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Hon. Jose R. Almonte, U.S.M.J.
By ECF

Dec. 15, 2025

Re: Pablo Martinez Ron v. Todd Lyons, Et. Al.
Docket No. 25-17359

Dear Judge Almonte,

The Court is presently tasked with determining the appropriateness of discovery in a pending petition for habeas corpus challenging his unlawful re-detention by ICE after two incident-free years on supervision, the lack of Due Process provided to the Petitioner at his district-court-ordered bond hearing, and the overall inability of the Immigration Courts ("IC") to provide Due Process compliant hearings while all Immigration Judges ("IJ") fear for their employment and are clearly under directives to ignore precedent, law and logic.

The petitioner entered the U.S. without inspection in 2023. He was detained and released by CBP and has been compliant with the terms of his release for two years. ICE unlawfully re-detained him without bond and the IC would not provide a bond hearing pursuant to the BIA's decision in Matter of Yajure. This Court ordered a bond hearing. The petitioner submitted significant evidence, see Document 14, to the IC establishing: (1) Petitioner lived with his fiancé in a house owned by the fiance's mother, (2) the couple were undergoing IVF treatments, (3) petitioner had stable employment pursuant to his Employment Authorization Document, (4) petitioner had updated his address with the IC after moving, and (5) attended his only court date. The IJ's findings, as articulated in Document 14, were contrary to all law and precedent without any basis in law or logic. In the last months, the IC has fired approximately 100 IJs who were experienced and had application approval rates of 50% or higher to replace them with military judges with no experience. Exhibit A. The

DOJ's advertisements for replacements solicit "Deportation Judges" rather than Immigration Judges. Exhibit B. Experienced immigration attorneys report a pattern of impossible standards and disregard of precedent in bond hearings. Exhibit C.

The court has a duty to provide the necessary facilities and procedures for an adequate inquiry if a petitioner shows that, if facts are fully developed, he may be able to demonstrate illegal confinement. Allegations should be case specific. Harris v. Nelson, 394 U.S. 286 (1969). In Bracy v. Gramley, 520 U.S. 899 (1997), the petitioner alleged the judge had taken bribes in other cases, which was considered sufficient to require discovery. Good cause should be more than mere speculation, but as low as a reason to believe that if the facts are fully developed, the petitioner may be entitled to relief. Cornwell v. Bradshaw, 559 F.3d 398 (6th Cir 2009).

The requested discovery is necessary, and satisfies the good cause standard, to shed light on why IJs are being fired, what directives and threats they are operating under, what training and instructions are being provided to new IJs, and to determine if it is possible to obtain a Due Process compliant hearing before IJ Counihan or the IC in general. The discovery will shed light on why IJs, who are at-will employees, are afraid to abide by the law because doing so will result in termination of their employment. The issue here is worse and more direct than the bribery alleged in Bracy; it is unlawful directives and retaliation by the executive branch to and against IJs who follow the law rather than the deportation agenda of the executive branch. Interrogatories and depositions are not being requested due to the urgency of this matter and because the discovery requested will be most illustrative of the Petitioner's claims.

The requested discovery will shed light on why this IJ and the IC in general is arbitrarily and capriciously disregarding 50 years of its own precedent that is factually and legally exactly on point. See Matter of Patel, 15 I&N 666 (BIA 1976)(non-citizen resided in the U.S. for two years, had no criminal history, lived with wife and child, held a steady job, kept the IC apprised of a change in address and the likely denial of a visa petition was not a relevant factor). For 50 years, there has been law almost identical to the present case. In 2025, without explanation, the law has vanished.

Neither ICE, not the IJ, mentioned or considered that DHS already determined the petitioner is neither a flight risk nor a danger to the community pursuant to 8 C.F.R. 236.1 or 8 C.F.R. 212.5 when it released him on Dec. 13, 2023. Neither DHS nor the IJ mentioned or considered his two years of compliance with the terms of his release. The absence of this from the IJ's determination demonstrates clearly there was no individual consideration provided. The requested discovery will shed light both on why ICE unlawfully re-detained the Petitioner after two years of full compliance with the terms of his release, which is a claim separate and apart from the claim relating to the IC, and on the IC's conduct.

Respectfully submitted,
/s/ Eric M. Mark
Eric M. Mark, Esq.

EXHIBIT A

Immigration courts thrown into chaos as Trump administration purges dozens of judges

The president has ousted about one-seventh of the DOJ judges weighing whether to deport noncitizens.

A federal agent patrols a New York immigration court where several judges have been purged this year. | Michael M. Santiago/Getty Images

By **EMILY NGO**
12/06/2025 11:59 AM EST

NEW YORK — A massive purge of judges has left the federal government's web of immigration courts decimated and in disarray. Ousted jurists believe that's by design.

The roster of those who've lost their jobs since President Donald Trump returned to office includes judges with higher than average rates of granting migrants asylum, judges with dual citizenship and those with a history of providing legal defense to immigrants. But not all of them fit that mold.

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So far this year, the Trump administration has dismissed at least 98 of the approximately 700 immigration judges who were on the bench, according to the National Association of Immigration Judges, an organization that advocates for independent immigration courts. Dozens more have retired or resigned. The diminishing headcount and mounting backlog of cases is fueling further disorder at immigration courts already roiled by masked federal agents detaining migrants and reduced pathways to legal status.

The courtroom culling process has become formulaic, ousted judges and their advocates told POLITICO: The judges receive an email stating Attorney General Pam Bondi has removed them from their posts, pursuant to Article II of the Constitution; their names are immediately struck from the Department of Justice's website; and the news of the latest wave ricochets around chat groups formed among ousted colleagues.

Immigration judges are treated as at-will employees because the administrative courts they preside over fall under the purview of the Department of Justice and are not part of the judiciary branch. Rulings by judges in those immigration courts can ultimately be overturned by the attorney general. The oustings have renewed calls for the immigration courts to be independent of the executive branch — a push unlikely to gain traction in a Republican-controlled Congress.

A Department of Justice spokesperson blamed the current state of affairs on former President Joe Biden's administration.

"After four years of the Biden Administration forcing Immigration Courts to implement a de facto amnesty for hundreds of thousands of aliens, this Department of Justice is restoring integrity to our immigration system and encourages talented legal professionals to join in our mission to protect national security and public safety," the spokesperson said.

The Trump administration has sought to replace terminated immigration judges with military lawyers as a stopgap and recruit "deportation judges to ensure that only aliens with legally meritorious claims are allowed to remain."

"We all felt like you can't do more damage than you already have to the immigration courts and to justice and to due process. Yet it's like, 'Hold my beer, watch this,'" said Judge Jennifer Peyton, who told POLITICO she was fired in July in Chicago, where 14 judges remain. "New York is decimated. Chelmsford (Massachusetts) is decimated. The San Francisco court is decimated. Chicago is down half. There's literally millions — millions with an 'm' — millions of cases that are pending."

At New York City's 26 Federal Plaza, an epicenter of clashes between immigrants, federal agents and protesters, seven judges were pushed out in one day this week. The wave of dismissals leaves 25 immigration judges in a courthouse that in January had 37, according to a comparison of Department of Justice staff lists now and then.

The most senior among the New Yorkers is former Assistant Chief Immigration Judge Amiena Khan, who is on the American Accountability Foundation's "bureaucrat watch list." Peyton of Chicago is also on the conservative opposition research group's list. Of the nine judges targeted by it, only one remains on the bench: Claudia Cubas of Maryland.

Many of the judges are challenging their dismissals.

Cassin of New York has begun the process. Former Judge Tania Nemer of Ohio, who said she was fired in February, filed a lawsuit this week alleging the Department of Justice discriminated against her on the basis of sex, national origin and political affiliation. Nemer is a dual citizen of the United States and Lebanon and had sought local office as a Democrat.

Bondi referenced Nemer's lawsuit at a Cabinet meeting, quipping, "Last I checked, I was a woman as well."

The seven judges terminated in New York on Dec. 1 are all women: Khan, Lisa Ehrens, Maria Lurye, Alice Segal, Evalyn Douchy, Theodora Kouris and Lori Adams, five judges and court observers told POLITICO.

The expulsions have intensified the need for independent immigration courts, judges and Democratic lawmakers said.

"These unlawful and politicized firings are definitely just another reason why there's a strong need for an independent judiciary under Article I or Article III of the Constitution," said Anam Petit, a former Virginia immigration judge who

said she was fired in September. “Judges should not be afraid for their jobs. They shouldn’t be nervous that they need to rule a certain way.”

Reps. Dan Goldman (D-N.Y.) and Zoe Lofgren (D-Calif.) plan to reintroduce legislation to move immigration courts out of the executive branch. The bill would establish an independent immigration court system.

“By firing immigration judges whose rulings he does not like, President Trump is installing himself as the judge and jury of his own decisions,” said Goldman, who has frequently sought to inspect areas in 26 Federal Plaza where migrants are being held. Goldman is part of a slate of House members suing the Trump administration for barring them from providing congressional oversight.

Meanwhile, the Department of Justice has launched a campaign seeking those willing to serve as “deportation” judges to fill the vacuum and is offering additional enticements. According to a job posting, the DOJ will provide a “25% of base pay recruitment incentive for first-time federal employees” placed in New York; Chelmsford, Massachusetts; San Francisco and other cities where a significant number of experienced immigration judges have been let go.

Jeremiah Johnson, an immigration judge who said he was fired in San Francisco late last month, called the recruitment effort a “false advertisement” that makes light of, and offers a bonus for, a position he and others consider a serious responsibility.

“During Trump One, when I was appointed, there was a policy that got some pushback called ‘No Dark Courtrooms.’ We were to hear cases every day, use all the space,” Johnson said in an interview. “Now, there’s vacant courtrooms that are not being utilized. And any attempts by the administration saying they’re replacing judges — the math just doesn’t work if you look at the numbers.”

FILED UNDER: UNDOCUMENTED IMMIGRANTS, IMMIGRATION AND CUSTOMS ENFORCEMENT

EXHIBIT B

8:15

Post

Tricia McLaughlin
@TriciaOhio

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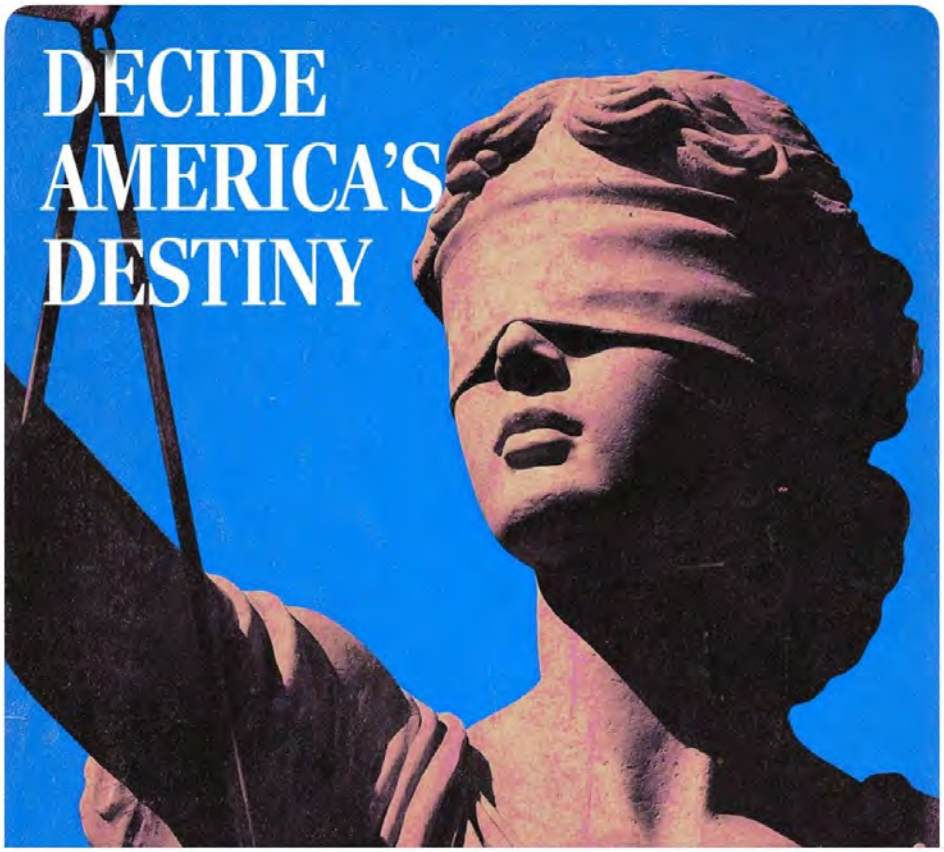

Post your reply

EXHIBIT C

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December 12, 2025

AFFIDAVIT OF MATTHEW J. ARCHAMBEAULT

I swear, under the penalty of perjury, the following is true and correct. I have been a practicing immigration attorney for over 23 years. I practice primarily in removal defense, including the representation of detained individuals. I have appeared in immigration courts in Pennsylvania, New Jersey, New York, Maryland, Florida, Georgia, North Carolina, Texas, Louisiana, Colorado, California, Washington, Puerto Rico, St. Thomas, and St. Lucia over my career. I have also represented immigrants in federal court at both the District and Circuit levels.

I write this affidavit for general use for my colleagues for submission in any court proceedings they feel appropriate.

I have represented hundreds of clients over the years and done scores of bond redetermination hearings. Under the current administration, bond redeterminations have undergone a noticeable shift, most notably in the issuance of the BIA precedent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) . This decision illegally concluded that a vast swath of immigrants, who entered without inspection, were subjected to mandatory detention pursuant to INA 235(b)(2), and not eligible for bond. Decades of practice and legal precedent found the same individuals eligible for bond and detained under INA 236(a). Hundreds of federal district courts have ruled against the administration following a flood of habeas corpus petitions nationwide. The result of this litigation has been that immigrants are either released or afforded an opportunity to have a bond hearing before an immigration judge.

I represent Jorge Perez Florez in both immigration court and the New Jersey District Court (case no. 2-25-cv-17865-SDW). Mr. Perez Florez was detained by ICE on November 24, 2025, and transported to the Elizabeth Detention Center in Elizabeth, New Jersey. I filed a habeas corpus petition on his behalf on the same day, and the Honorable Susan D. Wigenton of the New Jersey District Court issued a text order directing that a bond hearing be held by December 1, 2025. Immigration Judge Ramin Rastegar conducted a bond hearing on December 1, 2025, at the Elizabeth Immigration Court in Elizabeth, New Jersey.

Mr. Jorge Perez Florez is a Mexican immigrant who has been in the United States for more than 18 years, lives with his long-term partner and their 15-year-old U.S. citizen daughter in Maple Shade, New Jersey. Mr. Perez Florez has resided at the Maple Shade, New Jersey, address for more than 8 years and in the immediate area for the entirety of his time in the United States. Mr. Perez Florez has never been arrested in the United States or anywhere else in the world. Mr. Perez Florez is eligible to apply for Cancellation of Removal for Certain Non-

Permanent Residents, as he has been in the United States for more than ten years, has a US citizen child who would suffer extreme and unusual hardship if he were removed, and has been a person of good moral character and worthy of discretion. Mr. Perez Florez's US citizen daughter had been recently hospitalized for anxiety disorder and was beginning treatment. Mr. Perez Florez had numerous persons write on his behalf, and a US citizen sponsor was prepared to post any bond issued by the immigration judge.

The Department of Homeland Security raised the following negative factor: Mr. Perez Florez had previously attempted to enter the United States more than 18 years ago, was voluntarily returned, and then re-entered undetected. DHS also concluded that Mr. Perez had received a traffic ticket in 2009, when it appears he did not have a license, as an indicator of dangerousness. DHS further questioned a "learner's permit" from Maryland obtained by Mr. Perez Florez, despite his never appearing to live in Maryland.

These sets of facts would traditionally have earned Mr. Perez Florez a bond, as his lack of criminal history indicates he is not a danger to the community, and his long-term, stable residency in the United States with a family, relief from removal available, and support from the community would indicate he is not a flight risk. In my professional experience, one would expect a bond ranging from $2,500 to $10,000. This was not the case this time.

Immigration Judge Rastegar ruled that he posed a danger to the community and a flight risk so significant that no amount of bond would ensure his appearance for deportation if he lost his case. Immigration Judge Rastegar refused to explain why Mr. Perez Florez was a flight risk, indicating we could read it in his bond memorandum if we appealed. He did explain that Mr. Perez Florez's long-term residency here was a negative factor, as he never attempted to "fix" his immigration status, despite the fact that no options for doing so existed. After extensive questioning, Judge Rastegar concluded that Mr. Perez Florez was not credible based on his receiving a "driver's license" from Maryland, even though it was apparent he never lived there, and questions regarding an educational program Mr. Perez Florez completed in Camden, NJ. Judge Rastegar also held the fact that no applciation for relief had not been submitted to the immigraiton court, despite the fact that he had yet to appear for his first initial master calendar hearing (bond proceedings are separate and distinct from removal proceedings), which was scheduled for December 8, 2025 and pleadings on the allegations alleged by the Department of Homeland Security had not been completed. Judge Rastegar refused to recognize Mr. Perez Florez's long-term, committed relationship with the mother of their child because they were not married. Lastly, Judge Rastegar concluded that, because there was scant documentation of the medical condition affecting his 15-year-old USC daughter, he could not meet his burden to approve any Cancellation of Removal Application submitted, and that no amount of bond would be sufficient to ensure Mr. Perez Florez would appear for his ordered removal. Judge Rastegar did not even consider other restrictions on Mr. Perez Florez's liberty that could have ensured his compliance, such as electronic monitoring and/or reporting to ICE.

In my 23-year professional career, I have never had a bond flatly denied under similar facts. It is clear that I am not alone. The New Jersey AILA listserve is replete with similar, and even more egregious examples of bond denials from the judges at the Elizabeth Immigration Court and other courts across the country. I observed a bond hearing for an immigrant who has been in the United States for over 20 years, several US citizen children, one with a serious heart

condition, and no criminal record, denied a bond by Immigration Judge Wilson, finding he was a flight risk because he resided so long in the United States without being detected and that no amount of bond would be sufficient to ensure he complied with a deportation order. Now immigration judges are using immigrants' long-term residency and deep ties to the community as evidence of their flight risk. This is not normal.

Despite the losses of over 200 federal district court cases on the issue of detention pursuant to INA 235(b)(2), DHS persists in illegally denying immigrants their statutory right to a bond hearing, causing the current flood of litigation that is taking the time of US Attorneys who could be working on essential cases affecting our security as a nation, and time away from District Court judges and their staff. DHS has no incentive to change its practice if the result is immigrants spending thousands of dollars for legal representation and a rigged bond hearing, designed only to deny deserving immigrants the ability to receive a bond and return to their families and community as Congress intended.

We implore District Court judges to address this issue by either ordering the straight release from detention when it is shown that the detention is illegal, or conducting their own bond analysis and making their own determination regarding the issuance of bond, the amount, and any other restrictions the Court deems necessary.

We sincerely appreciate the Court's attention to this matter.

Respectfully,
/s/Matthew J. Archambeault
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AFFIDAVIT OF ADRIANA MITCHELL, ESQ.

I am the attorney representing Mr. Delgado-Villegas in Immigration Court.

On December 4, 2025, the Honorable District Court Judge Paul S. Diamond granted Mr. Delgado-Villegas's *habeas corpus* petition and ordered that a bond hearing on his case be held no later than December 11, 2025.

On December 10, 2025, at or around 9:00 a.m., I appeared in Immigration Court in Newark, New Jersey, by video for a bond reconsideration hearing. The bond hearing was conducted by the Immigration Judge Tamar Wilson.

At the beginning of the hearing, I argued that Mr. Delgado-Villegas, who has been present in the United States for more than twenty-five years, has no criminal history, is gainfully employed, and is the father of three U.S.-citizen children, is neither a risk of flight nor a danger to the community, and that he should be released on bond. I stated that my client has strong incentives to participate in his future court hearings because he is *prima facie* eligible for immigration relief in the form of Cancellation of Removal for Non-Lawful Permanent Residents.

In response, the U.S. Immigration and Customs Enforcement ("ICE") attorney, Keith Hoppes, argued that, even though he did not believe Mr. Delgado-Villegas is currently a risk of flight, he had concerns that Mr. Delgado-Villegas might become a risk of flight in the event he was to lose his immigration case.

The Immigration Judge orally denied bond, finding that Mr. Delgado-Villegas is a risk of flight because, as she stated, "he resided in the United States for more than twenty-five years undetected" without applying for any immigration relief.

I pointed out that Mr. Delgado-Villegas was not eligible for any relief, and that he became eligible for Cancellation of Removal only after being placed in removal proceedings.

The Immigration Judge then went on to justify her finding of risk of flight by expressing skepticism regarding Mr. Delgado-Villegas's chances of prevailing on his application for Cancellation of Removal. She also stated that Mr. Delgado-Villegas had lived at his current address "for only three years" and had not filed tax returns. She suggested that he either lied about or underreported his income because, in her opinion, the amount he was making was not enough to support his family.

Ultimately, the Immigration Judge found that Respondent presents a risk of flight and denied bond. I reserved appeal, and the Immigration Judge stated that the appeal is due on January 9, 2026.

The judge failed to consider any alternative to detention to mitigate what she perceived as a flight risk, even though my client has a bond sponsor, a clean record, solid ties to the United States and incentives to appear in court and fight his case. Based on information and believes, Mr. Delgado-Villegas' case is not isolated, but part of a pattern of conduct.

VERIFICATION

I, Adriana Mitchell, Esq., hereby verify that the statements contained therein are true and correct to the best of my knowledge, information, and belief, based upon my personal recollection and the notes I prepared immediately following Mr. Gabriel Delgado-Villegas's bond reconsideration hearing on December 10, 2025.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of December 2025, in Philadelphia, Pennsylvania

Adriana Mitchell
PA Bar Number 323243

Affidavit of Alexis M. Price

My name is Alexis M. Price. I am a practicing immigration attorney licensed before the New Jersey Bar (Bar No. 496882025). My practice includes extensive work in detained and non-detained dockets across multiple jurisdictions, including the Elizabeth Immigration Court, the Philadelphia Immigration Court, and related detention facilities.

For attorneys who regularly practice before EOIR—particularly within detained dockets—it has become increasingly clear that the Immigration Court has taken a severe departure from longstanding practice and interpretation of the Immigration and Nationality Act (INA) and controlling BIA precedent. Throughout recent months, practitioners have observed rapidly shifting regulatory standards, inconsistent adjudications, opaque procedural policies, and a systemic restriction of access to bond and other procedural protections. In my experience, these trends have become markedly pronounced over the last several months, with direct and significant impact on Respondents' ability to obtain fair and meaningful review.

I have represented numerous detained individuals in proceedings before the Immigration Court, including individuals with strong equities, fixed residences, no criminal history, and demonstrated compliance with all immigration obligations. Despite these facts, nearly all of the detained individuals I have represented over the course of the last several months have ultimately been denied release.

Even in cases where an immigration judge granted a bond order after full evidentiary presentation, adverse DHS action and subsequent appellate intervention have effectively ensured prolonged detention and, in some instances, removal before the Respondent's appeal could be adjudicated.

One such case involved a thirty-three-year-old Brazilian asylum applicant identified here for privacy as "C.S.S." My office was retained to represent his family—C.S.S., his wife, and his minor stepson—in non-detained removal proceedings before the Philadelphia Immigration Court. C.S.S. had no criminal convictions, resided consistently with his wife and minor stepson, complied with every notice and requirement issued by DHS or EOIR, and had presented himself willingly when required. His minor stepson is the beneficiary of federally recognized juvenile protections as a Special Immigrant Juvenile, a classification that will ultimately provide him lawful permanent residency.

The family has lived in the United States for nearly five years, during which they have maintained stable employment, paid taxes, and developed meaningful connections in their community. In late May 2025, C.S.S. was detained and placed in proceedings before the Elizabeth Immigration Court. On July 30, 2025, the presiding immigration judge granted bond in the amount of $12,000. DHS immediately reserved appeal and requested an automatic stay of release during the pendency of the BIA appeal.

On September 2, 2025, the Board of Immigration Appeals issued a briefing schedule for presentation of arguments.On October 31, 2025, the BIA issued a decision vacating bond and denying C.S.S. relief, relying on the Board's decision in *Matter of Yajure-Hurtado*. Notably, *Yajure-Hurtado* was issued and made precedential *after* the immigration judge granted bond, thereby applying new restrictive standards retroactively to an order previously issued under longstanding practice. As of the date of this affidavit, C.S.S. remains detained at the Moshannon Valley Processing Center despite having prevailed before an immigration judge.

I also represented a man from El Salvador, identified as "M.M.G.," who was detained at Moshannon Valley beginning in September 2024**.** His detention stemmed from a false allegation made by an ex-partner amid contentious custody proceedings. The criminal charges were ultimately dismissed in state court.

We sought bond before the immigration court while pursuing Cancellation of Removal on the basis of his four minor U.S. citizen children. One child was born during his detention, whom he held just a few times.

The immigration judge granted bond; DHS appealed and sought a stay pending appeal. While awaiting a BIA briefing schedule in the bond matter, EOIR advanced his final merits hearing from September 11, 2025, to August 15, 2025—less than half the time originally allotted. Counsel immediately sought a continuance due to the extraordinary circumstances, including the pending BIA bond appeal and the need for meaningful preparation. This request was denied almost immediately.

A Cancellation of Removal case—particularly one involving four qualifying U.S. citizen children—requires extensive preparation, including psychological evaluations, affidavits from teachers, specialists, or medical professionals, and detailed country conditions evidence. Such preparation typically spans many months.

M.M.G. was afforded only weeks, and then even fewer, after EOIR's advancement of his

hearing. He was ultimately removed from the United States while his bond appeal before the BIA remained pending.

These experiences are not isolated events; they reflect a pattern now readily apparent to practitioners nationwide. The consistent elevation of procedural barriers, the retroactive application of newly issued precedents, the restrictive interpretation of judicial authority, and the DHS practice of appealing nearly every bond order collectively demonstrate an intentional erosion of Respondents' ability to obtain fair adjudication.

It has become clear to many practitioners that the immigration court—often in concert with DHS and the Department of Justice—has created an environment where procedural hurdles are engineered to move the goalposts continually**.** Each time a Respondent satisfies the standards purportedly required, new obstacles emerge, standards shift, or orders are rendered ineffective by administrative maneuvering.

This is not due process. It is not fundamental fairness. It is not an accessible system of adjudication. In many cases, it is no process at all. What is occurring reflects the dismantling of meaningful immigration review, and in many circumstances, the dismantling of due process itself.

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

Dated: December 11, 2025

//s// Alexis M. Price, Esq.

Alexis M. Price
NJ Bar: 496882025

AFFIDAVIT OF ERIC M. MARK, ESQ.

I have been practicing criminal defense and immigration for more than 15 years and have represented dozens, or hundreds, of clients during bond proceedings before the Immigration Court.

Presently, I am the attorney representing Pablo Martinez Ron before the Immigration Court and before the U.S. District Court for the District of New Jersey before the Hon. Michael E. Farbiarz on a Petition for Habeas Corpus.

Judge Farbiarz ordered a bond hearing for Mr. Martinez Ron that was conducted by Immigration Judge Counihan of the Batavia Immigration Court. Mr. Martinez Ron has been present in the United States for approximately two years. He has no criminal history. He was initially on the docket in Maryland and appeared there once for a hearing. Subsequently, he changed his address with the court and venue was transferred to New Jersey. He was awaiting a hearing in New Jersey. Substantial documentary evidence was submitted demonstrating that he was engaged to be married and lived with his fiancé and his fiance's mother in a house owned by his fiance's mother. The couple had begun IVF treatments, including blood draws and payments and this was also documented to the court. His fiancé was present at the bond hearing.

Despite this evidence, the immigration judge found Mr. Martinez Ron did not have a meaningful family tie in the United States, and that he might have such a tie if he got married. The immigration judge found he did not have a fixed address in the U.S. because he had previously lived at other addresses, was not on the deed and there was no lease. The judge also held against him, without articulating why, that he made $500 - $700 per week.

In the past, such facts would have resulted in a low bond based on decades of caselaw. Her the immigration judge created an impossible standard. Evidence of stable employment was somehow held against the non-citizen. Living with a fiancé and going through IVF was somehow not sufficient to establish a meaningful tie to the U.S. Merely having prior addresses, something that virtually every person on the face of the Earth has, was held against him even though he updated the court when he moved and appeared in court when scheduled.

It is evident that immigration judges have been instructed not to issue bonds and what rationales to rely on to do so. Judges who have been issuing bonds for years, if they have not been terminated, have suddenly stopped issuing bonds. Facts and evidence that were sufficient evidence in 2024 are completely discarded or held against the non-citizens in

2025. The burden of proof has been elevated to such a level that it is impossible to meet and is far beyond what is constitutionally permissible or statutorily authorized.

I affirm that the foregoing statements are true and correct and that any willfully false statement is punishable under the penalty of perjury.

Dated: Decemeber 11, 2025

/s/ Eric M. Mark

Eric M. Mark, Esq.

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AFFIDAVIT OF NOEMI C. SIMBRON IN HER CAPACITY AS AN IMMIGRATION ATTORNEY

I have been a member of the New Jersey Bar of Attorneys and of the New Jersey Federal District Court since 2016. I have been a solo practitioner concentrating mainly in representing immigrants before the USCIS and in Removal Proceedings in immigration Court. Before I was admitted to the Bar, I worked as a legal assistant for respected counsels also from our district for 8 years. Accordingly, I have personally handled and participated in documenting hundreds of cases before immigration courts all over the country.

I am writing this statement in good faith to provide the Federal Court with my testimony of the obvious change in impossible standards that immigration judges are currently applying to individuals who are seeking release under bond. Over the course of my career, I have witnessed individuals being provided with a fair opportunity to be released under bond when they are able to show that there is neither a danger to the community nor a flight risk. Whenever an adjudicator immigration judge found that an individual had less than ideal ties to the community, he or she would even grant a larger amount so as to secure their continued appearances at future hearings. This practice seems to have been eradicated since July of 2025.

There seems to be internal instructions to judges to find ways to deny release under bond which were never there before. For instance, I recently represented a 42-year-old Mexican lady, Ms. Eva Alvarez Coeto, before the immigration court (A221-491-571) and this honorable tribunal (2:25-cv-17789-B). Ms. Alvarez entered the United States without inspection in the year 2002. Over the course of her 22-year life span in the U.S., she bore four U.S.C. children (ages 21, 18, 13 and 12)– all of whom resided with her up until the time she was detained. The two youngest children have learning and speech disabilities. Also, she heavily cooperated with the Passaic Police Department in prosecuting the father of her younger children when he showed pornographic videos to her oldest daughter. This participation led to the criminal conviction of this individual, thereby making Ms. Alvarez Coeto also eligible to apply for U visa status. In August of 2025, Ms. Alvarez moved into the father of her older children's father's home following a reduction of her hours at work. The father of her children attempted to kiss Ms. Alvarez against her will and she slapped him once due to unwanted advances before leaving his house. This incident was reported to the police by the father of Ms. Alvarez's children and she was charged with simple assault in the city of Clifton, NJ on or about August 27, 2025. Ms. Alvarez was arrested pursuant to that incident for the first and only time after being present in

the United States for 22 years. She was then referred to immigration detention and is currently being held at the Delaney Hall Detention Center.

On November 20, 2025, this counsel was retained to represent Ms. Alvarez Coeto for a Petition for Habeas Corpus. In preparation for the petition for Habeas Corpus, this counsel requested a bond hearing before the Immigration Court. The immigration Court scheduled a bond redetermination hearing on December 9, 2025. This counsel provided the Court with the children's birth certificates, their medical records showing that the youngest 2 suffer from learning disabilities, evidence of Ms. Alvarez Coeto's work history in the 22 years she has lived here, and a statement from Ms. Alvarez Coeto describing the underlying circumstances leading to the arrest as well as the consequences of her detention, including the fact that custody of the youngest children is being handled by the State's Children's Services because their father is prohibited from approaching them due to the existence of his record as a sexual predator. After hearing legal arguments, Immigration Judge Shana Chen found that she lacked jurisdiction pursuant to Yajure-Hurtado, 29 I&N 216 (BIA 2025) and Maldonado Bautista "not controlling on [that] Court." In the alternative, Judge Chen found that the Respondent "only acknowledged what she could not hide [from the arrest]," and that she was a danger to the community based upon this sole isolated incident in 22 years of history of hard work and raising American children. She also found that Ms. Alvarez Coeto was a flight risk despite her undeniable ties to the community due to the existence of minor children, and her eligibility to obtain status through the U visa statute for indirect victims of crimes as well as through Cancellation of Removal for Nonimmigrants.

In the past, such mild criminal offense would have never been the basis to find an individual such as Ms. Alvarez to be a danger to the community– especially in light of the obvious isolated nature of this offense. Most importantly, the extent of ties that Ms. Alvarez has to this community in her children and the heightened responsibilities of addressing their disabilities *on her own* because the father is under a permanent restraining order and is required to be registered as a sexual predator pursuant to Meghan's Laws is undeniable. In the past, a reasonable finder of fact would have considered that this woman would have a great incentive to pursue relief because her circumstances squarely fit eligibility for U visa status and Cancellations of Removal. Even the most conservative of judges in the country would have at least considered release under higher bond to assure the Respondent's future appearances and to discourage any further potential criminal actions. But this is not the case now. As I waited for my case to be called, I have heard other hearings handled by colleagues who are also being denied release due to absurd reasons which would have never led to denials in the past. This sort of stories about denials are also being shared by numerous of my colleagues within our listserve in the American Immigration Attorneys Association (AILA).

This internal change in the standards for release under bond has to be merely a plot to have immigrants be denied their due process rights because they know individuals who are hard-working and that do not engage in criminal conduct will not be able to withstand being in detention for extended periods of time. They also know that cutting those individuals' access to earn a living will cripple their ability to be represented by counsel causing a flood of them to give up their rights and just ask to voluntarily depart or be deported. And what happens with our

judicial system? Our constitutional rights? Our communities? As this Court is aware, access to bond has been cut by recently published case law to several categories of immigrants who would've been able to be released and to have a real opportunity to exercise their due process rights. For instance, under Qu Li, 29 I&N Dec. 66 (BIA 2025), there are no more bonds for individuals who are deemed "applicants for admissions," that if they had a stop and/or were processed near the border or a port of entry. Under Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), there is no more access to bond for individuals who were placed in expedited removal, or subjected to administrative deportation, even after they obtain a favorable result of a filter mechanism to be able to see a judge called a credible fear interview. Now, under Yajure-Hurtado, the government sought to subject every immigrant who may have entered without status at any time to mandatory detention. It is solely because of the intervention of the Federal Courts that this smaller group of individuals– those who are present unlawfully but are not deemed applicants for admission because they were arrested within the territory and are here for a lengthy period of time after their initial entry– have now access to bond when a Petition for Habeas is granted. But, what good does it do if the cases fall back into the same pattern through (presumably) unpublished instructions being received by the immigration judges who are still being mandated to find alternate ways to deny our clients of their due process rights?

Through this letter, I unite my plea to my colleagues to please order our clients released after conducting a fair analysis through this tribunal as we had in the immigration court before the current impossible standards for release were internally mandated. Thank you in advance for your attention.

Respectfully,

/s/ Noemi C. Simbron
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