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DETAINED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SANDRA R. VASQUEZ LUCERO)

A )

Petitioner,)

v.)

Civil Action No. 1:25-cv-16737-mcv

PAM BONDI,)

Attorney General of the)

United States of America, and,)

KRISTI NOEM,)

Secretary of the Department of)

Homeland Security, (DHS) and,)

TODD LYONS,)

Acting Director,)

United States Immigration and)

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**PETITIONER’S ANSWER TO RESPONDENT’S ANSWER TO THE VERIFIED
PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. 2241**

PRELIMINARY STATEMENT

Respondents’ Answer confirms—rather than refutes—that Ms. Vasquez Lucero has been detained for over a month without any opportunity to seek release, based solely on ICE’s novel July 2025 reinterpretation of 8 U.S.C. § 1225(b)(2). That reading has been rejected by most

Federal courts, including courts within this District.¹ ICE instead asks this Court to adopt a minority view already rejected by most federal courts.

Petitioner has lived in the United States continuously since 2002—twenty-three years—raising a family and establishing deep community ties. She is not an arriving alien. She is not seeking admission. Petitioner was already in removal proceedings for over 8 years at the time of her detention. Under controlling statutory text, settled constitutional principles, and persuasive authority from within this District, Petitioner is detained unlawfully and must be released, or at a minimum, provided a bond hearing.

ARGUMENT

I. Respondents Cannot Classify Petitioner as an “Applicant for Admission” Under § 1225(b)(2)

Respondents’ argument depends entirely on the assertion that any noncitizen who entered without inspection at any point—no matter how many decades ago—is forever an “applicant for admission.” This extreme interpretation conflicts with statutory text, structure, and precedent. Respondents did not provide any documentation, such as Form I-213, to establish ICE’s reasoning for suddenly detaining Petitioner. The Notice to Appear was served on Petitioner eight years ago, on June 7, 2017. Petitioner already pleaded to the allegations on the Notice to Appear and her pleadings were accepted by DHS and the Immigration Court several years ago. From June 7, 2017 until her apprehension on October 20, 2025, ICE did not require Ms. Vasquez Lucero to be detained, and they provide no explanation in their submissions for her sudden

¹ See *Zumba v. Bondi*, No. 25-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Castillo v. Lyons*, No. 25-16219, 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Buestan v. Chu*, 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Bethancourt Soto v. Soto*, No. 25-16200, — F. Supp. 3d —, 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Contreras Maldonado v. Cabezas*, No. 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025).

detention. This arbitrary detention of Petitioner underscores her argument that she was detained without reason and is arbitrarily subject to mandatory detention.

Furthermore, Ms. Vasquez Lucero is not an applicant for admission to the United States. She has resided continuously in the United States and has been in removal proceedings since 2017. There was no factual change in Ms. Vasquez Lucero's immigration status or legal proceeding which caused her to become an applicant for admission. Petitioner has lived in the U.S. for 23 years and was arrested in New Jersey, not at the border. Therefore, she cannot be classified as an applicant seeking admission under 1225(b)(2).

II. ICE's July 2025 policy shift has no basis in law

Respondents admit that until July 2025, DHS itself applied § 1226(a) to persons in Petitioner's circumstances for nearly 30 years. A sudden reversal unsupported by rulemaking cannot override statutory text or constitutional constraints. The sudden and inexplicable application of 1226(b)(2) to all aliens present without inspection, as well as the BIA's precedential ruling of *Yajure-Hurtado* indicate that this issue was cherry-picked by the administration to create a new legal precedent out of whole cloth.

CONCLUSION

In conclusion, Petitioner respectfully requests that this Court follow the precedent that has been established and order her released from ICE detention immediately. Alternatively, Petitioner requests that this Court order that Petitioner is not detained under INA 1226(b)(2) and that she be afforded a bond hearing.

Respectfully submitted,

/s/ Kerry W. Hartington
Counsel for Petitioner

November 19, 2025