

UNITED STATES DISTRICT COURT
[SOUTHERN DISTRICT OF NEW YORK]

Fangzeng Huang,

Petitioner,

v.

JUDITH ALMODOVAR, *in her official capacity as Field Office Director of Enforcement and Removal Operations, New York City, Immigration and Customs Enforcement*; KRISTI NOEM, *in her official capacity as Secretary of the U.S. Department of Homeland Security*; PAMELA BONDI, *in her official capacity as Attorney General of the United States*; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:25-cv-9346

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner, Fangzeng Huang, is in the physical custody of Respondents at 26
3 Federal Plaza, New York, NY 10278. He now faces unlawful detention because the Department
4 of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
5 concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without
7 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner's removal proceedings, DHS denied
9 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,
10 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone
11 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
13 therefore ineligible to be released on bond.

14 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
15 Board) issued a precedent decision, binding on all immigration judges, holding that an
16 immigration judge has no authority to consider bond requests for any person who entered the
17 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
18 The Board determined that such individuals are subject to detention under 8 U.S.C. §
19 1225(b)(2)(A) and therefore ineligible to be released on bond.

20 5. Petitioner's detention on this basis violates the plain language of the Immigration
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
22 previously entered and are now residing in the United States. Instead, such individuals are
23 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
2 having entered the United States without inspection.

3 6. Respondents' new legal interpretation is plainly contrary to the statutory
4 framework and contrary to decades of agency practice applying § 1226(a) to people like
5 Petitioner.

6 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
7 unless Respondents provide a bond hearing under § 1226(a) within seven days.

8 JURISDICTION

9 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at 26
10 Federal Plaza, New York, NY 10278.

11 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
12 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
13 Constitution (the Suspension Clause).

14 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
15 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

16 VENUE

17 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Southern District, the judicial
19 district in which Petitioner currently is detained.

20 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
21 Respondents are employees, officers, and agencies of the United States, and because a
22 substantial part of the events or omissions giving rise to the claims occurred in the Southern
23 District of New York.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner Fangzeng Huang is a citizen of China who has been in immigration detention since November 8, 2025. After arresting Petitioner at 26 Federal Plaza, New York, NY 10278, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

16. Defendant Judith Almodovar is the Acting Field Office Director for the New York City area. In that capacity, Director Almodovar oversees all Enforcement and Removal Operations (ERO) activities within the New York City area, which includes the five boroughs of New York City and the surrounding counties under the jurisdiction of the New York Field Office. Director Almodovar is sued in her official capacity.

17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

3 18. Respondent Pamela Bondi is the Attorney General of the United States. She is
4 responsible for the Department of Justice, of which the Executive Office for Immigration Review
5 and the immigration court system it operates is a component agency. She is sued in her official
6 capacity.

7 19. Respondent Executive Office for Immigration Review (EOIR) is the federal
8 agency responsible for implementing and enforcing the INA in removal proceedings, including
9 for custody redeterminations in bond hearings.

10 **LEGAL FRAMEWORK**

11 20. The INA prescribes three basic forms of detention for the vast majority of
12 noncitizens in removal proceedings.

13 21. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
14 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
15 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
16 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
17 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

18 22. Second, the INA provides for mandatory detention of noncitizens subject to
19 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
20 referred to under § 1225(b)(2).

21 23. Last, the INA also provides for detention of noncitizens who have been ordered
22 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

23 24. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
24

1 25. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
2 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
3 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
4 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,
5 139 Stat. 3 (2025).

6 26. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
7 that, in general, people who entered the country without inspection were not considered detained
8 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
9 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
10 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

11 27. Thus, in the decades that followed, most people who entered without inspection
12 and were placed in standard removal proceedings received bond hearings, unless their criminal
13 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
14 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
15 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
16 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
17 “restates” the detention authority previously found at § 1252(a)).

18 28. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
19 rejected well-established understanding of the statutory framework and reversed decades of
20 practice.

21 29. The new policy, entitled “Interim Guidance Regarding Detention Authority for
22 Applicants for Admission,”¹ claims that all persons who entered the United States without

23 _____
24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
2 policy applies regardless of when a person is apprehended and affects those who have resided in
3 the United States for months, years, and even decades.

4 30. On September 5, 2025, the BIA adopted this same position in a published
5 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
6 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
7 ineligible for IJ bond hearings.

8 31. Since Respondents adopted their new policies, dozens of federal courts have
9 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
10 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

11 32. Even before ICE or the BIA introduced these nationwide policies, IJs in the
12 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
13 entered the United States without inspection and who have since resided here. There, the U.S.
14 District Court in the Western District of Washington found that such a reading of the INA is
15 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
16 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
17 1239 (W.D. Wash. 2025).

18 33. Subsequently, numerous federal courts adopted the same interpretation of the
19 INA's detention provisions and rejected ICE and EOIR's contrary construction. *See, e.g., Gomes*
20 *v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v.*
21 *Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);
22 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
23 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL

1 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
 2 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
 3 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
 4 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
 5 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
 6 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
 7 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
 8 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
 9 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
 10 (ECT/DJF), --- F. Supp. 3d ---, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
 11 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
 12 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
 13 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
 14 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
 15 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
 16 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at 2 (D.
 17 Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2)
 18 authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at 3
 19 (D. Neb. Aug. 19, 2025) *Id.*; *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL
 20 2374224 at 2 (D. Neb. Aug. 14, 2025) *Id.*

21 34. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
 22 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
 23 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

1 35. Section 1226(a) applies by default to all persons “pending a decision on whether
2 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
3 § 1229a, to “decid[ed] the inadmissibility or deportability of [all] [noncitizen].”

4 36. The text of § 1226 also explicitly applies to people charged as being inadmissible,
5 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
6 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
7 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
8 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,
9 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
10 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025
11 WL 1869299, at 7.

12 37. Section 1226 therefore leaves no doubt that it applies to people who face charges
13 of being inadmissible to the United States, including those who are present without admission or
14 parole.

15 38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
16 recently entered the United States. The statute’s entire framework is premised on inspections at
17 the border of people who are “seeking admission” to the United States. 8 U.S.C.
18 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
19 applies “at the Nation’s borders and ports of entry, where the Government must determine
20 whether [all] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
21 U.S. 281, 287 (2018).

1 39. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not
2 apply to people like Petitioner, who have already entered and were residing in the United States
3 at the time they were apprehended.

4 **FACTS**

5 40. Petitioner has resided in the United States since October 27, 2023, and currently
6 lives at [REDACTED].

7 41. On November 8, 2025, Petitioner was arrested by U.S. Immigration and Customs
8 Enforcement while reporting for a scheduled check-in at 26 Federal Plaza, New York, NY
9 10278. He continues to be detained at that same facility.

10 42. DHS placed Petitioner in removal proceedings before the New York Immigration
11 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
13 without inspection.

14 43. Petitioner is employed at [REDACTED]
15 11102, and maintains a stable source of income and a fixed residence. He regularly attends
16 services at the The Grace of Christ Chinese Church and is a baptized Christian. He is a person of
17 good moral character and has never had any criminal record. Petitioner is neither a flight risk nor
18 a danger to the community.

19 44. Upon information and belief, Petitioner contacted his friend to inform them that at
20 10:55 a.m. on November 8, 2025, he had been detained by ICE while attending a routine
21 reporting at 26 Federal Plaza, New York, NY 10278, within the jurisdiction of this Court.
22 However, at the time of this filing, his detention and location has not been updated to the ICE
23 Detainee Locator system. A true and correct copy of this record is attached hereto as **Exhibit A**.

24 45. On information and belief, ICE served Petitioner with a Notice to Appear (NTA)
initiating removal proceedings under 8 U.S.C. § 1229(a). The NTA charges Petitioner as

1 removable under the Immigration and Nationality Act and was filed with the Executive Office
2 for Immigration Review (EOIR) in New York. A true and correct copy of the NTA is attached
3 hereto as **Exhibit B**.

4 46. Petitioner has a pending Form I-589, Application for Asylum and for Withholding
5 of Removal, which was filed prior to his detention and remains awaiting adjudication. Although
6 Petitioner had a scheduled Master Calendar Hearing in connection with that application, the
7 hearing was subsequently cancelled as reflected in the Immigration Court's order. This pending
8 application demonstrates that Petitioner is actively pursuing lawful relief from removal. A true
9 and correct copy of the pending Form I-589 is attached hereto as **Exhibit C**.

10 47. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
11 Petitioner's bond request.

12 48. As a result, Petitioner remains in detention. Without relief from this court, he
13 faces the prospect of months, or even years, in immigration custody, separated from their family
14 and community.

15 CLAIMS FOR RELIEF

16 COUNT I 17 Violation of the INA

18 49. Petitioner incorporates by reference the allegations of fact set forth in the
19 preceding paragraphs.

20 50. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
21 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
22 relevant here, it does not apply to those who previously entered the country and have been
23 residing in the United States prior to being apprehended and placed in removal proceedings by
24

1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
2 § 1225(b)(1), § 1226(c), or § 1231.

3 51. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
4 detention and violates the INA.

5 **COUNT II**
6 **Violation of the Bond Regulations**

7 52. Petitioner incorporates by reference the allegations of fact set forth in preceding
8 paragraphs.

9 53. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
10 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
11 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the
12 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
13 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
14 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
15 (emphasis added). The agencies thus made clear that individuals who had entered without
16 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
17 1226 and its implementing regulations.

18 54. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
19 practice of applying § 1225(b)(2) to individual like Petitioner.

20 55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
21 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

22 **COUNT III**
23 **Violation of Due Process**

24 56. Petitioner repeats, re-alleges, and incorporates by reference each and every

1 allegation in the preceding paragraphs as if fully set forth herein.

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

6 58. Petitioner has a fundamental interest in liberty and being free from official
7 restraint.

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

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Order that Petitioner shall not be transferred outside the New York while this
14 habeas petition is pending;
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why this
16 Petition should not be granted within three days;
- 17 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
18 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
19 1226(a) within seven days;
- 20 e. Declare that Petitioner’s detention is unlawful;
- 21 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
22 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
23 law; and
24

1 g. Grant any other and further relief that this Court deems just and proper.
2
3

4 Dated: November 8, 2025,

LAW OFFICE OF NG & WASSERMAN PLLC

5 /s/ Jed S. Wasserman

6 By: Jed Wasserman
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EXHIBIT A



Report

Main Menu

Search Results: 0

Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18.

If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee.

If you conducted an A-Number search you may want to try conducting a name-based search instead.

If you are unable to find the detainee using the Online Detainee Locator System, please contact your [local field office](#).

For more information on the Missing Migrant Program please visit [link](#).

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EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

In the Matter of:

FANGZENG HUANG

Respondent:

currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF ;
3. You arrived in the United States at or near TECATE, CA , on or about October 27, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

26 FEDERAL PLZ, 12TH FL RM1237 NEW YORK NY 10278
(Complete Address of Immigration Court, including Room Number, if any)

on July 16, 2024 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer) (Sign in ink)

TIMOTHY N EVERS
Date: 2023.10.29 16:27:04 -07:00
0029382834.CBP

Date: October 29, 2023

San Diego, California
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 29, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the MANDARIN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) (Sign in ink)

JOSUE RAMIREZ-CORTEZ, Border Patrol Agent
 Date: 2023.10.29 18:23:50 -07:00

 (Signature and Title of officer) (Sign in ink)

Privacy Act Statement**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT C

Jed S. Wasserman
Law Office of Ng & Wasserman, PLLC
27 E. Broadway, 2nd Floor
New York, NY 10002

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK, NEW YORK

In the Matter of:)
)
HUANG FANGZENG)
)
In Removal Proceedings)
_____)

File No. 

Immigration Judge: TBD

Next Hearing Date: TBD

RESPONDENT'S FORM I-589 WITH ATTACHED STATEMENT



Court Closures Today November 6, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Home > HUANG, FANGZENG



Automated Case Information

Name: HUANG, FANGZENG | A-Number: [REDACTED] | Docket Date: 11/26/2023

Next Hearing Information



There are no future hearings for this case.

Court Decision and Motion Information



This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

26 FEDERAL PLZ 12TH FL RM 1237
NEW YORK, NY 10278

PHONE NUMBER

(212) 602-6500

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK, NY

IN THE MATTER OF) IN REMOVAL PROCEEDINGS
) DATE: Jul 3, 2024
)
HUANG, FANGZENG)
Respondent(s)) FILE NO.: 
)

DECISION ON REMOVABILITY

The respondent, through counsel, has submitted written pleadings. Based upon the record presented, including any admissions of factual allegations and concessions to the charge(s) by the respondent, the Court finds the respondent removable from the United States as charged pursuant to .

The court hereby directs CHINA _____ as the country of removal in this case.

SCHEDULING ORDER

1. The respondent must file any applications, prima facie evidence of eligibility, legal briefs, and supporting documents within 60 days of the date of this order. A copy of the applications and supporting documents must be served on the Department of Homeland Security.

2. Either party may file a dispositive motion, stipulation, or joint motion at any time.

3. The respondent has been provided a copy of a notice and instructions to provide biometrics and other biographical information to DHS. Failure to comply with these instructions or to provide biometrics or other biographical information to DHS may result in a finding that any applications for covered forms of relief have been abandoned, unless good cause for the failure to comply is shown. 8 C.F.R. § 1003.47(c).

4. Failure to abide by the deadlines specified in this order may result in a finding that the opportunity to file applications for relief has been waived. 8 C.F.R. § 1003.31(h); see also Matter of R-R-, 20 I&N Dec. 547, 549 (BIA 1992).

So ordered.
07/03/2024
Date

/s/ Karen Nazaire
Karen Nazaire
Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [] ALIEN c/o Custodial Officer [e] ALIEN's ATT/REP [e] DHS
DATE: 07/03/2024 BY: IJ / COURT ar M5
Attachments: [] BIOMETRICS [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other: