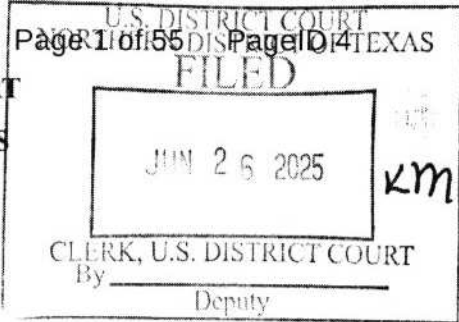




UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Irina Petrova,

Petitioner,

A# [REDACTED]

3-25CV1638-B

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. 2241

I, Irina Petrova (A# [REDACTED] DOB [REDACTED]) an a native and citizen of Russia. I am detained by ICE in Prairieland Detention Center, Texas. I respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. 2241 to challenge prolonged and unjustified detention by immigration authorities in violation of the Constitution, federal statutes, and applicable regulations. In support thereof, I states the following:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. 2241, as I am currently detained by ICE at the Prairieland Detention Center in Alvarado, Texas, within the Northern District of Texas.
2. Venue is proper in this district pursuant to 28 U.S.C. 1391 (e), as I am detained in this district.

II. FACTUAL BACKGROUND

3. I, my lawful spouse Viktor Petrov (A# [REDACTED] DOB [REDACTED]), sons [REDACTED] Petrov (A# [REDACTED] DOB [REDACTED]) and [REDACTED] Petrov (A# [REDACTED] DOB [REDACTED]) entered the United States at the San Ysidro Port of Entry on May 17, 2024 via CBP One, fleeing persecution in Russia and seeking asylum.
4. Upon entry, the our family was detained. Children were seperated and placed into a shelter without consent or notice. My husband and I were transferred to Ottay Messa Detention, CA. We were separated ahd my husband was transferred to Mississippi Adams Detention across multiple states. We had no contact our children. Throughout, I had no access to children until June 12, 2024, after my sponsor intervention. I repeatedly requested reunification from ICE, to no avail.
5. I have made repeated requests to the ICE officer, provided a sponsorship package, a letter of guarantee, and filed a Family Separation Supplemental Information Form (DHS required to respond

6. I received a positive from the credible fear interview on June 10, 2024, but was improperly labeled a "security risk" without evidence or explanation. I have no criminal history or prior immigration violations.

7. I was transferred multiple times: Richwood, Louisiana (Sep 14, 2024), but I was sent back before boarding the plane; South Louisiana (Oct 4, 2024), but I was sent back again before boarding the plane, there were not enough seats on the plane; Carnes County (Oct 12, 2024); Prairieland (Nov 20, 2024), impairing my legal representation and worsening my mental health.

8. Final removal hearing Jan 17, 2025 denied asylum by Immigration Judge Paul Hable, because the main applicant in the case was my husband. My appeal rejected by the Board of Immigration Appeals (BIA) on May 2, 2025 by Appeal Immigration Judge Hugh Mullane.

9. On May 27, 2025, my husband was granted asylum by Immigration Judge John Baptiste. I and our children were included as derivative beneficiaries on his Form I-589 asylum application under 8 U.S.C. 1158 (b) (3) (A). As a derivative beneficiary of an approved asylum claim, continued detention is unnecessary, excessive, and contrary to ICE detention policy.

10. A Motion to Reopen my removal case has been filed with the BIA, but no response has been received to date. ICE has not acted to release me despite these developments. I remains detained until the BIA reopens my case in light of the new circumstances.

11. My official sponsor, U.S. citizen, Dmitriy Shteynbuk, resides at [REDACTED] WI 53092, and has provided full documentation of support and custody of my children. My children have been with him since Oct 13, 2024.

12. Continued detention causes irreparable harm; separation from children for over one year; mental and emotional distress; denial of fundamental family unity violates my constitutional right to due process under the Fifth Amendment.

III. LEGAL CLAIMS

Claim 1: Prolonged Detention without Justification

13. My detention now exceeds 13 months without clear legal basis. Under *Zadvydas v. Davis*, 533 where removal is not imminent.

Claim 2: Derivative Asylum Eligibility Ignored.

14. Under 8 U.S.C. 1158 (b)(3)(A), I and children listed in an approved I-589 must be granted the same protections. Spouse receives asylum while I remains in removal proceedings - raising equal protection concerns.

Claim 3: Delay in Acting on Perivative Asylum and Pending Motion to Reopen

15. I has a pending Motion to Reopen before the BIA, supported by derivative eligibility through my husband's granted asylum. The prolonged delay and DHS's failure to acknowledge this status violate my due process rights and render continued detention arbitrary.

Claim 4: Family Separation and Due Process Violations

16. I was forcibly separated from my children without cause or due process in violation of Flores v. Reno, 507 U.S. 292 (1993), and TVPRA (8 U.S.C. 1232) (Trafficking Victims Protection Reauthorization Act).

Claim 5: Failure to Exercise Parole Discretion and Unlawful classification as 'Security Risk'

17. DHS has the discretion to release detainees under 8 C.F.R. 212.5 (b). Failure to consider parole where humanitarian grounds exist violates DHS's own policy.

18. Unlawful classification as 'Security Risk' without notice, hearing or meaningful review – violation of due process (Mathews v. Eldridge, 424 U.S. 319 (1976))

IV. REQUEST FOR RELIEF

I respectfully requests that this Honorable Court:

- A. Reopening of removal proceedings in light of spouse's asylum grant as soon as possible.
- B. Order a stay of deportation until eligibility as a derivative asylum recipient is resolved.
- C. Order immediate release from detention under parole or appropriate supervision.
- D. Reunification with children and spouse.

Respectfully submitted,

Irina Petrova

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Datained at Prairieland Detention center

Alvarado, TX

Date 06/23/25

Signature 

- Exhibits A - Notice to Appear/ Result of interview on credible fear;
- Exhibits B - Immigration Judge Paul Hable's decision of January 17, 2025;
- Exhibits C - My husband's Board of Immigration appeals decision of March 13, 2025;
- Exhibits D - Board of Immigration appeals decision of May 1, 2025;
- Exhibits E - Amended Order of the Immigration Judge John Baptiste of May 17, 2025;
- Exhibits F - My husband's I-589 Form, Application for Asylum;
- Exhibits G - Sponsor's letter;
- Exhibits H - Copy of sponsor's passport and driver's license;
- Exhibits I - Verification of Release of Viacheslav Petrov;
- Exhibits J - Verification of Release of Dmitrii Petrov;
- Exhibits K - Copy of my medical records at Prairieland Detention center.

Respectfully submitted,

Irina Petrova

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Detained at Prairieland Detention center
Alvarado, TX

Date 06/23/2025 Signature 