

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TAMIR MONOROV :

Petitioner, :

-against- :

JONATHAN FLORENTINO, ACTING NEWARK FIELD  
OFFICE DIRECTOR, ENFORCEMENT AND REMOVAL  
OPERATIONS, U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT (ICE); :

**PETITION FOR  
WRIT OF HABEAS CORPUS**

TODD LYONS, ACTING DIRECTOR, U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT (ICE); :

Case No.

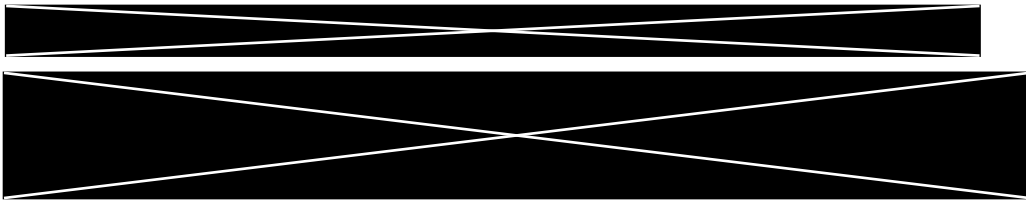
KRISTI NOEM, IN HER OFFICIAL CAPACITY AS  
SECRETARY OF THE UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; :

Respondents. :

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INTRODUCTION

1. Petitioner, Tamir Monorov (“Mr. Monorov”), is a national of Russia.
2. Mr. Monorov entered the United States on February 01, 2022, after he fled Russia due to



3. Mr. Monorov has been present in the United States for over three and a half years.
4. On or about February 01, 2022, Mr. Monorov was encountered by Customs and Border Protection (“CBP”) in San Ysidro Port of Entry. He was arrested, detained, and placed into expedited removal proceedings under 8 U.S.C. § 1225(b)(1). After stating that he

would be harmed if returned to Russia, he was processed and traveled to New York, under parole pursuant to § 1226(a).

5. On February 1, 2022, Mr. Monorov was issued a humanitarian parole pursuant to 8 U.S.C. §1182(d)(5), section 212(d)(5) of the Immigration and Nationality Act (“INA”).
6. Mr. Monorov was also issued a Form I-94, affirming his admission as a parolee, with an issuance date of February 1, 2022.
7. Mr. Monorov was not placed into removal proceedings. He filed Form I-589, Application for Asylum with the U.S. Citizenship and Immigration Services (“USCIS”) on December 05, 2022.
8. Despite living in the United States for over three-and-a-half-years, and despite having been issued humanitarian parole in 2022, USCIS canceled Mr. Monorov’s pending asylum case. USCIS also required him to undergo a credible fear interview on October 17, 2025, with USCIS in Bethpage, New York.
9. Mr. Monorov’s immigration attorney attempted to cancel the credible fear interview based on the agency’s improper reading of 8 U.S.C. § 1225 and a recent federal court decision that enjoined the government’s attempt to extend expedited removal to parolees, finding that policy contrary to the statute. *See Coalition for Humane Immigrant Rights (CHIRLA) v. Noem*, No. 1:25-cv-00872 (D.D.C.).
10. However, USCIS disagreed and required him to undergo the interview. While the interview did not proceed that day due to time constraints, Enforcement and Removal Operations (“ERO”) detained him on October 17, 2025.
11. Mr. Monorov was transferred from New York to New Jersey, and he was taken to the Elizabeth Contract Detention Facility, New Jersey.
12. He has been unlawfully detained in New Jersey since October 17, 2025.



13. Expedited removal is an extraordinary procedure that allows removal from the United States with little to no due process. While expedited removal has historically been used only for people in the process of seeking admission at a port of entry or for people encountered in the country a short time after entry and within 100 miles of a land border who had “not been admitted or paroled into the United States,” on January 21, the administration decided to expand the scope of expedited removal to include individuals throughout the United States who have been continuously present here for less than two years.
14. On January 23, the administration issued a memorandum implementing the above expansion of expedited removal by directing agency personnel to consider using the fast-track removal authority on any noncitizen eligible for processing through expedited removal, including individuals who had previously been granted parole.
15. On February 18, the administration issued a directive that purports to expose individuals paroled into the country at ports of entry to the threat of expedited removal with “no time limit on the ability to process such aliens for ER [expedited removal].”
16. On September 12, 2025, the U.S. Court of Appeals for the District of Columbia Circuit denied the government’s request to stay the district court’s order to protect those paroled into the United States from expedited removal. This ruling left in place the district court’s order issued on August 1, 2025, finding that the government’s practice of targeting people who were issued humanitarian parole for expedited removal was unlawful.
17. Through this petition, Mr. Monorov asks this Court to find that Respondents have unlawfully detained him under § 1225, because he was issued a humanitarian parole and is not subject to expedited removal. Mr. Monorov requests immediately release from

custody in accordance with the initial custody determination made in 2022. *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

### **JURISDICTION & VENUE**

1. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et. seq.*
2. Venue is proper because the Petitioner is detained at the Elizabeth Contract Detention Facility, 625 Evans St., Elizabeth, NJ 07201 now remains detained. *See* ICE Detainee Locator; *See also generally Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004) (generally, “[w]henver a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States,” he must file the petition in the district of confinement and name his immediate custodian as the respondent).

### **PARTIES**

3. Petitioner Mr. Monorov is a thirty-four-year old citizen of Russia. He resides at   
 He has been in ICE custody since October 17, 2025, and is currently detained at the Elizabeth Contract Detention Facility, 625 Evans St., Elizabeth, NJ 07201.
4. Respondent Jonathan Florentino is named in his official capacity as the Acting Director of the Newark, NJ Field Office of Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE). Respondent Florentino is a legal custodian of the Petitioner and has the authority to release him.
5. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. He administers and enforces the immigration laws of the United States, routinely

conducts business in the District of New Jersey, is legally responsible for pursuing efforts to remove the Petitioner, and as such is the custodian of the Petitioner. At all times relevant hereto, Respondent Lyons's address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

6. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the District of New Jersey; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. At all times relevant hereto, Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

### **LEGAL BACKGROUND**

10. Section 2241 of 28 United States Code provides in relevant part that “[w]rits of habeas corpus may be granted by . . . the district courts within their respective jurisdictions” when a petitioner “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(a), (c)(3); *see also I.N.S. v. St. Cyr*, 533 U.S. 289, 305, 121 S. Ct. 2271 (2001).
11. District courts grant writs of habeas corpus to those who demonstrate their custody violates the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3).
12. Habeas corpus “entitles [a] prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to ‘the erroneous application or interpretation’ of relevant law.”

*Boumediene v. Bush*, 553 U.S. 723, 779, 128 S. Ct. 2229 (2008) (quoting, *St. Cyr*, 533 U.S. at 302.

13. The Fifth Amendment’s Due Process Clause protects the right of all persons to be free from “depriv[ation] of life, liberty, or property, without due process of law.” U.S. Const. amend. V.
14. “It is well established that the Fifth Amendment entitles aliens to due process of law[.]” *Trump v. J. G. G.*, 604 U.S. ---, 145 S. Ct. 1003, 1006 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439 (1993)).
15. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.
16. The INA prescribes three basic mechanisms for detention for non-citizens, 8 U.S.C. § 1225, for arriving aliens and applicants for admission, § 1226 the default detention statute, and § 1231 for post-final order detention.
17. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
18. Following the enactment of the IIRIRA, the U.S. Department of Justice’s Executive Office of Immigration Review (“EOIR”) drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal

Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formed referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

19. Thus, the INA distinguishes between non-citizens seeking entry into the United States and those “already in the country.” *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). In the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an Immigration Judge (“IJ”), unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

20. Section 1225(b)(1) provides for mandatory detention of non-citizens subject to its provisions—that is, a non-citizen “arriving in the United States” who seeks to apply for admission. Applicants who indicate a fear of persecution if returned to their country of origin “shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.” § 1225(b)(1)(B)(iii)(IV). Applicants who do demonstrate a credible fear “shall be detained for further consideration of the application for asylum.” § 1225(b)(1)(B)(ii). Detention is “mandate[d] . . . throughout the completion of applicable proceedings and not just until

the moment those proceedings begin.” *Jennings*, 583 U.S. at 302. Under the statute, applicants are not entitled to a bond hearing. *See id.* at 301.

21. There is a “limited” exception to mandatory detention under § 1225. *Jennings*, 583 U.S. at 301. Applicants detained under § 1225 may be paroled into the country “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” *See* 8 U.S.C. § 1182(d)(5)(A). That “authority is not unbounded,” and “under the APA, DHS’s exercise of discretion within that statutory framework must be reasonable and reasonably explained.” *Biden v. Texas*, 597 U.S. 785, 806-07 (2022).
22. Parole under § 1182(d)(5)(A) does not affect an alien’s statutory or constitutional rights, as it “shall not be regarded as an admission of the alien.” § 1182(d)(5)(A). Such parole “employs a legal fiction whereby non-citizens are physically permitted to enter the country but are nonetheless ‘treated,’ for legal purposes, ‘as if stopped at the border.’” *Martinez v. Hyde*, 2025 WL 2084238, at \*3 (D. Mass. July 24, 2025) (quoting *Thuraissigiam*, 591 U.S. at 139).
23. In contrast, § 1226(a) governs the detention of non-citizens “already present in the United States.” *Jennings*, 583 U.S. at 303. It includes non-citizens who have never been legally admitted. *See id.* at 287 (explaining that § 1226(a) governs “aliens who were inadmissible at the time of entry.” (citing 8 U.S.C. § 1227(a)). Under that provision, the Attorney General has the discretion to arrest and detain a non-citizen “[o]n a warrant . . . pending a decision on whether the alien is to be removed.” § 1226(a). The detainee may be released on bond or conditional parole, § 1226(a)(2), except if certain enumerated categories (not applicable here) apply, § 1226(c). Federal regulation further requires that § 1226(a) detainees “receive bond hearings at the outset of detention.” *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)).

24. On July 8, 2025, however, DHS stated a new position with regard to custody determinations as follows:

An “applicant for admission” is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1). **Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) and may not be released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible for a custody redetermination hearing (“bond hearing”) before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated. **The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c).**

Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286. *See* <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (emphasis original).

25. As a result, according to DHS, all noncitizens who have entered the United States, including those who were issued humanitarian and conditional parole, are subject to the grounds of inadmissibility, including long-time U.S. residents, and are now considered to be subject to mandatory detention under INA § 235(b) and ineligible for release on bond. Conversely, according to DHS, “[only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c).” *Id.*

26. Prior to July 8, 2025, the predominant form of detention authority for anyone arrested in the interior of the United States was 8 U.S.C. § 1226(a). Further, the Petitioner in this case was initially arrested and released pursuant to a humanitarian parole.

27. Under § 1226(a) the Attorney General may release a detainee on bond on the authority of ICE or by an Immigration Judge. There are standards for release: bond is available if the detainee “demonstrate[s] . . . that such release would not pose a danger to property or persons, and that [he] is likely to appear for any future proceeding.” 8 C.F.R. § 36.1(c)(8). “[T]he immigration judge is authorized to exercise the authority . . . to detain the alien in custody, release the alien, and determine the amount of bond.” *Id.* § 236.1(d)(1). If denied release at the initial bond hearing, a § 1226(a) detainee may request a custody redetermination hearing before an IJ. That request will “be considered only upon a showing that the alien’s circumstances have changed materially.” *Id.* § 1003.19(e).

### **STATEMENT OF THE FACTS**

28. Mr. Monorov is a thirty-four-year-old male with no criminal history. He is a native of the People’s Republic of China, and a citizens of Russia.

29. On February 01, 2022, Mr. Monorov entered the United States by presenting himself at the San Ysidro port of entry and requesting asylum. He gave a sworn statement about his fear in returning to Russia and was released from custody under § 1182(d)(5)(A) parole.

30. Mr. Monorov was authorized, in accordance with 8 U.S.C. § 1182(d)(5)(A), for release at the port of entry, despite his initial issuance of a Notice and Order of Expedited Removal, Form I-860, pursuant to 8 U.S.C. § 1225(b)(1). Mr. Monorov indicated his intention to apply for asylum, claiming a fear of returning to Russia.

31. On December 05, 2022, Mr. Monorov filed Form I-589, Application for Asylum and for Withholding of Removal, with USCIS because he had not yet been issued a Notice to Appear in the immigration court.
32. On October 17, 2025, Mr. Monorov appeared for his credible fear interview in Bethpage, New York. Upon Mr. Monorov's request to cancel the credible fear interview, USCIS stated that they would look into the matter as to whether he was in fact subject to 8 U.S.C. § 1225(b)(1), expedited removal. Mr. Monorov was made to wait and he was ultimately arrested by ICE and processed under 8 U.S.C. § 1225(b)(1).
33. Mr. Monorov presented a lawful work authorization and driver's license. He was nonetheless arrested, detained, and transferred into ICE custody without reasonable suspicion of a crime or civil immigration violation.
34. Without relief from this Court, Mr. Monorov faces continued detention and fast-track removal under 8 U.S.C. § 1225(b)(1) from the United States without the possibility of an individualized bond hearing.

### **CLAIM FOR RELIEF**

#### **I. VIOLATION OF 8 U.S.C. § 1225(b)(1) , MANDATORY DETENTION FOR THOSE SEEKING ADMISSION**

35. Petitioner restates and realleges all paragraphs as if fully set forth here.
36. In February 2022, Mr. Monorov initially presented himself for inspection upon entry. CBP arrested and detained him. On February 1, 2023, CBP issued him a Notice and Order of Expedited Removal, Form I-860, pursuant to 8 U.S.C. § 1225(b)(1), which alleged that he was inadmissible to the United States. That same day, he was also issued a humanitarian parole, and he was released from custody.

37. Because DHS previously exercised its statutory parole authority under INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A), and issued Petitioner an I-94 reflecting parole, the government lacks authority to place him in expedited removal or to detain him under § 1225(b)'s mandatory provisions. Congress expressly limited expedited removal to arriving aliens in inspection and to certain noncitizens “who have not been admitted or paroled.” 8 U.S.C. § 1225(b)(1)(A)(iii)(II). Petitioner's parole therefore removes him from § 1225(b), and any custody must proceed, if at all, under § 1226(a).
38. Petitioner's continuing detention is therefore unlawful.

## II. CONTINUED DETENTION CONSTITUTES A VIOLATION OF DUE PROCESS

39. Petitioner incorporates all factual allegations as though restated here.
40. ICE detained Mr. Monorov without reasonable suspicion and continues to do so in violation of his constitutional rights protected under the Fifth Amendment.
41. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V.
42. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690.
43. Mr. Monorov's detention violates his Fifth Amendment rights for at least three related reasons.
44. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690).

45. Whereas here, the government has ordered humanitarian parole to apply for asylum, in which the Petitioner did, detention is not reasonably related to its purpose.
46. Second, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”).
47. Petitioner’s ongoing imprisonment does not satisfy that rigorous standard as he did not commit any crime, was released from custody with a humanitarian parole, and had a pending asylum that was unlawfully canceled.
48. Third, “the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas*, 533 U.S. at 718 (2001) (Kennedy, J., dissenting).
49. Detaining Mr. Monorov was arbitrary because he had been initially been issued a humanitarian parole, has authorization to work in the United States, and has no criminal arrests or convictions.
50. Mr. Monorov was initially detained under §1225(b)(1), but that was canceled when CBP issued his humanitarian parole, allowing him to affirmatively file with USCIS for asylum- related relief.

### **PRAYER FOR RELIEF**

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

- A. Assume jurisdiction over this matter;
- B. Order Respondents to Show Cause why this Petition should not be granted within seventy-two hours;

- C. Issue an Order preventing Respondent from removing Petitioner from the United States without notice and an opportunity to be heard;
- D. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- E. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- F. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- G. Grant any further relief this Court deems just and proper.

Dated: October 19, 2025

Respectfully Submitted,

/s/ Veronica Cardenas  
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