



his removal outside of the New Jersey jurisdiction. The Petitioner was detained at a traffic stop by ICE on October 13, 2025 after his I-130 filed by his U.S. citizen wife was approved and after he filed an I-601A waiver. He now has been placed in removal proceedings pending before the Elizabeth Immigration Court.

However, due to a new policy adopted by Respondents in July of 2025, all aliens such as Petitioner (who have not been admitted to the U.S.) are now subject to mandatory detention without bond. And even though the New Jersey District Court (Hon. Katharine Hayden) has already ruled that application of this new policy is unlawful as applied to aliens such as the Petitioner, who have resided in the U.S., the Respondents have unlawfully detained Petitioner pursuant to the same mandatory detention policy while his removal proceedings are pending. Thus, Petitioner petitions this Court for an order declaring his mandatory detention unlawful.

### **JURISDICTION**

2. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et. seq., and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at the Delaney Hall Detention Center, Newark, New Jersey under the authority of the United States in violation of the Constitution and laws of the United States.

### VENUE

3. Venue lies with this Court because Petitioner is detained at the Delaney Hall Detention Center in Newark, New Jersey.

### PARTIES

4. Petitioner is a 38-year-old married male, native and citizen of El Salvador who has been detained at the Delaney Hall Detention Facility since October 13, 2025. He seeks issuance of a writ of habeas corpus.
5. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity she is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.
6. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security, the agency in charge of administering and enforcing the immigration laws in New Jersey and is the Petitioner's legal custodian.
7. Respondent Todd Lyons is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and, in this capacity, he is responsible for administering and enforcing the immigration laws in New Jersey and is Petitioner's legal custodian.
8. Respondent John Tsoukaris is sued in his official capacity as the Warden of the Delaney Hall Detention Facility and, in this capacity, he is the Petitioner's actual physical custodian.

## FACTS

9. Petitioner, Jose Isidro Contreras Amaya, is a 38-year-old male, native and citizen of El Salvador who entered the United States without inspection in June of 2013 and has not left since.
10. The Petitioner is married to Yessenia Del Carmen Flores Bonilla, a United States citizen, who works as a patient care technician at Valley Hospital in Paramus, New Jersey. They were married on February 27, 2020 in West New York, NJ and have two United States citizen boys, ages 7 and 3, both of whom suffer from learning and speech disabilities and are receiving therapy. The Petitioner is self-employed as a construction worker and has no criminal arrests.
11. On January 22, 2024, the Petitioner's U.S. citizen wife filed an I-130 relative petition for him and that petition was approved on April 14, 2025. See Attached Exhibit A. Approved I-130 Petition. After that petition was approved, the Petitioner filed for an I-601 waiver which is pending.
12. Nonetheless, on October 13, 2025, ICE agents arrested the Petitioner after he drove away from his home solely based on a new policy adopted by DHS in July of 2025 which now subjects all aliens living in the U.S. who have not been admitted to mandatory detention even those such as Petitioner who have lengthy ties to the U.S. and no criminal record.
13. In Removal Proceedings, the Petitioner will apply for cancellation of Removal proceedings based on exceptional extremely unusual hardship to his U.S. citizen wife and his U.S. citizen sons.

14. However, given this new mandatory detention policy and the practice by ICE of removing aliens to distant parts of the U.S., the Petitioner faces a violation of his constitutional and due process and statutory rights under the INA and seeks immediately release from mandatory detention a detention statute, INA 235, that clearly does not apply to him.
15. The Petitioner has no criminal record.
16. The Petitioner does not have a final order of removal
17. The Petitioner's removal proceedings are presumably now pending before the Elizabeth Immigration Court.
18. The Petitioner has no warrants or negative criminal history that would cause him to be a flight risk or danger to society.
19. Petitioner has exhausted all administrative remedies because the Immigration Courts are bound by this new policy and cannot consider constitutional claims. In a similar case last month, Judge Katharine Hayden ruled that this new mandatory detention policy is unlawful as applied to individuals such as the Petitioner who are not seeking admission at the border, but Respondents nonetheless seek to continue to detain Petitioner under this illegal application of the incorrect statute. Thus, Petitioner has exhausted his administrative remedies and seeks a habeas order from this Court finding that his detention under 235 of the INA (a statute that is normally applied to aliens at the border who have never entered the U.S.) is illegal as applied to him.
20. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim,

Petitioner will suffer irreparable injury by being deprived of his physical liberty without due process and in violation of the INA. He seeks the only avenue of judicial review available to him, habeas review. He also seeks injunction relief or restraints given that this issue has been exhaustively litigated in a similar case before another Judge in this district court and application of the INA 235 statute is clearly illegal as applied to the Petitioner.

**COUNT I**

21. The allegations contained in paragraphs 1 through 20 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process clause of the United States Constitution.

**COUNT II**

22. The allegations contained in paragraphs 1 through 20 are repeated and realleged as though fully set forth herein. Petitioner's detention is not authorized by the Immigration and Nationality Act.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediate release the Petitioner from custody.
2. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
3. Grant any other and further relief that this Court may deem necessary and proper.

s/ Regis Fernandez

Dated: October 20, 2025

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Attorney for Petitioner

### VERIFICATION

I, Jose I. Contreras Amaya, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the plaintiff-petitioner in this matter and am personally familiar with the facts of my case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

Executed on October 20, 2025

Jose Isidro Contreras Amaya  
JOSE ISIDRO CONTRERAS AMAYA

**VERIFICATION BY COUNSEL**

I, Regis Fernandez, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of his case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on October 20, 2025

s/ Regis Fernandez  
REGIS FERNANDEZ, ESQ.

**LIST OF EXHIBITS IN SUPPORT OF HABEAS PETITION**

- A. Approved I-130 Petition filed by Petitioner's U.S. citizen wife;
- B. Certification by Yesenia Del Carmen Flores Bonilla, Petitioner's wife;

**B**

## **Declaration of Yesenia Del Carmen Flores Bonilla**

I, Yesenia Bel Carmen Flores Bonilla, am a United States citizen. I am writing this statement on behalf of my husband, Jose Isidro Contreras Amaya, who is currently detained at the Newark ICE Detention Facility.

My husband and I have been together for many years, and we share two beautiful children, ages 7 and 3, who are both U.S. citizens. Both of our children have Individualized Education Programs (IEPs) due to learning and speech delays. They each receive speech therapy and specialized support through their schools. My husband plays a vital role in helping them with their therapy routines and emotional development. His absence has been devastating for them and for me.

### **Our Family Life**

My husband is the heart of our family. He is a loving father, a devoted husband, and a hard worker. Every day before he was detained, he would get our children ready for school, take them to their therapy sessions, and be there to encourage and support them. Our children are extremely attached to him—he brings them comfort and stability, and they thrive when he is around.

Since his detention, our home feels empty. The children cry for their father every night. They don't understand why he's not here, and it's affecting their progress in school and therapy. They've become withdrawn and anxious. It breaks my heart to see them struggle emotionally and academically without the daily presence of their father.

### **My Work and Our Financial Situation**

I work full-time as a Patient Care Technician at Valley Hospital. My husband is self-employed and has always contributed financially to our household. Together, we were able to manage our rent, bills, and all the costs that come with raising two young children with special educational needs.

Since he's been detained, it has been extremely hard to keep up. I am doing everything I can to support our family, but without his income, we're falling behind on bills and facing real financial strain. He's always been a responsible provider. He has never relied on anyone else to support his family—he works hard and takes pride in that.

### **His Ties and Character**

My husband has been living in the United States for over ten years. During that time, he has never been in trouble with the law. He is a good, honest, and decent man. He's always been there for me, for our children, and for his extended family. Most of his family—three aunts, an uncle, and several cousins—are all U.S. citizens or lawful permanent residents. We are a close-knit family, and everyone is ready to help support him if he is released.

He is not a danger to anyone, and he is not a flight risk. Everything he loves is here—his wife, his children, his home, his community. He wants nothing more than to continue providing for us and to fix his immigration status the right way.

### **Immigration Process and Future Plans**

I filed an I-130 petition for my husband, which has already been approved. He also has a pending I-601A waiver with USCIS. Once that is approved, he will be eligible to complete the process to become a lawful permanent resident. He has done everything by the book and has followed all the legal steps required of him.

He also qualifies for relief under 42B (Cancellation of Removal) because he has lived in the U.S. continuously for over ten years, is a person of good moral character, and because our removal from him would cause extreme and unusual hardship to me and our children, especially given their special educational and emotional needs.

### **Our Need for Him Home**

We need him home. Emotionally, financially, and physically—our family cannot function properly without him. Our children's development depends on stability and support, and their father is a huge part of that. I am doing my best, but I am exhausted and overwhelmed. His presence is not only wanted—it is necessary for the well-being of our children and the health of our family.

I respectfully ask that he be released so that he can continue being the husband and father he has always been, and so that we can face this process together as a family.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
Yesenia Del Carmen Flores Bonilla

10-16-25  
Date