UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Jorge Vargas Ramos, Petitioner, v. Eric Rokosky, et al., Respondents.	Case No. 2:25-cv-15892 (EP) Honorable Evelyn Padin, U.S.D.J.

PETITIONER'S REPLY BRIEF
IN SUPPORT OF THE
PETITION FOR WRIT OF HABEAS CORPUS

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2. Is Petitioner entitled to a bond hearing conducted by an Immigration Judge under 8 U.S.C. § 1226(a), which all courts to consider the question have found applies to noncitizens like Petitioner who were residing in the United States when they were apprehended and charged with inadmissibility, and which Respondents themselves have historically applied to such noncitizens?

3. Have Respondents violated the Due Process Clause by detaining Petitioner, who is a long-time resident of the United States with no criminal history, without any individualized determination that his civil detention is necessary to facilitate removal because he is a flight risk or danger?

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PRELIMINARY STATEMENT

The Petitioner (hereinafter referred to as "Jorge") is a 44-year-old man, who entered the United States without inspection in about October of 1995. Jorge went to reside in Camden County, New Jersey and has resided there since entry. The Department of Homeland Security (hereinafter referred to as "DHS") issued a Warrant for Arrest of Alien on March 27, 2012. Pet'r's Ex. B, Warrant for Arrest of Alien. In its warrant, the DHS designated Jorge as "liable to be taken into custody as authorized by section 236 of the Immigration and Nationality Act." *Id.* Jorge was then detained in the custody of DHS on April 24, 2012. *See* Pet'r's Ex. C, Notice of Custody Determination.

Jorge was released from custody on bond in the amount of $15,000 and no further restrictions on his liberty. *See* Pet'r's Ex. C. Jorge's removal proceedings were held in the Newark, New Jersey court, where he filed EOIR-42B, Cancellation of Removal for Certain Non-Permanent Residents. Those proceedings have not yet been resolved and are still pending.

DHS re-detained Jorge on August 24, 2025, and placed him at the Elizabeth Detention Center pursuant to INA 235(a). *See* Resp'ts' Resp. Br. 1, Pet'r's Ex. D. On or about September 26, 2025, Jorge was taken from the Elizabeth Detention Center and transferred, via Louisiana, to a detention center in El Paso, Texas, where he spent three nights sleeping on a concrete floor, without a mattress or a blanket. *See* Pet'r's Ex. E. During those three days he was given one cheese

sandwich (one slice of cheese) each day. Jorge was subsequently shipped to Denver Contract Detention Center (also referred to as "Aurora") in Colorado, where he is today. *See* Pet'r's Ex. F.

Jorge was originally scheduled for a master calendar hearing on September 30, 2025, but he had already been moved to the detention center in El Paso, Texas on September 26, 2025. *See* Pet'r's Ex. E. He was then scheduled for a master calendar hearing in immigration court for November 18, 2025, in El Paso, Texas. Prior to that hearing, he had been shipped to Aurora, Colorado, and his court was eventually scheduled for October 21, 2025. *See* Pet'r's Ex. F, Resp'ts' Ex. 3. At that hearing, Jorge's counsel was given a continuance until November 10, 2025, for preparation of evidence for his removal proceedings and for counsel to request DHS assist in expediting Jorge's US citizen son's I-130, Immediate Relative Petition that has been pending over 2 years. *See* Pet'r's Ex. G, Email from undersigned counsel to the duty attorney at the Denver Office of Professional Legal Advisor, requesting said petition be expedited.

For nearly thirty years, Respondents and the federal courts recognized that noncitizens who entered the United States without inspection and were apprehended years later were eligible for a bond hearing before an immigration judge under 8 U.S.C. § 1226(a). This is best evidenced by the fact the DHS originally detained Jorge pursuant to 8 U.S.C. § 1226(a) when they first detained him back in 2012. *See* Pet'r's Exs. A, B. In his latest detention, he has been denied

a bona fide bond determination in Immigration Court because the Respondents advance a new statutory interpretation that defies the text, structure, and purpose of the Immigration and Nationality Act (INA), and reverses decades of consistent agency practice. The government's novel position mandates the detention, without a bond hearing, of millions of longtime residents of the United States. It is contrary to the plain language of the statute; Congress's intent and understanding of the detention statutes, expressed most recently in January 2025; long-standing agency practice; and the agency's conduct in this case. It is no surprise that, to the best of counsel's knowledge, this new interpretation has been squarely rejected by a majority of federal courts to address this issue, including in *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486 (E.D. Mich. Aug. 29, 2025), and *Pizarro Reyes v. Raycraft*, 2:25-cv-12546 (E.D. Mich. Sept. 9, 2025).[1] Many District Courts have rejected the holding of *Matter of Yajure Hurtado*. Some of the more than fifty district courts that have rejected the government's new interpretation are cited in the footnote below, the habeas petition, and below.[2] Multiple District Courts have ordered bond hearings and have held that 1226(a), and not 1225(b)(2) authorizes detention. As court after court has held, § 1225 is a border inspection scheme that

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[1] The one apparent exception, *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. 2025), denied an ex parte temporary restraining order but has not issued a final judgment on the merits.

[2] *See, e.g., Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (D. Ariz. Oct. 3, 2025); *Vasquez v. Bostock*, 3:25-cv-05240-TMC (W.D. Wash. Sept. 30, 2025).

does not apply to noncitizens who were already residing in the United States when they were apprehended. Instead, § 1226(a) plainly applies. And those courts all rejected the government's argument that exhaustion is a barrier to habeas relief.

As Jorge's detention under § 1225(b)(2)(A) is unlawful under the INA and violates his procedural due process rights, and the Respondents have not argued in the alternative that Petitioner should be detained under § 1226(a), the Court should not construe the record to authorize his continued detention on that basis. *See Bethancourt v. Soto, No. 25-cv-16200 at page 17 (N.J.D.C., October 22, 2025* (COP).

This Court should grant Jorge's petition and order Respondents to immediately release him and permanently enjoin the Respondents from re-detaining him under § 1225. *See, e.g., Id. And Zumba*, 2025 WL 2753496, at *11.

ARGUMENTS

I. Because § 1225 Only Applies to the Inspection of Recent Arrivals, § 1226 Governs the Detention of Residents like Jorge.

The text, structure, and purpose of the INA all support Jorge's argument that § 1226(a) governs his detention, and not § 1225(b)(2)(A). *See Lopez-Campos*, *supra*. The Court does not owe any deference to the agency's new interpretation of §§ 1225 and 1226. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). Here, the agency believes that the language of the statute is plain such that there

are no gaps for the agency to fill. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025).

Many District Courts have rejected the holding of *Matter of Yajure Hurtado*. *See, e.g.*, *Oliveira Gomes v. Hyde*, 2025 WL 1868299(D.Mass. July 7, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D.Mass. July 24, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D.Mass. Aug. 14, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D.Mass., Sept. 5, 2025); *Encarnacion v. Moniz*, No. 25-12237 (D.Mass., Sept. 5, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D.Mass., Sept. 9, 2025); *Hilario Rodriguez v. Moniz*, No. 25-12358 (D.Mass., Sept. 18, 2025); *Chogllo Chafla v. Scott*, 2025 WL 2531027 (D.Me., Sept. 2, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H., Sept. 8, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y., Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y., Aug. 19, 2025); *Savane v. Francis*, 2025 WL 2774452 (S.D.N.Y., Sept. 28, 2025); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D.Va., Sept. 29, 2025); *Rivera Zumba v. Bondi*, 2025 WL 2753496 (D.N.J., Sept. 26, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D.Md., August 24, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D.Va., Sept. 19, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D.La., Augt. 27, 2025); *Lopez Santos v. Noem*, 2025 WL 2642278 (W.D.La., Sept.11, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2691828 (W.D.Tex., Sept. 22, 2025); *Barrera v. Tindall*, 2025 WL 2690565 (W.D.Ky., Sept.19, 2025); *Singh v. Lewis*, 2025 WL 2699219

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2025); *Guerrero Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Maldonado Vazquez v. Feeley*, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Sanchez Roman v. Noem*, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Garcia Cortes v. Noem*, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Salazar v. Dedos*, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Gamez Lira v. Noem*, 2025 WL 2676729 (D.N.M. Sept. 24, 2025); *Hernandez Lopez v. Hardin* (M.D. Fla. Sept. 25, 2025). In decision after decision, federal courts—both nationwide and here in the District of New Jersey—have rejected Respondents' sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

A. The rules of statutory interpretation show that § 1226 applies here.

Sections 1226(a) and 1225(b)(2)(A) work in tandem to cover different categories of noncitizens: § 1226 provides a discretionary detention scheme for individuals who are "already in the country" and are detained "pending the

outcome of removal proceedings," *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018), while § 1225 (including its subsection (b)(2)(A)) is a processing and inspection scheme that applies to those "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible," *Id.* at 287. Conversely, § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." *Id.* at 289. Indeed, there is a "line historically drawn between these two sections" and the categories of noncitizens they respectively cover. *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025).

This understanding situates each detention provision "in their context and with a view to their place in the overall statutory scheme." *King v. Burwell*, 576 U.S. 473, 486 (2015) (citation omitted). *See also Biden v. Texas*, 597 U.S. 785, 799-800 (2022) (looking to statutory structure to inform interpretation of INA provision). Placing a provision in its larger context is especially important where the provision "may seem ambiguous in isolation" but can be "clarified by the remainder of the statutory scheme . . . because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law." *United Sav. Ass'n of Tex. v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S.

365, 371 (1988). And the one meaning which permits a logical and compatible effect here is that § 1225 and § 1226 each cover different categories of noncitizens.

Section 1225's plain text shows that it is focused on inspecting people who are arriving or have just entered the United States. *See generally* 8 U.S.C. § 1225(a)-(b), (d). That section repeatedly refers to "examining immigration officer[s]," 8 U.S.C. § 1225(b)(2)(A), (b)(4); sets out procedures for "inspection[s]" of people "arriving in the United States," *id.* § 1225(a)(3), (b)(1), (b)(2), (d); and discusses "stowaways, "crewm[e]n," and noncitizens "arriving from contiguous territory." *Id.* § 1225(a)(2), (b)(2)(B), (b)(2)(C). Even the title of § 1225 refers to the "inspection" of "inadmissible arriving" noncitizens (emphasis added). *Cf. Dubin v. United States*, 599 U.S. 110, 120-21 (2023) (relying on section title to help construe statute). Thus, by its own text, § 1225, read as a whole, makes clear that it is intended to apply to recent arrivals at or near the U.S. border. Jorge, of course, arrived at the border over seven years ago and has been residing in the United States since.

On the other hand, § 1226(a) is a separate detention authority that applies broadly to any noncitizen arrested "on a warrant . . . pending a decision on whether [they are] to be removed from the United States." *See also Jennings,* 583 U.S. at 289 (§ 1226(a) applies to those "already in the country" who are detained "pending the outcome of removal proceedings"). On its face, the provision plainly applies to

Jorge, who was arrested "on a warrant" years after he entered the U.S. and is now detained "pending a decision on" his removal. *See* Resp'ts' Ex. A. Thus, § 1226(a), and not § 1225(b)(2)(A), is clearly the proper detention authority for Jorge.

1. Section 1225(b)(2) cannot apply to Jorge because he is not an "applicant for admission."

Respondents first argue that, despite having lived in this country for years, Jorge is an "applicant for admission" and can be detained under § 1225(b)(2)(A) as if he were fictionally at the border attempting entry.[3] Respondents zoom too far into the statute. The term "applicant for admission," when viewed in its statutory context, cannot be understood without acknowledging Congress's choice to deploy the term within § 1225's border inspection scheme. By contrast, the term "applicant for admission" appears nowhere in § 1226. This comparative context thus clarifies that the term refers to a specific category of "arriving" noncitizens being "inspected" at or near the border. See 8 U.S.C. § 1225. Indeed, in *Bautista v. Santacruz Jr.*, the court rejected this exact argument, finding that the petitioners—who had been residing in the U.S.—were not "applicants for admission." No. 5:25-CV-1873-BFM (C.D. Cal. July 28, 2025), Dkt. 14 at 7-8.

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3 4 Respondents' reliance on *DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020), to support this statutory fiction is misleading at best. The Supreme Court was clearly referring to the scope of due process protections in the context of people who physically "arrive at ports of entry" (airports are offered as an example). *Id.*

Thus, when § 1225(a)(1) describes "applicants for admission" as a noncitizen "present in the United States who has not been admitted," the larger context of § 1225 clarifies that this definition refers to individuals who were apprehended in the interior of the country after having recently crossed the border. In sum, Jorge—who has resided here for more than seven years—is not an "applicant for admission" as that term should be understood within the INA, and thus he cannot be mandatorily detained under § 1225(b)(2)(A).

2. Section 1225(b)(2) cannot apply to Jorge because he is not "seeking admission" to the United States.

Even if Jorge were an "applicant for admission," § 1225(b)(2)(A) also requires an independent and separate showing that he is "seeking admission" to the United States. Respondents' interpretation of "seeking admission" has even less statutory footing: they argue that the term encompasses anyone seeking "a lawful means of entering" the country without regard to where or when that right may be granted, thus mandating the detention of any noncitizen present in the United States who has not been lawfully admitted or paroled. Such a broad interpretation of "seeking admission" flies in the face of the INA's text, structure, and purpose, and defies the common-sense meaning of the term.

Interpreting the INA properly shows that "seeking admission" describes a much narrower class: recent arrivals who are presenting themselves for admission

at or near the border. Again, the text and structure of § 1225 clearly show that it deals with inspections of recent arrivals at or near the border. *See* Section I. By deploying "seeking admission" within § 1225's border inspection scheme—and not § 1226—Congress intended for this term to cover the detention of noncitizens seeking admission at or near the border. That is why the statute's implementing regulations, which were "promulgated mere months after passage of the statute and have remained consistent over time," *Lopez Benitez v. Francis*, 25-CV-5937-DEH, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025), describe those seeking admission as "arriving aliens," 8 C.F.R. § 235.3(c)(1), who are "coming or attempting to come into the United States," 8 C.F.R. § 1.2 (emphasis added). *See Martinez*, 2025 WL 2084238 at *6 (the regulations' use of "arriving alien" is "roughly interchangeable with an 'applicant . . . seeking admission'" as used in § 1225(b)(2)(A)); *see also Lopez Benitez*, 2025 WL 2371588, at *7 (same). Thus, only those who take affirmative steps to seek admission while "coming or attempting to come into the United States" can reasonably be said to be "seeking admission" under § 1225(b)(2)(A). *See Gonzalez v. Noem*, 25-CV-2054-ODW-BFM at 8 (C.D. Cal. Aug. 13, 2025).

The word "seeking" is the present participle of the verb "seek." It thus has a temporal element-Petitioner must have been in the process of seeking admission at the time of the inspection. *United States v. Balint*, 201 F.3d 928, 933 (7th Cir. 2000) ("[U]se of . . . the present participle, or '-ing' form of an action verb,

generally indicates continuing action."). It is difficult to see how Jorge could be deemed to be "seeking" admission at the time of his encounter with ICE. By that point, he had been present in the U.S. for about 30 years. If he became an "applicant for admission" at the time of his initial entry, by Respondents' interpretation he would be in a perpetual state of seeking admission the entire time between his entry and encounter. This "would seem to push the statutory text beyond its breaking point." *Echevarria v. Bondi*, 25-03252 at *12 (D. Ariz. Oct. 3, 2025).

Jorge is not presenting himself for admission at the border; he arrived at the border over 30 years ago and has been residing in New Jersey ever since. He simply wishes to remain in the country he has long called home—not to enter it. All that Respondents can say in response to this obvious fact is that noncitizens like Jorge must be seeking admission. But even Respondents' massive presumption does not make their case. Regardless of whether Jorge desired a lawful means of entering, the reality is that he is not trying to enter the United States; he is already here. Thus, he cannot be considered "seeking admission" in any reasonable way, rendering § 1225(b)(2)(A) wholly inapplicable to his detention.

B. Congressional intent shows that § 1226(a) applies to Jorge.

Congress intended for § 1226 to govern the detention of noncitizens who entered the U.S. without inspection. Congress most recently expressed this

understanding earlier this year in the Laken Riley Act. This act added a subsection to § 1226 that specifically mandated detention for noncitizens who are inadmissible under §§ 1182(a)(6)(A) (noncitizens present without being admitted or paroled, like Petitioner), 1182(a)(6)(C) (misrepresentation), or 1182(a)(7) (lacking valid documentation) and have been arrested for, charged with, or convicted of certain crimes. *See* 8 U.S.C. § 1226(c)(1)(E); Pub. L. No. 119-1, 139 Stat. 3 (2025).

Respondents' interpretation of the statutes renders this recently amended section superfluous. *Lopez-Campos*, *supra*. If Congress intended or understood § 1225 to govern the detention of noncitizens like Jorge, who were apprehended years after entering the country, it would have placed these amendments within § 1225, not § 1226.

When Congress amended § 1225(b)'s predecessor statute—which authorized detention only of arriving noncitizens—to include individuals who had not been admitted, legislators expressed concerns about recent arrivals to the United States who lacked the documents to remain in the country. There is no suggestion in the legislative history that Congress intended to subject all people present in the United States after an unlawful entry to mandatory detention and thereby transform immigration detention and sweep millions of noncitizens into § 1225(b). *See* H.R. Rep. No. 104-469, pt. 1, at 157–58, 228–29 (1996); H.R. Rep. No. 104-828, at 209 (1996) (Conf. Rep.).

C. Long-standing agency practice shows that § 1226(a) applies here.

Petitioner's position is not a novel interpretation of the INA. It has been Respondents' own understanding of these provisions since they were first enacted thirty years ago[4]—a view they held until suddenly reversing course two months ago in a policy ICE issued "in coordination with the Department of Justice."

Following IIRIRA, the agency drafted new regulations that provided: "[a]liens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). The relevant regulations restrict only "arriving aliens" from an immigration court bond hearing. 8 C.F.R. § 1003.19(h)(2)(i)(B). An "arriving alien" is, as relevant here, "an applicant for admission coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1001.1(q).

In fact, as recently as August 4, the Attorney General designated for publication a decision in which the BIA reviewed under § 1226(a) the merits of a bond request by a noncitizen who unlawfully entered the United States. *Matter of Akhmedov*, 29 I&N Dec. 166, 166 n.1 and 166-67 (BIA 2025). "The longstanding

[4] In fact, this was Respondent's position on Jorge's detention back in 2012.

practice of the government can inform a court's determination of 'what the law is.'" *Loper Bright*, 603 U.S. at 385-86.

D. Respondents' conduct in this case suggests they did not view Jorge as seeking admission.

Finally, belying Respondents' entire defense are the facts surrounding Jorge's detention is that their original arrest and detention of him in 2012 was pursuant to § 1226(a). Jorge remained in the United States for the entire time between 2012 and now, so Respondents can point to no factual changes that move him from § 1226(a) to § 1225(a).

II. Due Process Entitles Jorge to a Bond Hearing.

Respondents claim that Jorge is only due the removal procedures provided by Congress. While that may be true for some people apprehended while crossing the border, *see Thuraissigiam*, 591 U.S. at 139, that is not true for people like Jorge who have resided in the United States and "develop[ed] the ties that go with" that longtime residence, *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Indeed, there has long been a legal "distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (emphasis added).

And the process due here is governed by the classic balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976). Jorge invokes "the most elemental of liberty interests—the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Meanwhile, the government's interest in detaining Jorge is limited to ensuring his appearance at future immigration proceedings and preventing danger to the community. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). But because Respondents denied Jorge a proper bond hearing, "there is nothing in the record demonstrating that [Jorge] is a flight risk or a danger to the community." *Lopez Benitez,* 2025 WL 2371588 at *12. Therefore, the risk of erroneously depriving Jorge of his physical freedom continues to be unbearably high. *See id.* Without the bond hearing that he is entitled to under § 1226(a), Jorge will never be able to present the compelling reasons that he is neither a flight risk nor a danger. Due process thus requires that Jorge be afforded a bond hearing under § 1226(a). *See Lopez-Campos, supra.*

Importantly, Respondents contend that Petitioner's detention is not unreasonably prolonged, citing that other courts in this District have held that detentions under 1225(b) considerably longer than Jorge's detention were not unreasonable. In the same breath, Respondents concede that whether a detention is unreasonably prolonged is a "highly fact-specific inquiry" without a bright line. Were Respondents to make the effort to perform a highly specific fact inquiry, or

remove the obstacles to allow a neutral decisionmaker to conduct this inquiry, they would find that Jorge has been unlawfully detained for 60 days to date. It should further be noted that DHS, while unlawfully detaining Jorge, flew him close to 2,000 miles away from his home in New Jersey to Aurora, Colorado.

CONCLUSION

Petitioner respectfully requests that this Honorable Court grant Jorge's petition for writ of habeas corpus because he is detained in violation of federal law and/or the Constitution. Petitioner further requests this court order his immediate release from custody and that DHS return him to New Jersey[5]. We further request that this court order the $15,000 paid in bond by Jorge back in 2012 to be utilized as his surety bond in this matter. Lastly, we request that, considering Jorge's long compliance with his immigration court obligations, this court order that no further restrictions on his liberty, such as electronic monitoring, be imposed.

Dated: October 23, 2025

/s/Matthew J. Archambeault
Matthew J. Archambeault, Esq.
Attorney for Petitioner
216 Haddon Avenue, Suite 402
Haddon Township, NJ 08108-2812
215-599-2189
mja@archambeaultlaw.com

[5] It is common practice for ICE to release detainees without providing those they are releasing with their identification, which in this case would make it impossible for the Petitioner to board an airplane to fly home.

EXHIBIT LIST

EXHIBIT	DOCUMENT DESCRIPTION
D	DHS ICE Form I-830, Notice to EOIR: Alien Address detailing Petitioner's detention at Elizabeth Contract Detention Facility
E	DHS ICE Form I-830, Notice to EOIR: Alien Address notifying EOIR of Petitioner's transfer to El Paso, Texas
F	DHS ICE Form I-830, Notice to EOIR: Alien Address notifying EOIR of Petitioner's transfer to Aurora, Colorado
G	Email from Petitioner's Undersigned Counsel to DHS ICE requesting Expedited processing of Petitioner's Military Parole in Place Application filed by Petitioner's US Citizen son

Certificate of Service

I hereby certify that on October 23, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/Matthew J. Archambeault
Matthew J. Archambeault, Esq.
Attorney for Petitioner