

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Yexis Saravia Lopez	)	
Petitioner,	)	
v.	)	Case No.: 1:25-cv-1847
Washington Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement)	)	
U.S. Attorney General	)	
Warden, Farmville Detention Center	)	
Respondents.	)	

PETITION FOR HABEAS CORPUS

Petitioner Yexis Saravia Lopez (“Mr. Saravia”) is being unlawfully detained without a bond hearing by U.S. Immigration and Customs Enforcement (“ICE”). This is based on a recent policy change by the U.S. Department of Homeland Security (“DHS”) and U.S. Department of Justice (“DOJ”) that purported to reinterpret the detention statutes to deny bond to people apprehended within the United States who had not been admitted on a visa. The government’s new practice conflicts with Supreme Court precedent, over a century of consistent statutory tradition, and almost 40 years of consistent agency practice under the current statutes. The new policy has been found unlawful by at least 99 district court decisions, including several in this district. Mr. Saravia asks the Court to order his release or order that he be provided a bond hearing before an immigration judge.

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
2. Venue is proper under 28 U.S.C. § 1391(c)(1) because Petitioner is detained at the Farmville Detention Center in Farmville, Virginia.

THE PARTIES

3. Petitioner Yexis Saravia Lopez is a citizen of El Salvador who has been in the Respondents' custody since September 17, 2025.
4. Respondent Washington Field Office Director is responsible for the implementation and enforcement of the Immigration and Nationality Act, and they oversee Petitioner's detention by ICE. They are a legal custodian of Petitioner.
5. Respondent U.S. Attorney General oversees the immigration court system, which is denying Respondent a bond hearing.
6. Respondent Warden of the Farmville Detention Center is responsible for Petitioner's detention and is a legal custodian of him.
7. All government Respondents are sued in their official capacities.

FACTUAL ALLEGATIONS

8. Mr. Saravia is a native and citizen of El Salvador. *See* Ex. 1 – Notice to Appear. He last arrived in the United States without a valid visa in or around May 2008. He has remained in the United States since that time.
9. Mr. Saravia resides in Capitol Heights, Maryland.

10. Mr. Saravia's wife, Dora Bonilla Amaya ("Ms. Bonilla"), of over eight years, is a United States citizen.
11. Petitioner began the process of seeking permanent residence in 2023, when Ms. Bonilla filed form I-130, Petition for Alien Relative. The visa petition was approved in 2024. Petitioner is eligible to receive permanent residence after he obtains a waiver of unlawful presence. Ex 2 – I-130 Approval Notice.
12. On September 17, 2025, Mr. Saravia was detained by ICE officers in Bladensburg, Maryland. Ex. 3 – Notice to EOIR of Alien Address. He is now being held at the Farmville Detention Center in Farmville, Virginia. Ex. 4 – ICE Detainee Locator.
13. On September 5, 2025, the Board of Immigration Appeals ("BIA") published *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The decision proclaimed that any person who entered the United States without inspection is detained under 8 U.S.C. § 1225(b)(2) and ineligible for release on bond. This would mandate the detention of thousands or millions of people who have been living peacefully in the United States, some of them for decades.
14. Since Mr. Saravia entered the United States without a visa, he is not eligible for a bond hearing under *Matter of Yajure Hurtado*. Since the decision is binding on immigration judges, a bond hearing is unavailable and would be futile. 8 C.F.R. § 1003.1(g).

MR. SARAVIA IS DETAINED UNDER 8 U.S.C. § 1226(A)

15. The expedited removal statute at 8 U.S.C. § 1225(b)(2) does not apply to Petitioner. Rather, his detention is governed by 8 U.S.C. § 1226(a), meaning that he is entitled to a bond hearing. He has been unlawfully denied a bond hearing.
16. The Supreme Court recognized in *Jennings v. Rodriguez* that § 1225(b) is concerned "primarily [with those] seeking entry," and is generally imposed "at the Nation's borders and

ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 187 (2018). By contrast, § 1226 detention relates to people “inside the United States” and “present in the country.” *Id.* at 288.

17. There are clear statutory signals that § 1225(b) is only concerned with “inspection” of travelers arriving in the United States.¹ The term “inspection” is not defined in the Immigration and Nationality Act. However, numerous statutes, regulations, and agency precedents discuss “inspection” in the context of admission processes at ports of entry.² This supports the conclusion that § 1225 is limited temporally and geographically to the inspection process of travelers arriving at the border.
18. Section 1225 and its implementing regulations use present and present progressive verbs, referring to people who are actively arriving and seeking admission. Section § 1225(b)(1) is limited to presently “arriving” noncitizens and those apprehended within two years of entry, and § 1225(b)(2) is limited to those in the process of “seeking admission.” Likewise, the regulation at 8 C.F.R. § 1.2 addresses noncitizens who are presently “coming or attempting to come into the United States at a port-of-entry.” These word choices show that § 1225 does not apply to people like Petitioner who were apprehended in the interior more than two years after entry because they are no longer in the process of arriving or seeking admission to the United States.

¹ 8 U.S.C. § 1225 (titled “Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing”); 8 U.S.C. §§ 1225(b)(1)-(2) (referring to “inspection” in their titles); 8 U.S.C. § 1225(d)(1) (authorizing immigration officials to search certain conveyances in order to conduct “inspections” where noncitizens “are being brought into the United States”).

² See, e.g., 8 U.S.C. §§ 1187(h)(2)(B)(i), 1225(a); 8 U.S.C. § 1752a; 8 C.F.R. § 235.1; *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010).

19. By contrast, 8 U.S.C. § 1226 clearly includes individuals who have not been admitted. While § 1226(a) generally permits bond to be granted, § 1226(c) disqualifies noncitizens with certain criminal convictions. Some of these exceptions are specifically targeted at noncitizens who have not been admitted. Section 1226(c) provides that a person is ineligible for bond if they are inadmissible due to criminal convictions or terrorism.³ The grounds of inadmissibility only apply to people who have not been admitted. There would be no need to exempt certain unadmitted people from bond if all unadmitted people were already ineligible for bond under section 1225. When “Congress has created specific exceptions” to a rule, it proves the general applicability of the rule. *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010).

20. Congress recently passed the Laken Riley Act, which added another exception to bond eligibility that applies only to unadmitted people.⁴ Under the government’s reading, the contentious public debate and passage of the Laken Riley Act was pointless and redundant because all unadmitted people were already ineligible for bond. But “[w]hen Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.” *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995) (citations omitted).

21. Longstanding statutory and regulatory authority confirms that § 1225 does not apply to people apprehended within the interior of the United States more than two years after entry.

The last major revision to the detention framework was in 1996 when Congress passed the

³ 8 U.S.C. § 1226(c)(1) (exempting from bond any alien who “is inadmissible by reason of having committed any offense covered in 8 U.S.C. § 1182(a)(2)” or who “is inadmissible under 8 U.S.C. § 1182(a)(3)(B).”).

⁴ 8 U.S.C. § 1226(c)(1)(E), *as amended by* Laken Riley Act, Pub. L. 119-1, 139 Stat. 3 (2025) (disqualifying from bond any noncitizen who “is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title” and has an inchoate offense of theft, assault on a law enforcement officer, or causing death or serious bodily injury.).

Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996. IIRIRA maintained nearly a century of statutory tradition of allowing people inside the United States to seek release on bond.⁵ Immediately after the passage of IIRIRA, the Immigration and Naturalization Service issued a regulation confirming the tradition of providing bond hearings to people apprehended inside the United States who had not been admitted.⁶ That interpretation has held steady for decades, across administrations, until recently. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025).

22. The United States Solicitor General recently affirmed the traditional position to the Supreme Court. *Martinez v. Hyde*, No. 25-11613, 2025 WL 2084238, at *4 n.9 (D. Mass. July 24, 2025) (citing the United States Solicitor General’s representation to the Supreme Court at oral argument that “DHS’s long-standing interpretation has been that 1226(a) applies to those who have crossed the border between ports of entry and are shortly thereafter apprehended.”).
23. In July 2025 DHS and DOJ colluded to upend this century-long tradition, even though DOJ is supposed to operate the immigration courts independently of the ICE prosecutors housed at

⁵ See 34 Stat. 904-905, § 20 (1907) (providing for release on bond for noncitizens alleged to have entered the United States unlawfully); 39 Stat. 874, 890-91, §§ 19, 20 (1917) (similar); 66 Stat. 163, §§ 241(a)(2), 242(a) (1952) (last codified at 8 U.S.C. § 1252(a)(1) (1994)) (providing for release on bond, including for noncitizens alleged to have entered the United States without inspection).

⁶ Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (“Despite being applicants for admission, aliens 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.”).

DHS.⁷ The immigration courts have been subjected to political interference on this issue and not been left to operate in a normal, orderly fashion. Unsurprisingly, a few months later the Board of Immigration Appeals issued a decision purporting to adopt this new practice as precedent. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 216 (BIA 2025) (holding that “Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.”). Even though the precedent is only a month weeks only, dozens of district court decisions have already refused to give it deference.⁸

24. At least 99 district court decisions have recently ruled in conflict with *Matter of Yajure-Hurtado* and held that petitioners apprehended in the interior of the United States years after entry are eligible for bond under § 1226. An appendix is attached detailing 46 such decisions. Several such decisions are from this district. *See, e.g., Hasan v. Crawford*, 1:25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025). The courts have spoken with remarkable clarity in rejecting this attempted change in how the immigration laws function.

**FIRST CAUSE OF ACTION:
8 U.S.C. § 1226(A) AND ASSOCIATED REGULATIONS**

25. Petitioner incorporates the foregoing paragraphs by reference.

⁷ Interim Guidance Regarding Detention Authority for Applicants for Admission, <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>, July 8, 2025 (DHS announcing change of practice “in coordination” with DOJ).

⁸ *See, e.g., Choglo Chafra v. Scott*, No. 25-437, 2025 WL 2688541, at *7 (D. Me. Sept. 21, 2025) (“I find Yajure Hurtado to be unavailing”); *Hilario Rodriguez v. Moniz*, No. 25-12358, at 4 n.4 (D. Mass. Sept. 18, 2025); *Sampiao v. Hyde*, 1:25-cv-11981, 2025 WL 2607924, at *8 n.11 (D. Mass. Sept. 9, 2025) (“[T]he Court disagrees with the BIA for the reasons given herein.”); *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425, at *7 (E.D. Mich. Sept. 9, 2025) (“[T]he BIA’s decision to pivot from three decades of consistent statutory interpretation and call for [petitioner’s] detention under § 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same question of statutory interpretation.”).

26. Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) and its associated regulations. *See* 8 C.F.R. §§ 1236.1(d), 1003.19(a)-(f).⁹

**SECOND CAUSE OF ACTION:
DUE PROCESS**

27. Petitioner incorporates the foregoing paragraphs by reference.

28. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

29. Petitioner has a fundamental interest in liberty and being free from official restraint.

30. The government’s detention of Petitioner without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

REQUEST FOR RELIEF

Therefore, Petitioner respectfully asks this Court to grant the following relief:

- 1) Order that Petitioner not be transferred outside the district;
- 2) Declare that Petitioner’s detention is governed by 8 U.S.C. § 1226(a);
- 3) Declare that Petitioner’s detention without a bond hearing is unlawful;
- 4) Order Petitioner’s release from detention and/or order that he receive a bond hearing before an immigration judge at which the government is enjoined from finding him subject to mandatory detention under 8 U.S.C. § 1225;
- 5) Award costs and fees under the Equal Access to Justice Act; and

⁹ 8 C.F.R. § 1236.1(d) (“After an initial custody determination by [ICE], including the setting of a bond, the respondent may, at any time before an order [of removal] becomes final, request amelioration of the conditions under which he or she may be released.”); 8 C.F.R. § 1003.19(a) (“Custody and bond determinations made by the service pursuant to 8 CFR part 1236 may be reviewed by an Immigration Judge....”).

6) Grant any other relief the Court deems just and proper.

Dated: October 23, 2025

Respectfully submitted,

/s/ Mark Stevens

Mark Stevens, Virginia Bar # 86247

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VERIFICATION

I, Dora Bonilla Amaya, am the wife of Petitioner Yexis Saravia Lopez. My husband is unable to sign this verification himself because he is detained. I am familiar with the facts mentioned in the petition and I submit this verification on my husband's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated October 22, 2025

Dora Bonilla
Dora Bonilla Amaya

Appendix: District Court Decisions Classifying Unadmitted
Noncitizens as Detained Under 8 U.S.C. § 1226(a)

1. *Gomes v. Hyde*, 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025)
2. *Martinez v. Hyde*, 1:25-cv-11613, 2025 WL 2084238 (D. Mass. July 24, 2025)
3. *Dos Santos v. Noem*, 1:25-cv-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025)
4. *Romero v. Hyde*, 1:25-cv-11631, 2025 WL 2403827 (D. Mass. Aug. 19, 2025)
5. *Doe v. Moniz*, 1:25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025)
6. *Sampiao v. Hyde*, 1:25-cv-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025)
7. *Hilario Rodriguez v. Moniz*, No. 25-12358 (D. Mass. Sept. 18, 2025)
8. *Chogllo Chafra v. Scott*, 2:24-cv-437 to -439, 2025 WL 2688541 (D. Me. Sept. 2, 2025)
9. *Jimenez v. FCI Berlin, Warden*, 1:25-cv-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025)
10. *Lopez Benitze v. Francis*, 1:25-cv-5937, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025)
11. *Samb v. Joyce*, 1:25-cv-6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025)
12. *Leal-Hernandez v. Noem*, 1:25-cv-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025)
13. *Hasan v. Crawford*, 1:25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
14. *Kostak v. Trump*, 3:25-cv-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025)
15. *Lopez Santos v. Noem*, 3:25-cv-1193 (W.D. La. Sept. 11, 2025)
16. *Lopez-Camps v. Raycroft*, 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 28, 2025)
17. *Pizarro Reyes v. Raycraft*, 2:25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
18. *Beltran Barrera v. Tindall*, 3:25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
19. *Singh v. Lewis*, 4:25-cv-96 (W.D. Ky. Sept. 22, 2025)
20. *Campos Leon v. Forestal*, 1:25-cv-1174, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025)
21. *Maldonado v. Olson*, 0:25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
22. *O.E. v. Bondi*, 0:25-cv-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025)
23. *Garcia Jimenez v. Kramer*, 4:25-cv-3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025)
24. *Anicasio v. Kramer*, 4:25-cv-3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025)
25. *Jacinto v. Trump*, 4:25-cv-3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025)
26. *Carmona-Lopez v. Trump*, 4:25-cv-3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025)
27. *Cortes Fernandez v. Lyons*, 8:25-cv-506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025)
28. *Palma Perez v. Berg*, 8:25-cv-494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025)
29. *Lorenzo Perez v. Kramer*, 4:25-cv-3179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025)
30. *Ozuna Carlon v. Kramer*, 4:25-cv-3178, 2025 WL 2624386 (D. Neb. Sept. 11, 2025)
31. *Genchi Palma v. Trump*, 4:25-cv-3176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025)
32. *Duenas Arce v. Trump*, 8:25-cv-520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025)
33. *Hernandez Marcelo v. Trump*, 3:25-cv-94 (S.D. Iowa Sept. 10, 2025)
34. *Arrazola-Gonzalez v. Noem*, 5:25-cv-1789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025)
35. *Zaragoza Mosqueda v. Noem*, 5:25-cv-2304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025)
36. *Rosado v. Figueroa*, 2:25-cv-2157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025) (report and recommendation later adopted by district judge)
37. *Maldonado Vasquez v. Feeley*, 2:25-cv-1542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
38. *Jimenez v. Bostock*, 3:25-cv-570, 2025 WL 2430381 (D. Or. Aug. 22, 2025)
39. *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025)
40. *Hernandez Nieves v. Kaiser*, 3:25-cv-6921, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025)
41. *Caicedo Hinestroza v. Kaiser*, 3:25-cv-7559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025)
42. *Salcedo Aceros v. Kaiser*, 3:25-cv-6924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025)

- 43. *Vasquez Garcia v. Noem*, 3:25-cv-2180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025)
- 44. *Rodriguez Vasquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025)
- 45. *Garcia Cortes v. Noem*, 1:25-cv-2677 (D. Colo. Sept. 16, 2025)
- 46. *Zalazar v. Dedos*, 1:25-cv-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)

Index of Exhibits

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1	Notice to Appear
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