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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 VLADIMIR MARKOV,
12
13 Petitioner,

14 v.

15 WARDEN, OTAY MESA
16 DETENTION CENTER,
17 Respondents.

Case No. 3:25-cv-3705-CAB-AHG

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

18
19
20 **I. INTRODUCTION**

21 Petitioner requests the Court to order his immediate release from Immigration
22 and Customs Enforcement (ICE) custody or require that he be afforded a bond, parole,
23 or “any less restrictive alternative to confinement.” ECF No. 1 at 7. As an arriving alien
24 found to have a credible fear of persecution, however, Petitioner’s detention is
25 mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal
26 proceedings. As Petitioner is subject to mandatory detention under 8 U.S.C. §
27 1225(b)(1)(B)(ii), the Court should deny Petitioner’s requests for relief.

28 ///

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 Petitioner is a native and citizen of Russia. Exhibit (Ex.) 1 (I-213).¹ On June 1,
3 2025, he applied for admission to the United States at a port of entry. *Id.* He did not
4 then possess legal documentation to be in or enter the United States. *Id.* He was
5 determined to be an arriving alien inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I),
6 placed into expedited removal proceedings under 8 U.S.C. § 1225(b)(1), and taken into
7 Immigration and Customs Enforcement (ICE) custody pursuant to 8 U.S.C.
8 § 1225(b)(1)(B). Ex. 2 (Notice and Order of Expedited Removal). He was then
9 interviewed after expressing a fear of returning to his home country, and thereafter
10 served with a Notice to Appear, charging him inadmissible under the same provision, 8
11 U.S.C. § 1182(a)(7)(I). Ex. 1; Ex. 3 (Notice to Appear). The filing of the NTA initiated
12 removal proceedings, pursuant to 8 U.S.C. § 1229a, against Petitioner, and those
13 proceedings remain ongoing. Within his removal proceedings under § 1229a, Petitioner
14 has the opportunity to apply for relief from removal before an immigration judge (IJ),
15 including asylum under 8 U.S.C. § 1158, withholding of removal under 8 U.S.C.
16 § 1231(b)(3), and relief under the Convention Against Torture, which he is doing. His
17 merits hearing is currently set for February 6, 2026. Ex. 4 (Notice of In-Person Hearing).

18 **III. STATUTORY BACKGROUND**

19 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
20 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
21 United States who has not been admitted” or “who arrives in the United States.” 8
22 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
23 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
24 583 U.S. 281, 287 (2018).

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¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

1 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
2 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
3 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
4 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
5 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
6 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
7 “If the officer determines at the time of the interview that [the] alien has a credible fear
8 of persecution . . . , the alien *shall be detained* for further consideration of the
9 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
10 does not indicate an intent to apply for asylum, does not express a fear of persecution,
11 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
12 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

13 **IV. ARGUMENT**

14 **A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).**

15 Respondents contend that judicial review over Petitioner’s claim is barred by 28
16 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
17 or claim by or on behalf of any alien arising from the decision or action by the Attorney
18 General to commence proceedings, adjudicate cases, or execute removal orders.”

19 Here, Petitioner’s claims of unlawful detention necessarily arise from the
20 Department of Homeland Security’s² decision to commence removal proceedings
21 against him because that decision unavoidably triggers mandatory detention under 8
22 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
23 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
24 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
25 claim because the plaintiff’s detention arose from the decision to commence removal
26

27 ² “In 2002, Congress transferred the Attorney General’s immigration enforcement
28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 proceedings, and in turn, the “statute mandating detention during removal proceedings
2 of a person charged as an ‘arriving alien.’”).

3 As explained by another district court, removal proceedings are commenced
4 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
5 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
6 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 3 (Notice to Appear). The
7 government “may arrest the alien against whom proceedings are commenced and detain
8 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
9 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
10 [government’s] decision to commence proceedings” and review of claims arising from
11 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
12 947, 949 (9th Cir. 2007)); *see also* *Wang*, 2010 WL 11463156, at *6.

13 Because this habeas petition brings a claim “arising from the decision or action
14 by the [government] to commence proceedings,” review of Petitioner’s claim is barred
15 under 8 U.S.C. § 1252(g). Thus, the Court must dismiss the petition.

16 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

17 Even if the Court assumed jurisdiction to review Petitioner’s claim, the Court
18 must deny his habeas petition because Petitioner’s detention is statutorily mandated
19 under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged.

20 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).**

21 Petitioner is an arriving alien. *See* Ex. 2. As discussed above, arriving aliens are
22 applicants for admission who are subject to expedited removal proceedings, *see* 28
23 U.S.C. § 1225(b)(1)(A)(i), unless—as occurred here—an asylum officer has
24 determined that they have a credible fear of persecution, *see* 28 U.S.C.
25 § 1225(b)(1)(B)(ii). In such cases, the INA mandates that “the alien *shall be detained*
26 for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii)
27 (emphasis added); *see also* *Matter of M-S*, 27 I. & N. Dec. 509, 519 (AG 2019) (“all
28 aliens transferred from expedited to full [removal] proceedings after establishing a

1 credible fear are ineligible for bond”). Because Petitioner is an arriving alien found to
2 have a credible fear of persecution and placed in full removal proceedings, his
3 detention is mandated by section 1225(b) until the conclusion of his removal
4 proceedings. *See Jennings*, 583 U.S. at 302 (“§§ 1225(b)(1) and (b)(2) mandate
5 detention of aliens throughout the completion of applicable proceedings”).

6 Petitioner requests that the Court order him released from ICE custody. But the
7 Supreme Court has rejected such contention, explaining: “”Read most naturally, §§
8 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain
9 proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the
10 length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything
11 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary
12 parole granted at the discretion of the Attorney General “for urgent humanitarian
13 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*
14 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
15 (emphasis in original).

16 As Petitioner’s removal proceedings are pending, and he has not been granted
17 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
18 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
19 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
20 section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his
21 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
22 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
23 find that the petitioner had no right to release or a bond hearing).

24 **2. Petitioner’s detention is not unconstitutionally prolonged.**

25 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
26 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
27 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
28 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)

1 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
2 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
3 Supreme Court added that the sole means of release for noncitizens detained pursuant
4 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
5 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
6 (“That express exception to detention implies that there are no *other* circumstances
7 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
8 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
9 throughout the completion of applicable proceedings[.]” *Id.* at 302.

10 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
11 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
12 detention without a hearing violated his constitutional rights. The Supreme Court
13 rejected the petition, concluding that the noncitizen’s continued detention did not
14 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
15 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
16 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
17 omitted).

18 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
19 (2020), the Supreme Court once again addressed the due process rights of individuals
20 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
21 States. The Supreme Court stated that such individuals have no due process rights
22 “other than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in
23 respondent’s position has only those rights regarding admission that Congress has
24 provided by statute.”). The Supreme Court noted that its determination was supported
25 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
26 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537,
27 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)).
28 Because the only process due Petitioner is that afforded under section 1225(b), the

1 Court must reject his claim that his detention violates the Fifth Amendment’s Due
2 Process Clause and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40;
3 *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206
4 (9th Cir. 2022) (“The recognized liberty interests of U.S. citizens and aliens are not
5 coextensive: the Supreme Court has ‘firmly and repeatedly endorsed the proposition
6 that Congress may make rules as to aliens that would be unacceptable if applied to
7 citizens.”) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*,
8 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are
9 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
10 entitles Petitioner to a bond hearing.”).

11 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
12 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
13 Due Process Clause that Petitioner might have raised in this petition: Does an alien
14 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond
15 hearing after being detained for a certain period of time? The answer is no. *See*
16 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2
17 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
18 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023
19 WL 3103811. *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,
20 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.
21 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579
22 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

23 Even if the Court infers a constitutional right against prolonged mandatory
24 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
25 courts become extremely wary of permitting continued custody absent a bond hearing.”
26 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
27 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
28 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half

1 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
2 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
3 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
4 years). Petitioner’s detention since June falls significantly short of the length courts
5 have found to raise due process concerns.

6 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
7 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
8 at *5 (“[W]hile the *Mathews [v. Eldridge]*, 424 U.S. 319 (1976)] factors may be well-
9 suited to determining whether due process requires a second bond hearing, they are not
10 particularly dispositive of whether prolonged mandatory detention has become
11 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
12 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
13 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
14 the possible constitutional implications of Petitioner’s ongoing detention without
15 process.”).

16 Under *Lopez*, to determine whether continued mandatory detention has become
17 unreasonable, “the Court will look to the total length of detention to date, the likely
18 duration of future detention, and the delays in the removal proceedings caused by the
19 petitioner and the government.” 631 F. Supp. 3d at 879.

20 First, Petitioner has been detained for about seven months. Courts in this district
21 have found detention for much longer periods to be unreasonably prolonged. *See*
22 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal.
23 Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months);
24 *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp.
25 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42
26 months). The length of detention “is the most important factor.” *Sanchez-Rivera*, 2023
27 WL 139801, at *6 (citation omitted). And Petitioner’s current detention does not fall
28 within the range those courts have found to be unreasonable. Moreover, the length of

1 Petitioner’s detention, by itself, does not favor granting habeas relief. *See Sadeqi v.*
2 *LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12,
3 2025) (“The Court agrees with Respondents that the length of Petitioner’s detention to
4 date—almost 12 months—does not by itself, without more, establish prolonged
5 detention in violation of due process.”). Not only does the length of Petitioner’s
6 detention fall comparatively short of the length courts in this district have found to
7 warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either.

8 Second, the likely duration of future detention weighs against Petitioner.
9 Petitioner’s individual merits hearing is scheduled for February 2, 2026 (*see* Ex. 4), at
10 which point his path to release or removal should be clear.

11 Finally, there is no indication of any delay in the removal proceedings on the
12 part of the government.

13 Balancing the above factors, the record does not support a finding that “detention
14 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
15 2023 WL 139801, at *6, or an order requiring Petitioner’s release. Thus, the Court
16 should reject Petitioner’s claim that his mandatory detention entitled him to be released
17 from ICE custody during the pendency of his removal proceedings.

18 **V. CONCLUSION**

19 For the reasons stated herein, Respondents respectfully request that the Court
20 dismiss this petition for lack of jurisdiction or deny it on the merits.

21
22 Dated: January 6, 2026

Respectfully submitted,

23 ADAM GORDON
24 United States Attorney

25 s/ Lisa Hemann
26 LISA M. HEMANN
27 Assistant United States Attorney

28 Attorneys for Respondents

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7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 VLADIMIR MARKOV,
11 Petitioner,

Case No.: 3:25-cv-3705-CAB-AHG

12 CERTIFICATE OF SERVICE

13 v.

14
15 WARDEN, OTAY MESA DETENTION
CENTER,
16 Respondents.
17

18 I have caused service of the above Return to Petition for Writ of Habeas Corpus
19 by causing the foregoing to be mailed by first class mail to the following non-ECF
20 participant at the last known address, at which place there is delivery service of mail
21 from the United States Postal Service on the following party

22 Vladimir Markov

Petitioner PRO SE



23
24 Otay Mesa Detention Center
25 P.O. Box 439049
San Diego, CA 92145

26 I declare under penalty of perjury that the foregoing is true and correct to the best
27 of my knowledge, information, and belief.

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EXECUTED: January 6, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Lisa M. Hemann
LISA M. HEMANN
Assistant United States Attorney
Attorney for Respondents

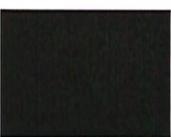
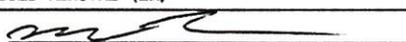
EXHIBIT 1

Subject to Proclamation - Guaranteeing the States Protection Against Invasion

SIGMA Event: [REDACTED]
Subject ID: [REDACTED]

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MARKOV, VLADIMIR		First	Middle	Sex M	Hair	Eyes	Complexion
Country of Citizenship RUSSIA	Passport Number and Country of Issue [REDACTED] RUSSI	Case No. [REDACTED]		Height	Weight	Occupation	
U.S. Address IN DHS CUSTODY, SAN DIEGO, CALIFORNIA, UNITED STATES OF AMERICA				Scars and Marks NONE INDICATED			
Date, Place, Time, and Manner of Last Entry 06/01/2025, 2506 - OTM, 21:44, Vehicle		Passenger Boarded at Otay Mesa		F.B.I. Number	<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated		
Number, Street, City, Province (State) and Country of Permanent Residence [REDACTED] RUSSIA				Method of Location Apprehension ISP			
Date of Birth	Age: [REDACTED]	Date of Action 06/02/2025	Location Code 2506 - OTM	At/Near OTAY MESA, CA	Date/Hour 06/01/2025 2306		
City, Province (State) and Country of Birth RUSSIA		<input type="checkbox"/> AR <input type="checkbox"/> Form (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> NONE		By CHAIRES, CAR35048			
NIV Issuing Post and NIV Number None		Social Security Account Name None		Status at Entry See Narrative		Status When Found TRAVEL/SEEKING	
Date Visa Issued None		Social Security Number None		Length of Time Illegally in U.S. At Entry			
Immigration Record NEGATIVE			Criminal Record None Known				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) MARKOV, Vladimir NATIONALITY: RUSSIA						Number and Nationality of Minor Children 0	
Father's Name, Nationality and Address, if Known [REDACTED] NATIONALITY: RUSSIA			Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED] NATIONALITY: RUSSIA				
Mones Due Property in U.S. Not in Immediate Possession See Narrative		Fingerpruned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Words(s) See Narrative			
Name and Address of (Last/Current) U.S. Employer NONE		Type of Employment NONE	Salary 0.0 USD	Employed from to Hr 0/0/00 - 0/0/00			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS: [REDACTED] Left Index Finger Right Index Finger							
  							
STATUS AT ENTRY							
Other Applicant for Admission None							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges		06/02/2025	CHAIRES, CAR35048 CBP OFFICER	 (Date/Initials) (Signature and Title of Immigration Officer)			
Distribution: AFILE		Received: (Subject and Documents) (Report of Interview) CHAIRES, CAR35048 - CBP OFFICER Officer:  on: June 2, 2025 (time) Disposition: EXPEDITED REMOVAL (ER) Examining Officer:  ROBLES, Manuel - SUPERVISORY CBP OFFICER					

U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name MARKOV, VLADIMIR	File Number SIGMA Event: Event No:	Date June 2, 2025
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CLAIMED DOCUMENTS

Passport - [REDACTED]

RECORDS CHECKED

- NCIC Neg
- CIS Neg
- CLAIM Neg
- CCD Neg
- IAFIS Neg
- EARM Neg
- ATS-P Pos
- TECS Neg

SECTION CODES

Sec212(a)(7)(A)(i)(I)
8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

Narrative:

On June 01, 2025, at approximately 2144 hours, Vladimir MARKOV (DOB: [REDACTED]; COC: Russian), arrived at the Otay Mesa, California Port of Entry. MARKOV was one of six passengers of a black Honda SUV vehicle bearing California license plates [REDACTED]. The additional passengers were identified as follows: [REDACTED]

and [REDACTED].

MARKOV does not have legal documentation to be in the United States and falls under the new Presidential Executive Order, Securing Our Borders.

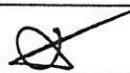
MARKOV was turned over to the Otay Mesa Port of Entry Admissibility Enforcement Unit (AEU) for further disposition.

While in AEU, a pat down was conducted on MARKOV by CBPO Johnson, J, witnessed by SCBPO Robles, M and authorized by SCBPO Robles, M. Pat down rendered negative results.

Immigration Violations: Sec212(a)(7)(A)(i)(I)- Immigrant without documents 8USC 1182(a)- Alien inadmissible under Sec212(a) 8 USC 1325A2-Eluding inspection
Previous Immigration Violation(s): Negative.
Criminal History/IDENT/IAFIS: Negative.
Fins# [REDACTED] FBI# [REDACTED]

Sworn Statement: As per the Presidential Executive Order, Securing Our Borders, no sworn statement was taken from the subject before they were expeditiously removed from the United States for a period of 20 years.

Credible Fear Statement: As per the Presidential Executive Order, Securing Our Borders, MARKOV did not manifest a fear of return or expressed an intention to apply for asylum or related... (CONTINUED ON NEXT PAGE)

Signature CHAIRES, CAR35048 	Title CBP OFFICER
--	----------------------

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name MARKOV, VLADIMIR	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date June 2, 2025
<p>protection, express a fear of persecution or torture, or expresses a fear of return to his country or country of removal. CBP Field Operations Contact Advisory of CBP Detention: MARKOV was offered a phone and called at 0006 hours. Phone call was made to [REDACTED] (friend) [REDACTED].</p> <p>Health: MARKOV appeared to be in good health and did not identify any medical concerns while being processed. MARKOV was medically screened and cleared by on-site medical staff. Form 2501 uploaded to event.</p> <p>MARKOV voluntarily submitted a DNA sample on DNA test batch # [REDACTED] upon request.</p> <p>Disposition: MARKOV was processed under the Suspension Period for Expedited Removal under the Presidential Proclamation, Securing the Border, on June 01, 2025. MARKOV is inadmissible pursuant to the Presidents authority to suspend entry of certain classes of noncitizens under section 212(f) of the Immigration and Nationality Act (INA), 8 USC 1182(f). MARKOV was processed for an Expedited Removal pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act with the concurrence of SCBPO Robles, M and Branch Chief CBP Officer Kirkman, J. Forms I-860 and I-296 were executed and served on the subject. MARKOV was processed during Suspension Period Operations under the Securing the Border Proclamation.</p>		
Signature CHAIRAS, CAR35048 	Title CBP OFFICER	

U.S. Department of Homeland Security

MEMORANDUM OF INVESTIGATION

File Number [REDACTED]	Title: Markov, Vladimir	Control Office SND/OTM
<p>***** ADDENDUM BY DO E. CEJA ON 06/24/2025*****</p> <p>On June 01, 2025 U.S. Border Patrol (BP) encountered and arrested Markov, Vladimir.</p> <p>Markov, Vladimir is being processed pursuant to the Jan. 20, 2025 proclamation implementing INA 212(f) and/or 21S(a);</p> <p>On June 03, 2025, BP transferred Markov, Vladimir to ERO custody at the Otay Mesa Detention Center (OMDC).</p> <p>Markov, Vladimir expressed fear on 06-24-25 of being tortured in RUSSIA.</p> <p>Markov, Vladimir is being referred to USCIS for a CAT assessment.</p> <p>Markov, Vladimir is a citizen of RUSSIA.</p> <p>Markov, Vladimir designated country of removal is RUSSIA.</p>		
Investigator <i>Eduardo Ceja DO</i>	Date 06-24-2025	

EXHIBIT 2

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number : [redacted] File No: [redacted]

SIGMA Event: [redacted] Date: June 2, 2025

In the Matter of: MARKOV, VLADIMIR

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) [] (6)(C)(i); [] (6)(C)(ii); [x] (7)(A)(i)(I); [] (7)(A)(i)(II); [] (7)(B)(i)(I); and/or [] (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1. You are not a citizen or national of the United States;
2. You are a native of RUSSIA and a citizen of RUSSIA;
3. You applied for admission on 06/02/2025 at OTAY MESA, CA, USA;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:
... (CONTINUED ON I-831)

CHAIRES, CAR35048
CBP OFFICER
Name and title of immigration officer (Print)

[Signature]
Signature of immigration officer

ORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

ROBLES, Manuel
SUPERVISORY CBP OFFICER
Name and title of immigration officer (Print)

[Signature]
Signature of immigration officer

KIRKMAN, Joseph E
BRANCH CHIEF
Name and title of supervisor (Print)

[Signature]
Signature of supervisor, if available

[] Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on June 2, 2025 (Date)

CHAIRES, CAR35048
CBP OFFICER
[Signature]
Signature of immigration officer

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

ACKNOWLEDGEMENT

I acknowledge receipt of this notification _____

REFUSED TO SIGN

Signature of alien

U.S. Department of Homeland Security

Continuation Page for Form I-860

Alien's Name MARKOV, VLADIMIR	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date June 2, 2025
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Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature CHAIRIS, CAR35048 	Title CBP OFFICER
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EXHIBIT 3

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No. [REDACTED]

In the Matter of:

Respondent: Markov, Vladimir currently residing at:

c/o DHS Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154

(Number, street, city and ZIP code)

(619) 661-4071

(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:

- 1) You are not a citizen or national of the United States;
- 2) You are a native **RUSSIA** and a citizen of **RUSSIA**.
- 3) You applied for admission into the United States at the Otay Mesa Port of Entry, CA on or about June 02, 2025;
- 4) You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document.

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:

Section 212(a) (7) (A) (i) (I) of the 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(f) 8CFR 235.3(b)(5)(iv)

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

EOIR OTM, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

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

on 09/11/2025 at 8:00 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

M. Ceja Marielle Ceja, SDDO
(Signature and Title of Issuing Officer)

Date 08/29/2025

SAN DIEGO, CALIFORNIA

(City and State)

EOIR - 1 of 4

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 of 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 08/29/2025 in the following manner and in compliance with section 239(a)(1) of the Act.

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

The alien was provided oral notice in the ENGLISH 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)

D. Barroga, Deportation Officer
(Signature and Title of Officer)

* Non-Profit Organization
 ** Referral Service
 *** Private Attorney

List of Pro Bono Legal Service Providers

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 1 of 2)	
<p>Jewish Family Service of San Diego*</p> <p>8788 Balboa Avenue San Diego, CA 92123 Tel: (858) 637-3365 Fax: (858) 637-3011 immigration@jfssd.org www.jfssd.org/site/PageServer?pagename=programs_refugee_main</p> <ul style="list-style-type: none"> • Please leave a voicemail any time day or night. Calls returned in the order received. If currently detained and you reach our voicemail, leave your full name and A-number in a voicemail and we will schedule a meeting in person or remote. • Specialize in Bond Hearings, Removal Defense, Cancellation of Removal, Asylum, Withholding of Removal, UN Convention Against Torture, Adjustment of Status, VAWA, U Visa, SIJS and T visa. • Languages: Spanish and multilingual interpretation may be available 	<p>American Bar Association Detention and LOP Information Line**</p> <p>immcenter@americanbar.org www.americanbar.org/groups/public_interest/immigration/</p> <ul style="list-style-type: none"> • Pro se case assistance for detained respondents only • Dial 2150# from the detention center • To contact on behalf of a detained individual, email immcenter@americanbar.org. • The American Bar Association Commission on Immigration Detention and LOP Information Line is not available to provide free legal services for individuals scheduled for Credible Fear Interviews and/or Asylum Merits Interviews
<p>Al Otro Lado*</p> <p>634 S. Spring Street, Suite 908 Los Angeles, CA 90014 Tel: (323) 238-9935 info@alotrolado.org www.alotrolado.org</p> <ul style="list-style-type: none"> • Asylum, WOR, CAT, Defensive VAWA, T Visa, U Visa, Cancellation, and Bond; Please call and leave a message to schedule an appointment • Languages: Spanish, English, and others with interpretation services 	<p>Casa Cornelia Law Center*</p> <p>Post Office Box 12666 San Diego, CA 92112 Tel: (619) 231-7788 Fax: (619) 231-7784 www.casacornelia.org services@casacornelia.org</p> <ul style="list-style-type: none"> • Services include: Asylum, Withholding of Removal, UN Convention Against Torture, Defensive VAWA, U, T Visas, and SIJS, Bond Hearings. • Focus on asylum seekers, and victims of serious crime. • Will accept detained cases • Call for assistance • Languages: Spanish; multilingual interpretation may be available.

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

List of Pro Bono Legal Service Providers

Updated April 2025

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 2 of 2)	
<p>ABA Immigration Justice Project*</p> <p>2727 Camino del Rio South, Suite 320 San Diego, CA 92108 Tel: (619) 255-8810 Fax: (619) 255-8849 contact@abaijp.org www.americanbar.org/groups/public_services/immigration/projects_initiatives/immigration_justice_project_ijp_of_san_diego.html</p> <ul style="list-style-type: none"> • Services limited to San Diego, CA • Office is not open to the public, please call for appointment 	<p>Southern California Immigration Project*</p> <p>2534 State Street, Suite 208 San Diego, CA 92101 Tel: (619) 516-8119 sparacoscip@gmail.com www.socalimmigrationproject.org</p> <ul style="list-style-type: none"> • African countries preferred • Asylum cases only, including LGBTQ • No hablamos español
<p>Immigrant Defenders Law Center*</p> <p>303 A Street, Suite 305 San Diego, CA 92101 Tel: (213) 314-0701 Fax: (213) 282-3133 sdinfo@immdef.org</p> <ul style="list-style-type: none"> • Must be low income • No walk-ins, appointment only • Languages: Spanish and other languages available upon request 	<p>Immigrant Rights Legal Defense Program (IRLDP) - San Diego County Public Defender*</p> <p>451 A Street, Suite 1450 San Diego, CA 92101 Tel: (619) 446-2883 oac@sdcounty.ca.gov</p> <ul style="list-style-type: none"> • Removal defense cases only

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

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EXHIBIT 4

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Oct 15, 2025

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

RE: [REDACTED] MARKOV, VLADIMIR
[REDACTED]

Notice of In-Person Hearing

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

Date: Feb 6, 2026
Time: 08:00 A.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

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.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
 [E] Noncitizen ATT/REP | [E] DHS
DATE: 10/15/2025 BY: COURT STAFF RR
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Use la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码·即可在线阅读该通知·

ঠিকম তুঁ অনলাইন পড়ন সফল হিস খনি 'উ বেত তুঁ সবেন ববন সফল মনাবতবেন উ ঝমট চী ববউ বব।

অনলাইনে নে·টিশি পড়ার জন্য এই পজেরে ক·।ডটি স্ক্যান করতে স্মার্টফোন·নরে ক্য়ামরো ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

