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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

YUNXIANG QIAO and XIAOHONG HE
Plaintiff and Petitioner,

5:25-cv-03375-WLH-MAA

vs.

Hon: Judge Hsu

JAMES JANECKA, Warden of the Adelanto
Detention Center; ERNESTO SANTACRUZ,
Director of the Los Angeles Field Office,
United States Immigration and 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

**RENEWED AND AMENDED
APPLICATION FOR EX
PARTE TEMPORARY
RESTRAINING ORDER
AND/OR PRELIMINARY
INJUNCTION AND BRIEF IN
SUPPORT**

Defendants-Respondents

Pursuant to Rule 65(a) Petitioners renew their Application for Temporary
Restraining Order and/or Preliminary injunction with amendments as directed by
RENEWED AND AMENDED APPLICATION FOR EX PARTE TEMPORARY
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION AND BRIEF IN
SUPPORT - 1

1 the Court. Petitioners request that the Court orders their immediate release; waives
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3 the time for noticed motion, and find that no bond is necessary under the
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5 circumstances of this case.

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7 In support of their Request Petitioners submits as follows:

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1 **I. INTRODUCTION**

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3 This case challenges the unlawful and punitive detention of Plaintiff-Petitioner
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5 XiaoHong He and YunXiang Qiao (hereinafter 'Petitioners') who are both currently in
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7 the custody of Immigration and Customs Enforcement ("ICE") at the Adelanto
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9 Detention Center, Adelanto, California. Neither Petitioner is a flight risk nor a danger
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11 to the community. Each Petitioner was granted withholding of removal by an
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13 Immigration Judge, but they are both now in imminent danger of refolement without
14
15 any due process. Unless the Court order Petitioners' immediate release, Ms. He and
16
17 Ms. Quao will continue to be subjected to unlawful and punitive detention and would
18
19 likely be sent to a place where they face real and foreseeable risk of persecution and/or
20
21 torture. Plaintiffs-Petitioners are not challenging or seeking judicial review of the
22
23 initiation of removal proceedings, the way their respective removal proceedings were
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25 or are conducted, the grant or denial of immigration relief by the EOIR or USCIS, nor
26
27 do they seek review of their final orders of removal.
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II. RELEVANT FACTS

 Petitioner **XiaoHong He** is a national and citizen of the Peoples Republic of
China who was apprehended shortly after entering the United States without inspection
and placed in section 240 Removal Proceedings. (Exhibit A ¶¶2-4; ECF #1 ¶14,23). On
4 September 2018 an Immigration Judge (IJ) sustained the charge of removability,
ordered her removed to China but granted withholding of removal. (Exhibit A ¶; ECF
#1 ¶25 & PAGE ID 40-53). Because no party filed an appeal the removal order became
final on 4 October 2018, 30 days after issuance. *See* 8 U.S.C. 1 §01(a)(47) (An order of

1 removal “shall become final upon the earlier of-- (i) a determination by the Board of
2 Immigration Appeals affirming such order; or (ii) the expiration of the period in which
3 the alien is permitted to seek review of such order by the Board of Immigration
4 Appeals.”). Since her initial release from ICE custody Petitioner has complied with all
5 conditions of release and had appeared to all scheduled ICE appointments. (Exhibit A
6 ¶9). Respondents did not take Petitioner in custody when her removal order became
7 final. (Exhibit A ¶9; ECF #1 ¶27). The mandatory removal period expired on 2 January
8 2019. Petitioner was arrested on her 2 July 2025 regularly scheduled ICE check-in
9 reporting date – more than 6 years after the mandatory removal period – without a
10 notice of violation of conditions of release, an opportunity to contest or respond, and to
11 be heard before a neutral adjudicator prior to detention. (Exhibit A ¶10-11; ECF #1
12 ¶28-29). On the same day a deportation officer summarily revoked her order of
13 recognizance without a notice of violation, an opportunity to be heard, a notice of
14 intent to remove her to a third country, or a non-refoulement examination before a
15 neutral adjudicator. *Id.* The deportation officer simply told her that because “she [had
16 a] removal order” she will be arrested and detained. (Exhibit A ¶10; ECF #1 ¶29).
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While in detention Petitioner was told that she will be sent to a third country but
Petitioner asserted a fear claim and declined to sign paperwork in English presented to
her to sign without translation or an opportunity to consult with her immigration
counsel. (Exhibit A ¶13; ECF #1 ¶30).


Petitioner He has comorbidities that have worsened severely while in detention
and because of Respondents’ failure to provide needed medical care. (Exhibit A ¶14-

1 23; ECF #1 ¶33). She suffers from “breathing problem and my heart was not feeling
2 well”, Exhibit A at ¶16, requiring hospitalization for 4 days, *id.* Petitioner also is
3 experiencing vaginal bleeding because of diagnosed uterine fibroids but has received
4 no care. *Id.* Petitioner was denied medication and no access to examination by a
5 physician unless taken to a hospital which could take months at a time to schedule. *Id.*
6 at ¶16-20.

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13 No country has formally agreed to accept Petitioner He and her removal and
14 repatriation is not reasonably foreseeable.

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17 Petitioner **YunXiang Qiao** is a national and citizen of the Peoples Republic of
18 China who entered the United States without inspection approximately two years ago.
19 (Exhibit B ¶¶ 2-4; ECF #1 ¶15, 39). She was apprehended by Border Patrol agents,
20 placed in section 240 Removal Proceedings, and release on recognizance under section
21 1226(a). (Exhibit B ¶4; ECF #1 ¶40 & PAGE ID 63-65).

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On 4 December 2024 an Immigration Judge ordered her removed to China and
granted withholding of removal. (Exhibit B ¶5 ECF #1 ¶41 & PAGE ID 66-68). Since
her initial release Petitioner has complied with all conditions of release and had
appeared at all scheduled ICE appointments. (Exhibit B ¶7; ECF #1 ¶42). Respondents
did not take Petitioner in custody when her removal order became final. *Id.* The
mandatory removal period expired on 4 April 2025. At her scheduled 5 December
2025 ICE check-in appointment, a deportation officer summarily revoked her order of
recognizance without a notice of violation, an opportunity to be heard, a notice of
intent to remove her to a third country, or a non-refoulement examination before a

1 neutral adjudicator. (Exhibit B ¶8; ECF #1 ¶44). The deportation officer simply told
2 her that because she had a removal order she will be arrested and is subject to
3 mandatory detention. (Exhibit B ¶9; ECF #1 ¶44). 

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11 ECF #1 ¶47 & PAGE ID 69-70).

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13 No country has formally agreed to accept the named Petitioners and both
14 Petitioners' removal and repatriation is not reasonably foreseeable.

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16 No circumstances have changed that make either Petitioner a flight risk or
17 danger to the community. Neither Petitioner's custody status was not reviewed at the
18 expiration of the removal period yet Respondents summarily detained each Petitioner
19 and never served either with written decision ordering her detention. Respondents did
20 not place either Petitioner on an order of supervision as required by the INA and
21 implementing regulations.
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Petitioners believe and hereby allege that Respondents have not secured travel documents nor consent for either of their repatriation. Instead, Respondents have attempted to pressure Petitioners to accept a voluntary removal to Mexico where each Petitioner fears for her life and safety. Petitioners have cooperated fully with all efforts by ICE to remove the named Petitioner from the United States as ordered by the Immigration Judge.

Each Petitioner fears that each will be removed imminently to Mexico, Honduras, or Uganda in violation of Respondents' non-refoulement obligations. Each

1 Petitioner has affirmatively and preemptively stated a claim of fear of persecution and
2
3 torture in the three countries.

4
5 The Respondents have refused to and continue to refuse to release Petitioners
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7 from custody and on order of supervision as required by section 1231 while at the
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9 same time making no efforts to secure their repatriation to a safe third country.

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11 **III. STANDARD FOR TEMPORARY RESTRAINING ORDER**
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13 **ADJUDICATION**

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15 Both Temporary Restraining Orders [TRO] and Preliminary Injunctions are
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17 governed by Rule 65. *See Credit Bureau Connection, Inc. v. Pardini*, __ F. Supp. 2d __,
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19 2010 WL 2737128, at *5 (E.D. Cal. July 12, 2010). The purpose of such temporary
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21 injunctive relief is to preserve the rights and relative positions of the parties, i.e., the
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23 status quo, until a final judgment issues. *See Univ. of Tex. v. Camenisch*, 451 U.S. 390,
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25 395 (1981). 28 U.S.C. §1651(a), in turn, provides that “[A]ll courts established by Act
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27 of Congress may issue all writs necessary or appropriate in aid of their respective
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jurisdictions and agreeable to the usages and principles of law.”

A party seeking a TRO or a preliminary injunction “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Petitioner readily satisfies these requirements.

IV. RELEVANT IMMIGRATION STATUTORY SCHEME

Withholding of Removal.

1 Noncitizens who like Petitioners He and Qiao who are placed in section 240
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3 removal proceedings can seek three main forms of relief based on their fear of
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5 returning to their home country: asylum, withholding of removal, and protection under
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7 the CAT. Withholding of removal under 8 U.S.C. § 1231(b)(3) and CAT protection are
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9 both mandatory and country-specific. *Id.* Section 1231(b)(3) prohibits removal to any
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11 country where there is a substantial risk of persecution and once the applicant meet the
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13 eligibility requirements the grant of relief is not subject to discretion. When an IJ
14
15 grants a noncitizen withholding or CAT relief, the IJ issues a removal order and
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17 simultaneously withholds or defers that order with respect to the country or countries
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19 for which the noncitizen demonstrated a sufficient risk of persecution or torture. *See*
20
21 *Johnson v. Guzman Chavez*, 594 U.S. 523, 531–32 (2021).

22
23 Here Petitioners He and Qiao were granted withholding of removal from China
24
25 and no alternative country of removal was designated. *See* ECF # 1 PAGE ID 40-53;
26
27 66-68)

28 **Immigration Detention**

The INA governs the use of immigration detention both pre- and post-final order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a); pre-final-order detention by 8 U.S.C. § 1226. Once a non-citizen's removal proceedings are completed ICE's detention authority is controlled by section 1231, which also distinguishes between non-criminal and criminal non-citizens. 8 U.S.C. §§ 1231(a)(2)-(6). The "removal period" begins once a noncitizen's removal order "becomes administratively final." 8 U.S.C. § 1231(a)(1)(B). The removal period lasts for 90 days.

1 during which ICE “shall remove the [noncitizen] from the United States” and “shall
2 detain the [noncitizen]” as it carries out the removal. 8 U.S.C. §§ 1231(a)(1)-(2). Here
3 the removal period ended in 2019 for Petitioner He and in March 2025 for Petitioner
4 Qiao. Respondents did not seek to detain either Petitioner during the “mandatory”
5 detention period.
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11 If ICE does not remove the noncitizen within the 90-day removal period, the
12 noncitizen “may be detained beyond the removal period” if they meet certain criteria,
13 such as being inadmissible or deportable under specified statutory categories. 8 U.S.C.
14 § 1231(a)(6). No bar applies to the named Petitioners.
15

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18
19 The Supreme Court in *Zadvydas* underscored that civil detention is thus only
20 constitutionally permissible in “special and narrow nonpunitive circumstances, where a
21 special justification . . . outweighs the individual’s constitutionally protected interest in
22 avoiding physical restraint.” *Id.* at 690 (citations omitted) (internal quotations omitted).
23 The Court thus concluded that, “[a] statute permitting indefinite detention of [a
24 noncitizen] would raise a serious constitutional problem.” *Id.*; *see id.* at 701 (“We do
25 have reason to believe, however, that Congress previously doubted the constitutionality
26 of detention for more than six months.”).
27
28

DHS regulations, in turn, provide that, by the end of the 90-day removal period
the local ICE field office director with jurisdiction over the noncitizen’s detention must
conduct a custody review to determine whether the noncitizen should remain detained.
See 8 C.F.R. §§ 241.4(c)(1), (k)(1)(i) (“Prior to the expiration of the removal period,
the district director . . . shall conduct a custody review . . .”). The Field Office Director,

1 or their specifically designated delegates, makes the final custody decision based on
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3 recommendations offered by lower-level officers. In making this custody
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5 determination, ICE considers several factors, including the availability of travel
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7 documents for removal. *Id.* §§ 241.4(e)-(f). If there is a decision to release, ICE must
8
9 release the noncitizen under conditions of supervision as it considers appropriate. *Id.* §
10
11 241.4(j).

12
13 To comply with *Zadvydas*, DHS issued additional regulations in 2001 that
14
15 established “special review procedures” to determine whether detained noncitizens
16
17 with final removal orders are likely to be removed in the reasonably foreseeable future.
18
19 *See* Continued Detention of Aliens Subject to Final Orders of Removal, 66 Fed. Reg.
20
21 56,967 (Nov. 14, 2001). While 8 C.F.R. § 241.4’s custody review process remained
22
23 largely intact, subsection (i)(7) was added to include a supplemental review procedure
24
25 that ICE HQ must initiate when “the [noncitizen] submits, or the record contains,
26
27 information providing a substantial reason to believe that removal of a detained
28
[noncitizen] is not significantly likely in the reasonably foreseeable future.” *Id.* §
241.4(i)(7). Under this procedure, ICE HQ evaluates the foreseeability of removal by
analyzing factors such as the history of ICE’s removal efforts to third countries. *See id.*
§ 241.13(f). If ICE HQ determines that removal is not reasonably foreseeable but
nonetheless seeks to continue detention based on “special circumstances,” it must
justify the detention based on narrow grounds such as national security or public health
concerns, *id.* §§ 241.14(b)-(d), or by demonstrating by clear and convincing evidence
before an IJ that the noncitizen is “specially dangerous.” *Id.* § 241.14(f). 46. The

1 Supreme Court has held that post-removal order detention is limited to “a period
2 reasonably necessary to bring about that [noncitizen’s] removal from the United
3 States.” *Zadvydas*, 533 U.S. at 689. This is because the primary purpose of post-order
4 detention is to “assure[e] the [noncitizen’s] presence at the moment of removal.” *Id.* at
5 699. This government interest in “preventing flight,” however, “is weak or nonexistent
6 where removal seems a remote possibility at best.” *Id.* at 690.

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12 Here, Respondents refused to place and release Petitioners He and Qiao on an
13 order of supervision without a good cause or justification. Neither Petitioner has
14 criminal record of any kind. Each is not a danger to herself or anyone else and was
15 gainfully employed prior to re-detention. Petitioner He has resided in the United States
16 for over 7 years; Petitioner Qiao has resided in the US for over two years. Neither has
17 prior immigration record, history of non-compliance with court or ICE orders, or other
18 derogatory factors. Each Petitioner was granted withholding of removal by an
19 Immigration Judge and Respondents elected not to appeal. Both Petitioners suffer from
20 severe medical problems that require immediate and specialized care. *Id.*

DHS Longstanding ‘Mandatory Relief Granted’ Release Policy

21 In 2000, the then-Immigration and Naturalization Service (“INS”) General
22 Counsel issued a memorandum clarifying that 8 U.S.C. § 1231 authorizes but does not
23 require the detention of noncitizens granted withholding of removal or CAT relief.
24 (ECF # 1 at Exhibit J at 1). A 2004 ICE memorandum turned this acknowledgement of
25 authority into a presumption, stating that “it is ICE policy to favor the release of
26 [noncitizens] who have been granted protection relief by an immigration judge, absent

1 exceptional concerns such as national security issues or danger to the community and
2 absent any requirement under law to detain.” *Id.* at 3. Further, this memorandum states
3 that “in all cases, the Field Office Director must approve a decision to keep a
4 [noncitizen] granted protection relief in custody.
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9 In 2012 ICE leadership subsequently reiterated this policy clarifying that the
10 2000 and 2004 ICE memorandums are “still in effect and should be followed” and that
11 “[t]his policy applies at all times following a grant of protection, including during any
12 appellate proceedings and throughout the removal period.” *Id.* at 3.
13
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17 In 2021, in turn, Acting ICE Director Tae Johnson circulated a memorandum to
18 all ICE employees reminding them of the “longstanding policy” that “absent
19 exceptional circumstances... [noncitizens] granted asylum, withholding of removal, or
20 CAT protection by an immigration judge should be released...” *Id.* at 4 (emphasis
21 added). Director Johnson clarified that “in considering whether exceptional
22 circumstances exist, prior convictions alone do not necessarily indicate a public safety
23 threat of danger to the community. Rather, the individual facts and circumstances of
24 the case, including extensiveness, seriousness, and recency of the criminal activity,
25 along with any evidence of rehabilitation, should be considered in making such
26 determination.” *Id.*
27
28

Third Country Removal Procedures

When a noncitizen has a final withholding or CAT relief grant, they cannot be removed to the country or countries for which they demonstrated a sufficient likelihood of persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. §

1 1208.17(b)(2). While ICE is authorized to remove noncitizens who were granted
2 withholding or CAT relief to alternative countries, *see* 8 U.S.C. § 1231(b); 8 C.F.R. §
3 1208.16(f), the removal statute specifies restrictive criteria for identifying appropriate
4 countries. Noncitizens can be removed, for instance, to the country “of which the
5 [noncitizen] is a citizen, subject, or national,” the country “in which the [noncitizen]
6 was born,” or the country “in which the [noncitizen] resided” immediately before
7 entering the United States. 8 U.S.C. §§ 1231(b)(2)(D)–(E). Here the only designated
8 country of removal is China and China is the only country under 8 U.S.C. §§
9 1231(b)(2)(D)–(E). If ICE identifies an appropriate alternative country of removal, the
10 noncitizen must have notice and an opportunity to seek relief from removal to that
11 country. *See Jama*, 543 U.S. at 348 (“If [noncitizens] would face persecution or other
12 mistreatment in the country designated under § 1231(b)(2), they have a number of
13 available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A);
14 [and] relief under an international agreement prohibiting torture, *see* 8 CFR §§
15 208.16(c)(4), 208.17(a) (2004) . . .”); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir.
16 1999) (finding that “last minute” designation of alternative country without meaningful
17 opportunity to apply for protection “violate[s] a basic tenet of constitutional due
18 process”); *Romero v. Evans*, 280 F. Supp. 3d 835, 848 n.24 (E.D. Va. 2017) (“DHS
19 could not immediately remove petitioners to a third country, as DHS would first need
20 to give petitioners notice and the opportunity to raise any reasonable fear claims.”),
21 rev’d on other grounds, *Guzman Chavez*, 594 U.S. 523; *cf. Protsenko v. U.S. Att’y*
22 *Gen.*, 149 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting designation of

1 third country where individuals received “ample notice and an opportunity to be
2 heard”). The statute and regulations implement Congress’ designation scheme in a way
3 that ensures that noncitizens receive meaningful notice and an opportunity to present a
4 fear-based claim. In removal proceeding under 8 U.S.C. § 1229(a) (commonly referred
5 to as “Section 240” proceedings), individuals receive notice of all countries to which
6 they may be deported. The regulations mandate that the IJ “shall notify” the individual
7 of the designated country of removal and “shall identify for the record” all alternative
8 countries to which the person may be removed. 8 C.F.R. § 1240.10(f). Here there are
9 no alternative countries designated by the IJ. *See* Exhibit B & H.

10
11 If the government seeks to remove an individual granted withholding or CAT to
12 a different country—a country not designated by the removal order—the INA and due
13 process principles require that the noncitizen have a meaningful opportunity seek fear-
14 based protection from removal to that country. Specifically, if ICE were to attempt to
15 remove a noncitizen to a country not designated on their removal order, the
16 noncitizen’s removal proceedings would have to be reopened for the IJ to designate the
17 alternative country of removal and for the noncitizen to apply for any fear-based relief
18 in withholding-only proceedings. *See Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006–10
19 (W.D. Wash. 2019); accord 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. §§ 1240.10(f),
20 1240.11(c)(1)(i).

21
22 Notice is only meaningful if it is presented sufficiently in advance of the
23 deportation to stop the deportation, is in a language the person understands, and
24 provides for an automatic stay of removal for a time period sufficient to permit the

1 filing of a motion to reopen removal proceedings so that a third country for removal
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3 may be designated as required under the regulations and the noncitizen may present a
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5 fear-based claim. *Andriasian*, 180 F.3d at 1041; *Aden*, 409 F. Supp. 3d at 1009 (“A
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7 noncitizen must be given sufficient notice of a country of deportation [such] that, given
8
9 his capacities and circumstances, he would have a reasonable opportunity to raise and
10
11 pursue his claim for withholding of deportation.”).

12
13 Furthermore, an opportunity to present a fear-based claim is only meaningful if
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15 the noncitizen is not deported before removal proceedings are reopened. *See Aden*, 409
16
17 F. Supp. 3d at 1010 (holding that merely giving petitioner an opportunity to file a
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19 discretionary motion to reopen “is not an adequate substitute for the process that is due
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21 in these circumstances” and ordering reopening); *Dzyuba v. Mukasey*, 540 F.3d 955,
22
23 957 (9th Cir. 2008) (remanding to BIA to determinate whether designation is
24
25 appropriate).

26
27 Providing such notice and opportunity to present a fear-based claim prior to
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deportation also implements the United States’ non-refoulement obligations under
international law. *See* United Nations Convention Relating to the Status of Refugees,
July 28, 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of
Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267; Refugee Act of 1980, Pub.
L. 96-212, § 203(e), 94 Stat. 102, 107 (codified as amended at 8 U.S.C. § 1231(b)(3));
see also INS v. Stevic, 467 U.S. 407, 421 (1984) (noting that the Refugee Act of 1980
“amended the language of [the predecessor statute to § 1231(b)(3)], basically
conforming it to the language of Article 33 of the United Nations Protocol”).

1 Meaningful notice and opportunity to present a fear-based claim prior to
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3 deportation to a country where a person fears persecution or torture are also
4
5 fundamental due process protections under the Fifth Amendment. *See, e.g.,*
6
7 *Andriasian*, 180 F.3d at 1041. The federal government has repeatedly acknowledged
8
9 these obligations in model notices of removal to other than designated countries. And,
10
11 consistent with the above authorities and practices, at oral argument in *Johnson v.*
12
13 *Guzman Chavez*, 594 U.S. 523 (2021), the Assistant to the Solicitor General
14
15 represented that the government must provide a noncitizen with notice and an
16
17 opportunity to present fear-based claims, including claims for mandatory CAT
18
19 protection, before that noncitizen can be deported to a non-designated third country.
20
21 *See* Transcript of Oral Argument at 20-21, *Johnson v. Guzman Chavez*, 594 U.S. 523
22
23 (2021); *see also* Transcript of Oral Argument at 33, *Riley v. Bondi*, 23-1270 (2025)
24
25 (“We would have to give the person notice of the third country and give them the
26
27 opportunity to raise a reasonable fear of torture or persecution in that third country.”).
28

 On or about 18 February 2025 ICE issued a secretive directive instructing
officers to review cases for third country deportations and summarily re-detain
previously released individuals, including individuals granted withholding or removal
or CAT protection and individuals previously released because removal was not
reasonably foreseeable. The directive was not officially published or noted as a
regulatory measure or regulation.

 On 6 March 2025 Reuters published a copy of the February 18, 2025, directive.
See Ted Hesson and Kristina Cooke, Trump Weighs Revoking Legal Status of

1 Ukrainians as US Steps Up Deportations, Reuters (Mar. 6, 2025). The article links to
2
3 the directive (ECF # 1, Exhibit K):
4
5 https://lingfx.thomsonreuters.com/gfx/legaldocs/gkpljxxoqpb/ICE_email_Reuters.pdf
6
7 (last visited on 23 November 2025). The directive expressly instructs officers to review
8
9 the cases of noncitizens granted withholding of removal or protection under CAT “to
10
11 determine the viability of removal to a third country and accordingly whether the
12
13 [noncitizen] should be re-detained” and, in the case of those who previously could not
14
15 be removed because their countries of citizenship were unwilling to accept them, to
16
17 “review for re-detention . . . in light of . . . potential for third country removals.”
18

19 DHS has no policy to provide notice or an opportunity to apply for protection
20
21 regarding removal to a third country that is not designated in an IJ’s order.
22

23 V. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS OF
24
25 THEIR CLAIMS
26

27 *First*, the Fifth Amendment guarantees that no person shall be deprived of
28
liberty 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 Clause protects.” *Zadvydas v. Davis*, 533
U.S. 678, 690 (2001). “Government detention violates the Due Process Clause unless it
is ordered in a criminal proceeding with adequate procedural safeguards, or in certain
special and non-punitive circumstances ‘where a special justification, . . . outweighs
the individual’s constitutionally protected interest in avoiding physical restraint.’”

1 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
2
3 *Hendricks*, 521 U.S. 346, 356 (1997)).

4
5 The U.S. Supreme Court in *Zadvydas* interpreted 8 U.S.C. §1231(a) to allow
6
7 continued detention only for a period reasonably necessary to secure the person's
8
9 removal, because any other reading would go beyond the government's articulated
10
11 interest—to effect the non-citizen's removal. See *Kay v. Reno*, 94 F.Supp.2d. 546, 551
12
13 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due
14
15 process rights were violated, and noting that "If deportation can never occur, the
16
17 government's primary legitimate purpose in detention—executing removal—is
18
19 nonsensical.")

20
21 The Supreme Court has instructed that the passage of time while a noncitizen is
22
23 detained, particularly delay in the absence of any steps being taken to effectuate or
24
25 even advance the process of removal, itself is important evidence relevant to whether
26
27 continued detention is statutorily authorized.

28
As the Supreme Court explained civil detention may not "become a 'mechanism
for retribution or general deterrence'—functions properly those of criminal law, not
civil commitment." *Kansas v. Crane*, 534 U.S. 407, 412 (2002) (quoting *Kansas v.*
Hendricks, 521 U.S. 346, 372–74 (1997) (Kennedy, J., concurring)); see also
Hendricks, 521 U.S. at 373 (Kennedy, J., concurring) ("[W]hile incapacitation is a goal
common to both the criminal and civil systems of confinement, retribution and general
deterrence are reserved for the criminal system alone."); *R.L.L.-R v. Johnson*, 80 F.
Supp. 3d 164, 189–90 (D.D.C. 2015).

1 In this case Respondents cannot show any “special justification” or compelling
2 governmental interest which would outweigh Petitioners’ constitutional liberty. Here
3 the detention is punitive in purpose and effect, and thus violates the Due Process
4 Clause. Petitioners’ continued detention pending supposed prospective third country
5 removal efforts, without notice of whether and to which countries ICE is actually
6 attempting to remove each Petitioner, so that she may contest such removal, violates
7 his procedural due process rights. *See, e.g., Vaskanyan*, 2025 U.S. Dist. LEXIS 137846
8 at *16 n.1 (noting that “[a]ny efforts to remove [p]etitioner to a third country must
9 comport with due process. As [r]espondents admitted . . . , ICE is required as a matter
10 of law and protocol to afford [p]etitioner a meaningful opportunity to contest his
11 removal to a third country on the basis of fear of persecution or torture”).
12

13 In essence, Respondents’ ongoing failure to disclose purported third countries of
14 removal to Petitioners would transform Petitioners’ detention into potentially indefinite
15 detention.
16

17 *Second*, under the Due Process Clause non-citizens like Petitioners are entitled
18 to a timely and meaningful opportunity to demonstrate that they should not be detained
19 or removed to a country not designated in the IJ’s order of removal. Petitioners in this
20 case have been denied that opportunity. Respondents have an uniform policy and
21 practice of not making decisions concerning custody status at the expiration of the
22 statutory removal period and/or where formal request are made; and when decisions
23 are made, they are not made in a neutral and impartial manner. The failure of
24 Respondents to provide a neutral decision-maker to review the decision to (1) detain
25
26
27
28

1 and then the continued custody of Petitioners and (2) to permit removal to a third
2 country without an opportunity to present a proper fear claim or assure guarantees
3 against chain refoulement back to China, violates Petitioners' respective right to
4 procedural due process. There is no administrative mechanism in place for the
5 Petitioners to demand a decision, ensure that a decision is made, or appeal a custody
6 and/or third country removal decision that violates *Zadvydas*.
7
8
9
10
11

12 a. Liberty Interest
13

14 The Due Process Clause may protect a liberty interest even where a statute
15 allows the immigrant's arrest and detention and does not provide for procedural
16 protections. *Id.* (Due Process requires pre deprivation hearing before revocation of
17 parole); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). *Morrissey* observed that
18 parole allows the parolee to enjoy the same activities as those who have not been
19 arrested and held in custody including, living at home, having a job, and "be[ing] with
20 family and friends and to form the other enduring attachments of normal life."
21 *Morrissey*, 408 U.S. at 482. "Though the [government] properly subjects [the parolee]
22 to many restrictions not applicable to other citizens," such as monitoring and seeking
23 authorization to work and travel, "his condition is very different from that of
24 confinement in a prison." *Id.* "The parolee has relied on at least an implicit promise
25 that parole will be revoked only if he fails to live up to the parole conditions." *Id.* The
26 revocation of parole undoubtedly "inflicts a grievous loss on the parolee." *Id.*
27 (quotations omitted). Therefore, a parolee possesses a protected liberty interest in his
28 "continued liberty." *Id.* at 481–84.

1 The protected liberty is even greater when a person is placed on release on order
2 of recognizance as was the case here. See *Pinchi v. Noem*, No. 5:25-CV-05632-PCP,
3 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025).
4

5
6
7 Under substantive due process doctrine, a restraint on liberty like revocation of a
8 non-citizen's parole or order of supervision is only permissible if it serves a "legitimate
9 nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme
10 Court has only recognized two legitimate objectives of immigration detention:
11 preventing danger to the community or preventing flight prior to removal. See
12 *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil
13 detention).
14

15
16
17 In turn, "[p]rocedural due process imposes constraints on governmental
18 decisions which deprive individuals of liberty," like the decision to revoke a non-
19 citizen's order of supervision or recognizance. *Mathews v. Eldridge*, 424 U.S. 319, 332
20 (1976) (citation modified). "The fundamental requirement of [procedural] due process
21 is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at
22 333 (citation modified).
23

24
25 Under the INA and implementing regulations, certain DHS officials "at any time
26 may revoke a bond or [conditional or humanitarian] parole authorized under [the INA],
27 rearrest the [noncitizen] under the original warrant, and detain the [noncitizen]." 8
28 U.S.C. § 1226(b); see 8 C.F.R. § 236.1(c)(9). Certain DHS officials may terminate
humanitarian parole upon written notice when they determine that the purpose for
parole has been "accomplish[ed]" or when "neither humanitarian reasons nor public

1 benefit warrants the [noncitizen's] continued presence . . . in the United States[.]” 8.
2
3 C.F.R. § 212.5(e)(2)(i). For decades, however, DHS has had a consistent policy and
4
5 practice of re-detaining noncitizens in removal proceedings only when the individual
6
7 circumstances related to their flight risk or danger to the community had materially
8
9 changed. Moreover, by regulation, revocations of release may only be carried out in
10
11 the “discretion of the district director, acting district director, deputy director, assistant
12
13 district director for investigations, assistant district director for detention and
14
15 deportation, or officer in charge (except foreign).” 8 C.F.R. § 236.1(c)(9).
16

17 Despite “the breadth of [the] statutory language”, the Respondents’ authority to
18
19 re-detain is subject to “an important implicit limitation”: It cannot lawfully re-arrest or
20
21 re-detain someone without “a material change in circumstances.” *Saravia*, 280 F. Supp.
22
23 3d at 1197; *see also Matter of Sugay*, 17 I. & N. Dec. 637, 640 (B.I.A. 1981). Thus, a
24
25 person released from initial custody, like Petitioner here, cannot be re-detained “solely
26
27 on the ground that he is subject to removal proceedings[.]” without some new,
28
intervening cause. *Saravia*, 280 F. Supp. at 1196. Indeed, the Fourth Amendment,
which applies to seizures by immigration authorities, prohibits such re-arrests, which
courts have long held could result in “harassment by continual rearrests.” *United States*
v. Holmes, 452 F.2d 249, 261 (7th Cir. 1971) (Stevens, J.) (prohibiting rearrest without
change in circumstances in criminal context); *U.S. v. Brignoni-Ponce*, 422 U.S. 873,
884 (1975) (applying Fourth Amendment principles from criminal context to “limit”
scope of immigration agents’ seizure authority); *Gonzalez v. United States Immigr. &*

1 *Customs Enf't*, 975 F.3d 788, 817 (9th Cir. 2020) (Fourth Amendment limits apply
2
3 equally to seizures in criminal and civil immigration context).
4

5 Here, no *authorized* official made a decision to revoke these Petitioners' order of
6
7 supervision; nor has Respondents provided to the Court the actual written decision of
8
9 the purported revocations. Such detention of a person granted withholding of removal
10
11 without compliance with the statutory requirements and regulations is plainly
12
13 deficient.¹
14

15 b. Process due
16

17 The Supreme Court has repeatedly recognized that re-detention after some form
18
19 of conditional release requires a pre-deprivation hearing. *Young v. Harper*, 520 U.S.
20
21 143, 152 (1997) (re-detention after pre-parole conditional supervision); *Gagnon v.*
22
23 *Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*,
24
25 408 U.S. 471 (1972) (same, in parole context). The same protection apply to people
26
27 like Petitioners who were released from civil immigration detention. *See Ortega v.*
28
Banmar, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (observing that “[g]iven the civil
context [of immigration detention], [the] liberty interest [of noncitizens released from
custody] is arguably greater than the interest of parolees.”)

Due process “is a flexible concept that varies with the particular situation.”
Zinerman v. Burch, 494 U.S. 113, 127 (1990). The procedural protections required in a
given situation are evaluated using the *Mathews v. Eldridge* factors. *Mathews v.*

1 *Eldridge*, 424 U.S. 319, 335 (1976)); *Hernandez v. Sessions*, 872 F.3d 976, 993 (9th
2
3 Cir. 2017) (applying Mathews factors in immigration detention context).

4
5 Petitioners' private interests affected by Respondents' actions are profound – her
6
7 physical liberty. The risk of erroneous deprivation of liberty is high, because
8
9 Petitioners are neither flight risk nor danger to the community but face a real and
10
11 substantial risks of persecution and/or torture if removed to a third country without an
12
13 opportunity to present a fear claim and receive a decision by a neutral decision maker.

14
15 The government's interest in Petitioners' continued punitive administrative
16
17 detention is minimal. The deprivation of Petitioners' liberty interests far outweighs the
18
19 government's interest in arrests and continued detention where there is no reasonable
20
21 foreseeable chance of repatriation.

22
23 The burden on the Government for the additional process requested by
24
25 Petitioners, to wit, a notice of continued detention and denial of release, an opportunity
26
27 to respond, and be heard would be minimal. Petitioners have no other judicial venue to
28
challenge the legality of their respective detention.

Not affording Petitioners a judicial forum to challenge the legality of each
Petitioner's detention though this habeas corpus proceedings would also violate the
Suspension Clause of the U.S. Constitution and the INA.

Third, Petitioners' continued detention by Respondents is unlawful and
contravenes 8 U.S.C. § 1231 as interpreted by the U.S. Supreme Court in *Zadvydas* as
implemented by longstanding agency practice until 2025. The mandatory removal
period has long expired for the named Petitioners. Respondents re-detained each

1 Petitioner without a notice or an opportunity to be heard rather than place each on
2
3 order of supervision as required by the INA.
4

5 **Fourth**, the Administrative Procedure Act allows courts to set aside agency
6
7 action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in
8
9 accordance with law,” or “in excess of statutory jurisdiction, authority, or limitations,
10
11 or short of statutory right.” 5 U.S.C. § 706(2)(A), (C).
12

13 Under the *Accardi* doctrine, in turn, agencies are bound to follow their own rules
14
15 that affect the fundamental rights of individuals, even self-imposed policies and
16
17 processes that limit otherwise discretionary decisions. *See Accardi*, 347 U.S. at 260
18
19 (holding that the BIA must follow its own regulations in its exercise of discretion);
20
21 *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are
22
23 affected, it is incumbent upon agencies to follow their own procedures... even where
24
25 the internal procedures are possibly more rigorous than otherwise would be required.”).
26

27 When agencies fail to adhere to their own policies as required by *Accardi*, courts
28
typically follow one of two courses of action. The first is to frame the violation as
arbitrary, capricious, and contrary to law under the APA. *See Damus v. Nielson*, 313 F.
Supp. 3d 317, 337 (D.D.C. 2018) (“It is clear, moreover, that [*Accardi*] claims may
arise under the APA”). The second is to consider it a due process violation. *See*
Sameena Inc. v. United States Air Force, 147 F.3d 1148, 1153 (9th Cir. 1998) (“An
agency’s failure to follow its own regulations tends to cause unjust discrimination and
deny adequate notice and consequently may result in a violation of an individual’s
constitutional right to due process.”) (internal quotes omitted).

1 To remedy an *Accardi* violation, a court may direct the agency to properly apply
2
3 its policy. *See Damus*, 313 F. Supp. 3d at 343 (“[T]his Court is simply ordering that
4
5 Defendants do what they already admit is required.”). Or a court may apply the policy
6
7 itself and order relief consistent with the policy. *See Jimenez v. Cronen*, 317 F. Supp.
8
9 3d 626, 657 (D. Mass. 2018) (scheduling bail hearing to review petitioners’ custody
10
11 under ICE’s standards because “it would be particularly unfair to require that
12
13 petitioners remain detained... while ICE attempts to remedy its failure.”).

14
15 Prior to the 2025 secretive ‘Detain all’ directive Petitioners was eligible for
16
17 release pursuant to ICE’s longstanding policy and practice of releasing non-citizens
18
19 granted withholding of removal. In fact, in this case during the mandatory removal
20
21 period Respondents elected not to detain each Petitioner.

22
23 The decision to re-detain at the last check-in was arbitrary and capricious and
24
25 without any process. The Respondents change in policy as to mandatory detention of
26
27 all non-citizens granted fear based relief is not rational, based on consideration of the
28
relevant factors, and/or within the scope of the authority delegated to the agency by
statute.

VI. THE REMAINING FACTORS WEIGHT HEAVILY IN FAVOR OF GRANTING A TEMPORARY RESTRAINING ORDER.

Unlawful detention constitutes “a loss of liberty that is . . . irreparable.” *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020), *aff’d in part, vacated in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52 F.4th 821 (9th Cir. 2022); *cf. Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir.

1 2013) (irreparable harm is met where “preliminary injunction is necessary to ensure
2 that individuals . . . are not needlessly detained” because they are neither a danger nor a
3 flight risk). This is particularly true here, where Petitioners’ continued detention also
4 violates the Constitution. “Civil immigration detention violates due process outside of
5 certain special and narrow nonpunitive circumstances.” *Rodriguez v. Marin*, 909 F.3d
6 252, 257 (9th Cir. 2018) (citation modified). As detailed above, Petitioner’s detention
7 is outside of those “special and narrow nonpunitive circumstances,” as the Due Process
8 Clause forbids his detention without a pre deprivation hearing. These constitutional
9 concerns also counsel in favor of finding demonstrated irreparable harm. *See Baird v.*
10 *Bonta*, 81 F.4th 1036, 1048 (9th Cir. 2023) (declaring that “in cases involving a
11 constitutional claim, a likelihood of success on the merits usually establishes
12 irreparable harm”). Moreover, “a post deprivation hearing cannot serve as an adequate
13 procedural safeguard because it is after the fact and cannot prevent an erroneous
14 deprivation of liberty.” *E.A. T.-B.*, 2025 WL 2402130, at *6. In other words,
15 Petitioner’s unlawful detention without a proper pre-deprivation hearing is already
16 occurring, and only immediate release remedies that issue.

17 Moreover, a TRO would serve the public interest: Permitting continued
18 violations of federal law would serve “neither equity nor the public interest.” *Galvez v.*
19 *Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022). Thus, the public interest weighs in favor of
20 the Petitioners because continued detention without the legal protections afforded
21 under § 1231 potentially violates the Petitioners’ due process and statutory rights. *See*
22 *Xuyue Zhang v. Barr*, 612 F.Supp.3d 1005, 1017 (C.D. Cal. 2019) (“Generally, public

1 interest concerns are implicated when a constitutional right has been violated, because
2
3 all citizens have a stake in upholding the Constitution.”).
4
5
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioners pray that this Court grant the following relief:
9

- 10 (1) Grant a TRO and order each Petitioner’s immediate release to return Petitioners
11
12 to the status quo that existed prior to the re-detention. *See Valdez v. Joyce*, 25
13 Civ. 4627, 2025 WL 1707737, at *5 (S.D.N.Y. June 18, 2025) (ordering
14 immediate release of unlawfully detained noncitizen); *Ercelik v. Hyde*, No. 1:25-
15 CV11007-AK, 2025 WL 1361543, at *15–16 (D. Mass. May 8, 2025) (same);
16
17 *Günaydin v. Trump*, No. 25-CV-01151, 2025 WL 1459154, at *10–11 (D. Minn.
18 May 21, 2025) (same)
19
20
21
22
23 (2) Issue an injunction ordering Respondents not revoke Petitioners’ grant of release
24 without providing prior written notice, an opportunity to respond, and be
25 represented by counsel prior to deprivation of liberty in relation to effecting
26 removal² to Safe Thirds County;
27
28 (3) Issue an injunction prohibiting the transfer of Petitioner outside of the
jurisdictional limits of this Court.

Respectfully Submitted by

² Petitioners do not challenge the ability or decision of Respondents to remove them to Third Country; Petitioners only challenged the legality of their current detention, and the lack of process they suffered at the hands of Respondents when their were re-detained.
RENEWED AND AMENDED APPLICATION FOR EX PARTE TEMPORARY
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION AND BRIEF IN
SUPPORT - 29

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s/ Nicolette Glazer Esq.
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CERTIFICATION OF COUNSEL

The undersigned, counsel of record Petitioner, certifies that this memorandum of points and authorities contains 6937 words, which complies with the word limit set in LR. 11.6.

s/ Nicolette Glazer Esq.
Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
1875 Century Park East #700
Century City, CA 90067
ATTORNEY FOR PETITIONERS

I XiaoHong He and I am over 18 years old and I declare under penalty of perjury that the following is true and correct to the best of my knowledge

1. My name is XiaoHong He .
2. I am from China.
3. I am 48 years old.
4. I have entered in the United States over 7 year ago.
5. I speak Mandarin.
6. I escaped from my country because I have fear to return to my country.
7. I had court proceeding pending with the immigration court. I was granted withholding of removal.
8. I applied for asylum application.
9. I also reported to the ICE under supervision and I complied with all these .
10. On 7/2/2025, I went to the ICE to report myself. They asked me to go once a year. I complied with all their orders. I went to the Kiosk to report on that day, the immigration officer told me to go inside a room. When I was inside the room, the officer told me I couldn't go and they went ahead and arrested me. They told me I had a removal order even I was granted withholding of removal by the court I always comply with the ICE order and reported them all the time.
11. I tried to explain to them but the officers there didn't listen to me. They handcuffed me and took me away. I was shocked at that time since I did not know what was going on.
12. They took me from Santa Ana to Los Angeles on the same night and they transferred me to Adelanto Detention Center the next day
13. When I am inside, the officer told me they would send me to a third country and I refused.
14. There are a lot of people together stayed in the same room.
15. They gave us food that is not eatable at all.
16. I am very sick now at detention center. I have medical problems. I had breathing problem and my heart was not feeling well few months ago and they sent me to the hospital. I was hospitalized for 4 days.
17. I had heart discomfort a month ago and they took me to the nurse to have a check up and there was no medication.
18. There is no doctor inside except they have to take us to the hospital.
19. I still wear the IUD device and I don't feel comfortable and unusual bleeding and need to have a check up.
20. I have uterus fibroids. I requested the check-up but they didn't provide me with the check up and treatment.
21. The living conditions inside are not good for someone with a medical condition like me.
22. It is very cold inside and there is no blanket inside sufficient to keep me warm. I have substantial medical problems and I cannot stand living conditions inside.
23. I could not sleep because of my medical condition. It is a nightmare to me about what happened on 7/2/2025. I came to this country to seek refuge because of what happened to me in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 7/2/2025.
24. I miss my family especially my children.

25. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
26. I need to get out of there since my family needs me.
27. I miss my family, my children and I need your help

XIAOHONG HE

I, ZACH CHEN, prepared the contents of the above declaration at the request and with the permission of XiaoHong He. I am competent in interpreting from English to Mandarin. I read the information contained herein to the Petitioner in Mandarin to the best of my ability. The Petitioner confirmed to me that all the translated information from Mandarin to English and vice versa in this document is true and correct and adopted the contents of the declaration as her own. XiaoHong He unequivocally authorized me to affix her name as an indication of approval and adoption as she is detained and cannot receive and send documents easily.

I declare under penalty of perjury on 12/20/2025

[Signature]

I YunXiang Qiao and I am over 18 years old and I declare under penalty of perjury that the following is true and correct to the best of my knowledge

1. My name is YunXiang Qiao.
2. I am from China.
3. I am 65 years old.
4. I have entered in the United States for over 2 years. The immigration released me after I entered.
5. I applied for asylum application and the immigration judge granted me withholding of removal relief.
6. I escaped from my country because I have fear to return to my country.
7. I also reported to the ICE under supervision and I complied with all these.
8. When I went to report to the ICE in Los Angeles on 12/5/2025, the officer there saying I have a removal order and they would detain and arrest me. The officer went ahead and arrested me despite knowing the court granted me the withholding of removal relief and I always comply with the ICE order and reported them all the time.
9. I tried to explain to them but the officers there didn't listen to me. They handcuffed me and took me away. I was shocked at that time since I did not know what was going on.
10. I was in Los Angeles for a day and they transferred me to Adelanto Detention Center the next day.
11. When I am inside, the officer forced me to sign a paper to be deported.
12. The living condition inside is extremely bad. The food is very bad.
13. I have medical problems. I have suffered from sleeplessness, low blood pressure, and bleeding. My uterus were removed when I was in China.
14. I am very sick now at detention center. There is blood coming out from my rectum and my anal is bleeding constantly and they had to send me to the hospital.
15. The living conditions inside are not good for someone with a medical condition like me.
16. My medical situation is getting worse inside. There was no doctor inside and no medication was provided for me. They provided no treatment there. I am suffering inside. It is very cold inside and there is no blanket inside sufficient to keep me warm. I am an older person and have substantial medical problems and I cannot stand living conditions inside.
17. I could not sleep because of my medical condition. I have anxiety problem. My mouth has all the blisters and I couldn't eat at all. It is a nightmare to me about what happened on 12/5/2025. I came to this country to seek refuge because of what happened to me in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 12/5/2025.
18. I miss my family especially daughter and my grandchildren. My daughter worried me a lot and could not sleep every day.
19. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
20. I need to get out of there since my family needs me.
21. I miss my family, my daughter and grandchildren and I need your help.

YUNXIANG QIAO

I, ZACH CHEN, prepared the contents of the above declaration at the request and with the permission of YunXiang Qiao. I am competent in interpreting from English to Mandarin. I read the information contained herein to the Petitioner in Mandarin to the best of my ability. The Petitioner confirmed to me that all the translated information from Mandarin to English and vice versa in this document is true and correct and adopted the contents of the declaration as her own. YunXiang Qiao unequivocally authorized me to affix her name as an indication of approval and adoption as she is detained and cannot receive and send documents easily.

I declare under penalty of perjury on 12/20/2025.

