

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the U.S. DISTRICT COURT
Southern District of Georgia
SEVEN:41 DIV.

Iakov Ankudinov
A [REDACTED]
By his next friend Natalia Ankudinova
Petitioner

v.

Warden, D. Ray James Correctional Facility
3262 Highway 252, Folkston, GA 31537
and other (see Attachment A)

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

5:25-Cv-238
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Iakov Ankudinov
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: D. Ray James Correctional Facility
(b) Address: 3262 Highway 252, Folkston, GA 31537
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
☒ Being held on an immigration charge
☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: D.Ray James Correctional Facility

3262 Highway 252, Folkston, GA 31537

(b) Docket number, case number, or opinion number:



(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

ICE has been detaining petitioner for an excessively long period despite the fact that petitioner have no criminal record, relying only on the so-called "current DHS priorities". Petitioner's requests for parole were denied without explanation or were ignored without any individualized review. Petitioner also have a pending BIA appeal.

(d) Date of the decision or action: 06/13/2024

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 06/13/2024
- (b) Date of the removal or reinstatement order: 10/20/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

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If "Yes," provide:

(1) Date of filing: 10/27/2025

(2) Case number:

(3) Result: pending

(4) Date of result:

(5) Issues raised: Appealing the Immigration Judge's removal order and denial of asylum application

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged civil immigration detention without a bond violates the Fifth Amendment Due Process Clause.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The petitioner has been held under ICE civil immigration detention since June 13, 2024 for an extended period without the right to release. The detention duration far exceeds reasonable limits despite the petitioner's spouse in the United States and no indications that he poses a danger or risk if released, and ICE has not demonstrated the necessity of continued detention. Such prolonged detention without individualized review violates the petitioner's Fifth Amendment right to due process.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: The ICE officer's denial of release was arbitrary and unsupported by evidence, in violation of the Constitution.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The ICE officer denied the petitioner's release solely on the basis of "community risk", without providing specific reasons or conducting any individualized assessment of his circumstances. The officer failed to consider the petitioner's family ties, lack of criminal history, and the possibility of safe release, demonstrating the absence of genuine individualized review. ICE applied an improper legal standard and did not consider less restrictive alternatives, resulting in an unlawful deprivation of liberty in violation of the Fifth Amendment.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: ICE lacks lawful authority to detain Petitioner indefinitely while his removal order is not final.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The Immigration Judge ordered removal in October 20, 2025, but the Petitioner timely filed an appeal with the BIA, which is still pending. Since the appeal is unresolved, removal is not inevitable, and indefinite detention violates constitutional limits and has become unlawful.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: The petitioner's prolonged detention has caused significant deterioration of his physical and mental health, and the facility has failed to provide adequate medical care, in violation of the Fifth Amendment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The petitioner's physical and mental health have substantially worsened during his extended detention, and the facility's medical staff has been unable to provide sufficient or effective treatment. Despite health concerns, the petitioner has not received adequate medical evaluation or care, and his condition continues to decline. Continued detention under these circumstances constitutes unconstitutional punishment in a civil context and violates the petitioner's Fifth Amendment right to due process.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: There are no such grounds that were not presented.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that the Court order him release from immigration detention, with any conditions of supervision the Court finds appropriate, including but not limited to: GPS monitoring, regular check-ins with ICE, release on parole, or a bond hearing.

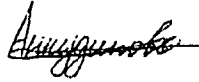
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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: *December 11, 2025*



by his next friend Natalia Ankudinova
Signature of Petitioner

Signature of Attorney or other authorized person, if any

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
 - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
 - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
 - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Attachment A- List of Respondents/Defendants

1.Warden

D. Ray James Correctional Facility
3262 Highway 252, Folkston
GA 31537

2.Todd Lyons

Acting Director
U.S. Immigration and Customs Enforcement(ICE)
500 12 th Street SW
Washington, DC 20536

3.Kristi Noem

Secretary
U.S. Department of Homeland Security (DHS)
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

4.Pamela J. Bondi

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

NEXT FRIEND DECLARATION

I, Natalia Ankudinova, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

I, I am the wife of the detainee, Iakov Ankudinov, A [REDACTED] He is currently detained by U.S. Immigration and Customs Enforcement (ICE) at D. Ray James Correctional Facility in Folkston, Georgia, which is within the jurisdiction of the U.S. District Court for the Southern District of Georgia, Waycross Division.

2. I am submitting this Petition for a Writ of Habeas Corpus as his "Next Friend." My husband is unable to prepare or file the petition himself because he is confined in ICE custody, has no meaningful access to legal resources and has a significant language barrier preventing him from understanding or preparing complex legal documents in English.

3. I have a close and significant relationship with the detainee. We are legally married, and I am fully familiar with his immigration history, detention circumstances, and the facts relevant to this petition.

4. I am acting solely to protect his rights and interests. I have no interests that conflict with his, and my only intention is to assist him in challenging his unlawful and excessively prolonged detention.

5. My husband has requested and authorized me to file this habeas corpus petition on his behalf. He is unable to do so himself due to restricted access to legal materials, the inability to prepare documents from within detention, and his inability to understand legal terminology and court procedures in English.

6. He has been detained for approximately 18 months without lawful justification, and the conditions of his detention make it impossible for him to file this petition without my assistance.

7. I respectfully request that the Court recognize me as his “Next Friend” for the purpose of filing and pursuing this Petition for a Writ of Habeas Corpus.

I respectfully request that all correspondence and notices related to this case be sent to me at the following address: [REDACTED] Proof of my address is attached

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

Date: December 11, 2025

Signature: Natalia Ankudinova
Natalia Ankudinova
Next Friend of Iakov Ankudinov

EXHIBITS

Exhibit A - Immigration Judge Decision (pages 1-20)

Exhibit B - Notice of Appeal (pages 21-23)

Exhibit C - Notice to Appear (pages 24-26)

Exhibit D - Hearing Notice (page 27)

Exhibit E - Facility ID Card (page 28)

Exhibit F - "Community Risk" designation (pages 29-30)

Exhibit G - Decision from Credible Fear Interview (pages 31-32)

Exhibit H- CBPOne Appointment Confirmation (pages 33-34)

Exhibit I - Marriage Certificate (pages 35-37)

Exhibit J - Next Friend's Proof of Address(Bank Letter) (page 38)

Exhibit K - Copies of Passports (pages 39-40)

EXHIBIT A - IMMIGRATION JUDGE DECISION

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
LUMPKIN, GEORGIA**

IN THE MATTER OF	)	IN REMOVAL PROCEEDINGS
	)	
ANKUDINOV, Iakov	)	File No.: A 
	)	
Respondent	)	DETAINED
_____	)	

CHARGES: Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("the Act" or "INA"), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

APPLICATIONS: Asylum, pursuant to section 208 of the Act; Withholding of Removal, pursuant to section 241(b)(3) of the Act; and Protection, under Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), pursuant to 8.C.F.R. §§ 1208.16 – 18.

ON BEHALF OF RESPONDENT:

Mariya Sergienko, Esq.
Amarise Law, PLLC
3011 70th Ave E Unit A
Fife, Washington 98424

ON BEHALF OF THE GOVERNMENT:

Serena Podish, Esq.
Assistant Chief Counsel
U.S. Department of Homeland Security
146 CCA Road
Lumpkin, Georgia 31815

WRITTEN DECISION OF THE IMMIGRATION JUDGE

I. PROCEDURAL HISTORY

Mr. Iakov Ankudinov ("Respondent") is a 35-year-old, male, native and citizen of Russia. He was placed in removal proceedings after the U.S. Department of Homeland Security ("the Department") issued a Form I-862, Notice to Appear ("NTA") on June 25, 2024, charging him as removable under section 212(a)(7)(A)(i)(I) of the Act. *See* Exh. 1. In support of the charge, the department alleged that Respondent entered the United States at Calxico, California port of entry on or about June 13, 2024, without possessing or presenting a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document. *Id.* On June 26, 2024, the

Iakov Ankudinov, A 

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- Exhibit 2:** Department's Record of Determination/Credible Fear Worksheet, (28 pages), filed June 26, 2024;
- Exhibit 3:** Respondent's Record of Sworn Statement, (6 pages), filed June 26, 2024;
- Exhibit 4:** Respondent's Record of Master Calendar Pre-Trial Appearance and Order, (1 page), filed September 4, 2024;
- Exhibit 5:** Respondent's Submission of Evidence (111 pages), filed September 25, 2024;
- Exhibit 6:** Respondent's Form I-589, Application for Asylum and Withholding of Removal, (15 pages), filed September 25, 2024;
- Exhibit 7A:** Respondent's Submission of Evidence Part 01 (220 pages), filed April 6, 2025;
- Exhibit 7B:** Respondent's Submission of Evidence Part 02 (56 pages), filed April 8, 2025;
- Exhibit 7C:** Respondent's Submission of Evidence Part 03 (119 pages), filed April 8, 2025;
- Exhibit 7D:** Respondent's Submission of Evidence Part 04 (15 pages), filed April 9, 2025;
- Exhibit 8:** Department's Submission of Evidence, Tabs A-I, (209 pages), filed April 8, 2025;
- Exhibit 9:** Respondent's Submission of Witness List, (3 pages), filed April 10, 2025;
- Exhibit 10:** Respondent Spouse's Submission of Privacy Waiver, (4 pages), filed April 11, 2025;
- Exhibit 11:** Respondent's Submission of Personal Statement in Support of his Application, (16 pages), filed April 18, 2025; and
- Exhibit 12:** Addendum of Law regarding Asylum, Withholding of Removal under the Act, and Relief under CAT (27 pages), filed April 18, 2025.

B. Testimonial Evidence

Department commenced removal proceedings against Respondent by filing the NTA with the Immigration Court, thereby vesting jurisdiction with the Court and initiating removal proceedings. 8 C.F.R. § 1003.14; *Matter of Bermudez-Cota*, 27 I&N Dec. 441 (BIA 2018).

On June 21, 2024, Respondent had a credible fear determination interview by the U.S. Department of Homeland Security ("Department"), and it was determined that Respondent did have a credible fear of persecution or torture in Russia. Exh. 2.

On July 15, 2024, a master reset hearing was held. The Court reset the master calendar hearing for August 8, 2024, to allow Respondent time to obtain counsel, and the Court granted Respondent's request to consolidate his application with his spouse's, Natalia Ankudinova.¹ See *Digital Audio Recording ("DAR"), Master Hearing, July 15, 2024*.

On August 5, 2024, a master reset hearing was held whereby Respondent, and his spouse were present. Respondent was granted continuance to obtain counsel. See *DAR, Master Hearing, August 5, 2024*.

On September 4, 2024, Respondent admitted to the factual allegations in the NTA and conceded removability.² *DAR, Master Hearing, September 4, 2024*.

On April 18, 2025, Respondent along with counsel appeared for the individual merits hearing. The Court heard evidence and arguments regarding Respondent's applications for relief. However, due to time constraints the Court continued the hearing to September 15, 2025. See *DAR, Individual Hearing, April 18, 2025*.

At the hearing on September 15, 2025, Respondent and Counsel appeared. The Court heard more evidence and arguments regarding Respondent's application for relief. At the conclusion of the hearing, the Court reserved judgment so it could issue the following written decision. *DAR, Individual Hearing, September 15, 2025*.

II. EVIDENCE PRESENTED

This Court has considered the arguments of both parties and the entire record carefully. All admitted evidence has been considered, even if not specifically discussed further in this decision.

A. Documentary Evidence

In addition to the testimonial evidence adduced below, the Court has considered the following exhibits:

Exhibit 1: Respondent's Form I-862, Notice to Appear, (5 pages), filed June 26, 2024;

¹ Mr. Ankudinov and Mrs. Ankudinova do not have separate Form I-589s. Therefore, the Court will consider Mrs. Ankudinova to be solely derivative of Mr. Ankudinov's asylum claim.

² This case was transferred to the undersigned Immigration Judge. In accordance with the applicable regulation—8 C.F.R. § 1240.1(b)—the undersigned Immigration Judge familiarized himself with the record of proceeding prior to the April 18, 2025, merits hearing.

On April 18, 2025, Respondent offered testimony through a Russian interpreter in support of his application for relief. *See DAR, Individual Hearing* April 18, 2025. On September 15, 2025, Respondent along with his witness offered more testimony through a Russian interpreter. *See DAR, Individual Hearing*, September 15, 2025. Should a party appeal from the Court's decision, a transcript of the proceedings, including Respondent's testimony, would be provided by the Board.

III. STATEMENTS OF LAW AND FINDINGS OF THE COURT

A. Removability

At Respondent's master hearings on September 4, 2024, he conceded the charge of removability charged in the NTA. *See DAR, Master Hearing*, September 4, 2024. Consequently, the Court finds by clear and convincing evidence that Respondent is removable under section 212(a)(7)(A)(i)(I) of the Act.

B. Credibility and Corroboration

In all applications for asylum, withholding of removal, and protection under CAT, the Court must make a threshold determination of the noncitizen's credibility. *See Matter of O-D-*, 21 I&N Dec. 1079, 1081 (BIA 1998). In making this determination, "[t]here is no presumption of credibility," and the noncitizen maintains the burden to prove his or her eligibility for relief by credible evidence. *See* INA §§ 208(b)(1)(B), 241(b)(3)(C). Consequently, credibility is of the utmost importance and may be outcome determinative. *See id.* Applications filed after May 11, 2005, are governed by the Real ID Act. *See id.* As Respondent's application was filed after May 11, 2005, the Real ID Act applies to their case.

Under the REAL ID Act, the Court considers the totality of the circumstances and all relevant factors in making a credibility determination, including: (1) the applicant's demeanor, candor, and responsiveness; (2) the inherent plausibility of the applicant's account; (3) the consistency between the applicant's or witness's written and oral statements, the internal inconsistencies of each statement, and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim; (4) the consistency of the applicant's statements with other evidence of record, including the reports of the Department of State on country conditions; and (5) any other relevant factor. INA §§ 208(b)(1)(B)(iii), 241(b)(3)(C); *see also Matter of B-*, 21 I&N Dec. 66, 70 (BIA 1995).

An applicant's own testimony is sufficient to meet his or her burden of proof if it is "believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his alleged fear." *Matter of Dass*, 20 I&N Dec. 120, 124 (BIA 1989); *Matter of Mogharrabi*, 19 I&N Dec. 439, 445–46 (BIA 1987), *overruled on other grounds by Pitcherskqia v. INS*, 188 F.3d 641–48 (9th Cir. 1997); 8 C.F.R. § 1208.13(a), 16(b). "Indications of reliable testimony include consistency on direct examination, consistency with the written application, and the absence of embellishments." *Shkamhi v. U.S. Att'y Gen.*, 584 F.3d 1041, 1049 (11th Cir. 2009) (citing *Ruiz v. U.S. Att'y Gen.*, 440 F.3d 1247, 1255 (11th Cir. 2006)). In contrast, an applicant's testimony is not credible when it is inconsistent, contradictory with current country conditions, or inherently improbable or implausible. *See Matter of S-M-J-*, 21 I&N Dec. 722, 729 (BIA 1997).

The Eleventh Circuit Court of Appeals (“Eleventh Circuit”) has held that even a single inconsistency can support an adverse credibility determination. *See Xia v. U.S. Att’y Gen.*, 608 F.3d 1233, 1240 (11th Cir. 2010).

Overall, after careful consideration of the totality of the circumstances and all relevant factors, the Court finds Respondent and his witness testified credibly. Their testimonies were internally consistent and consistent with the documentary evidence in the record. As a result, the Court finds Respondent and his witness credible.

C. Asylum under Section 208 of the Act

An alien requesting asylum bears the evidentiary burden of proof and persuasion in connection with any application under INA § 208. *See* 8 C.F.R. § 1208.13(a); *see also S-M-J-*, 21 I&N Dec. at 722. To qualify for asylum under INA § 208, a non-citizen must show that: (1) he is not statutorily barred from relief; (2) his application was timely filed; (3) he is a refugee within the meaning of INA § 101(a)(42)(A); and (4) he merits asylum in the exercise of discretion. INA § 208. As noted, the Court has already addressed Respondent’s credibility and finds him to be credible. The Court will now address the remaining requirements for asylum eligibility.

1. Statutory Bar

An applicant shall be ineligible for asylum relief if he falls under an enumerated statutory bar. *See* INA § 208(b)(2); 8 C.F.R. § 1208.13(c)(1). Where “the evidence indicates that one or more of the grounds for mandatory denial of the application for relief may apply, the [noncitizen] shall have the burden of proving by a preponderance of the evidence that such grounds do not apply.” 8 C.F.R. § 1240.8(d). The Court has substantial leeway when evaluating whether the evidence presented during a hearing is sufficient to “indicate” that INA § 208(b)(2)(A) applies, and much will necessarily depend upon the Court’s assessment of the reliability and specificity of the evidence in question. To that end, the BIA has held that “where the record contains some evidence from which a reasonable factfinder could conclude that one or more grounds for mandatory denial of the application may apply, the noncitizen bears the burden under 8 C.F.R. § 1240.8(d) to prove by a preponderance of the evidence that such grounds do not apply.” *Matter of M-B-C-*, 27 I&N Dec. 31, 37 (BIA 2017). Specifically, the BIA noted that the term “indicates” used in conjunction with the phrase “may apply” “necessarily means a showing less than the preponderance of the evidence standard.” *Id.* at 36–37.

a. Firm Resettlement

An applicant is subject to a mandatory bar from asylum where the applicant has firmly resettled in another country prior to arriving in the United States. *See* INA § 208(b)(2)(A)(vi). An applicant is ineligible for asylum in the United States if he has firmly resettled in another country because he is no longer fleeing persecution in his home country. *See Barreto-Claro v. U.S. Att’y Gen.*, 275 F.3d 1334, 1338–39 (11th Cir. 2001) (*citing Abdalla v. INS*, 43 F.3d 1397, 1399–1400 (10th Cir. 1994)); *Matter of B-R-*, 26 I&N Dec. 119, 122 (BIA 2013); 8 C.F.R. § 1208.13(c)(1). An applicant is considered to have firmly resettled in another country if prior to arrival in the United States, he or she entered another country with, or while in that country received, an offer

of permanent resident status, citizenship, or some other type of permanent resettlement unless he or she establishes:

- (a) That his or her entry into that country was a necessary consequence of his or her flight from persecution, that he or she remained in that country only as long as was necessary to arrange onward travel, and that he or she did not establish significant ties in that country; or
- (b) That the conditions of his or her residence in that country were so substantially and consciously restricted by the authority of the country of refuge that he or she was not in fact resettled.

8 C.F.R. § 1208.15 (2000).

To determine whether an applicant for asylum has firmly resettled in another country, there is a four-step framework that must be followed: (1) the DHS must make a *prima facie* showing that firm resettlement has been offered; (2) the applicant may rebut that showing by demonstrating that an offer was not made or that he would not qualify; (3) the Court looks to the totality of the evidence to determine whether the applicant rebutted the DHS's evidence; and (4) the applicant must show by a preponderance of the evidence that an exception to firm resettlement applies. *Matter of D-X- & Y-Z-*, 25 I&N Dec. 664, 665–67 (BIA 2012); *see generally Matter of A-G-G-*, 25 I&N Dec. 486 (BIA 2011). For purposes of determining whether an applicant is subject to the firm resettlement bar to asylum, a viable and available offer to apply for permanent residence in a country of refuge is not negated by the applicant's unwillingness or reluctance to satisfy the terms for acceptance. *Matter of K-S-E-*, 27 I&N Dec. 818, 821 (BIA 2020).

Both direct and indirect evidence of such an "offer" can be considered. *A-G-G-*, 25 I&N Dec. at 496. Direct evidence includes governmental documents indicating a noncitizen's ability to stay in a country indefinitely such as evidence of refugee status, a passport, a travel document, or other evidence indicative of permanent residence. *Id.* at 501–502. Indirect evidence may include the following: the immigration laws or refugee process of the country of proposed resettlement; the length of the noncitizen's stay in a third country; the noncitizen's intent to settle in the country; family ties and business or property connections; the extent of social and economic ties developed by the noncitizen in the country; the receipt of government benefits or assistance, such as assistance for rent, food, and transportation; and whether the noncitizen had legal rights normally given to people who have some official status, such as the right to work and enter and exit the country. *Id.* at 502. A "legal mechanism" for obtaining permanent residence may establish a *prima facie* showing that firm resettlement has been offered. *See id.* (citing *Elzour v. Ashcroft*, 378 F.3d 1143, 1152 (10th Cir. 2004)). Evidence that an offer of firm resettlement has been made may not be rebutted if the noncitizen refused to accept an offer of firm resettlement or failed to renew permanent residence, which was possible, for example, through the renewal of a residence permit. *Id.* at 503.

The Court finds that the Department has not made a *prima facie* showing that an offer of firm resettlement was made. Respondent left Russia in September 2022 and went through Georgia before arriving in Turkey in October 2022. Respondent testified that he went through an in-person interview for temporary resident permit. *See DAR, Individual Hearing*, April 18, 2025. The result

of the interview was sent to Respondent's phone conferring upon him and his spouse one-year temporary resident status in Turkey with no work authorization. *Id.*

In October 2023, Respondent applied to renew the temporary resident permits which also required an interview. The renewal was denied, and Respondent had two weeks to leave Turkey. *Id.* There is no evidence in the record, other than Respondent's testimony as to the outcome of their application. There is no evidence of any other form of humanitarian resident status in Turkey. As such, the Court finds that the Department has failed to demonstrate a *prima facie* showing of an offer of firm resettlement from Turkey to the Respondent.

2. Respondent's application for Asylum is timely.

An asylum applicant must prove by clear and convincing evidence that his asylum application was timely filed. 8 C.F.R. § 1208.4(a)(2)(i)(A)–(B). Pursuant to INA § 208(a)(2)(B), an applicant must file his asylum application within one year of the date of his arrival in the United States or April 1, 1997, whichever is later. *See also* 8 C.F.R. § 1208.4(a)(2)(ii). In this case, Respondent entered the United States on or about June 13, 2024, and filed his asylum application on September 25, 2024. *See* Exh. 6. Therefore, Respondent's asylum application is timely.

3. Respondent has not demonstrated he is a refugee within the meaning of INA § 101(a)(42)(A).

To qualify for a grant of asylum, an applicant in an asylum bears the burden of establishing statutory eligibility by showing that he meets the definition of a refugee found in section 101(a)(42)(A) of the Act. *See* INA §§ 208(b)(1)(B)(i), 101(a)(42)(A); 8 C.F.R. § 1208.13(a). An asylum applicant may demonstrate that he is a refugee in either of two ways. 8 C.F.R. § 1208.13(b). First, he may show that he has suffered past persecution on account of his race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A); 8 C.F.R. § 1208.13(b)(1). Second, he may show that he has a well-founded fear of future persecution on account of protected ground through credible testimony that he subjectively fears persecution and evidence that this fear is objectively reasonable. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 430–31 (1987); *Al Najjar v. Ashcroft*, 257 F.3d 1262, 1289 (11th Cir. 2001); 8 C.F.R. § 1208.13(b)(2).

In order to demonstrate past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, an applicant must show: (1) that the harm rises to the level of persecution; (2) the required nexus exists between the persecution and at least one of the five protected grounds listed in the Act's refugee definition; and (3) that the past or future harm or suffering was or will be inflicted either by a government agent or by persons or an organization that the government was unable or unwilling to control. INA § 101(a)(42)(A); *Matter of Acosta*, 19 I&N Dec. 211, 222–23 (BIA 1985), *modified on other grounds by Mogharrabi*, 19 I&N at 446–47. In addition, the applicant's fear of future persecution must be countrywide. *See Matter of C-A-L-*, 21 I&N Dec. 754, 757 (BIA 1997); *Matter of R-*, 20 I&N Dec. 621, 625–26 (BIA 1992); *Acosta*, 19 I&N Dec. at 235.

If an applicant demonstrates that he has suffered past persecution, a rebuttable presumption

of a well-founded fear of future persecution will be triggered. 8 C.F.R. § 1208.13(b)(1); *see also Matter of Chen*, 20 I&N Dec. 16, 18 (BIA 1989). This presumption can be rebutted if the Department establishes by a preponderance of the evidence that there has been a “fundamental change in circumstances,” which results in the applicant no longer having a well-founded fear of future persecution upon being returned to his home country, or that the applicant could avoid future persecution by internal relocation in his home country, and it would be reasonable to expect him to do so. 8 C.F.R. § 1208.13(b)(1)(i). If an applicant’s feared persecution is by a government or is government-sponsored, “it shall be presumed that internal relocation would not be reasonable, unless [the Department] establishes by a preponderance of the evidence that, under all the circumstances, it would be reasonable for the applicant to relocate.” 8 C.F.R. § 1208.13(b)(3)(ii). Under this two-step approach, the Department must prove not only that the applicant is *able* to relocate to another part of the country, but also that relocation is reasonable under the circumstances. *Matter of M-Z-M-R-*, 26 I&N Dec. 28, 32 (BIA 2012).

In this case, Respondent claims to have suffered past persecution and have a fear of future persecution in Russia based on his political opinion. *See* Exh. 6 at 5; *see also DAR, Individual Hearing*, April 18, 2025.

a. Respondent has not shown that he suffered past harm that rises to the level of persecution.

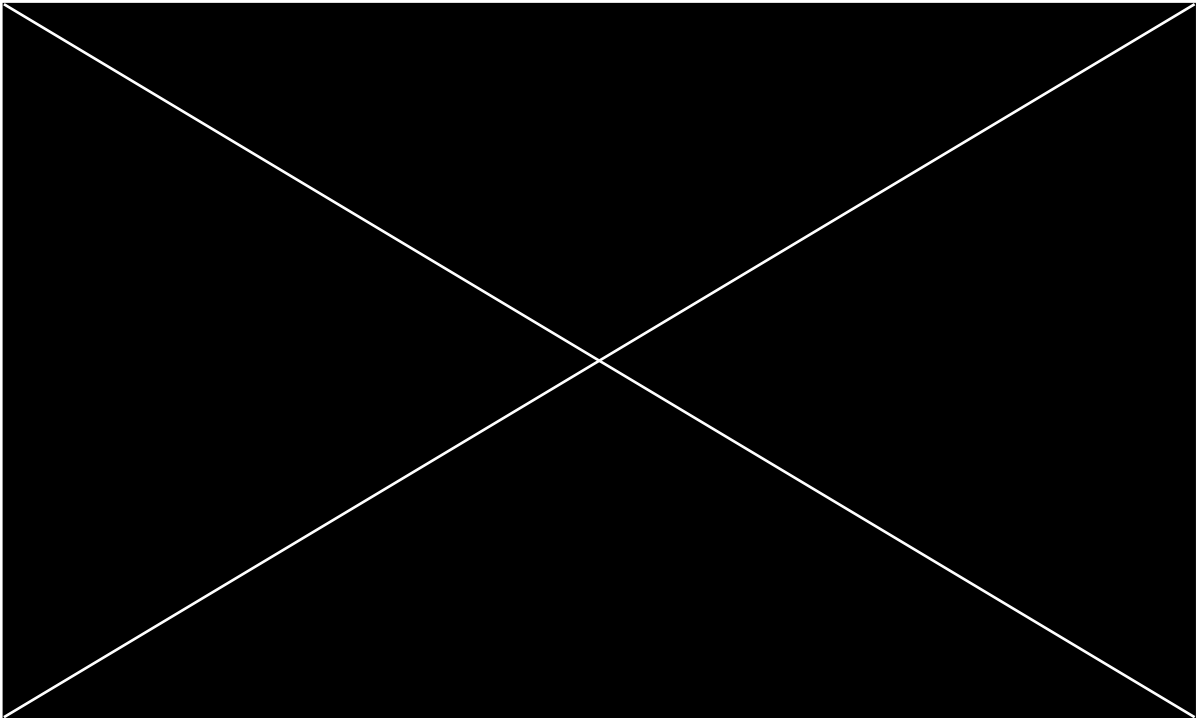
What constitutes persecution is “a highly fact-intensive inquiry,” which obliges the Immigration Judge to “consider the totality of the circumstances on a case-by-case basis.” *Shi v. U.S. Att’y Gen.*, 707 F.3d 1231, 1235-36 (11th Cir. 2013). The harm suffered by the applicant should be evaluated cumulatively and in light of the type of persecution at issue, because “some persecutory activities common to one type of persecution do not occur and do not have a comparable analogue in the other type of persecution.” *Min Yong Huang v. U.S. Att’y Gen.*, 774 F.3d 1342, 1347 (11th Cir. 2014).

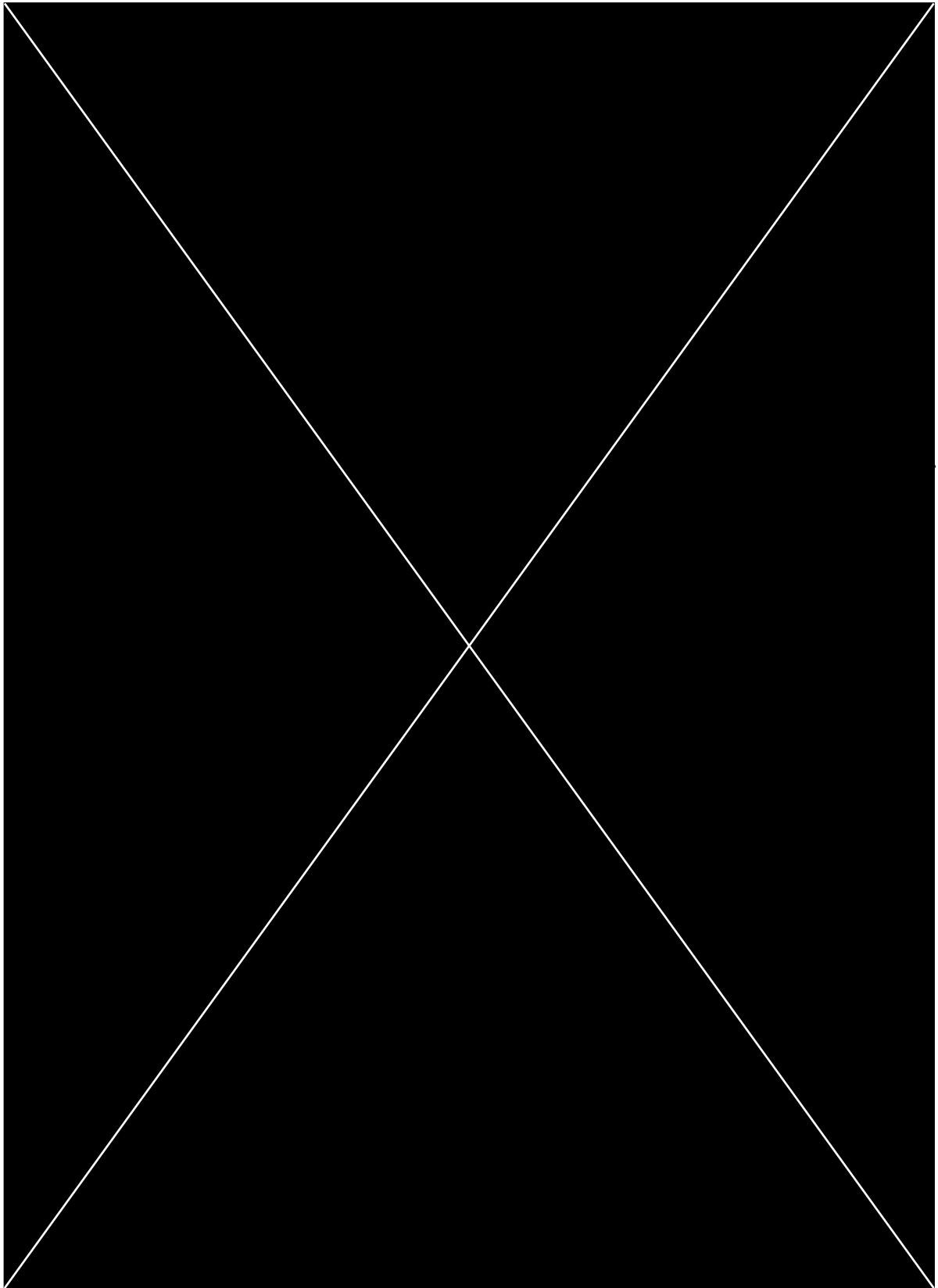
In general, persecution is an “extreme concept” that “requires more than a few isolated incidents of verbal harassment or intimidation, unaccompanied by any physical punishment, infliction of harm, or significant deprivation of liberty.” *Shi*, 707 F.3d at 1235 (quoting *Gonzalez v. U.S. Att’y Gen.*, 212 F.3d 1338, 1355 (11th Cir. 2000)); *Sanchez Jimenez v. U.S. Att’y Gen.*, 492 F.3d 1223, 1232 (11th Cir. 2007); *Sepulveda*, 401 F.3d at 1231. Persecution need not manifest in physical injury, *De Santamaria v. U.S. Att’y Gen.*, 525 F.3d 999, 1008 (11th Cir. 2008), and repeated instances of mistreatment can amount to persecution when viewed cumulatively, *e.g.*, *Mejia v. U.S. Att’y Gen.*, 498 F.3d 1253, 1257–58 (11th Cir. 2007) (“In assessing past persecution, we are required to consider the *cumulative* impact of the mistreatment . . . suffered.” (emphasis in original)).

“A credible death threat by a person who has the immediate ability to act on it constitutes persecution regardless of whether the threat is successfully carried out.” *Diallo v. U.S. Att’y Gen.*, 596 F.3d 1329, 1333–34 (11th Cir. 2010); *see also De Santamaria*, 525 F.3d at 1008–10 (finding persecution when alien received death threats, was dragged by her hair out of her vehicle, and was kidnapped and beaten); *Mejia*, 498 F.3d at 1257–58 (finding persecution when alien was the victim of repeated targeted attacks, received multiple death threats, and was physically attacked by having

a large rock thrown at him and having his nose broken with the butt of a rifle); *Ruiz v. U.S. Att'y Gen.*, 479 F.3d 763, 763–64 (11th Cir. 2007) (finding persecution when alien received threatening phone calls, was beaten twice, and was kidnapped for eighteen days), as does the “extreme and egregious suppression of [the petitioner’s] religious practice,” *Shi*, 707 F.3d at 1235. Thus, non-physical harm must be considered when analyzing persecution. *Min Yong Huang*, 774 F.3d at 1344, 47; see also *De Santamaria*, 525 F.3d at 1009 (“[W]e have not required serious physical injury where the petitioner demonstrates repeated threats combined with other forms of severe mistreatment.”); *Matter of T-Z-*, 24 I&N Dec. 163, 170–75 (BIA 2007).

Upon review of the sum, the Court finds that Respondent has not established that he suffered past persecution. See *Acosta*, 19 I&N Dec. at 223. Mere harassment, threats, or menacing phone calls do not amount to persecution. See *Silva v. U.S. Att'y Gen.*, 448 F.3d 1229, 1237–38 (11th Cir. 2006); *Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1231 (11th Cir. 2005). Instead, an applicant must show that these threats are accompanied by physical punishment, infliction of harm, or serious deprivation of liberty. See *Gonzalez*, 212 F.3d at 1355. However, “[a] credible death threat by a person who has the immediate ability to act on it constitutes persecution regardless of whether the threat is successfully carried out.” *Diallo v. U.S. Att'y Gen.*, 596 F.3d 1329, 1333–34 (11th Cir. 2010); see also *Sanchez Jimenez v. U.S. Att'y Gen.*, 492 F.3d 1223, 1232–34 (11th Cir. 2007) (finding past persecution when persecutors threatened the applicant, shot at him, and attempted to kidnap his family members). In addition, the Court “may consider a threatening act against another as evidence that the [applicant] suffered persecution where that act concomitantly threatens the petitioner.” *De Santamaria v. U.S. Att'y Gen.*, 525 F.3d 999, 1009 n.7 (11th Cir. 2008). Respondent testified to harm in Russia that he claimed were extreme enough to rise to the level of persecution.

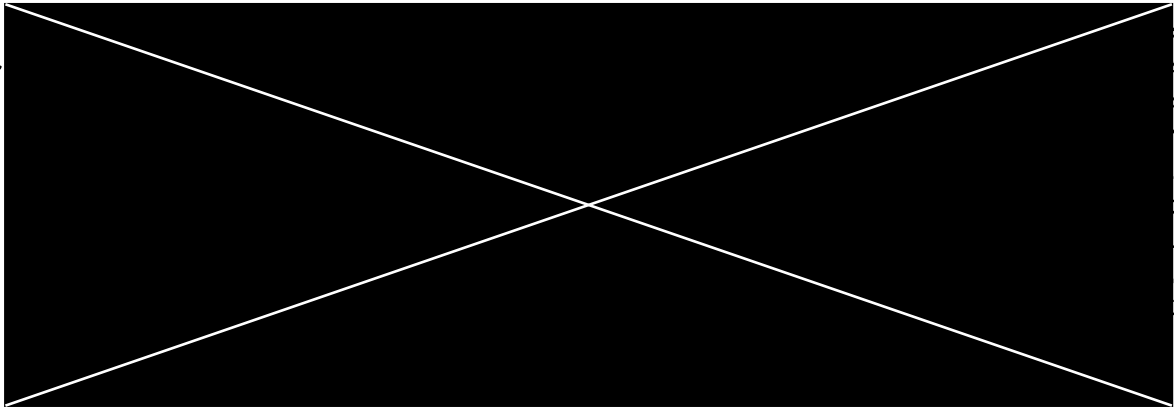




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However, in the alternative, assuming *arguendo* that Respondent did suffer past persecution, the Court will analyze the nexus requirement.

b. Respondent has established a nexus to a protected ground.

In addition to establishing that the harm at issue rises to the level of persecution, an asylum applicant must also demonstrate that he was or will be persecuted on account of one of five protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A); *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992); *Matter of W-G-R-*, 26 I&N Dec. 208, 224 (BIA 2014); *see also Matter of Sanchez & Escobar*, 19 I&N Dec. 276, 285 (BIA 1985) (“It is not enough to simply identify the common characteristics of a statistical grouping of a portion of the population at risk [T]here must be a showing that the claimed persecution is on account of the group’s identifying characteristics.”).

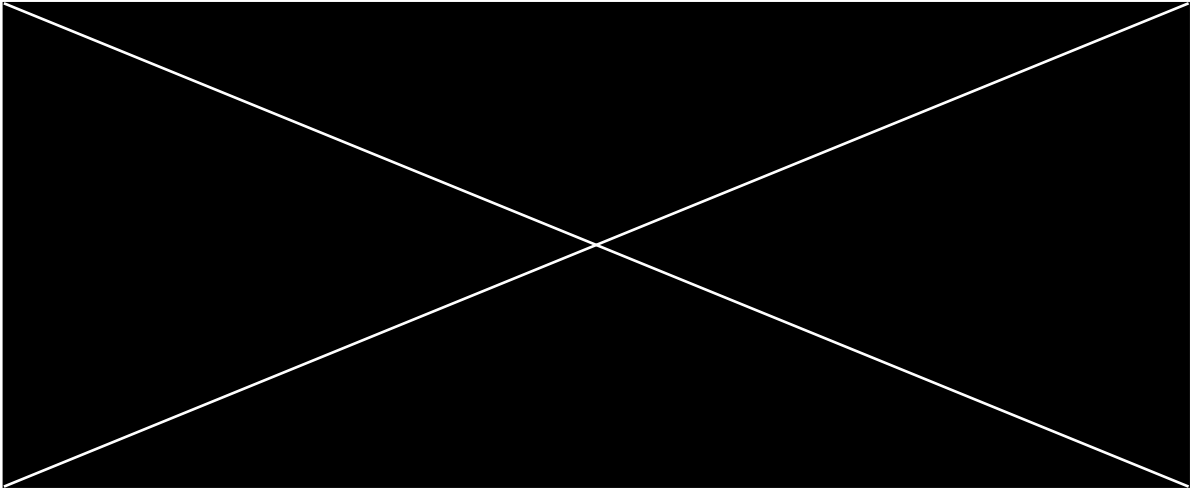
The “on account of” language requires an applicant to establish there is a nexus between the protected conduct—here, political opinion—and the persecution. *See Rodriguez Morales v. U.S. Att’y Gen.*, 488 F.3d 884, 890 (11th Cir. 2007); *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 212–14 (BIA 2007); *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 212–14 (BIA 2007).

i. Political opinion

An applicant who fears persecution “on account of” a political opinion must demonstrate that the protected ground was or will be one central reason for persecuting the applicant. *J-B-N- & S-M-*, 24 I&N Dec. at 214. *See* REAL ID Act § 101(a)(3), 119 Stat. at 303. Since the law makes motive critical, the applicant must provide some evidence—direct or circumstantial—of the persecutor’s motive. *INS v. Elias-Zacarias*, 502 U.S. 478, 482–83 (1992). When determining whether an applicant fears persecution on account of political opinion, the Court looks to “the victim’s political opinion, not the persecutor’s.” *See Carrizo v. U.S. Att’y Gen.*, 652 F.3d 1326, 1331 (11th Cir. 2011) (emphasis in original) (quoting *Elias-Zacarias*, 502 U.S. at 482)). The Court should consider several factors, including the applicant’s expressions of her views; evidence that the persecutor was motivated by the applicant’s opinions; and government-wide patterns, such as pervasive corruption. *See Matter of N-M-*, 25 I&N Dec. 526, 526, 532–33 (BIA 2011). The Eleventh Circuit Court of Appeals has indicated that political opinion may be shown by demonstrating one’s personal belief and by “outspoken advocacy.” *See Al Najjar v. Ashcroft*, 257



F.3d 1262, 1286 (11th Cir. 2001) (overruled on other grounds by *Patel v. U.S. Att'y Gen.*, 971 F.3d 1258 (11th Cir. 2020)).



Considering the above, the Court finds that Respondent has demonstrated that he was harmed on account of his political opinion and the requisite nexus. *Id.*

c. Respondent has not demonstrated a well-founded fear of future persecution.

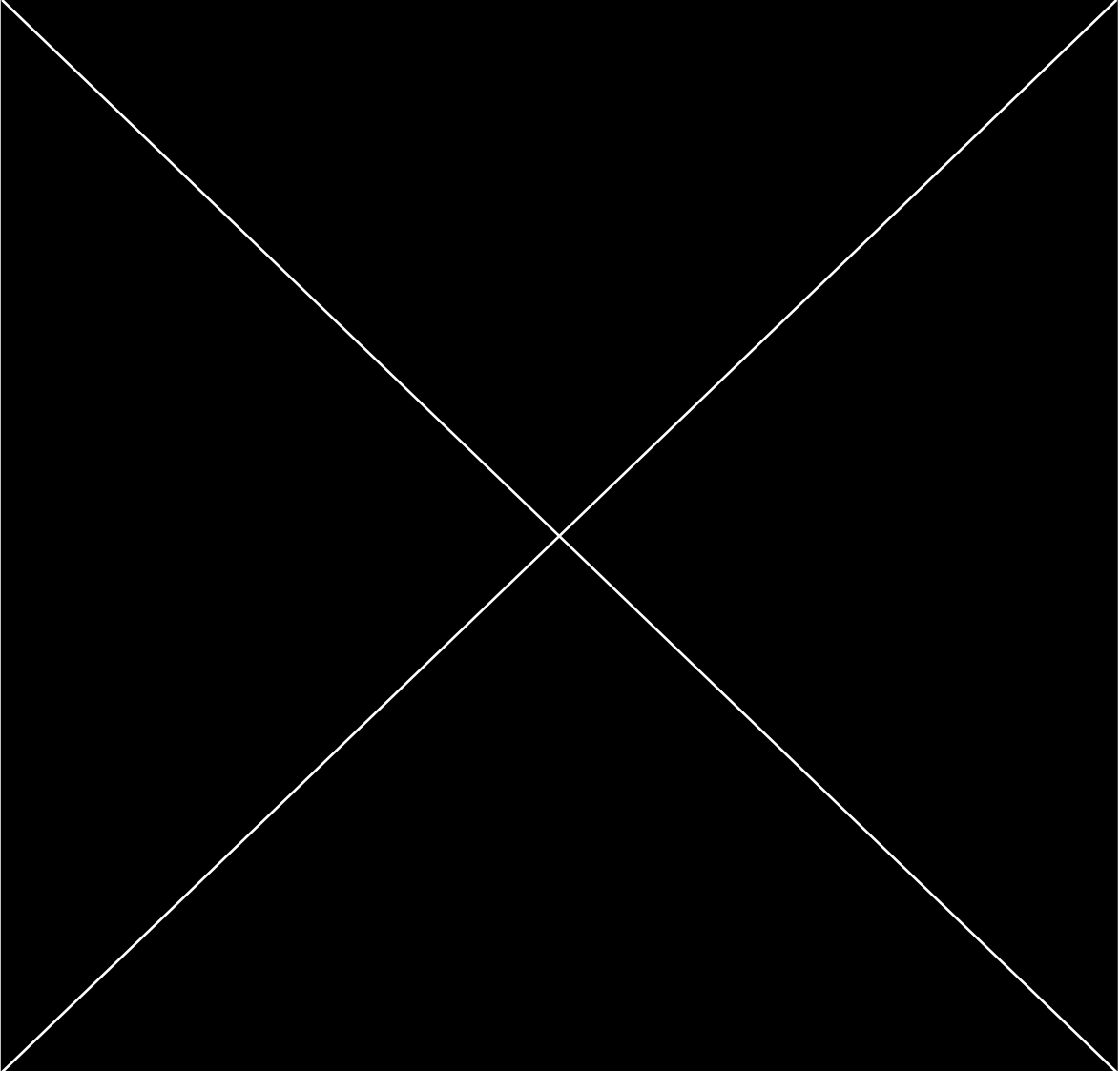
Even though Respondent failed to establish that he suffered past persecution on account of a protected ground, he may still qualify for asylum if he demonstrates that he has a well-founded fear of future persecution. 8 C.F.R. § 1208.13(b)(2)(i). To do so, Respondent must demonstrate that (1) he fears persecution on account of a protected ground and (2) there is a reasonable possibility that he will suffer persecution if removed to his native country. *See id.* The applicant must also prove that his fear of persecution is “subjectively genuine and objectively reasonable.” *Matter of J-H-S-*, 24 I&N Dec. 196, 198 (BIA 2007) (citing *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987)). The subjective component can be satisfied by the applicants’ credible testimony regarding their fear, while the objective component can be established when the applicants demonstrate past persecution or a “good reason to fear future persecution.” *Al Najjar v. Ashcroft*, 257 F.3d at 1289 (citation omitted).

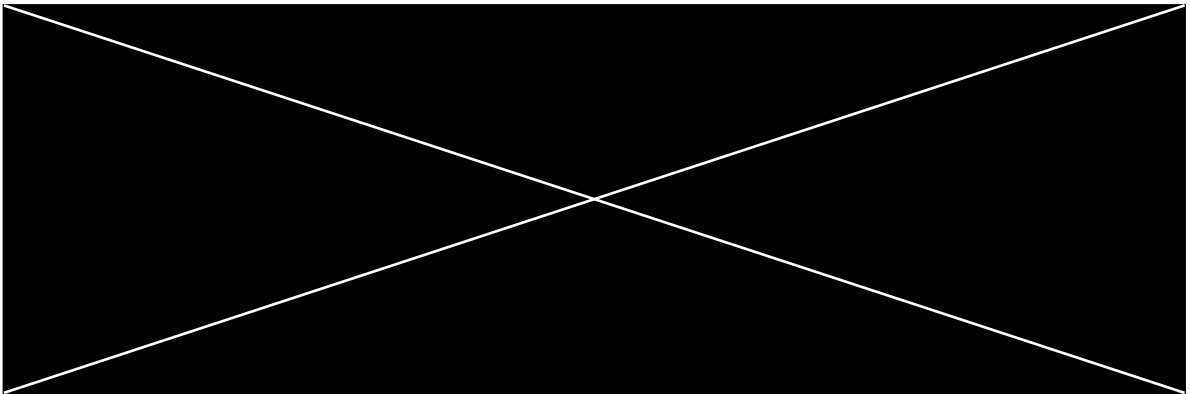
Respondent must show either that he would be singled out for persecution upon returning to his country of nationality or that, within that country, there is a pattern or practice of persecution, on account of a protected ground, of those similarly-situated to the applicant himself, and that he identifies with the group such that his fear is reasonable. 8 C.F.R. § 1208.13(b)(2)(iii). Additionally, the applicant must also show that he could not avoid future persecution by relocating to another part of the country of removal or that, under all the circumstances, it would be unreasonable to expect him to relocate. 8 C.F.R. § 1208.16(b)(2).

The Court has found Respondent to be credible, and thus he has satisfied the subjective component required for a well-founded fear. *See Reyes-Guerrero v. INS*, 192 F.3d 1241 (9th Cir. 1999) (cited for persuasiveness). However, none of the objective prongs have been demonstrated. The Court begins by noting Respondent’s fear is not objectively reasonable because he has not

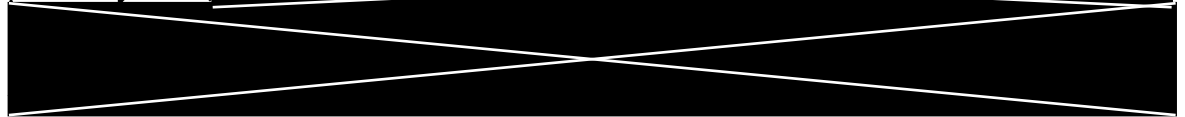
shown a good reason to believe that he will be singled out for persecution in Russia. Because his fear of future persecution originates from the same facts as his claim of past persecution, there is little basis upon which the Court can conclude that Respondent has established a well-founded fear of persecution that would render him eligible for asylum. *See supra*—Part III C. 3.a. *see also Sepulveda*, 401 F.3d at 1231 (providing that an asylum applicant must present evidence showing “a good reason to fear that he or she will be singled out for persecution”).

First, the record does not support the fact that Respondent will be singled out individually for persecution on account of his political opinion. *See Sepulveda*, 401 F.3d at 1231 (providing that an asylum applicant must present evidence showing “a good reason to fear that he or she will be singled out for persecution”). Respondent has not offered any evidence to show that Russian would single him out for persecution upon his return to Russia. As described above, Respondent failed to meet his burden of proof that he experienced past persecution. Based on the evidence provided,

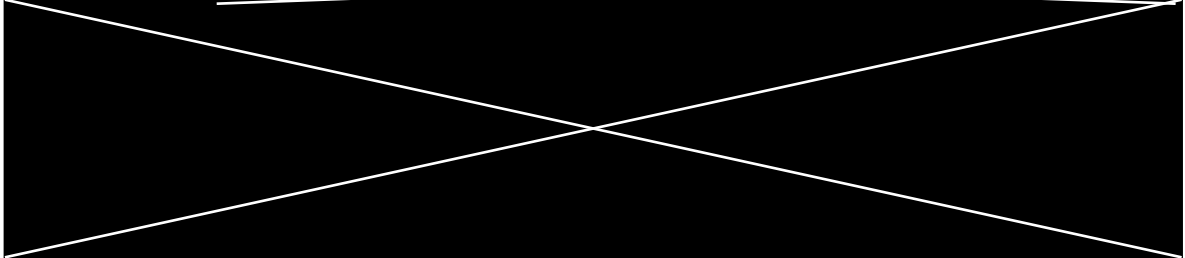




Third, Respondent has failed to show a pattern or practice of persecution in Russia of those similarly situated to him. A pattern or practice of persecution is persecution of a group that is systematic, pervasive, or organized. *See Matter of A-M-*, 23 I&N Dec. 737, 741 (BIA 2005). The Court may rely heavily on country condition reports when determining whether an alien has established a pattern or practice of persecution in his home country. *See Lorisme v. INS*, 129 F.3d 1441, 1445 (11th Cir. 1997) (holding that an Immigration Court taking “some measure of administrative notice . . . is not inappropriate”); *Chen*, 20 I&N at 18 (stating that the Board or an IJ “may take administrative notice of changed circumstances in appropriate cases”); 8 C.F.R. § 1003.1(d)(3)(iv) (granting the Board authority to take administrative notice of “commonly known facts”). Here, Respondent has provided country conditions evidence to demonstrate a *prima facie* showing of a pattern or practice of persecution of individuals similarly situated. *See* Exh. 5. As previously stated, 



The Court acknowledges that the country conditions evidence in the record notes human rights abuses and significant human rights issues, including extrajudicial killings; enforced disappearances; arbitrary arrest or detention; political prisoners or detainees; substantial interference with the freedom of peaceful assembly and the freedom of association; and torture or cruel, inhuman, or degrading treatment by the government in 2023. *See* Exh. 5. However, they do not seemingly affect any persons who would be in the Respondent’s particular alleged circumstances as 



Respondent may have a subjectively genuine fear of returning to Russia; however, the Court finds that a reasonable person under similar circumstances would not fear persecution upon returning to Russia. Specifically, the Court finds that persecution is not a reasonable possibility,

nor does it rise to a ten percent possibility.

Respondent's claim that he was fleeing persecution is unavailing. Consequently, the Court finds Respondent is statutorily ineligible for asylum under INA section 208 because he has not demonstrated that he suffered past persecution or has a well-founded fear of future persecution on account of a protected ground. The Court denies Respondent's application for asylum.

D. Withholding of Removal under Section 241(b) of the Act

In contrast to asylum, withholding of removal under the Act confers only the right not to be deported to a particular country, rather than the right to remain in the United States. *See Aguirre-Aguirre*, 526 U.S. at 419. Under INA § 241(b)(3)(A). An Immigration Judge is prevented from removing an alien to a country where there is a clear probability that "the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." *See also INS v. Stevic*, 467 U.S. 407, 430 (1984). The alien bears the burden of demonstrating that it is "more likely than not" that he will be persecuted on account of a protected ground in the country from which he seeks withholding of removal. *See* INA § 241(b)(3)(C); *Stevic*, 467 U.S. at 424; *Sepulveda*, 401 F.3d at 1232. Because the "clear probability" standard for withholding of removal is higher than the "well-founded fear" standard for asylum, if an applicant is unable to establish a well-founded fear of persecution, "[s]he is generally precluded from qualifying for either asylum or withholding of [removal]." *Sepulveda*, 401 F.3d at 1232–33 (citing *Mazariegos*, 241 F.3d at 1324–25 n.2); *see also Cardoza-Fonseca*, 480 U.S. at 438–41.

As explained *supra*, the Court has denied asylum relief on the merits because Respondent has not demonstrated that he suffered past persecution or has a well-founded fear on account of a protected ground. As Respondent has not met the lower standard needed for a grant of asylum, and his claim for withholding of removal pursuant to INA § 241 (b)(3) is identical to his claim for asylum, it therefore necessarily follows that Respondent has not met his higher burden needed for withholding of removal. *See Matter of H-L-H- & Z-Y-Z-*, 25 I&N Dec. 209, 218 (BIA 2010) ("Because the respondent has not satisfied the lower burden of proof for asylum, it follows that she has not met the higher burden for withholding of removal."); *see also Forgue*, 401 F.3d at 1288 n. 4 ("Because [the alien] has failed to establish a claim of asylum on the merits, he necessarily fails to establish eligibility for withholding of removal"). Accordingly, the Court will deny his application for withholding of removal under INA § 241 (b)(3).

E. Relief under Convention Against Torture

An applicant for protection under CAT bears the burden of proving that it is "more likely than not" that he will be tortured if removed to the proposed country of removal. 8 C.F.R. § 1208.16(c)(2). "Torture" is an "extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman, or degrading treatment or punishment that do not amount to torture." 8 C.F.R. § 1208.18(a)(2); *see also Matter of J-E-*, 23 I&N Dec. 291, 301–04 (BIA 2002) (holding that poor prison conditions, indefinite detention of criminal deportees, and police mistreatment such as "[b]eating with the fists, sticks, and belts," were not torture); *Cadet v. Bulger*, 377 F.3d 1173, 1193 (11th Cir. 2004) (deferring to this interpretation).

CAT relief carries a higher legal standard than asylum and thus is very difficult to meet. *See Al Najjar v. Ashcroft*, 257 F.3d 1262, 1303 (11th Cir. 2001) (noting that the “more likely than not” CAT standard is harder to meet than the “well-founded fear of persecution” standard applicable to asylum claims).

[F]or an act to constitute ‘torture’ under CAT, it must be: (1) an act causing severe physical or mental pain or suffering; (2) intentionally inflicted; (3) for an illicit or proscribed purpose; (4) by or at the instigation of or with the consent or acquiescence of a public official who has custody or physical control of the victim; and (5) not arising from lawful sanctions. *Cadet*, 377 F.3d at 1181 (citing *J-E-*, 23 I&N Dec. at 297); 8 C.F.R. § 1208.18(a).

Additionally, to constitute “torture,” the “act must be directed against a person in the offender’s custody or physical control.” 8 C.F.R. § 1208.18(a)(6). Further, the pain or suffering must be inflicted “by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” 8 C.F.R. § 1208.18(a)(1). “Acquiescence of a public official” requires that the public official, “prior to the activity constituting torture, have awareness of such activity and thereafter breach his or her legal responsibility to intervene to prevent such activity.” 8 C.F.R. § 1208.18(a)(7); *see also Reyes-Sanchez v. U.S. Att’y Gen.*, 369 F.3d 1239, 1242–43 (11th Cir. 2004); *Matter of S-V-*, 22 I&N Dec. 1306, 1316–17 (BIA 2002). To demonstrate “acquiescence,” “the respondent must do more than show that [government] officials are aware of the activity constituting torture but are powerless to stop it. He must demonstrate that [government] officials are willfully accepting of the . . . torturous activities.” *S-V-*, 22 I&N Dec. at 1312.

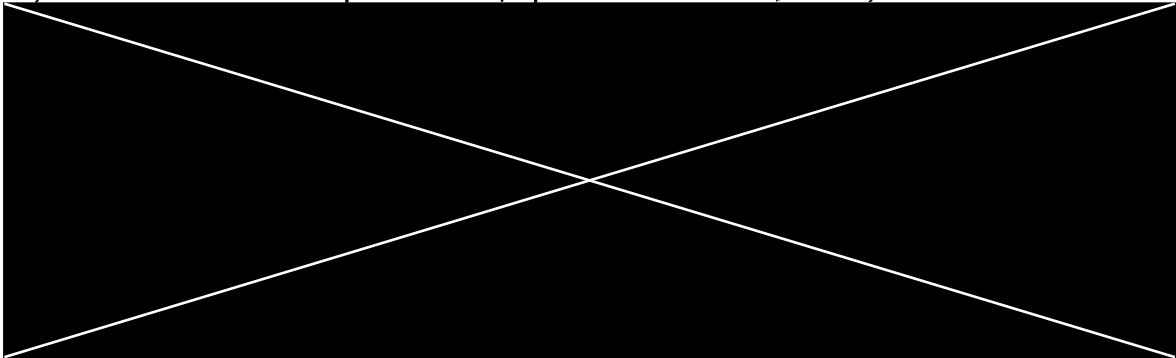
In *Matter of J-F-F-*, the Attorney General held that in order to qualify for a grant of relief from removal under CAT, an applicant cannot string together a series of suppositions to show that it is more likely than not that he will be tortured in the country of removal unless he can demonstrate that each step in the hypothetical chain of events is more likely than not to occur. 23 I&N Dec. 912 (A.G. 2006). To meet his burden of proof, an applicant for CAT relief must establish that someone in his alleged circumstances is more likely than not to be tortured in the country designated for removal. *J-E-*, 23 I&N Dec. at 303–04; *Matter of G-A-*, 23 I&N Dec. 366, 371–72 (BIA 2002); *Matter of M-B-A-*, 23 I&N Dec. 474, 478–79 (BIA 2002).

Moreover, a pattern of human rights violations alone is not sufficient to show Respondent is in danger of being tortured; rather, specific grounds must indicate that he will *personally* be at risk of torture by or with the acquiescence of the government. *J-E-*, 23 I&N Dec. at 300–01; *see Jean-Pierre v. U.S. Att’y Gen.*, 500 F.3d 1315, 1324 (11th Cir. 2007). In *Matter of J-E-* and *Cadet*, although both respondents “produced evidence of generalized mistreatment and some isolated instances of torture in prisons, the evidence was insufficient to meet the petitioners’ burdens of showing that they were individually ‘more likely than not to be tortured in the country of removal.’” *Jean-Pierre v. U.S. Att’y Gen.*, at 1324; 8 C.F.R. § 208.16(c)(4); *see J-E-*, 23 I&N Dec. at 304 (“[W]e find that the respondent has failed to establish that these severe instances of mistreatment are so pervasive as to establish a probability that a person detained in a Haitian prison will be subject to torture, as opposed to other acts of cruel, inhuman, or degrading punishment or treatment.”); *see also Cadet*, 377 F.3d at 1195 (focusing on the petitioner’s failure to make an

individualized showing).

In assessing whether an applicant has satisfied the burden of proof, the Court must consider all evidence relevant to the possibility of future torture, including, but not limited to: evidence of past torture inflicted upon the applicant; evidence that the applicant could relocate to a part of the country of removal where he is not likely to be tortured; evidence of gross, flagrant, or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal. 8 C.F.R. § 1208.16(c)(3). If an alien is unable to establish a well-founded fear of persecution, the alien necessarily fails to establish that it is more likely than not that he will be tortured based on a protected factor. *See Mehmeti v. U.S. Atty. Gen.*, 572 F.3d 1196, 1201 (11th Cir. 2009); *Najjar v. Ashcroft*, 257 F.3d at 1303-04; *Forgue*, 401 F.3d at 1288 n.4.

Because Respondent has not demonstrated a well-founded fear of future persecution, he has necessarily failed to show that he would more likely than not be tortured by, at the instigation of, or with the consent or acquiescence of, a public official. *See Mehmeti*, 572 F.3d at 1201. While



based on opportunity and not because he was being sought out. Therefore, the Court does not believe that Respondent would be specifically targeted if he is returned to Russia.

The law of Russia prohibits torture and other cruel, inhuman, or degrading treatment or punishment although it is not always recognized. Exhibit 5. Russia is experiencing human right problems. However, a pattern of human rights violations alone is not sufficient to show Respondent is in danger of being tortured; rather, specific grounds must indicate that he will *personally* be at risk of torture by or with the acquiescence of the Russian government. *Matter of J-E-*, 23 I&N Dec. 291, 300-01 (BIA 2002); *see Jean-Pierre v. U.S. Att'y Gen.*, 500 F.3d 1315, 1324 (11th Cir. 2007). Respondent has not presented credible evidence to that effect. Given the lack of evidence suggesting Respondent will more likely than not be tortured in Russia, his claim is overly speculative. *Matter of J-F-F-*, 23 I&N Dec. 912, 917-18 (AG 2006) (speculative harm arising from a chain of suppositions is insufficient to meet the more likely than not burden for CAT relief).

Therefore, the Court denies Respondent's application for protection under the CAT because he has not established that it is more likely than not that he will be tortured at the instigation of or with the consent or acquiescence of a public official upon his removal to Russia.

In consideration of Respondent's claim, the Court must determine what is likely to happen



to him if removed, if such amounts to torture, and whether public officials would acquiesce to any future torturous conduct. After review, the evidence presented does not compel a conclusion that it is more likely than not Respondent will be tortured by, at the instigation of, or with the consent or acquiescence of the Russian government if returned to Russia. 8 C.F.R. § 1208.16(c)(2). The Court finds that the risk of torture does not rise to the requisite probability. *See Perez-Guerrero v. U.S. Att'y Gen.*, 717 F.3d 1224, 1233 (11th Cir. 2013). Consequently, because Respondent has not met his burden to establish that it is more likely than not that he would be tortured if removed to Russia, the Court denies his application for protection under CAT.

IV. CONCLUSION

In accordance with the regulations, this Court has familiarized itself with the record in this case. 8 C.F.R. § 1240.1(b). All the admitted evidence of record has been considered individually and collectively regardless of whether specifically mentioned in the text of this decision. After careful consideration of the totality of the circumstances and all relevant factors, the Court will deny Respondent's application for asylum, withholding of removal under the Act, and protection under CAT. As Respondent has filed no other applications for relief, he is ordered removed to Russia.

Accordingly, the Court enters the following orders:

ORDERS OF THE IMMIGRATION JUDGE

IT IS ORDERED that Respondent's application for asylum under INA § 208, is **DENIED**.

IT IS FURTHER ORDERED that Respondent's application for withholding of removal under INA § 241(b)(3), is **DENIED**.

IT IS FURTHER ORDERED that Respondent's application for relief under Article 3 of the Convention Against Torture, pursuant to 8 C.F.R. §§ 1208.16 – 18, is **DENIED**.

IT IS FURTHER ORDERED that Respondent be **REMOVED** from the United States to **RUSSIA**.

20 OCT 2025
Date

Honorable Steven Fuller
United States Immigration Judge
Lumpkin, Georgia

19 November 2025

Appeal Due

NOTICE OF RIGHT TO APPEAL: You are hereby notified that both parties have the right to appeal the Immigration Judge's decision in this case to the Board of Immigration Appeals. 8 C.F.R. § 1003.38(a). A Notice of Appeal (Form EOIR-26) must be submitted to the Board within 30 calendar days from the issuance or mailing of this decision. 8 C.F.R. § 1003.38(b). If the final date for filing falls on a Saturday, Sunday, or legal holiday, the filing date is extended to the next business day. *Id.* If no appeal has been taken within the time allotted to appeal, the Immigration Judge's decision becomes final. 8 C.F.R. § 1003.39. By failing to timely file an appeal, a party irrevocably relinquishes the opportunity to obtain review of the Immigration Judge's decision and challenge the ruling. 8 C.F.R. § 1240.10(a)(3).

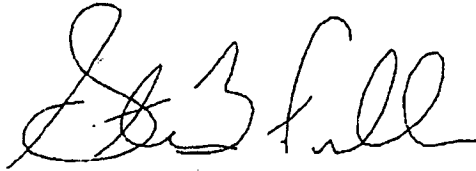
FAILURE TO DEPART: Should Respondent willfully fail or refuse to apply for the required travel documents to depart the United States as ordered, to present herself for removal as instructed, to depart the United States as instructed, or to take any action, or conspire to take any action, to prevent or hamper his departure, he will be subject to a civil monetary penalty of not more than \$998 per day he is in violation. INA §§ 240(c)(5), 274D(a); 8 C.F.R. §§ 1240.13(d), 280.53(b)(14). This daily civil monetary penalty may increase based on inflation.

Iakov Ankudinov, A



Page 19 of 19

Order of the Immigration Judge



Immigration Judge: FULLER, STEVEN 10/20/2025

Certificate of Service

This document was served:

Via: ☒ [M] Mail | ☐ [P] Personal Service | ☐ [E] Electronic Service

To: ☐ [] Noncitizen | ☐ [] Noncitizen c/o custodial officer | ☐ [E] Noncitizen atty/rep. | ☐ [E] DHS

Respondent Name : ANKUDINOV, IAKOV | A-Number



Riders:

Date: 10/20/2025 By: Green, Ty, Court Staff

EXHIBIT B - NOTICE OF APPEAL



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

Sergiyenko, Mariya
Amarise Law PLLC
33099 Eagle Peak Ln
Black Diamond, WA 98010

DHS/ICE Office of Chief Counsel - SDC
146 CCA Road, P.O. BOX 248
Lumpkin, GA 31815

NAME:
ANKUDINOV, IAKOV



Riders:

Date of Notice: 10/28/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 10/27/2025, in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: PerezK

CC

EXHIBIT C - NOTICE TO APPEAR

**DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR**

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

File No: 

In the Matter of:

Ankudinov, Iakov

Respondent: _____ currently residing at:

c/o DHS/ICE, MTC/IRDF, 1572 Gateway Road, Calexico, CA 92231 (760) 618-7200

(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 RUSSIA and citizen of RUSSIA;
3. You applied for admission at the Calexico, California Port of Entry on June 13, 2024;
4. You did not then possess or present a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

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

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

☒ 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)

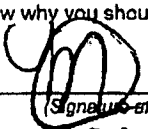
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
EOIR - Imperial, 1572 Gateway Rd., Calexico, CA 92231

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

on 07/17/2024 at 08:00 a.m. to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Date: 06/25/2024


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

Calexico, California

(City and State)

A. CARBAJAL SDDO

4113

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

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

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

Request for Prompt Hearing

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

Before:

(Signature of Respondent) (Sign in Ink)

Date: _____

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

Certificate of Service

This Notice To Appear was served on the respondent by me on 06/26/2024, in the following manner and in compliance with section 239(a)(1) of the Act.

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

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

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

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

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

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

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

Disclosure:

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

EXHIBIT D - HEARING NOTICE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LUMPKIN IMMIGRATION COURT

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Dec 13, 2024

TO:
ANKUDINOV, IAKOV
DHS/ ICE
FOLKSTON MAIN IPC
3026 HWY 252 EAST P.O. BOX 248
FOLKSTON, GA 31537

RE:  ANKUDINOV, IAKOV

Notice of Internet-Based Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Your hearing is not in person. You will access
your hearing by using the web page below.
URL: <https://eoir.webex.com/meet/IJ.Fuller>

Date: Apr 18, 2025
Time: 1:00 P.M. ET
Court Address: 146 CCA ROAD PO BOX 248, LUMPKIN, GA 31815

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

EXHIBIT E - FACILITY ID CARD

EXHIBIT F - "COMMUNITY RISK" DESIGNATION

Enforcement and Removal Operations

U.S. Department of Homeland Security
1564 Gateway Road
Callexico, CA 92231



**U.S. Immigration
and Customs
Enforcement**

JUL 18 2024

Ankudinov, Iakov
c/o Immigration and Customs Enforcement
1572 Gateway Road
Callexico, CA 92231

In Reference to: A# 

Dear Mr. Ankudinov:

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided not to parole you from detention currently. Under ICE policy, arriving aliens determined by an Asylum Officer to have a credible fear of persecution or torture are initially considered for parole. While the decision whether to grant parole is discretionary, ICE policy is generally to grant parole to aliens determined to have a credible fear if they establish their identity and that they pose neither a flight risk nor danger to the community.

As part of its determination whether to parole such aliens, ICE conducts an initial interview and reviews their immigration files and any supplemental documentation provided. If ICE receives a written request for redetermination of a prior decision not to grant parole, ICE may elect to re-interview the alien or make a new decision based on documentary information, including any new information provided.

Based on a review of all available information, ICE has determined that parole is not appropriate in your case at this time. This determination is based on the following reason(s):

- ☐ You have not established your identity to the satisfaction of ICE.
- ☐ You have not established to ICE's satisfaction that you will appear as required for immigration hearings, enforcement appointments, or other matters if you are paroled from detention.
- ☒ You have not established to ICE's satisfaction you would not pose a danger to the community or U.S. security, if you are paroled from detention.

Ankudinov, Iakov A#



Page 2 of 2

- ☒ Additional exceptional, overriding factors (e.g., law enforcement interests or potential foreign policy consequences) in your case militate against parole, as follows:

- ☐ ICE previously provided you with a written decision declining to grant parole, and you have failed to provide additional documentation or to demonstrate any significant changed circumstances which would change ICE's previous determination.

You may request a redetermination of this decision in writing, based upon changed circumstances in your case or additional documentation you would like ICE to consider. Such changed circumstances or documentation should relate to the reason(s) ICE is not paroling you from custody at this time. For example, if you have not established your identity to ICE's satisfaction, you may wish to consider providing government-issued documents such as passports, birth certificates, or identity cards. Identity can also be established through written statements prepared by individuals whom you know in the United States and whose identity we can verify.

If you request redetermination of this decision, please direct your written request to the address above, include a copy of this letter and any other prior ICE written decision(s) not to grant you parole, and clearly explain what changed circumstances or additional documents you would like considered. Requests for redetermination which are not clearly explained will be returned without action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernando'.

Fernando, Valenzuela
Assistant Field Office Director
San Diego Field Office

EXHIBIT G - DECISION FROM CREDIBLE FEAR INTERVIEW

EXHIBIT H- CBPONE APPOINTMENT CONFIRMATION

EXHIBIT I - MARRIAGE CERTIFICATE

EXHIBIT J - NEXT FRIEND'S PROOF OF ADDRESS(BANK LETTER)

EXHIBIT K - COPIES OF PASSPORTS