

United States District Court
Western District of Texas
El Paso Division

Christopher Sambissa,
and Darla Palacio Sambissa,
Petitioners,

v.

No. 3:25-CV-00237-DCG

Kristi Noem, in her official capacity as
Secretary, U.S. Department of Homeland
Security *et al*,
Respondents.

**Supplemental Response in Opposition to
Petitioner's Writ of Habeas Corpus Petition**

In response to this Court's Order dated July 18, 2025, directing supplemental briefing from Respondents by July 24, 2025, *see* ECF No. 11, Respondents provide the following:

1. Petitioner was last admitted to the United States under the Visa Waiver Program ("VWP") as a visitor for pleasure. 8 U.S.C. 1182(a)(7)(B)(i)(II); *see also* Supplemental Exhibit A (Digital Copy of Form I-94); *Trump v. Hawaii*, 585 U.S. 667, 690–91 (2018) (summarizing the VWP); *Parveen v. McAleenan*, 410 F.Supp.3d 809, 811 (S.D. Tex. 2019) (same).
2. The digital I-94 shows Petitioner's class of admission as "WT" and confirms that he was admitted on January 18, 2019, until April 17, 2019, for three months. *See* Supp. Ex. A; *see also Vasconcelos v. Lynch*, 841 F.3d 114 (2d. Cir. 2016); *Nardea v. Sessions*, 876 F.3d 675, 677–79 (4th Cir. 2017) (analyzing the entry requirements under the VWP and confirming that "'WT' is a reference to the nonimmigrant designation of 'Visa Waiver, Tourist'"); *Ferreyra v. Barr*, 962 F.3d 331, 335–37 (7th Cir. 2020).
3. Petitioner was not admitted to the United States in 2019 on a B1/B2 visa, despite the officer's reference to "B2" in the Form I-213 that was created in 2025 to document his

immigration history. *See* ECF No. 3-1 (indicating that Petitioner was admitted “as a B2 (visitor for pleasure) under the [VWP] for 90 days.” The reference to “B2” in the Form I-213 is not legally accurate, because Petitioner was not admitted on a B2 visa; he was admitted as a “nonimmigrant visitor” under the VWP. *See, e.g., McCarthy v. Mukasey*, 555 F.3d 450, 459–60 (5th Cir. 2009) (explaining that the VWP permits “admission to the United States for ninety days or less as nonimmigrant visitors without first obtaining a visa”); *see also Banci v. Nielsen*, 321 F.Supp.3d 729, 733 (W.D. Tex. 2018) (contrasting nonimmigration visitor status under INA § 101(a)(15)(B) with visitor status based on admission under the VWP).

4. The documents created closer in time to Petitioner’s admission show that he was admitted under the VWP, not with a B1/B2 visitor visa. *See* Supp. Ex. A; *see also* Supp. Ex. B (CBP Super Query Results).
5. Colloquially, the term “B2” is used interchangeably with the term “visitor visa.” *Id*; *see also Rodriguez v. Bondi*, No. 24–60459, 2025 WL 1949730 at *1 (July 16, 2025) (referring to “B2 Visitor Visa”); *Revenu v. Sessions*, 895 F.3d 396, 399 (5th Cir. 2018) (same); *U.S. v. Mayorga*, 359 F.Supp.3d 484, 488 (W.D. Tex. 2019) (same); *Kavafoglu v. Nielsen*, No. 4:18–CV–3512, 2019 WL 172865 at *1 (Jan. 11, 2019) (same).
6. Despite the misnomer used in the Form I-213, the admission records confirm that Petitioner last entered the United States on the VWP and overstayed the terms of that admission.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Lacy L. McAndrew
Lacy L. McAndrew
Assistant United States Attorney
Florida Bar No. 45507
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7325 (phone)
(210) 384-7312 (fax)
lacy.mcandrew@usdoj.gov

Attorneys for Respondents

Certificate of Service

I certify that on July 24, 2025, I caused a copy of Federal Respondents' Response to Petition for Writ of Habeas Corpus to be mailed to Petitioners (*pro se*) at the following address:

Christopher Sambissa
ICE Processing Center
8915 Montana Ave
El Paso, TX 79925
PRO SE

Darla Palacio Sambissa
555 E. Dayman Street
Long Beach, CA 90806
PRO SE

**Courtesy copy also sent by email to Mrs. Sambissa, by request.*

/s/ Lacy L. McAndrew
Lacy L. McAndrew
Assistant United States Attorney