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15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17

18 REYES ZAMORA VASQUEZ

19 Plaintiff and Petitioner,

20
21 vs.

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23
24 JAMES JANECKA, Warden of the Adelanto
25 Detention Center; ERNESTO SANTACRUZ,
26 Jr., Acting Director of the Los Angeles Field
27 Office, United States Immigration and
28 Customs Enforcement; PAM BONDI,
Attorney General, United States Department
of Justice; KRISTI NOEM, Secretary, United
States Department of Homeland Security;
TODD LYONS, Acting Director of United
States Immigration and Customs
Enforcement; and DOES 1-5

Defendants-Respondents

Case No.:

Hon:

**PETITION FOR HABEAS
CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF;**

AND

**EX PARTE REQUEST FOR
TEMPORARY RESTRAINING
ORDER**

JURISDICTION AND VENUE

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3 1. This action arises under the Constitution of the United States; the Immigration
4 and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
5 Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208,
6
7 110 Stat. 1570 [hereinafter ‘INA’]; and Administrative Procedure Act, 5 U.S.C. §§ 701
8
9 et seq [hereinafter “APA”].
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13 2. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9,
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15 cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. §
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17 1331, as Petitioner is presently in custody under color of the authority of the
18
19 United States based on the service of a Notice to Appear, and such custody is in
20
21 violation of the Constitution, laws, or treaties of the United States.

22
23 3. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. §
24
25 702, and the All Writs Act, 28 U.S.C. § 1651.

26
27 4. This court has further remedial authority pursuant to the Declaratory
28
Judgment Act, 28 U.S.C. § 2201 et seq..

5. The use of the Writ of Habeas Corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention or the denial of constitutional rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus has always been available to review the legality of executive detention.”).

1 6. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209
2 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912)
3 (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545
4 (1926) (same).
5
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7

8
9 7. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
10 available and required by law.
11

12
13 8. Venue properly lies within the Central District of California, because each
14 named Defendant-Respondent is present in this district and a substantial part of the
15 events or omissions giving rise to this action occurred and continue to occur in this
16 District. *See 28 U.S.C. §1391(b)*. Petitioner is currently detained within this
17 district to wit, at the Adelanto Detention Facility located at 10400 Rancho Road,
18 Adelanto, CA 92301. Accordingly, the “restraint complained of” is occurring
19 within the Court’s territorial jurisdiction. *See 28 U.S.C. § 2241(a)*
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25 9. No petition for habeas corpus has previously been filed in any court to
26 review the legality of the named Plaintiff-Petitioner’s detention.
27
28

PARTIES

10. Plaintiff-Petitioner Reyes Zamora Vasquez is a 62-year-old national and
citizen of Mexico who had resided in the United States for over 33 years prior to
his unlawful arrest and detention by Respondents.

11. The U.S. Department of Homeland Security (“DHS”) is a cabinet
department of the United States federal government with the primary mission of
securing the United States.

1 12. ICE is an agency within DHS with the primary mission of arresting,
2
3 detaining, and removing non-citizens physically present within the territory of the
4
5 United States. ICE is also responsible for the custody and care of all detained non-
6
7 citizens awaiting resolution of their immigration cases or removal after a final
8
9 order of removal had been entered.

10
11 13. Defendant Kristi Noem is the Secretary for DHS. In this capacity, Ms. Noem
12
13 has responsibility for the administration of immigration laws pursuant to 8 U.S.C.
14
15 §1103(a), has authority over ICE and its field offices, and has authority to order the
16
17 release of Plaintiff-Petitioner. At all times relevant to this Complaint,
18
19 Defendant Noem was acting within the scope and course of her position as the
20
21 Secretary for DHS. Defendant Noem is sued in her official capacity.

22
23 14. Defendant-Respondent Todd Lyons is the Acting Director and Senior
24
25 Official Performing the Duties of the Director of ICE. Defendant Lyons is
26
27 responsible for the implementation of all ICE's policies, practices, and procedures,
28
including those relating to detention of non-citizens. Defendant Lyons is a legal
and immediate custodian of Plaintiff. At all times relevant to this Complaint,
Defendant Lyons was acting within the scope and course of his position as an ICE
official. He is sued in his official capacity.

15. Defendant-Respondent Ernesto Santacruz, Jr. is the Acting Director of the
Los Angeles Field Office of ICE, which has immediate custody of Plaintiff-
Petitioner. He is sued in his official capacity.

1 16. Defendant James Janecka is the warden of the Adelanto Detention Facility in
2
3 San Bernardino County, where Plaintiff-Petitioner is currently detained. Defendant
4
5 Janecka is the immediate, physical custodian of Plaintiff. He is named in his
6
7 official capacity.

8
9 17. The true names or capacities, whether individual, corporate, associate or
10
11 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
12
13 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
14
15 fictitious names, and Plaintiff will amend this Complaint to show their true names
16
17 and capacities when ascertained. Does 1 through 5 are the immediate, physical
18
19 custodians of Plaintiff

20
21 **FACTS RELEVANT TO ALL CAUSES OF ACTIONS**

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23 18. Petitioner is a sixty-two-year-old man who was born in, and is a citizen of,
24
25 Mexico. Other than being cited for driving without a license he has no criminal arrests
26
27 or convictions. See Exhibit A.

28
19. Petitioner entered the United States without inspection in 1992 and has resided
in the country continuously ever since. Id.

20. Petitioner has no prior immigration record.

21. He has a 12 years old United States citizen son for whom he is the primary
financial provider.

22. His sister is a United States citizen.

1 23. Mr. Reyes Zamora Vasquez is the beneficiary of an approved I-130 Family
2
3 Relative Petition and is a grandfathered non-citizen under section 245(i) of the
4
5 Immigration and Nationality Act (INA) through the protections of the LIFE Act.
6

7 24. Upon his arrest Respondents transferred Petitioner to the Adelanto Detention
8
9 Facility where he remains detained.
10

11 25. Mr. Reyes Zamora Vasquez suffers from co-morbidities, including but not
12
13 limited to high blood pressure, memory complications due to an injury, depression,
14
15 anxiety and he is also pre-diabetic. These conditions have aggravated significantly
16
17 while in detention due to insufficient medical care and poor diet.
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19

20
21 26. Petitioner was not allowed to apply for or post a bond and remain in
22
23 custody.
24

25 27. The Respondents have refused to release Petitioner from custody on
26
27 either conditional or humanitarian parole and have denied his request for
28
reasonable accommodation under the Rehabilitation Act.

28. On 3 November 2025 Respondents issued a Notice To Appear (NTA) and
placed Petitioner in section 240 proceedings as a person present in the United
States without having been admitted or paroled but claim that they have no
authority to release him under either section 212(d)(5) or section 246(a). See
Exhibit B.

29. No expedited order of removal was ever entered and served on Petitioner.

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF; AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING
ORDER - 6

1 30. Petitioner's section 240 removal proceedings are ongoing before the
2
3 EOIR, Adelanto, CA.
4
5

6 **RELEVANT IMMIGRATION STATUTORY SCHEME**
7

8 **Section 1225(b)(1) Expedited Removal Proceedings**
9

10 31. The expedited removal process, created by the Illegal Immigration Reform
11 and Immigrant Responsibility Act of 1996, is codified in INA § 235(b)(1), &
12 U.S.C. §1225(b)(1). The INA permits the DHS to summarily remove non-citizens
13 arriving at a designated U.S. port of entry ('arriving aliens') "without further
14 hearing or review" if they are inadmissible either because they (1) lack valid entry
15 documents, or (2) tried to procure their admission into the United States through
16 fraud or misrepresentation. INA § 235(b)(1) also authorizes—but does not
17 require—DHS to extend application of expedited removal to "certain other aliens"
18 inadmissible on the same grounds if they (1) were not admitted or paroled into the
19 United States by immigration authorities and (2) cannot establish at least two years'
20 continuous physical presence in the United States at the time of apprehension.
21

22 32. Respondents have implemented expedited removal mainly for three
23 overarching categories of aliens who lack valid entry documents or attempted to
24 falsely procure admission: (1) arriving aliens (defined by regulation as aliens
25 arriving at U.S. ports of entry); (2) aliens who entered the United States by sea
26 without being admitted or paroled into the United States, and who have been in the
27 country less than two years; and (3) aliens apprehended within 100 miles of the
28

1 U.S. border within two years of entering the country, and who have not been
2
3 admitted or paroled.

4
5 **33.** Respondents could not and have not invoked the expedited removal process
6
7 when they first apprehended Petitioner. See Exhibit B.
8

9 **Regular or ‘Section 240’ Removal Proceedings**

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11 34. The second option for Respondents under the INA is to initiate what is
12
13 commonly referred to as “section 240” proceedings, the standard mechanism for
14
15 removing inadmissible and removable noncitizens. Section 240 removal
16
17 proceedings take place before an immigration judge (IJ), an employee of the
18
19 Department of Justice who must be a licensed attorney and has a duty to develop
20
21 the record in cases before them. 8 U.S.C. § 1229a(a)(1), (b)(1); 8 C.F.R. §
22
23 1003.10(a). These are adversarial proceedings in which the noncitizen has the right
24
25 to hire counsel, file for all relief from removal within the jurisdiction of the
26
27 immigration judge, examine and present evidence, and cross-examine witnesses. 8
28
U.S.C. § 1229a(b)(4). Section 240 proceedings typically take place over the course
of multiple hearings., thus allowing time for individuals to gather and present
evidence in support of petitions for relief available in immigration court (like
asylum, adjustment of status, cancellation of removal, etc.) and to seek collateral
relief from other components of the Department of Homeland Security (like
U and T visa). See 8 U.S.C. §§ 1229a(b)(4)(B), (c)(4), 1229b.

35. After an IJ renders a decision, either party may appeal to the Board of
Immigration Appeals. 8 C.F.R. §§ 1240.15, 1003.1. If the Board upholds a removal

1 order, the noncitizen can appeal that decision to a federal court of appeals via a
2
3 petition for review. 8 U.S.C. § 1252.

4 5 **Immigration Detention**

6
7 **36.** The INA governs the use of immigration detention both pre- and post-final
8
9 order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a);
10
11 pre-final-order detention by 8 U.S.C. § 1226.

12
13 **37.** In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
14
15 comprehensive frameworks for detaining criminal and non-criminal non-citizens.

16
17 **38.** Section 1226 authorizes the detention of non-citizens during removal
18
19 proceedings: section 1226(a) controls non-criminal aliens' detentions, while
20
21 section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c).
22
23 Once a non-citizen's removal proceedings are completed ICE's detention authority
24
25 is controlled by section 1231, which also distinguishes between non-criminal and
26
27 criminal non-citizens. *See* 8 U.S.C. § 1231.

28 *Section 1226(a) and Non-Criminal Non-citizens During Removal Proceedings*

39. The Attorney General has discretion to detain a non-criminal non-citizen
“pending a decision on whether the alien is to be removed from the United States.”
See 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.
See 8 U.S.C. § 1226(a)(1)-(2).

1 40. In connection with § 1226(a), the DHS promulgated regulations setting out
2 the process by which a non-criminal non-citizen may obtain release. The
3 regulations provide that, in order to obtain bond or conditional parole, the “alien
4 must demonstrate to the satisfaction of the officer that such release would not pose
5 a danger to property or persons, and that the alien is likely to appear for any future
6 proceeding.” *See* 8 C.F.R. § 1236.1(c)(8).

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13 *Section 1226(c) and Criminal Non-citizens*
14 *During Removal Proceedings*
15

16 41. Although the Attorney General has broad discretion to release non-criminal
17 non-citizens during the pendency of their removal proceedings, the INA limits the
18 Attorney General’s discretion in the case of criminal non-citizens. Specifically,
19 section 1226(c) mandates that “[t]he Attorney General shall take into custody any
20 alien who . . . is deportable by reason of having committed [certain specified
21 offenses].” *See* 8 U.S.C. § 1226(c)(1)(B).

22 42. Section 1226(c) provides that the Attorney General may release a criminal
23 non-citizen “only if” necessary for narrow witness protection purposes. *See* 8
24 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
25 citizens throughout the entirety of their removal proceedings, and there is no
26 statutory possibility for release on bond.

27 43. Petitioner was never detained under the authority of section 1226(c) as he
28 has no qualifying criminal record.

1 44. When a non-citizen is released on bond or under supervision, the non-citizen
2
3 must periodically appear before an immigration officer, obey written restrictions,
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5 and comply with other requirements provided for by regulation. *See* 8 U.S.C. §
6
7 1231(a)(3).

8
9 45. When a non-citizen is released on supervision ICE must issue and serve on
10
11 the individual a standardized form I-220 which imposes the conditions on release.
12
13 Petitioner has no criminal record, prior immigration record and has complied with
14
15 all conditions on release.

16
17 *Detention Pursuant to 8 U.S.C. § 1225(b)(2)*

18
19 46. Under § 1225(b)(2), “in the case of an alien who is an applicant for
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21 admission, if the examining immigration officer determines that an alien seeking
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23 admission is not clearly and beyond a doubt entitled to be admitted, the alien shall
24
25 be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant
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27 issued by the Attorney General “may” be detained but is also eligible for release on
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bond. 8 U.S.C. § 1226(a). Courts have repeatedly held that § 1225 applies to
arriving aliens, while § 1226 governs detention of “aliens already in the country.”
Jennings v. Rodriguez, 583 U.S. 281, 281 (2018). Petitioner is not an arriving alien
under § 1225 and in fact Respondents charged Petitioner as an “alien present in the
United States who has not been admitted or paroled” rather than an “arriving
alien.” See Exhibit B (stating Petitioner is charged under INA 212(a)(6)(a),
codified at 8 U.S.C. § 1226(a)(6)(a)).

1 47. The Courts to have addressed the issue have found the Government
2
3 invocation of the mandatory detention provision under section 1225 unlawful and
4
5 have ordered release of non-citizens held in detention based of such erroneous
6
7 reading of the Immigration and Nationality Act and application of § 1225(b) to
8
9 noncitizens who, like Petitioner, are not apprehended upon arrival in the United
10
11 States. *See Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM,
12
13 Dkt 81 (C.D. Cal. Nov 20, 2025); *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-
14
15 05240-TMC,---F.Supp.3d---, 2025 WL 1193850 (W.D.Wash. Apr. 24, 2025); *see*
16
17 *also Gomes v. Hyde*, No. 1:25-CV- 11571-JEK, 2025 WL 1869299, at *8 (D.
18
19 Mass. July 7, 2025) granting habeas based on same ground); *Diaz Alartinez v.*
20
21 *Hyde*, No. CV 25-11613-BEM,---F.Supp. 3d---2025 WL 2084238, at *9 (D. Mass.
22
23 July 24, 2025) (ordering release where noncitizen was redetained based on ICE's
24
25 assertion of detention authority under§ 1225(b)); *Helal v. Janecka*, No. 5:25-CV-
26
27 02650-HDV-JC, 2025 WL 3190132, at *3 (C.D. Cal. Oct. 24, 2025) (same).

28
48. Under *Loper Bright v. Raimondo*, this Court should independently interpret the statute and give the BIA's expansive interpretation of § 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

49. 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. Following IIRIRA, the Executive Office for Immigration Review ("EOIR") issued regulations clarifying that individuals who entered the

1 country without inspection were not considered detained under § 1225, but rather
2
3 under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and*
4
5 *Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed.
6
7 Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens
8
9 who are present without having been admitted or paroled (formerly referred to as
10
11 aliens who entered without inspection) will be eligible for bond and bond
12
13 redetermination”).

14
15 50. The statutory context and structure also make clear that § 1226 applies to
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17 individuals who have not been admitted and entered without inspection. In 2025,
18
19 Congress added new mandatory detention grounds to § 1226(c) that apply only to
20
21 noncitizens who have not been admitted. *See The Laken Riley Act*, Pub. L. No. 119-1,
22
23 § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

24
25 51. By specifically referencing inadmissibility for entry without inspection under 8
26
27 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered
28
by § 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible,
including those present without admission or parole.

52. The Supreme Court has explained that § 1225(b) is concerned “primarily [with
those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of
entry, where the Government must determine whether [a noncitizen] seeking to enter
the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In
contrast, Section 1226 “authorizes the Government to detain certain aliens *already in*

1 *the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphases
2
3 added).

4
5 53. Furthermore, § 1225(b)(2) specifically applies only to those “seeking
6
7 admission,” and the implementing regulations at 8 C.F.R. § 1.2 address noncitizens
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9 who are “coming or attempting to come into the United States.” The use of the present
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11 progressive tense would exclude noncitizens like Petitioner who are apprehended in
12
13 the interior years after they entered, as they are no longer “seeking admission” or
14
15 “coming [...] into the United States.” *See Martinez v. Hyde*, 2025 WL 2084238 at *6
16
17 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to
18
19 support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended
20
21 in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200
22
23 (S.D. Cal. 2019) (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that
24
25 “[t]he use of the present progressive, like use of the present participle, denotes an
26
27 ongoing process”).
28

54. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
to Petitioner, who had entered the U.S. approximately 32 years ago.

*The Ameliorative Congressional Scheme under
section 245(i) and the LIFE Act*

55. One of the most important forms of relief under the INA is adjustment of status,
colloquially know as ‘an application for a green card’. Section 245(a) of the Act allows
a non-citizen who has been inspected and admitted or paroled into the United States to
adjust his or her status to that of an person lawfully admitted for permanent residence.

1 To be eligible for adjustment of status under section 245(a), an applicant must make an
2 application for adjustment, be eligible to receive an immigrant visa, be admissible to
3 the United States for permanent residence, and have an immigrant visa immediately
4 available to him or her at the time the application was filed. The applicant must also
5 demonstrate that he or she merits adjustment of status in the exercise of discretion.
6
7
8
9

10
11 56. Section 245(i) of the Act permits adjustment of status for certain grandfathered
12 aliens who are ineligible under section 245(a) because they entered without inspection
13 or who are barred under section 245(c) of the Act. In addition to having been
14 grandfathered, applicants for adjustment of status under section 245(i) must be
15 admissible to the United States, be eligible to receive an immigrant visa, demonstrate
16 that an immigrant visa is immediately available, and establish that adjustment is
17 warranted in the exercise of discretion. *See* sections 245(i)(2)(A)–(B) of the Act; *see*
18 *also Matter of Rajah*, 25 I&N Dec. 127, 134 (BIA 2009). In most cases, applicants for
19 adjustment under section 245(i) must also pay a \$1,000 penalty fee.
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21
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57. As originally enacted, section 245(i) permitted an a non-citizen who had entered
the United States without inspection or who was barred under section 245(c) to apply
for adjustment of status between October 1, 1994, and October 1, 1997, at which time
the provision would “sunset.” *See* Departments of Commerce, Justice, and State, the
Judiciary, and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-317, §
506(b)–(c), 108 Stat. 1724, 1765–66, (effective Oct. 1, 1994). The 1 October 1997
sunset date was later repealed, and Congress created a new requirement that any
application for section 245(i) adjustment had to be based on a visa petition that had

1 been filed before 14 January 1998. *See* Departments of Commerce, Justice, and State,
2
3 the Judiciary, and Related Agencies Appropriations Act, 1998, Pub. L. No. 105-119, §
4
5 111(a)–(b), 111 Stat. 2440, 2458 (enacted Nov. 26, 1997).

6
7 58. As relevant to Petitioner, the 14 January 1998 deadline for the filing of
8
9 qualifying visa petitions was later extended to 30 April 2001. *See* LIFE Act
10
11 Amendments of 2000, Div. B, Pub. L. No. 106-554, § 1502(a)(1), 114 Stat. 2763,
12
13 2763A-324 (enacted Dec. 21, 2000) (“LIFE Act Amendments”) (effective as if
14
15 included in the enactment of the Legal Immigration Family Equity Act, tit. XI, Pub. L.
16
17 No. 106-553, 114 Stat. 2762, 2762A-142 (2000) (“LIFE Act”).

18
19 59. After the enactment of the LIFE Act and the LIFE Act Amendments, only
20
21 non-citizens who were grandfathered by a qualifying visa petition or labor
22
23 certification remained eligible for section 245(i) adjustment beyond the 30 April
24
25 2001 sunset date.

26
27 60. Although the term does not appear in the Act, the regulations define a
28
“grandfathered alien” as “an alien who is the beneficiary (including a spouse or
child of the alien beneficiary if eligible to receive a visa under section 203(d) of the
Act)” of a qualifying visa petition or labor certification that was filed on or before
30 April 2001. 8 C.F.R. § 1245.10(a)(1)(i). Petitioner is one such ‘grandfathered
alien’ who by Congressional pronouncement is forgiven the entry without
inspection inadmissibility ground based on the I-130 Petition filed by his sister.

See Exhibit C.

COUNT ONE

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF; AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING
ORDER - 16

**Detention in Violation of the Fifth Amendment
(substantive due process)
Against all Defendants**

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3
4
5 61. Petitioner repeats and incorporates by reference all allegations in paragraphs
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7 18 to 60 above.

8
9 62. The Fifth Amendment guarantees that no person shall be deprived of liberty
10
11 without due process of law. U.S. Const. Amend. V. “Freedom from
12
13 imprisonment—from government custody, detention, or other forms of physical
14
15 restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*,
16
17 533 U.S. 678, 690 (2001).

18
19 63. “Government detention violates the Due Process Clause unless it is ordered
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21 in a criminal proceeding with adequate procedural safeguards, or in certain special
22
23 and non-punitive circumstances ‘where a special justification, . . . outweighs the
24
25 individual’s constitutionally protected interest in avoiding physical restraint.’”
26
27 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
28
Hendricks, 521 U.S. 346, 356 (1997)).

64. Respondents cannot show any “special justification” or compelling
governmental interest which would outweigh Petitioners’ constitutional liberty.

65. Petitioner is not a danger to anyone or flight risk.

66. The governmental interest in the continued detention of these least-
dangerous individuals does not and cannot outweigh the liberty interest at stake.

**COUNT TWO
Violation of Fifth Amendment Right
Procedural Due Process
Against All Defendants**

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
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ORDER - 17

1
2 67. Petitioner repeats and incorporates by reference all allegations in paragraphs
3
4 18 to 60 above.

5
6 68. The Fifth Amendment’s Due Process Clause prohibits the federal government
7
8 from depriving any person of “life, liberty, or property, without due process of law.”
9
10 U.S. Const. Amend. V.

11
12 69. The Supreme Court has repeatedly emphasized that the Constitution generally
13
14 requires a hearing before the government deprives a person of liberty or property.
15
16 *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

17
18 70. Under the *Mathews v. Eldridge* framework, the balance of interests strongly
19
20 favors Petitioner’s release.

21
22 71. Petitioner’s private interest in freedom from detention is profound. The interest
23
24 in being free from physical detention is “the most elemental of liberty interests.” *Hamdi*
25
26 *v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690
27
28 (2001) (“Freedom from imprisonment—from government custody, detention, or other
forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
protects.”).

72. The risk of erroneous deprivation is exceptionally high. Petitioner has never
been arrested and has deep ties to the community.

73. The government’s interest in detaining Petitioner without due process is
minimal. Immigration detention is civil, not punitive, and may only be used to prevent

1 danger to the community or ensure appearance at immigration proceedings. *See*
2
3 *Zadvydas*, 533 U.S. at 690.

4
5 74. Furthermore, the “fiscal and administrative burdens” of providing Petitioner
6
7 with a bond hearing are minimal, particularly when weighed against the significant
8
9 liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

10
11 75. Considering these factors, Petitioner respectfully requests that this Court order
12
13 her immediate release from custody or in the alternative order that he be provided with
14
15 a bond hearing before an immigration judge where Respondents bear the burden of
16
17 proof.

18
19 **COUNT THREE**
20 **Violation of 8 U.S.C. § 1226(a)**
21 **Unlawful Denial of Release on Bond**
22 **Against All Respondents**
23

24
25 76. Petitioner repeats and incorporates by reference all allegations in paragraphs
26
27 18 to 60 above.

28
77. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a). Under §
1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8
C.F.R. 236.1(d) & 1003.19(a)-(f).

78. Petitioner has not been, and will not be, provided with a bond hearing by
Respondents as required by law unless the Court so order.

79. Petitioner’s continuing detention is therefore unlawful.

COUNT FOUR
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19

Against All Respondents

1
2
3 80. Petitioner repeats and incorporates by reference all allegations in paragraphs
4
5 18 to 60 above.

6
7 81. In 1997, after Congress amended the INA through IIRIRA, EOIR and the
8
9 then-Immigration and Naturalization Service (“INS”) issued an interim rule to
10
11 interpret and apply IIRIRA. Specifically, under the heading of “Apprehension,
12
13 Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite
14
15 being applicants for admission, [noncitizens] who are present without having been
16
17 admitted or paroled (formerly referred to as [noncitizens] who entered without
18
19 inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at
20
21 10323. The agencies thus made clear that individuals who had entered without
22
23 inspection were eligible for consideration for bond and bond hearings before IJs
24
25 under 8 U.S.C. § 1226 and its implementing regulations.

26
27 82. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
28
continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT FIVE

**Non-Statutory Ultra Vires Action/Accardi Doctrine Violation
Against all Defendants**

83. Petitioner repeats and incorporates by reference all allegations in paragraphs
18 to 60 above.

84. There is no statute, constitutional provision, or other source of law that
authorizes Respondents to detain Petitioner under the circumstances of this case.

1 85. Petitioner has a non-statutory right of action to declare unlawful, set aside,
2
3 and enjoin Respondents' ultra vires actions in holding him in punitive immigration
4
5 detention without an opportunity to be heard and apply for a bond.
6

7 86. Under the *Accardi* doctrine, Petitioner also has a right to set aside agency
8
9 action that violated agency procedures, rules, or instructions. *See United States ex*
10
11 *rel. Accardi v. Shaughnessy*, 347 U.S. 260 (“If petitioner can prove the allegation
12
13 [that agency failed to follow its rules in a hearing] he should receive a new
14
15 hearing”).
16

17 87. Respondents violated agency regulations governing who and upon what
18
19 findings it may holding individual without an opportunity for release.
20

21 **COUNT SIX**
22 **(Violation of the Rehabilitation Act – Failure to Provide Reasonable**
23 **Accommodation to Persons with Disabilities)**
24 **Against All Defendants**
25

26 88. Petitioner repeats and incorporates by reference all allegations in paragraphs
27
28 1 to 60 above.

89. Section 504 of the Rehabilitation Act requires federal agencies to provide
“reasonable accommodations” to individuals with disabilities so they can fully
participate in benefits administered by these agencies. (29 U.S.C. § 794(a)).

90. DHS regulations implementing the Rehabilitation Act mandate that “[n]o
qualified individual with a disability in the United States, shall, by reason of his or
her disability, be excluded from participation in, be denied benefits of, or otherwise
be subjected to discrimination under any program or activity conducted by the
Department.” (6 C.F.R. § 15.30; see also 29 U.S.C. § 794(a)).

1 91. The regulations implementing Section 504 prohibit entities receiving federal
2 financial assistance from utilizing “criteria or methods of administration (i) that
3 have the effect of subjecting qualified handicapped persons to discrimination on
4 the basis of handicap, (ii) that have the purpose or effect of defeating or
5 substantially impairing the accomplishment of the objectives of the recipient’s
6 program or activity with respect to handicapped persons.” (34 C.F.R. §
7 104.4(b)(4).)
8

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14
15 92. Petitioner has a multiple comorbidities and suffers from high blood
16 pressure, memory and cognitive issues, headaches, and anxiety. See Exhibit A. He
17 requires prescription medication and medical monitoring. Petitioner’s medical
18 conditions qualify as disabilities under the Rehabilitation Act and they affect his
19 daily life functions such as reading, stooping, bending, sleeping, and working.
20
21
22

23
24
25 93. Petitioner has been denied access to medical care, prescription medications,
26 food appropriate for comorbidities, and preventive care.
27
28

94. The removal proceedings under section 240 and release under section 236(a)
as codified in the INA are a benefit or program administered by Respondents and
Petitioner is entitled to participate in them. The services, programs, and activities
within the detention centers where DHS detains non-citizens receive substantial
federal financial assistance.

95. Medical care as promulgated and mandated by ICE National Detention
Standards (NDS) 2019 and/or the Performance-Based National Detention Standards

1 2011 (amended 2016) is a benefit or program administered by Respondents and

2
3 Petitioner is entitled to participate and receive the benefits of said program.

4
5 96. Petitioner's underlying medical conditions qualify as disabilities for
6
7 purposes of the Rehabilitation Act. (29 U.S.C. §705(2)(B); 42 U.S.C. § 12102).

8
9 97. Petitioner has requested a reasonable accommodation such as conditional
10
11 and/or humanitarian parole but has been denied said.

12
13 ***

14
15 **SUBSTANTIAL LIKELIHOOD OF SUCCESS**

16
17 98. Petitioner repeats and incorporates by reference all allegations in paragraphs
18
19 1 to 97 above.

20
21 99. As shown above Petitioner has shown substantial likelihood of success on
22
23 her statutory and constitutional claims.

24
25 **NOTICE AND IRREPARABLE HARM**

26
27 **100.** Pursuant to Federal Rule of Civil Procedure 65(b)(1) and Local Rules 7-19
28
and 65-1, immediately after filing this Petition, Petitioners' Counsel will provide a
copy of the Petition and notice of this ex parte application by providing copies to
the United States Attorneys Office for the Central District of California via email
to monitored email addresses. Petitioner counsel will file notice of proof of service
when notice is completed.

101. Petitioner has resided in the United States for over 32 years and have
established deep roots in the communities. Petitioner is the beneficiary of an
approved I-130 Petitioner and grandfathered under section 245(i) of the INA. His

1 sister is a United States citizen and he has a child who is a United States citizen.

2
3 Because of his unlawful arrests and detention he has been separated from his
4
5 family members for whom he is the primary provider. He is experiencing severe
6
7 emotional distress. See Exhibit A.

8
9 **102.** “It is well established that the deprivation of constitutional rights
10
11 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990
12
13 1002 (9th Cir. 2012). “When an alleged deprivation of a constitutional right is
14
15 involved, most courts hold that no further showing of irreparable injury is
16
17 necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005)
18
19 (cleaned up). Permitting continued violations of federal law would serve “neither
20
21 equity nor the public interest.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022).
22
23 Thus, the public interest weighs in favor of the Petitioner because continued
24
25 detention without the legal protections afforded by the INA, Due Process, and the
26
27 prohibition against non-refoulement potentially violates his due process and
28
statutory rights. *See Xuyue Zhang v. Barr*, 612 F.Supp.3d 1005, 1017 (C.D. Cal.
2019) (“Generally, public interest concerns are implicated when a constitutional
right has been violated, because all citizens have a stake in upholding the
Constitution.”).

103.

PRAYER FOR RELIEF

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

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF; AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING
ORDER - 24

- 1 (1) Issue a Temporary Restraining Order ordering release of Petitioner pending
2 resolution of this case or in the alternative that Respondents provide him with
3 a constitutionally valid bond hearing before an Immigration Judge;
4
- 5 (2) Issue a Writ of Habeas Corpus on the ground that Petitioner's continued
6 detention violates the Due Process Clause and order Petitioner's immediate
7 release;
8
- 9 (3) In the alternative, issue injunctive relief ordering Respondents to
10 immediately release Petitioner, on the ground that his continued detention
11 violates Plaintiff's constitutional due process rights;
12
- 13 (4) Issue an injunction ordering Respondents not to arrest and detain Petitioner
14 without a proper finding that he has committed a violation of the conditions
15 of release or bond;
16
- 17 (5) Issue an injunction ordering Respondents not revoke Petitioner's grant of
18 release without providing prior written notice, an opportunity to respond, and
19 be represented by counsel prior to deprivation of liberty when the individual
20 is not yet subject to a final order of removal;
21
- 22 (6) Issue an injunction prohibiting the transfer of Petitioner outside of the
23 jurisdictional limits of this Court;
24
- 25 (7) Enter a judgment declaring that Respondents' detention of Petitioner
26 is and will be unauthorized by statute and contrary to law;
27
- 28 (8) Award Petitioner reasonable costs and attorney fees.

Date: 12/2/2025

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF; AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING
ORDER - 25

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Verified and Submitted by

s/ Nicolette Glazer Esq.

Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
1875 Century Park East #700
Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

I, Reyes Zamora Vasquez, hereby declare under penalty of perjury that the following is true and correct:

1. I am native and citizen of Mexico. I first entered the United States in 1992'
2. I am legally married in Mexico, but have no contact with my wife. I am the father of a 12-year-old United States citizen son, whose mother is not my wife;
3. I entered the United States without inspection and without proper paperwork. I have resided in the United States since then without having any departures;
4. On or about April 30, 2001, my sister, Maria Sanchez, a United States citizen filed an I-130 petition for me;
5. Presently I am in Immigration and Customs Enforcement custody in Adelanto, California;
6. I am now 62 years of age and suffer from high blood pressure, memory complications due to an injury, depression, anxiety and I am pre-diabetic;
7. Being in custody has had a tremendous impact on my mental health. I am without my family, without my son, and with no access to anyone that is able to provide me with moral or emotional support;
8. Without the support of my family I am feeling more depressed and anxious over my wellbeing. Being without my family is having a severe impact on my mental health;
9. I have very limited access to any form of mental health support in this detention facility;
10. Also, I understand that the purpose of these immigration proceedings is to determine whether I may remain in this country;
11. This has caused me significant stress. I have been in this country for more than 30 years. My entire life exists in this country and no where else.
12. The idea that my life in this country will come to an end has impacted my mental wellbeing.
13. I am having thoughts of despair and abandonment. I fear for my safety. I fear for the safety of my son. I fear that I will never see my family again.
14. I have been cited before for not having a license, but have no other offenses;
15. I have always maintained employment, and have always provided for my son, and my extended family;
16. In due time I will be able to adjust my status by way of my sisters petition.

Thank you

I, YOLANDA TORRES, certify that I am fluent in both English and Spanish, and that the attached document is a true and accurate translation of the document titled:

Date:  11/24/2025

Yo, Reyes Zamora Vásquez, declaro bajo pena de perjurio que lo siguiente es verdadero y correcto:

1. Soy originario y ciudadano de México. Ingresé a Estados Unidos por primera vez en 1992.
2. Estoy legalmente casado en México, pero no tengo contacto con mi esposa. Soy padre de un hijo de 12 años, ciudadano estadounidense, cuya madre no es mi esposa.
3. Ingresé a Estados Unidos sin inspección ni la documentación adecuada. He residido en Estados Unidos desde entonces sin haber salido de él.
4. Alrededor del 30 de abril de 2001, mi hermana, María Sánchez, ciudadana estadounidense, presentó una petición I-130 en mi nombre.
5. Actualmente me encuentro bajo custodia del Servicio de Inmigración y Control de Aduanas (ICE) en Adelanto, California.
6. Tengo 62 años y sufro de presión arterial alta, problemas de memoria debido a una lesión, depresión, ansiedad y soy prediabético.
7. Estar bajo custodia ha tenido un impacto tremendo en mi salud mental. Estoy sin mi familia, sin mi hijo y sin acceso a nadie que pueda brindarme apoyo moral o emocional.
8. Sin el apoyo de mi familia, me siento más deprimido y ansioso por mi bienestar. Estar sin mi familia está teniendo un impacto grave en mi salud mental.
9. Tengo acceso muy limitado a cualquier tipo de apoyo de salud mental en este centro de detención.
10. Además, entiendo que el propósito de estos procedimientos de inmigración es determinar si puedo permanecer en este país.
11. Esto me ha causado un estrés significativo. Llevo más de 30 años en este país. Mi vida entera existe en este país y en ningún otro lugar.
12. La idea de que mi vida en este país llegue a su fin ha afectado mi bienestar mental.
13. Tengo pensamientos de desesperación y abandono. Temo por mi seguridad. Temo por la seguridad de mi hijo. Temo no volver a ver a mi familia. 14. He recibido citaciones anteriormente por no tener licencia, pero no tengo otras infracciones.
15. Siempre he mantenido un empleo y he mantenido a mi hijo y a mi familia.
16. A su debido tiempo podré ajustar mi estatus migratorio mediante la petición de mi hermana.

Gracias.



Fecha: 11/24/202

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]
Event No: [REDACTED]

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

Subject ID: [REDACTED] FINS: 1389399783 File No: [REDACTED]
In the Matter of:

Respondent: REYES ZAMORA-VAZQUEZ 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 MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Unknown Place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

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

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

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

10250 RANCHO RD, STE 201A ADELANTO, CALIFORNIA 92301
(Complete Address of Immigration Court, including Room Number, if any)

on December 4, 2025 at 8:30 am to show why you should not be removed from the United States based on the

charge(s) set forth above. I. 9515-PALACIOS - ACTING SDDO
(Signature and Title of Issuing Officer)

Date: November 3, 2025 ADELANTO, CA
(City and State)

EOIR - 1 of 3

Notice to Respondent

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

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

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

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

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

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

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

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

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

Request for Prompt Hearing

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

Before: _____
(Signature of Respondent)
Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on November 3, 2025, 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.

REFUSED TO SIGN _____
(Signature of Respondent if Personally Served) [Signature] _____
A 8711 MARTINEZ - Deportation Officer
(Signature and Title of officer)

EOIR - 2 of 3

#31
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/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

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

Disclosure:

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