

3. Jose then filed a petition for Special Immigrant Juvenile Status with the USCIS, received by the USCIS on July 24, 2023. This Petition was approved on October 18, 2023. With that approval, Jose was granted Special Immigrant Juvenile Status and also Deferred Action, allowing him to legally remain in the United States, with work authorization, for a period of 4 years – until October 18, 2027.
4. Jose applied for work authorization and this request was approved on January 19, 2024. As such, Jose has a valid work authorization document, valid until October 17, 2027.
5. Jose has been lawfully working, in Massachusetts where he continues to live with Mrs. Ayala and her family. He files his tax returns and has been compliant with all immigration and other requirements.
6. On 8/12/2025, Jose was arrested at his home after Ms. Heydi Lopez called the police saying he had harmed her. This was Jose's first encounter with law enforcement. He fully cooperated with his arrest. ICE placed a detainer on him and detained him when he posted bail, on August 12, 2025, and was released from state custody. He has been in ICE custody since that time and is detained at the Wyatt Detention Facility, in Rhode Island.
7. The Immigration Judge closed his removal case on August 22, 2025 as the DHS did not file a Notice to Appear with the Immigration Court, to commence his removal proceedings, by the date of his scheduled hearing. As of today, nothing has been filed with the Immigration Court to commence his removal proceedings.
8. On August 28, 2025, Immigration Judge Yul-mi Cho set a Bond of \$8000 in Jose's case. Despite the magnitude of this amount, Jose's family is ready and willing to pay this Bond for his release. The DHS has now filed a notice of intent to appeal this Bond, to continue

holding him in detention. All without even initiating removal proceedings against him and after proceedings have been terminated by the Immigration Judge for failure to prosecute.

9. Jose has been in the United States for almost three years, has a grant of Special Immigrant Juvenile Status and Deferred Action, with valid work authorization, and is in the process of actively seeking immigration status as an abused and neglected Child seeking protection in the United States. Congress has created this pathway for permanent residency to protect especially vulnerable Children who are in the United States without familial support, like Jose. Despite these congressional protections and Jose following all the right steps on that path, the DHS is unlawfully holding Jose in detention.
10. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
11. Petitioner asks this Court to find that he was unlawfully detained and order his release.

JURISDICTION

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
13. Venue is proper because Jose is currently detained in the state of Rhode Island.

PARTIES

14. The Petitioner, Jose Ayala Casun, is a 21 year old young man who lives with his aunt, after having suffered abuse and neglect by his Mother while living under her care in El Salvador. He resides in Lynn, Massachusetts and has lived there since about September of 2022. He has Special Immigrant Juvenile Status, Deferred Action, and lawfully works with a valid Employment Authorization Document.
15. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration

and Customs Enforcement.

16. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.

17. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.

18. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.

19. All respondents are named in their official capacities.

20. Petitioner is a El Salvadorian national with an approved petition for Special Immigrant Juvenile Status as an abused and abandoned Child that the United States has deemed it has an interest in protecting. He was detained by ICE after being released from state custody, following an arrest for assault and battery. The report for the arrest states that he alleged victim "wanted to recant her statements stating that nothing physical occurred" while Jose was being arrested. He fully complied with his arrest and this is his first encounter with law enforcement. He has not been convicted of any wrongdoing.

21. On information and belief, Petitioner is currently in custody in the State of Rhode Island, and one or more of the Respondents is his immediate custodian. His removal proceedings have been terminated by the Immigration Judge for failure to prosecute by the DHS and a Bond has been granted by the Immigration Judge. DHS illegally detained him and illegally continues to hold him in their custody.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the State of Rhode Island;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

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