lara he could apply for asylum based on his credible fear of persecution.

28. With the Immigration Judge's positive credible fear finding, Mr. Arias Lara was granted humanitarian parole by DHS<sup>1</sup> on August 28, 2024, and he was released from custody to live with his U.S. Citizen cousin in Dorchester, Massachusetts near Boston. His parole was to be valid for a one-year term.

29. As part of his release, Mr. Arias Lara was enrolled in ICE's Intensive Supervision Appearance Program (ISAP). He was placed on a GPS ankle monitor and was given a phone through which he was asked to report to ICE whenever directed.

30. Mr. Arias Lara was also placed in removal proceedings under section 240 of the INA and issued a notice to appear in immigration court. His next hearing was originally

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<sup>1</sup> DHS may delegate its parole-granting authority to officers in its sub-agencies, in this case ICE.

scheduled for September 2025 before the Chelmsford Immigration Court in Chelmsford, Massachusetts.

31. In order to grant Mr. Arias Lara parole, by regulation DHS was required to make an individualized determination that urgent humanitarian reasons or significant public benefit justified the parole grant, that Mr. Arias Lara presented neither a security risk nor a risk of absconding to avoid the outcome of his immigration proceedings, and that his detention would not be in the public interest.

32. From the time he was paroled, Mr. Arias Lara complied with all his check-ins and sent photos to ICE through the provided phone, as instructed, while he prepared to submit his asylum application.

**B. Mr. Arias Lara's Detention**

33. Once paroled, Mr. Arias Lara went to live in Massachusetts with his cousin while complying with ICE's directives. Mr. Arias Lara has not committed or been charged with any crimes since his arrival in the United States.

34. Yet, on or around February 18, 2025, while Mr. Arias Lara and his brother were driving to the gym, their vehicle was stopped by Drug Enforcement Administration (DEA) agents. With guns drawn, the agents ordered Mr. Arias Lara and his brother out of the car and arrested them. Mr. Arias Lara asked what was happening and was given no response.

35. Soon after, the DEA agents transferred custody of Mr. Arias Lara to ICE, which has detained him ever since.

36. Mr. Arias Lara was bewildered by his detention, given his parole grant, his ISAP compliance, his scheduled hearing before an immigration judge, and his lack of criminal history.

37. To date, he has received no information about the basis for his detention and he has received no information about the status of his parole.

38. Mr. Arias Lara was first detained by ICE at Plymouth County Correctional Facility in Plymouth, Massachusetts but was subsequently transferred to FCI – Berlin in New Hampshire, where he remains detained.

39. Mr. Arias Lara timely filed his application for asylum on or around April 28, 2025 and he continues to pursue his claims under the INA from detention.

40. The Declaration of Petitioner Genauris Jose Arias Lara, sworn under penalty of perjury, is attached to this Petition as **Exhibit 1** and the allegations therein are incorporated hereto by reference – in satisfaction of the requirements of United States Code Title 28, Sections 2242 and 1746.

*FIRST CAUSE OF ACTION - UNLAWFUL DETENTION  
IN VIOLATION OF UNITED STATES CODE TITLE 8, SECTION 1182*

41. Mr. Arias Lara incorporates paragraphs 1 through 40 above as if fully restated below.

42. Mr. Arias Lara is currently in the custody of Respondent Tatum under or by color of the authority of the United States – that is, detained at FCI – Berlin at the direction of DHS.

43. Mr. Arias Lara has been subjected to detention by Respondent Tatum at the direction of DHS.

44. DHS granted Mr. Arias Lara parole pursuant to 8 U.S.C. § 1182(d)(5)(A) on or around August 28, 2024 for a one-year term until August 2025.

45. In granting him parole, by regulation DHS necessarily determined that Mr. Arias Lara merited parole for urgent humanitarian reasons, that he was neither a danger to the community nor a flight risk, and that his detention was not in the public interest.

46. Mr. Arias Lara was granted parole so that he could apply for asylum within one year of entry and pursue his claims for immigration relief free from detention.

47. The grant of parole authorized Mr. Arias Lara to remain in the United States free from detention until the expiration of the time for which his parole was authorized so long as Mr. Arias Lara complied with the conditions of his parole and did not engage in conduct that would disturb DHS's previous determination that Mr. Arias Lara was not a danger to the public or a flight risk.

48. No circumstances have occurred that would legitimately disturb DHS's prior determination that Mr. Arias Lara merited a grant of parole.

49. On or about February 18, 2025, DHS took Mr. Arias Lara into custody despite his grant of parole and despite his compliance with all conditions of his parole, and it has continued to detain Mr. Arias Lara since then.

50. Mr. Arias Lara has applied for asylum within one year of entry and is pursuing his claims for immigration relief.

51. To this day, Mr. Arias Lara has not received any notice stating the reason for his detention or whether his parole has even been revoked.

52. If his parole was terminated, that termination did not meet the statutory and regulatory requirements for terminating parole which had been granted pursuant to 8 U.S.C. § 1182(d)(5)(A).

53. In detaining Mr. Arias Lara while he had an active grant of parole and by continuing to detain him without proper termination of his parole, DHS has acted and continues to act in violation of 8 U.S.C. § 1182(d)(5)(A).

*SECOND CAUSE OF ACTION - UNLAWFUL DETENTION IN VIOLATION OF U.S. CONSTITUTION, FIFTH AMENDMENT – PROCEDURAL DUE PROCESS*

54. Mr. Arias Lara incorporates paragraphs 1 through 53 above as if fully restated below.

55. Mr. Arias Lara is currently in the custody of Respondent Tatum under or by color of the authority of the United States – that is, detained at FCI – Berlin at the direction of DHS.

56. Mr. Arias Lara has been subjected to detention by Respondent Tatum at the direction of DHS.

57. DHS granted Mr. Arias Lara parole pursuant to 8 U.S.C. § 1182(d)(5)(A) on or around August 28, 2024 for a one-year term until August 2025.

58. In granting him parole, by regulation DHS necessarily determined that Mr. Arias Lara merited parole for urgent humanitarian reasons, that he was neither a danger to the community nor a flight risk, and that his detention was not in the public interest.

59. Mr. Arias Lara was granted parole so that he could apply for asylum within one year of entry and pursue his claims for immigration relief free from detention.

60. The grant of parole authorized Mr. Arias Lara to remain in the United States free from detention until the expiration of the time for which his parole was authorized so long as Mr. Arias Lara complied with the conditions of his parole and did not engage in conduct that would disturb DHS's previous determination that Mr. Arias Lara was not a danger to the public or a flight risk.

61. No circumstances have occurred that would legitimately disturb DHS's prior determination that Mr. Arias Lara merited a grant of parole.

62. On or about February 18, 2025, DHS took Mr. Arias Lara into custody while he had a valid grant of humanitarian parole and has detained him ever since.

63. DHS has provided Mr. Arias Lara with no notice of the reason for his detention and no opportunity to challenge the reason for his detention.

64. If Mr. Arias Lara's parole has been terminated, DHS has provided Mr. Arias Lara with no notice of that termination.

65. DHS has deprived Mr. Arias Lara of liberty without due process, in violation of Mr. Arias Lara's procedural due process rights under the Fifth Amendment of the U.S.

*THIRD CAUSE OF ACTION - UNLAWFUL DETENTION IN VIOLATION OF U.S. CONSTITUTION, FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS*

66. Mr. Arias Lara incorporates paragraphs 1 through 65 above as if fully restated below.

67. Mr. Arias Lara is currently in the custody of Respondent Tatum under or by color of the authority of the United States – that is, detained at FCI – Berlin at the direction of DHS.

68. Mr. Arias Lara has been subjected to detention by Respondent Tatum at the direction of DHS.

69. DHS granted Mr. Arias Lara parole pursuant to 8 U.S.C. § 1182(d)(5)(A) on or around August 28, 2024 for a one-year term until August 2025.

70. In granting him parole, by regulation DHS necessarily determined that Mr. Arias Lara merited parole for urgent humanitarian reasons, that he was neither a danger to the community nor a flight risk, and that his detention was not in the public interest.

71. Mr. Arias Lara was granted parole so that he could apply for asylum within one year of entry and pursue his claims for immigration relief free from detention.

72. The grant of parole authorized Mr. Arias Lara to remain in the United States free from detention until the expiration of the time for which his parole was authorized so long as Mr. Arias Lara complied with the conditions of his parole and did not engage in conduct that would

disturb DHS's previous determination that Mr. Arias Lara was not a danger to the public or a flight risk.

73. No circumstances have occurred that would legitimately disturb DHS's prior determination that Mr. Arias Lara merited a grant of parole.

74. On or about February 18, 2025, DHS took Mr. Arias Lara into custody while he had a valid grant of humanitarian parole and has detained him ever since.

75. Mr. Arias Lara has applied for asylum within one year of entry and is pursuing his claims for immigration relief.

76. To this day, Mr. Arias Lara has not received any notice stating the reason for his detention or whether his parole has even been revoked.

77. There is no compelling and legitimate government purpose for which DHS could detain Mr. Arias Lara, as he has been determined to be neither a danger nor a flight risk, he has complied with every ICE directive, and he cannot be removed while he pursues his asylum claim.

78. Mr. Arias Lara has been and continues to be detained in violation of his substantive due process rights under the Fifth Amendment of the U.S. Constitution.

*PRAYER FOR RELIEF*

Wherefore, Petitioner respectfully requests that the Court:

- A. Order Respondents to release Mr. Arias Lara immediately;
- B. Award to Petitioner his reasonable litigation costs and attorney's fees pursuant to the Equal Access to Justice Act; and
- C. Grant such other further relief that is deemed just and proper by the Court.

Respectfully submitted,

GENAURIS JOSE ARIAS LARA, Petitioner,

By his attorneys,

Dated: June 13, 2025

/s/ Kara Thorvaldsen

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Dated: June 13, 2025

/s/ Lindsay Kramer Custer

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