UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ODILIA MARIBEL CHUN HERNANDEZ,
([redacted])

Petitioner,

v.

MIGUEL VERGARA, Field Office Director for U.S. Immigration and Customs Enforcement, San Antonio Field Office; KRISTI NOEM, Secretary of the Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No. SA25CA1841 OG

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Odilia Maribel Chun Hernandez, Alien number [redacted], a native and citizen of Guatemala, challenges her current detention by U.S. Immigration and Customs Enforcement ("ICE") at the Dilley Immigration Processing Center located at 300 El Rancho Way, Dilley, Texas 78017 to be an unconstitutional and unjustified deprivation of her physical liberty, and seeks immediate relief from this Court.

2. Petitioner is being harmed by the Respondents' policy which incorrectly interprets the Immigration and Nationality Act to require mandatory detention and strips immigration judges of the jurisdiction to grant bond under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. § 1003.19(a), 1236.1(d). Respondents are arguing that pursuant to their new policy, Petitioner is subject to mandatory detention under

8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the pendency of the lengthy removal proceedings.

3. Petitioner has been present in the United States for more than 22 years. She has no criminal convictions in the United Stats.

4. Petitioner's continued detention violates the plain language of the INA and its implementing regulations.

JURISDICTION AND VENUE

5. Petitioner is detained at the Dilley Immigration Processing Center in Dilley, Texas.

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

7. This Court has subject matter jurisdiction under Article 1, § 9, cl. 2 of the United States Constitution (Suspension Clause), 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1331 (federal question).

8. This Court may grant relief pursuant to 28 U.S.C. § 2241, *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, and the All Writs Act, 28 U.S.C. § 1651.

9. Venue is proper because Petitioner is currently detained at Dilley Immigration Processing Center in Dilley, Texas, which is within the jurisdiction of this District.

PARTIES

10. Petitioner, Odilia Maribel Chun Hernandez, is a noncitizen currently detained at Dilley Immigration Processing Center in Dilley, Texas, pending removal proceedings. Petitioner is in the custody, and under direct control, of Respondent and their agents.

11. Respondent Miguel Vergara is sued in his official capacity as the Director of the ICE San Antonio Field Office, and is responsible for ICE's operations in San Antonio, Texas. Respondent Miguel Vergara is a legal custodian of Petitioner and has authority to release her.

12. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). Respondent Kristi Noem is responsible for the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

13. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice (DOJ). She has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeal (BIA).

STATEMENT OF FACTS

14. Petitioner is a native and citizen of Guatemala. She entered the United States on or about December of 2002.

15. Petitioner was not inspected, admitted, or paroled when she entered on December of 2002. Petitioner has resided in the United States since 2002.

16. Petitioner has a United States Citizen husband and two United States Citizen children.

17. On or about November 12, 2025, Petitioner was arrested in Palm Beach County, Florida, for driving without a license and transferred into ICE custody to the Broward Transitional Center detention center in Pompano Beach, Florida. On or about November 29, 2025, Petitioner was transferred to the Dilley Immigration Processing Center in Dilley, Texas. She remains in ICE custody at the Dilley Immigration Processing Center in Dilley, Texas. Ex. A, ICE detainee locator search on December 11, 2025, at 1.

18. On or about November 13, 2025, Petitioner was served with a Notice to Appear ("NTA") and placed in removal proceedings. The NTA charges Petitioner as an alien present in the United States who has not been admitted or paroled. On or about December 2, 2025, Petitioner was served with a superseding NTA containing the same identical charges. Ex. B, Notice to Appear at 1-3.

19. Currently, noncitizens like the Petitioner are being denied bond by Immigration Judges based on a lack of jurisdiction to conduct a custody redetermination, because they entered without inspection and under the BIA decision on *Matter of Yajure Hurtado*, they are subject to mandatory detention under 8 U.S.C. §1225(b)(2).

20. Any appeal to the Board of Immigration Appeals is futile.

21. Despite more than 22 years in the United States, Petitioner is being subjected to mandatory detention until her removal proceedings are concluded under 8 U.S.C. §1225(b)(2).

LEGAL FRAMEWORK

22. 8 U.S.C. §1226(a) authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. §1229. Individuals in detention under §1226(a) are entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §1003.19(a), 1236.1(d).

23. The INA also provides for mandatory detention for classes of noncitizens subject to expedited removal under 8 U.S.C. §1225(b)(1) and for other arrivals seeking admission pursuant to 8 U.S.C. §1225(b)(2).

24. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

25. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.

104—208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

26. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

27. Under § 1225(b)(2), "in the case of an alien who is an *applicant for admission*, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." 8 U.S.C. § 1225(b)(2) (emphasis added). By contrast, an alien arrested on a warrant issued by the Attorney General may be detained but is also eligible for release on bond. 8 U.S.C § 1226(a). Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of "aliens already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018).

28. Thus, in the decades that followed, most people who entered without inspection—unless they were subject to some other detention authority—received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an immigration judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

29. Respondents' new policy turns this well-established understanding on its heads and violates the statutory scheme.

30. Indeed, this legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings was already rejected by a District Court in the Western District of Washington, finding that such individuals are entitled to bond redetermination hearings before immigration judges, and rejecting the application of § 1225(b)(2) to such cases. *Rodriguez v. Bostock*, No. 3:25-CV-05240- TMC, 2025 WL 1193850, at *12 (W.D. Wash. Apr. 24, 2025).

31. Despite this finding from a federal court, on July 8, 2025, Immigration and Customs Enforcement ("ICE"), "in coordination with the Department of Justice ("DOJ")," announced that they were rejecting the well-established precedential understanding of § 1225(b)(2) for their own new interpretation.

32. The policy is titled "Interim Guidance Regarding the Detention Authority for Applicant's for Admission," and claims that under their new legal interpretation, an "applicant for admission" is any noncitizen who was not admitted or who arrives in the United States, and as such they are subject to mandatory detention under § 1225(b)(2), are ineligible for a custody redetermination before an Immigration Judge, and are subject to mandatory detention for the duration of their removal proceedings.

33. Numerous district courts have disagreed with the government's new interpretation of § 1225(b)(2) and have found that § 1226(a), not § 1225(b)(2), governs the detention of noncitizens who entered the United States without admission or parole and have entered without inspection. *See Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *see also Martinez v. Hyde*, —— F. Supp. 3d ——, 2025 WL 2084238 (D. Mass. July

24, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E..D. Mich. Sept. 9, 2025) ; *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025).

34. On September 5, 2025, the BIA issued a decision in *Matte of Yajure Hurtado* where it held that noncitizens who are present in the United States without having been inspected and admitted are subject to detention under § 1225(b)(2), not § 1226(a), and Immigration Judges lack jurisdiction to conduct custody redetermination for such noncitizens being subjected to mandatory detention. *Matte of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025).

35. This is now a widespread position being applied across the United States by immigration courts.

36. This interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to noncitizens like Petitioner. *See Sampiao v. Hyde,* 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting the court's disagreement with the BIA's analysis in *Yajure Hurtado); see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E..D. Mich. Sept. 9, 2025).

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

38. The text of § 1226 also explicitly applies to noncitizens charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such individuals makes clear that, by default, these noncitizens are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to noncitizens who face charges of being inadmissible to the United States, including those who are present without admission or parole.

39. By contrast, § 1225(b) applies to noncitizens arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of noncitizens who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A).

40. The Supreme Court has made clear that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority," and indeed "may not defer to an agency interpretation of the law simply because a statute is ambiguous." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). The text of Sections 1225 and 1226, together with binding Supreme Court precedent interpreting those provisions, confirm that Petitioner is subject to Section 1226(a)'s discretionary detention scheme.

41. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to noncitizens like Petitioner who are alleged to have entered the United States without admission or parole, were not inspected and have resided in the United States for over 22 years.

CLAIMS FOR RELIEF

COUNT I

Violation of 8 U.S.C. § 1226(a)

42. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility, who entered the United States without apprehension and were later placed in removal proceedings. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

44. The application of § 1225(b)(2) to bar the Petitioner from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

COUNT II

Violation of the Administrative Procedure Act

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

46. The APA states a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706 (2)(A).

47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. If applied to all

noncitizens it would make the rest of the mandatory detention provisions, bond provision, and parole provisions unnecessary. Noncitizens who entered the United States without inspection or parole are detained under § 1226(a) and are eligible for release on bond, unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

48. The application of § 1225(b)(2) to bar the Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with the law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT III

Violation of the Fifth Amendment Due Process Clause

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

50. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

51. The Due Process Clause "applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

52. Respondents' mandatory detention of Petitioner violates her Due Process rights.

53. Respondents have not attempted to show any special justification or compelling governmental interest which would outweigh Petitioner's constitutional liberty.

54. Petitioner's continued detention without a bond redetermination hearing to determine whether she is a flight risk or danger to others violates her substantive due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;

c. Issue an order to show cause directing Respondents to show cause why the petition for a writ of habeas corpus should not be granted;

d. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody immediately or provide Petitioner with a bond redetermination hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a);

e. Declare that Petitioner's detention violates the INA, APA, and Due Process Clause of the Fifth Amendment; and

f. Grant any other and further relief this Court deems just and proper.

Dated: December 11, 2025

Respectfully submitted,

Mirtha Garcia Alvarez, Esq.
FL Bar No. 1048624
Immigration Group, LLC
5820 Waterford District Drive
Miami, FL 33126
Telephone: 305-443-3900
Email: mirthagarcia@jorgerivera.com

Attorney for Petitioner

*Motion for admission *pro hac vice* forthcoming

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Odilia Maribel Chun Hernandez. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 11, 2025

Respectfully submitted,

Mirtha Garcia Alvarez, Esq.

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Mirtha Garcia Alvarez, hereby certify that the foregoing Petition for Writ of Habeas Corpus and accompanying exhibits were served by USPS priority mail certified to the following:

U.S. Attorney's Office for the Western District of Texas

601 NW Loop 410, Suite 600

San Antonio, Texas 78216

Pamela Bondi

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Kristi Noem

Secretary of Homeland Security

Washington, DC 20528

San Antonio ERO Field Office Director

1777 NE Loop 410, Floor 15

San Antonio, TX 78217

Dated: December 11, 2025

Respectfully submitted,

Mirtha Garcia Alvarez, Esq.

Attorney for Petitioner

EXHIBIT A

Report Crimes: Email or Call 1-866-DH

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Facility Page

Facility Image

Detention Information For:

ODILIA MARIBEL CHUN HERNANDEZ
Country of Birth: Guatemala
A-Number: [redacted]

Current Detention Facility:

DILLEY IMMIGRATION PROCESSING CENTER

300 El Rancho Way

NA

Dilley, TX 78017

Visitor Information: (830) 259-2323

MORE INFORMATION >

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

Dilley Immigration Processing Center,

Phone Number: (830) 259-2323

BACK TO SEARCH >

Related Information

Helpful Info
Status of a Case
About the Detainee Locator
Brochure
ICE ERO Field Offices
ICE Detention Facilities
Privacy Notice

External Links
Bureau of Prisons Inmate Locator

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: ODILIA MARIBEL CHUN HERNANDEZ currently residing at:

STFRC 300 EL RANCHO WAY DILLEY, TEXAS 78017 [redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. You entered the United States at an unknown place, on an unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

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

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

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

566 VETERAN DR, STE 101, PEARSALL, TEXAS 78061.

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

on January 8, 2026 *(Date)* at 9:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

GREGORY B449 SOLLOCK (A) SDDO

(Signature and Title of Issuing Officer)

Date: December 2, 2025

Dilley, TX

(City and State)

This Notice to Appear Supersedes the Notice to Appear issued on November 13, 2025

EOIR - 1 of 3

Notice to Respondent

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

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

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

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

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

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

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

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

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

Request for Prompt Hearing

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

Before: _____

(Signature of Respondent)

Date: _____

_____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 2, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

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

Refused to Sign

(Signature of Respondent if Personally Served)

OAC3 CAMACHO III - Deportation Officer

(Signature and Title of officer)

EOIR – 2 of 3

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-soms. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

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

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