

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E.J.C.C., a minor, by and through his next friend
and attorney, Beth Baltimore,

Petitioner,

v.

William Joyce, *et al.*,

Respondents.

Case No. 25 Civ. 8805 (CS)

RETURN TO HABEAS PETITION

Under 28 U.S.C. § 2243, the Government respectfully submits this Return, together with the accompanying Memorandum of Law in opposition to the Amended Petition for Writ of Habeas Corpus (“Petition”), filed by petitioner E.J.C.C. (“Petitioner”) (ECF No. 7), and the Declaration of Deportation Officer Cindy Kim dated November 6, 2025. The attached documents are taken from Petitioner’s administrative file, as maintained by and provided to this Office by U.S. Immigration and Customs Enforcement (“ICE”).¹

1. Exhibit 1 is a copy of the Departure Record, Form I-94 dated December 5, 2022, reflecting humanitarian parole until February 2, 2023 under 8 U.S.C. § 1182(d)(5).

2. Exhibit 2 is a copy of the Alien Booking Record Form, Form I-385 dated December 5, 2022, instructing Petitioner to report to his final destination within 60 days or face removal from the United States.

3. Exhibit 3 is a copy of the Warrant for Arrest of Alien, Form I-200 dated July 20, 2023, which authorized Petitioner’s arrest pursuant to INA § 236, 8 U.S.C. § 1226.

¹ Because Petitioner is proceeding under initials, the attached documents have been redacted accordingly.

4. Exhibit 4 is a copy of the Notice of Custody Determination, Form I-286 dated July 20, 2023, which released Petitioner on his own recognizance.

5. Exhibit 5 is a copy of the Order of Release on Recognizance, Form I-220A dated July 20, 2023, which released Petitioner on his own recognizance.

6. Exhibit 6 is a copy of the Notice to Appear dated July 20, 2022, charging Petitioner with removability pursuant to INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i).

7. Exhibit 7 is a copy of the Immigration Judge's Order dated February 28, 2024, denying asylum and ordering Petitioner removed to Ecuador.

8. Exhibit 8 is a copy of the Petitioner's approved Petition for Amerasian, Widower, or Special Immigrant, Form I-360 dated April 15, 2025.

9. Exhibit 9 is a copy of the Warrant of Removal/Deportation, Form I-205 dated October 27, 2025, which states that Petitioner is subject to removal/deportation based on a final order by an immigration judge.

10. Exhibit 10 is a copy of the Velesaca Form, Initial Custody Determination dated October 23, 2025, which indicates that Petitioner is not subject to § 236(a).

11. Exhibit 11 is a copy of the Warning for Failure to Depart, Form I-229(a) dated October 23, 2025 which was served on Petitioner.

12. Exhibit 12 is a copy of U.S. Citizenship and Immigration Services Policy Alert Number PA-2022-10.²

² Available online at <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf>.

13. Exhibit 13 is a copy of U.S. Citizenship and Immigration Services Policy Alert Number PA-2025-07.³

The facts contained in Exhibits 1 through 13, in the Declaration of Deportation Officer Cindy Kim dated November 6, 2025, in the Declaration of Assistant Deputy Director for Policy for the Unaccompanied Alien Children Bureau Toby Biswas dated November 6, 2025, and the law set forth in the Government's Memorandum of Law in Opposition to the Petition, establish that Petitioner's detention is lawful.

WHEREFORE, the Government respectfully requests that the Court enter judgment denying the Petition.

Dated: New York, New York
November 6, 2025

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York
Attorney for Respondents

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³ Available online at <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf>.