

B-25-153

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION
600 EAST HARRISON STREET, BROWNSVILLE,
TEXAS 78520.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

JUL 09 2025

NATHAN OCHSNER
CLERK OF COURT

Petitioner

KEVIN STEVEN AGUAZACO ORJUELA, representing my wife
LUISA FERNANDA SAMBONI-GONZALEZ

v. Case No.: _____

Authorities

ICE Field Director,
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
y EL VALLE DETENTION FACILITY

In the Matter of: Petition de habeas corpus.

In Care: KEVIN STEVEN AGUAZACO ORJUELA

Stopped:

Name: LUISA FERNANDA SAMBONI-GONZALEZ

Alien Registration Number (A-Number): A-

D.O.B.:  1997

Country: Colombian

Identity Document: Colombian Passport 

HABEAS CORPUS PETITION UNDER 28 U.S.C. § 2241

AL HONORABLE TRIBUNAL:

I, Kevin Steven Aguazaco Orjuela, acting on behalf of my wife Luisa Fernanda Samboni-Gonzalez, respectfully file this Habeas Corpus Petition under 28 U.S.C. § 2241, alleging that my wife's detention is unlawful and violates her U.S. constitutional rights and ICE policies. I am filing this petition without legal representation because I do not have the financial resources necessary to hire a private attorney, and unfortunately the services of pro bono attorneys have not responded to my requests for assistance during this family emergency situation.

I. JURISDICTION AND VENUE

1. Federal Jurisdiction: This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal district courts the authority to hear habeas corpus petitions filed by persons in federal custody.
2. Proper Venue: Venue is proper in this judicial district because my wife is currently detained at El Valle Detention Facility, located at 1800 Industrial Drive, Raymondville, TX 78580. Said facility is located within the territorial jurisdiction of this Court, which establishes proper venue in accordance with the Federal Rules of Civil Procedure and the provisions of 28 U.S.C. § 2241(a), which requires that a habeas corpus petition be filed in the district court for the district where the person is being held in custody.
3. Legal Foundation: This Court's jurisdiction is founded upon the fact that the person whose liberty is sought to be restored is in custody within the territorial limits of this judicial district, thereby satisfying the jurisdictional requirements established by federal law.

II. PARTIES

A. PETITIONER (I)

Kevin Steven Aguazaco Orjuela

Citizenship Card [REDACTED]

A-Number: A [REDACTED]

Mi dirección: [REDACTED] FL 32119

My Phone: [REDACTED]

Mi email: kevinufr21@gmail.com

Relationship with the detainee: I am her husband

B. MY WIFE (ON WHOSE BEHALF I AM FILING THIS PETITION)

Luisa Fernanda Samboni-Gonzalez

Date of birth: [REDACTED] 1997

Nationality: Colombian

Identity document: C.C. [REDACTED] de Bogotá

Passport: A[REDACTED]

A-Number: A[REDACTED]

Place where she is detained: El Valle Detention Facility, Raymondville, TX

C. AUTHORITIES

Office of the Principal Legal Advisor,
San Antonio (Los Fresnos)
Port Isabel Detention Center
27991 Buena Vista Blvd
Los Fresnos, TX 78566
(956) 547-1700

El Valle Detention Facility,
located at 1800 Industrial Drive,
Raymondville, TX 78580,

III. FACTUAL BASIS

- 1) **Circumstances that forced us to seek refuge in the United States:** My wife and I were forced to leave our native country, Colombia, due to a situation of extreme violence exercised against us by police agents, which put our lives at serious risk. Recognizing the United States as a great nation that has historically protected immigrants, respected human rights, and provided opportunities for a new life to those seeking refuge, we found ourselves needing to cross the southern border in search of asylum and protection. We respectfully acknowledge that our initial entry into this country was not through regular immigration channels, which constitutes a violation of current immigration regulations. However, at the time, the policies of the executive branch of this great nation, represented by President Joe Biden, allowed and recognized the entry of immigrants seeking international protection.
- 2) **Immediate compliance with U.S. laws once on U.S. soil:** Once on U.S. soil, my wife and I immediately availed ourselves of U.S. legal processes. We formally request political asylum before the corresponding authorities, recognizing and respecting the U.S. legal system. USCIS authorities, upon evaluating our case, granted us valid work permits and Social Security numbers (SSNs), demonstrating official recognition of our right to remain legally in this territory while our asylum cases are pending. Since then, we have scrupulously fulfilled all our tax obligations, paying federal and state taxes regularly and in full, thus contributing to the well-being of this great nation that welcomed us.

- 3) **Parents of a U.S. citizen:** While already in U.S. territory and complying with all legal regulations, my wife and I were blessed with the birth of our son ~~IAAS~~ on ~~2023~~ in Lawrenceville, Gwinnett County, Georgia. Our son, thanks be to God and the laws of this great nation, is a birthright U.S. citizen, for which we are deeply proud and grateful. My wife is currently breastfeeding, providing the essential and nutritious care that our U.S. citizen son requires for his optimal development.
- 4) **Exemplary compliance with immigration obligations:** My wife Luisa has always complied in an exemplary manner with all subpoenas ordered by ICE, demonstrating our respect for the authorities and the U.S. legal system. For more than a year, she has voluntarily worn an electronic tracking device (shackles) on her foot, complying without exception with this supervision measure. Invariably, my wife and I have attended every scheduled subpoena by ICE, demonstrating our good faith and our commitment to complying with this country's immigration laws.
- 5) **Change in the policies of the executive branch:** Unfortunately, the directives of the executive branch of this great nation changed its immigration policies after we were already in U.S. territory following the established legal processes. We recognize and respect the sovereign right of the United States to modify its policies as it deems appropriate for the national welfare. In response to these changes, and desiring to continue to comply with the new guidelines, my wife and I voluntarily enrolled in the CBP HOME app established for voluntary departure processes, demonstrating our intent to abide by the new government policies.
- 6) **Detention While Performing Duties and Seeking Voluntary Departure:** Despite our impeccable record of compliance and demonstrated willingness to abide by the new policies, during one of ICE's regular citations, my wife was detained in a manner that we believe is contrary to established legal principles. My wife was on Humanitarian Parol or supervised parole, wearing an electronic tracking device (shackles) on one leg, which clearly shows that she was not trying to escape or evade justice. In addition, he had a valid work permit and a valid Social Security number, official documents that confirm his legal status to remain in U.S. territory. Part of the irregularity of this arrest is that we presented to ICE documentation proving that we have formally enrolled in the U.S. government's CBP HOME program for voluntary departure, and we have expressly stated our desire and ability to pay for our own return to Colombia, as well as that of our son. My wife's detention also contravenes the most basic humanitarian principles, given that she is a breastfeeding woman of our little son, who suffers greatly from the absence of his mother and the lack of this vital and important food at this critical stage of his development. Since the policies changed, we have never intended to remain in this country in a way that contravenes the new guidelines. On the contrary, we have been actively seeking our voluntary return to Colombia, respecting U.S. sovereignty and immigration policy decisions.

- 7) **Complex family situation derived from detention:** I am currently in an extremely complex situation in U.S. territory. As a responsible parent, I cannot travel with my minor child outside the United States without written authorization from my wife to take the child out of the country, as required by U.S. laws for the protection of minors. Since my wife was detained, I have not been able to physically contact her to get her signature on the necessary authorization document.
- 8) **Multiple Transfers and Unwarranted Geographic Separation:** My wife was initially detained in the state of Florida, where my son and I reside in Daytona Beach, FL 32119. However, she was subsequently transferred out of state to a detention center in Texas, specifically to the El Valle Detention Facility in Raymondville, Texas, at a distance of approximately 1,200 miles from our family residence. This unnecessary geographical separation has greatly hindered my ability to visit or maintain adequate contact, since I do not have the financial or logistical resources necessary to make such extensive trips between Florida and Texas. The situation of multiple transfers has further complicated family communication, the necessary legal procedures and, most importantly, has prevented any possibility of physical contact to obtain their signature on documents essential for our process of voluntary departure from the country.
- 9) **Frustrated efforts to obtain travel authorization:** I have sent a formal document requesting that my wife be allowed to sign the necessary authorization for our son's departure from the country, with the goal of facilitating our voluntary return to Colombia as a united family. Unfortunately, it has not been possible for this document to be delivered to my wife for her signature, which keeps us in this complex legal situation where we wish to comply with current immigration policies but are prevented by procedural circumstances.

IV. LEGAL GROUNDS

A. IGNORANCE OF ICE POLICIES ON BREASTFEEDING MOTHERS

ICE directives state that only the Field Director can approve the detention of breastfeeding individuals. Current ICE policies indicate that individuals known to be postpartum or breastfeeding will not be detained, unless release is prohibited by law. My wife is clearly breastfeeding.

B. DISREGARD OF DUE PROCESS (Fifth Amendment)

My wife's prolonged detention without a proper custody hearing and without an individualized determination of the need for detention disregards her due process rights under the Fifth Amendment.

C. DISREGARD OF THE RIGHTS OF OUR U.S. CITIZEN CHILD

The forced separation of our son, who is a U.S. citizen minor, from his nursing mother ignores:

1. Our Son's Fundamental Rights Under the Fourteenth Amendment
2. The principle of family unity recognized in constitutional law

D. CRUEL AND INHUMANE TREATMENT

The detention of my wife as a nursing mother resulting in the separation of our son may constitute cruel and inhumane treatment, in disregard of the Fifth Amendment and potentially the Convention Against Torture.

E. ABSENCE OF FACTORS JUSTIFYING DETENTION

There are no factors that indicate that we want to evade the new immigration policies of the United States, on the contrary, we are willing to withdraw our requests for political asylum and return immediately to our country Colombia at our own expense :

1. Flight risk (ABSENT: my wife has a perfect record of compliance for 2+ years)
2. Community Hazard (ABSENT: My wife has no criminal record)
3. Compliance with previous obligations (PRESENT: my wife is 100% compliant)

V. MY REQUEST FOR RELIEF

WHEREAS, the detention of my wife, Luisa Fernanda Samboni González, is irregular and disregards the rules of this great country for the reasons I have set forth above;

I RESPECTFULLY REQUEST that this Honorable Tribunal:

1. **ORDER** the immediate release of my wife, Luisa Fernanda Samboni-Gonzalez, from ICE custody;
2. **DECLARE** that your continued detention violates ICE policies, the U.S. Constitution, and federal law;
3. **ORDER** that any future release of my wife be made under appropriate conditions, including:
 1. Continuation of electronic monitoring if deemed necessary
 2. Showing up to scheduled appointments (my wife has a record of 100% compliance)
 3. Any other condition that the Court deems appropriate, such as voluntary departure from the territory of the United States, for which we are willing to pay the values of the tkt or airfare to Colombia.

4. **GRANT** any other relief that the Court deems just and appropriate.

VI. ALTERNATIVE REQUEST FOR VOLUNTARY DEPARTURE

In the event that this Honorable Court does not deem it appropriate to order the immediate release of my wife into U.S. territory, **I RESPECTFULLY REQUEST** as alternative relief:

1. **IMMEDIATE VOLUNTARY DEPARTURE:** That my wife be granted the option of voluntary departure to Colombia under terms and conditions that preserve her dignity and human rights.
2. **FINANCIAL COMMITMENT:** I, Kevin Steven Aguazaco Orjuela, formally commit to:
 1. **Fully defraying** all air transportation expenses for my wife's repatriation to Colombia
 2. **Providing** one-way flight tickets from United States to Bogota, Colombia
 3. **Cover** any administrative or processing costs related to voluntary departure
 4. **Ensure** that the departure is made within the deadline established by the authorities
3. **FAMILY UNIFICATION:** In the event that voluntary departure is granted, I request that my wife be allowed to be immediately reunited with me and our U.S. citizen son so that we can travel together to Colombia as a united family.
4. **HUMANITARIAN CONDITIONS:** That any voluntary departure be carried out under conditions that recognize:
 1. Your status as a nursing mother and our child's special medical needs
 2. The need to maintain family unity during the exit process
 3. Dignified and respectful treatment throughout the repatriation process

DECLARATION OF WILL: I declare that both my wife and I are willing to accept voluntary departure as an alternative to prolonged detention, praying that family unity be preserved and that our fundamental human rights be respected.

FINANCIAL GUARANTEE: I undertake under oath to provide proof of financial ability to cover all costs associated with voluntary repatriation, including but not limited to:

1. Air tickets for my wife and son
2. Administrative processing fees

This alternative application is filed recognizing that prolonged family separation is more detrimental to our U.S. citizen child than voluntary repatriation in family unit.

VII. MY CERTIFICATION UNDER OATH

I, Kevin Steven Aguazaco Orjuela, declare under penalty of perjury that the statements contained in this petition are true and correct to the best of my knowledge. I have submitted this information in good faith and with personal knowledge of the facts relating to my wife's detention.

VIII. PERSONAL STATEMENT

As the husband of Luisa Fernanda Samboni-Gonzalez and father of our U.S. citizen son, I declare that:

1. My wife and I have scrupulously complied with all U.S. immigration laws.
2. Our son, ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ is a U.S. citizen by birth and is completely dependent on my wife's breastfeeding.
3. The separation from my wife is causing irreparable harm to both her and our son.
4. We do not represent any flight risk or danger to the community.

Respectfully presented,



Kevin Steven Aguazaco Orjuela

Pro Se Petitioner

Address

Phone:

Email: kevinufr21@gmail.com

Date: 07/01/2025.

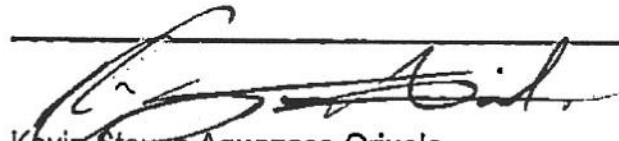
CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Petition for Habeas Corpus to the defendants as follows:

Office of the Principal Legal Advisor,
San Antonio (Los Fresnos)
Port Isabel Detention Center
27991 Buena Vista Blvd
Los Fresnos, TX 78566
(956) 547-1700

El Valle Detention Facility,
located at 1800 Industrial Drive,
Raymondville, TX 78580,

Method of Service: ☒ Registered Mail ☐ Personal Delivery ☐ Other: _____



Kevin Steven Aguazaco Orjuela

Date: 07/01/2025

TRAVEL AUTHORIZATION LETTER FOR MINOR

Date: May 15, 2025

Place of Issue: DAYTONA BEACH, ORLANDO, FL 32119

DETAILS OF THE MOTHER (GRANTOR)

Full name: LUISA FERNANDA SAMBONI GONZALEZ

Date of birth: [REDACTED] 1997

Nationality: Colombian

Identity Document: Colombian Passport A [REDACTED]

A-Number: A [REDACTED]

Current Address: [REDACTED]

Phone: [REDACTED]

Email: luisafernandasamboni2023@gmail.com

DETAILS OF THE PARENT WHO WILL TRAVEL WITH THE CHILD

Full name: KEVIN STEVEN AGUAZACO ORJUELA

Date of birth: [REDACTED] 1992

Nationality: Colombian

Identity Document: Colombian Passport [REDACTED]

Identity Document: A-Number: A [REDACTED]

Current Address: [REDACTED]

Phone: [REDACTED]

Email: kevinstevenaguzacoorjuela@gmail.com

DATA OF THE MINOR

Full name: I [REDACTED] A [REDACTED] S [REDACTED]

Date of birth: [REDACTED] 2023

Place of Birth: Lawrenceville, Gwinnett County, Georgia, USA

Nationality: American

U.S. Passport Number: [REDACTED]

Passport issue date: 02/22/2025

Passport Expiration Date: 02/21/2030

Birth Certificate: State of Georgia No. [REDACTED]

TRIP DETAILS

Destination country(ies): COLOMBIA

Departure Date from United States: 06/27/2025 TO 07/27/2025

Date of return to the United States: NO HAVE

Reason for travel: Family

Address(es) during the stay: [REDACTED]

Destination contact information: MARIA DEL CARMEN ORJUELA FLOREZ

Phone: [REDACTED]

STATEMENT OF AUTHORIZATION

I, LUISA FERNANDA SAMBONI GONZALEZ, in full use of my mental faculties and acting voluntarily, hereby:

I AUTHORIZE AND EXPRESSLY CONSENT for my minor son, I  A 
A  S  a U.S. citizen, to travel outside of the United States of America in the company of his father, KEVIN STEVEN AGUAZACO ORJUELA, in accordance with the travel details specified above.

I ACKNOWLEDGE AND DECLARE that this authorization is valid for the specific trip detailed herein and for the period indicated. I understand that my son will be under the exclusive care and supervision of KEVIN STEVEN AGUAZACO ORJUELA throughout the trip.

I AUTHORIZE KEVIN STEVEN AGUAZACO ORJUELA to make all necessary decisions relating to the welfare, health, education, and general care of my child during the period of travel, including, but not limited to, medical decisions in the event of an emergency.

I CERTIFY that the information provided herein is true and correct to the best of my knowledge.

SIGNATURE

In witness whereof, I sign this authorization on the date and place indicated at the beginning of this document.

Luisa Fernanda Samboni González

cc: 

LUISA FERNANDA SAMBONI GONZALEZ

A-Number: A-

100
SHIP TO: UNITED STATES DISTRICT COURT
600 E HARRISON ST
BROWNSVILLE TX 77801
DATE: 03 JUL 2025

BILLING: P/P

BROWNSVILLE TX 77801-2176
TX 785 2-01
UPS GROUND
TRACKING #: 1Z A14 9T5 03 6386 2610

SHIP SOUTHERN DISTRICT COURT
TO: UNITED STATES DISTRICT COURT
600 E HARRISON ST
BROWNSVILLE TX 77801
DATE: 03 JUL 2025

UNITED STATES DISTRICT COURT
600 E HARRISON ST
RM 101
BROWNSVILLE TX 77801
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