

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**EVELIN JOSEFINA PEREZ,**

S   
A minor,

Case No.

Petitioners,

**PETITION FOR WRIT OF  
HABEAS CORPUS**

v.

**KEVIN RAYCRAFT**, Acting Field Office  
Director of Enforcement and Removal  
Operations, Detroit Field Office, Immigration  
and Customs Enforcement; **KRISTI NOEM**,  
Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; **PAMELA BONDI**,  
U.S. Attorney General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW; xxx Facility;

Respondents.

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**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST  
FOR A TEMPORARY RESTRAINING ORDER**

## INTRODUCTION

1. Petitioners, Evelin Josefina Perez and S[REDACTED], a minor, are citizens of Venezuela who were admitted to the US in November 2024, were placed on parole and have timely filed a Petition for Asylum which is now pending. From November 2024 until December 7, 2025, the Petitioners lived in the United States and have complied with all the terms and conditions of their admission.

2. On or about, December 7, 2025, however, the Warren Police Department stopped a vehicle driven by S[REDACTED], for a minor traffic violation. Following that arrest, the Warren Police Department turned the Petitioners over to Customs and Border Patrol.

3. The Petitioners are now unlawfully detained because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioners are subject to mandatory detention.

4. **Upon information and belief, the Respondents have informed the Petitioner S[REDACTED] that he and his mother will be transferred to Texas this evening or tomorrow morning. The Petitioners thus ask for a Temporary Restraining Order enjoining any transfer out of this state until this Court has an opportunity to review and decide this petition.**

5. Respondents previously conceded that detention is governed by 8 U.S.C. § 1226, which would entitle this family to individualized custody hearings in Immigration Court, but now they argue that they all must be detained without bond under 8 U.S.C. § 1225. *See* Exhibits 1-2.

6. From that time forward, DHS has held the Petitioners in custody, denied them bond, and advised them that they would soon be transported to Texas in preparation for deportation. The DHS has denied Petitioners release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection—to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2), no matter how long they have resided in the United States.

7. The DHS policy states it was issued “in coordination with the Department of Justice (DOJ).” This position has now been officially sanctioned and made binding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

8. Petitioners’ detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like the Petitioners who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies

to people who, like the Petitioners, are residing in the United States but are charged as inadmissible for having initially entered the United States without inspection.


9. For nearly thirty years, Respondents and the federal courts recognized that noncitizens who entered the United States without inspection and were apprehended years later were eligible for a bond hearing before an immigration judge under 8 U.S.C. § 1226(a).

10. The government's novel position would mandate the detention, without a bond hearing, of millions of longtime residents of the United States. It is contrary to the plain language of the statute; Congress's intent and understanding of the detention statutes, expressed most recently in January 2025; and long-standing agency practice. It is no surprise that, to the best of counsel's knowledge, this new interpretation has been squarely rejected by nearly every federal court to address this issue, including in the Eastern District of Michigan.

11. In *Demirel v. Federal Detention Center*, the court compiled a list of 288 decisions addressing the same issue present in this case. 25-5488, Appendix, ECF 11-1 (E.D. Pa. Nov. 18, 2025). 282 decisions found that § 1226, not § 1225, applies in situations similar to the Petitioners, and only six found otherwise. The *Demirel* Court's Appendix is attached at Exhibit 6.

12. As court after court has held, § 1225 is a border inspection scheme that does not apply to noncitizens who were already residing in the United States

when they were apprehended. Instead, § 1226(a) plainly applies. And those courts all rejected the government's argument that exhaustion is a barrier to habeas relief.

13. This Court should grant the petition of Evelin Josefina Perez and S  a minor, and order Respondents to either immediately release them or hold a new bond hearing within seven days. The Court should order that they not be removed from the State of Michigan pending its decision on this Petition.

14. Petitioners are not challenging any discretionary denial of bond; they are challenging the government's determination that Petitioners are not eligible for an individualized bond determination under § 1226(a) in the first place.

### **JURISDICTION**

15. Petitioners are in the physical custody of Respondents. Petitioners are detained at DHS Facility in Detroit, Michigan.

16. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). *See Rosales-Garcia v. Holland*, 322 F.3d 386, 394 (6th Cir. 2003).

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

U.S.C. § 1651. *See Ly v. Hansen*, 351 F.3d 263, 266 (6th Cir. 2003) *vacated on other grounds by Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020).

### VENUE

18. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioners are detained at the direction of, and are in the immediate custody of, Respondent Raycraft.

19. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the Eastern District of Michigan.


### REQUIREMENTS OF 28 U.S.C. § 2243

20. 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, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

21. 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

22. Evelin Josefina Perez and S  a minor, have been in immigration detention since approximately December 7, 2025.

23. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE’s Enforcement and Removal Operations division. As such, Acting Director Raycraft is Petitioners’ immediate custodian and is responsible for Petitioners’ detention and removal. He is named in his official capacity.

24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioners’ detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

25. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

26. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive

Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

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

### FACTS

28. Petitioners Evelin Josefina Perez and her minor child, S[REDACTED] entered the U.S. with inspection at San Ysidro, California on approximately November 14, 2024 and were issued an I-862, Notice to Appear for a hearing in Detroit, Michigan (Exhibits 1-2). Upon information and belief, the Petitioners were also issued a Form 220A, Order of Release on Recognizance, Form I-286, Notice of Custody Determination (placing them on parole), but neither Petitioners nor counsel now have those documents in their possession.

29. Petitioners Evelin Josefina Perez and her son, Santiago Jesus Zamora Perez, have been living in the United States since approximately November 2024, and have resided in Detroit since that time.

30. Evelin Josefina Perez is authorized to work and her son S[REDACTED] is an 11<sup>th</sup> grade student at Western International High School in Detroit, Michigan.

31. On or about April 14, 2025, Petitioners Evelin Josefina Perez filed an I-589 Application for Asylum and for Withholding Removal. with her son, S [REDACTED] as a beneficiary (Ex's 4-5). She was in removal proceedings in Detroit, Michigan, awaiting a hearing on their applications, which included her minor children as a derivative beneficiary. Her next date has been scheduled.

32. Petitioners Evelin Josefina Perez possessed a valid Michigan driver's license. However, because she was ill, she allowed S [REDACTED] to drive on December 7, 2025.

33. The Warren Police Department stopped the car for an alleged traffic violation and when they found that S [REDACTED] had no license and was an immigrant, the Police Department turned both Petitioners over to Customs and Border Patrol on December 7 or 8, 2025.

34. Upon the Petitioners recent detention, DHS detained Petitioners without bond and issued a Notice to Appear alleging that he is removable for entering the United States without inspection and lacking valid entry documents. 8 U.S.C. § 1182(a)(6)(A)(i).

35. Counsel is informed that Customs and Border Patrol today informed S [REDACTED] that he and his mother would be transported to Texas tonight or tomorrow morning.

36. Counsel accordingly requests that this Court issue a temporary restraining order preventing the Respondents from removing the Petitioners from this State until this Court has the opportunity to review and decide upon their request in this Petition.

37. Petitioners are not a flight risk or danger to the community. They have been good-standing members of society during their time here in the U.S. to the best of counsel's knowledge, they do not have criminal records that require mandatory detention under 8 U.S.C. § 1226(c).

38. A bond request to an Immigration Judge or BIA is futile. DHS's new policy was issued "in coordination with DOJ," which oversees the immigration courts. The BIA's precedential decision in *Yajure Hurtado* binds future BIA panels and all IJs. Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

### **LEGAL FRAMEWORK**

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

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

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

42. Third, the INA also provides for detention of noncitizens who have been ordered removed, *see* 8 U.S.C. § 1231(a)–(b).

43. This case challenges Respondents' erroneous decision that Petitioners are subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

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

45. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, [noncitizens] 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.”).

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

47. However, on July 8, 2025, ICE, “in coordination with” the Department of Justice, suddenly announced a new governmental policy that

rejected the well-established understanding of the statutory framework and reversed decades of agency practice.

48. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection are subject to mandatory detention without bond under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for years.

49. In decision after decision, federal courts—both nationwide and here in Michigan—have rejected Respondents’ sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. A partial list of cases is attached as Exhibit A.

50. This list is undoubtedly incomplete. As the media has reported, the government’s new no-bond policy has “led to dozens of recent rulings from gobsmacked judges who say the administration has violated the law and due process rights .... The pile up of decisions is growing daily.” Kyle Cheney and Myah Ward, *Trump’s New Detention Policy Targets Millions Of Immigrants. Judges Keep Saying It’s Illegal*, Politico (Sept. 20, 2025, at 4:00 PM ET), <https://www.politico.com/news/2025/09/20/ice-detention-immigration-policy->

00573850. More than 225 judges in 35 states have rejected the government’s new interpretation.<sup>1</sup>

51. In recent months, the Eastern District of Michigan and courts generally have repeatedly rejected Respondents’ interpretation of the INA and granted writs of habeas corpus to detained noncitizens to whom Respondents denied a bond hearing. On August 29, 2025, for example, Judge Brandy McMillion granted a writ of habeas corpus to an identically situated petitioner, concluding that “There can be no genuine dispute that Section 1226(a), and not Section 1225(b)(2)(A), applies to a noncitizen who has resided in this country for . . . years and was already within the United States when apprehended and arrested during a traffic stop, and not upon arrival at the border.” *Lopez-Campos*, --- F.Supp.3d. ---, 2025 WL 2496379, at \*8; *see also Contreras-Cervantes v. Raycraft*, No. 25-cv-13073 (E.D. Mich. Oct. 17, 2025); *Sandoval v. Raycraft*, No. 25-cv-12987 (E.D. Mich. Oct. 17, 2025); *Mayen v. Raycraft*, No. 25-cv-13056 (E.D. Mich. Oct. 17, 2025). And on September 9, 2025, Judge Robert White issued the same relief to another identically situated petitioner, reasoning that “the legislative history and agency guidance . . . in conjunction with the statutory interpretation” clearly

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<sup>1</sup> *More than 220 judges have now rejected the Trump admin’s mass detention policy*, Politico, November 28, 2025, available at <https://www.politico.com/news/2025/11/28/trump-detention-deportation-policy-00669861>.

entitles the petitioner to a bond hearing under § 1226(a). *Pizarro Reyes*, No. 25-CV-12546, 2025 WL 2609425, at \*8.

52. On September 5, 2025, the BIA issued a precedential decision that rejected the overwhelming consensus of the federal courts. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision held that all noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an IJ.

53. The *Yajure Hurtado* decision—like the government policy it seeks to uphold—defies the INA. As Judge Robert White wrote—after noting that federal district courts are not bound by agency interpretations of statutes—the BIA’s reasoning is unpersuasive and “at odds with every District Court that has been confronted with the same question of statutory interpretation.” *Pizarro Reyes*, 2025 WL 2609425, at \*7. *See also Sampiao*, 2025 WL 2607924, at \*8 n.11 (noting court’s disagreement with BIA’s analysis in *Yajure Hurtado*); *Beltran Barrera*, No. 25-CV-541, 2025 WL 2690565, at \*5 (same); *Chogllo Chafra*, No. 25-CV-00437, 2025 WL 2688541, at \*7-8 (same).

54. As court after court has explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

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

56. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez*, 779 F. Supp. 3d at 1256-57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

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

58. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). *See Jennings*, 583 U.S. at 287 (explaining that this mandatory detention scheme applies “at the Nation’s borders and ports of

entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.”).

59. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were residing in the United States at the time they were apprehended by immigration authorities and detained. Because § 1226(a), not § 1225(b), is the applicable statute, Petitioners’ detention without eligibility for bond is unlawful.

60. Petitioners seek relief from this Court because any months-long appeal to the BIA of an IJ’s decision denying bond would be futile. A new request for a bond hearing is likewise futile. First, the agency’s position is clear: both IJs and future panels of the BIA must follow the *Yajure Hurtado* decision. Further, the new governmental policy was issued “in coordination with DOJ,” which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that the BIA has (erroneously) held that persons like the Petitioners are subject to mandatory detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a). Moreover, in the numerous identical habeas corpus petitions that have been filed nationwide, EOIR and the Attorney General are often respondents and have consistently affirmed via briefing and oral argument that individuals like Petitioner are applicants for

admission and subject to detention under § 1225(b)(2)(A). *See, e.g.*, Resp. to Pet., *Lopez Campos v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 9, 2025), Dkt. 9; Resp. to Pet., *Pizarro Reyes v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 27, 2025), Dkt. 4.

61. Second, by the time the BIA could even issue an appeal—a process that typically takes at least six months, *Rodriguez*, 779 F. Supp. 3d at 1245, and in many cases roughly a year, *id.*—the harm of Petitioners’ unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

62. Third, neither IJs nor the BIA have the authority to decide constitutional claims. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioners’ claims not only that Respondents are unlawfully detaining them without bond hearings under an inapplicable statute, but also that such detention violates Petitioners’ constitutional right to due process if the government seeks to deprive him of his liberty.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Violation of the INA**

63. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

64. Respondents are unlawfully detaining Petitioners without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

65. Section 1225(b)(2) does not apply to Petitioners, who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

66. Instead, Petitioners should be subject to the detention provisions of § 1226(a) and are therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

67. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioners' results in Petitioners' unlawful detention without the opportunity for a bond hearing and violates the INA.

## **COUNT II**

### **Violation of Due Process**

68. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

69. 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).

70. Petitioners have a fundamental interest in liberty and being free from official restraint.

71. The government’s detention of the Petitioners without an opportunity for a custody determination or bond hearing to decide whether he is a flight risk or danger violates Petitioners’ right to due process.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioners or provide Petitioners with a constitutionally adequate bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;
- c. Issue a Temporary Restraining Order and, following a hearing, a Preliminary Injunction Enjoining Respondents from transferring Petitioners outside of this District during these proceedings;
- d. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A)—is the appropriate statutory provision that governs Petitioners’ detention and eligibility for bond because Petitioners are not a recent arrival “seeking admission” to the United States, and instead were already residing in the

United States when apprehended and charged as inadmissible for having allegedly entered the United States without inspection;

- e. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

By the Petitioners' attorneys,

/s/ George B. Washington

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Dated: December 8, 2025

## INDEX OF EXHIBITS

1. Form I-862, Notice to Appear, Evelin Josefina Perez, 11/14/2024 (private information deleted)
2. Form I-862, Notice to Appear, S  11/14/2024 (private information deleted)
3. Form I-770, Notice of Rights and Request for Disposition, S   
, 11/14/2024
4. Form I 589, Certificate of Service of Filing Form I 589 (Application for Asylum), signed by Evelin Josefina Perez on April 14, 2025
5. Form I 589, Notice of Filing In Support of Form 1 589 (Application for Asylum), signed by Evelin Josefina Perez on April 14, 2025, pages 1-2 (Remainder not attached for privacy reasons but can be supplied under seal or expurgated if requested by Court)
6. List of Cases

# **EXHIBIT ONE**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act: Event No: [REDACTED]  
Subject ID: [REDACTED] FAMO: [REDACTED]  
SIGMA Event: [REDACTED] File No: [REDACTED]  
In the Matter of: PEREZ, EVELIN JOSEFINA

Respondent: PEREZ, Evelin Josefina currently residing at:  
[REDACTED]  
(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 VENEZUELA and a citizen of VENEZUELA;  
3. On or about November 14, 2024, you applied for admission into the United States from Mexico at the San Ysidro, California Port of Entry  
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.


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:  
See Continuation Page Made a Part Hereof

- 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:  
477 MICHIGAN AVE STE 440,  
DETROIT, MI, US 48226

(Complete Address of Immigration Court, including Room Number, if any)

on July 17, 2026 at 09:30 AM to show why you should not be removed from the United States based on the  
(Date) (Time) CASTRO, CAR35871

charge(s) set forth above. CBP OFFICER   
(Signature and Title of Issuing Officer) Digitally Acquired Signature

Date: November 14, 2024 SAN YSIDRO, 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 8CFR 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 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 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.

Upon information and belief, the language that the alien understands is SPANISH

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

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on November 14, 2024, 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 SPANISH 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)

(Signature of Respondent if Personally Served)

Digitally Acquired Signature

CASTRO, CAR35871

CBR OFFICER

(Signature and Title of officer)

(Digitally Acquired Signature)

(Digitally Acquired Signature)

**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/doi-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.


U.S. Department of Homeland Security

Continuation Page for Form 1862

|  |  |                           |
|--|--|---------------------------|
| Alien's Name<br>PEREZ, EVELIN JOSEFINA | File Number: [REDACTED]<br>SIGMA Event: [REDACTED]<br>Event No: [REDACTED] | Date<br>November 14, 2024 |
|--|--|---------------------------|

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)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

|  |                      |
|--|----------------------|
| Signature<br><br>CASTRO, CAR35871 | Title<br>CBF OFFICER |
|--|----------------------|

*Digitally Acquired Signature*

## **EXHIBIT TWO**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act: Event No: [REDACTED]  
Subject ID: [REDACTED] FAMU: [REDACTED] File No: [REDACTED]  
SIGMA Event: [REDACTED]  
In the Matter of: ZAMORA PEREZ, SANTIAGO JESUS

Respondent ZAMORA PEREZ, Santiago Jesus currently residing at [REDACTED]  
[REDACTED]  
(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 VENEZUELA and a citizen of VENEZUELA;
3. On or about November 14, 2024, you applied for admission into the United States from Mexico at the San Ysidro, California Port of Entry
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

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:  
See Continuation Page Made a Part Hereof

- 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:  
477 MICHIGAN AVE STE 440,  
DETROIT MI US 48226

(Complete Address of Immigration Court, including Room Number, if any)

on July 17, 2026 at 09:30 AM to show why you should not be removed from the United States based on the  
(Date) (Time) CASTRO, CAR35871

charge(s) set forth above.

CBP OFFICER

(Signature and Title of Issuing Officer)

Digitally Acquired Signature

Date: November 14, 2024

SAN YSIDRO, 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 8CFR 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.

Upon information and belief, the language that the alien understands is SPANISH

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

Before: \_\_\_\_\_ (Signature of Respondent)
Date: \_\_\_\_\_

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on November 14, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- [X] in person [ ] by certified mail, returned receipt# \_\_\_\_\_ requested [ ] by regular mail
[ ] Attached is a credible fear worksheet.
[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH 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] Signed on Behalf of ZAMORA PEREZ, S CASTRO, CAR35871
Digitally Acquired Signature CBR OFFICER [Signature]
(Signature of Respondent if Personally Served) (Signature and Title of officer)

### 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-sorns>. 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/doi-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.


U.S. Department of Homeland Security

Continuation Page for Form 1862

|  |  |                           |
|--|--|---------------------------|
| Alien's Name<br>ZAMORA PEREZ, SANTIAGO JESUS | File Number<br>SIGMA Even<br>Event No: | Date<br>November 14, 2024 |
|--|--|---------------------------|

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)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

|  |                      |
|--|----------------------|
| Signature<br><br>CASTRO, CAR35871 | Title<br>CBP OFFICER |
|--|----------------------|

*Digitally Acquired Signature*

4 of 4 Pages

## **EXHIBIT THREE**

U.S. Department of Homeland Security

Notice of Rights and Request for Disposition

Alien's Name: [REDACTED] FINS #: [REDACTED] A Number (if any): [REDACTED] Event No: [REDACTED]  
ZAMORA PEREZ, SANTIAGO JESUS A-9-211222-3

Your Rights.

You have been arrested because Immigration Officers believe that you are illegally in the United States. When you are arrested in the United States you have certain rights, No one can take these rights away from you. This paper explains your rights.

You have the right to use the telephone.

You may call your mother or father or any other adult relative. You may call your adult friend. If you do not know how to use a telephone, the immigration agent will help you.

You have the right to be represented by a lawyer.

Attached to this paper is a list of lawyers who can talk to you, and help you, for free. A lawyer can fully explain all your rights to you, and can represent you at a hearing.

You have the right to a hearing before a judge.

The judge will decide whether you must leave or whether you may stay in the United States. If for any reason you do Not want to go back to your country, or if you have any fears of returning, you should ask for a hearing before a judge. If you do not want to have a hearing before a judge, you may choose to go back to your country without a hearing.

Reading this Notice:

- I have read this notice.
- This notice has been read to me.

Right to Use Telephone:

- I have contacted my parent(s) or a legal guardian by telephone.
- I have contacted an adult friend or relative by telephone.
- I do not want to talk to anyone by telephone.

Completion of the following is optional:  
The person contacted is: (Relationship)

The person contacted is: (Name)

Right to be Represented by a Lawyer:

- I have spoken with a lawyer.
- I do not want to speak with a lawyer.

Right to a Hearing:

- I understand my right to a hearing before a judge.

- I request a hearing before a judge.

Signature: [Handwritten Signature]

Date: 11/14/2024

*Digitally Acquired Signature*

- I do not want a hearing before a judge.

I am in the United States illegally and ask that I be allowed to return to my country, which is named below.

Country: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Departamento de Seguridad Nacional

Aviso de los Derechos y Disposición

Nombre del Extranjero:

Número del Extranjero:

Event No:

ZAMORA PEREZ, SANTIAGO JESUS

A-XXXXXXXXXX

Sus Derechos

Usted ha sido arrestado, porque agentes del Departamento de Seguridad Nacional creen que usted está ilegalmente en los Estados Unidos. Al ser arrestado, usted tiene ciertos derechos. Nadie puede negarle estos derechos. Este aviso le explica cuales son sus derechos.

El Derecho de Usar el Teléfono

Usted tiene el derecho de llamar a su madre o padre, u otro pariente que sea un adulto. Usted puede llamar a un amigo adulto. Si usted no sabe usar el teléfono, un agente del Departamento de Seguridad Nacional le ayudará.

El Derecho de ser Representado por un Abogado

Adjunto a este aviso, se encuentra una lista de abogados que pueden hablar con usted y ayudarlo sin costo alguno. El abogado le puede explicar todos sus derechos, y puede representarle en su audiencia.

El Derecho a una Audiencia ante un Juez Inmigración

El Juez decidirá si usted debe salir o puede quedarse en Los Estados Unidos. Si por alguna razón no desea regresar a su país, o tiene miedo de regresar, usted puede pedir una audiencia ante el Juez de Inmigración.

Si usted no desea una audiencia ante el Juez, usted puede escoger regresar a su país.

Lectura de este Aviso:

- He leído este aviso.
Este aviso me ha sido leído.

Derecho de Usar el Teléfono:

- Me he comunicado con mis padres o guardián legal.
Me he comunicado con un amigo o pariente adulto.
No deseo hablar con nadie por teléfono.

Completar lo siguiente es opcional:
Parentesco de la persona a quien usted llamó.
Nombre de la persona a quien usted llamó.

Derecho a Ser Representado por un Abogado:

- He hablado con un abogado.
No deseo hablar con un abogado.

Derecho a una Audiencia:

- Entiendo mi derecho a una audiencia ante el Juez de Inmigración.

Deseo una audiencia ante el juez.

Firma: [Signature]
Digitally Acquired Signature

Fecha: 11/14/2024

No deseo una audiencia ante el juez.
Estoy en los Estados Unidos ilegalmente y deseo regresar a mi país.

Pais:

Firma:

Fecha:

### INSTRUCTIONS TO OFFICERS

This advisal is required to be given to all persons who are taken into custody and who appear, are known, or claim to be under the age of eighteen and who are not accompanied by one of their natural or lawful parents. No such person can be offered or permitted to depart voluntarily from the United States except after having been given this notice.

The required procedure distinguishes between two classes of minors.

1) The first class are those minors apprehended in the immediate vicinity of the border and who permanently reside in Canada or Mexico. These persons shall be informed that they have a right to make a telephone call to any of the persons mentioned in the notice. The purpose of this call is so that they can seek advice as to whether they should voluntarily depart or whether they should request a deportation hearing. We are required to make a record of any refusal to accept our offer of a telephone call.

2) As to all other minors, **they must not only be given access to a telephone, they must establish communication, telephonic or otherwise, with one of the persons listed in the notice** before they can be offered voluntary departure.

The DHS retains the right to decide when to allow telephone calls. The only prohibition is that the minor cannot be asked to voluntarily depart until after telephone access is provided. If the minor is not offered voluntary departure but is put into deportation proceedings by issuance of a Notice to Appear, this procedure is not necessary. It is our duty to make reasonable efforts to contact the person of the minor's choice, but after unsuccessful efforts to reach that person, we can facilitate contact with another such person. Whenever the minor elects to pursue a process, such as a call to a foreign country, which is operationally unacceptable, we can always proceed to issue a Notice to Appear.

The minor must tell the type of person that he/she talked to but need not give us that person's name or identifying information. If a minor, **of his/her own volition**, asks to contact a consular officer, this will satisfy the requirements of the notice.

The officer need not read the notice to the minor unless the minor is under 14 years of age, or unable to understand the notice. The officer must ask the minor whether he/she wanted to make a call, whether a communication was made and, if made, to whom. The officer must also verify whether the minor wanted voluntary departure or a hearing, and must sign and date the form to show this was done.

**Officers are not to offer any advise to any minor as to what he/she should or should not do.**

#### To be completed by the Officer:

**I verify that:** ZAMORA PEREZ, SANTIAGO JESUS A- 244803643

- 1.a.  The subject named was given this notice to read.
- b.  I read this notice to the name subject in the following language: SPANISH
- 2.  I asked this subject whether he/she wanted to make a telephone call, and offered assistance in the use of the telephone.
- 3.a.  The subject told me that he/she did not want to make a telephone call, or
- b.  The subject told me that he/she established communication and the form was marked to indicate it;
- c.  The subject was unable to establish telephone communication with the desired individual. The following number of attempts were made: \_\_\_\_\_
- 4.a.  The subject requested a hearing.
- b.  The subject admitted deportability and requested to return to his/her country voluntarily, without a hearing.
- 5.a.  A Notice to Appear was issued because, the subject was unable to establish contact with any of the individuals specified after making the number of attempts indicated above (Item 3 c), and after assistance to establish contact was given or offered.

CASTRO, CAR35871 - CBP OFFICER



11/14/2024

**Signature of Officer**

*Digitally Acquired Signature*

**Date**