

1 Nina Rabin (Cal. Bar No. 229403)
2 rabin@law.ucla.edu
3 UCLA Immigrant Family Legal Clinic
4 907 Westwood Blvd. Box 1081
Tel: (310) 206-7639

5 *Pro Bono Attorney for Petitioner*

6
7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 A.R.,

10 Petitioner,

Case No. 5:25-cv-3565

11 v.

**VERIFIED PETITION FOR
WRIT OF
HABEAS CORPUS AND
COMPLAINT**

12 Kristi NOEM, Secretary, U.S.
13 DEPARTMENT OF HOMELAND
14 SECURITY; Pamela BONDI, U.S.
15 Attorney General, EXECUTIVE
16 OFFICE FOR IMMIGRATION
17 REVIEW; Todd LYONS, Acting
18 Director, IMMIGRATION AND
19 CUSTOMS ENFORCEMENT; Ernesto
20 Santacruz Jr., Acting Field Office
21 Director of Enforcement and Removal
22 Operations, Los Angeles Field Office,
IMMIGRATION AND CUSTOMS
ENFORCEMENT; Fereti SEMAIA,
Warden of DESERT VIEW ANNEX;
Joseph EDLOW, Director, U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; Rose KENDRICK, Acting
Director of National Benefits Center,
U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

23 Respondents.

INTRODUCTION

1. This habeas petition seeks the immediate release of A.R. (who goes by “R”). R is a 19-year-old college student originally from Bangladesh with no criminal history. Immigration and Customs Enforcement (“ICE”) has detained him for nearly two months even though there is no valid ground of deportation alleged against him, as an Immigration Judge has already found.

2. R has lived in the United States since he was ten years old. R has been held in ICE custody since November 4, 2025, without the government establishing any lawful basis for his detention. In fact, an Immigration Judge terminated removal proceedings on December 9, agreeing that the government had failed to charge R with any valid ground of deportability, yet R remains in detention. Until his sudden arrest on November 4, he had never spent a night away from his mother. He had been attending community college, pursuing his dream of starting his own company to provide support for his mother and sister.

3. R has an approved petition for Special Immigrant Juvenile Status (“SIJS”), based on an extensive history of abuse, neglect, and abandonment by his father. 

 When U.S. Citizenship and Immigration Services (“USCIS”) approved R’s petition for SIJS in 2023, it also granted him Deferred Action – a commitment not to pursue removal for a set period of time and official permission to remain in the United States during that period – as well as work authorization. The Deferred Action was set to expire on October 11, 2027.

4. The extreme violence and ongoing threats by R’s father against R, his mother, and his sister also formed the basis for an asylum claim by R’s mother. On November 4, 2025, R and his mother followed USCIS’s instructions to attend an interview for his mother’s asylum claim at the USCIS Los Angeles Asylum Office. A USCIS Asylum Officer spent several hours interviewing R’s mother, then

1 summoned R separately to her office for what R and his attorney expected to be
2 routine questions for R, as the minor child attached to her asylum claim. After
3 completing the mandatory questions, the asylum officer contacted another officer to
4 come “escort” R and his attorney out. They were led to a stairway where, suddenly
5 and without notice, armed ICE agents, citing unspecified national security concerns,
6 swarmed R, handcuffed him and put him in a van waiting in the back parking lot of
7 the USCIS Asylum Office. ICE drove him to a federal immigration jail. His
8 mother, still waiting patiently in the lobby, had no idea that her son had been taken
9 until their attorney explained what had happened.

10 5. During R’s sudden arrest, federal officers handed his attorney a notice that
11 USCIS had terminated his Deferred Action. The notice provided no reason for the
12 termination of Deferred Action, and it explicitly stated that his SIJS Petition
13 remains approved. *See* Exhibit 1, USCIS Notice of Termination of Deferred Action.

14 6. The day of his arrest, ICE officers also issued a “Notice to Appear,” placing
15 R in removal proceedings. The sole charge to establish his deportability is an
16 immigration law violation for overstaying his visa. *See* Exhibit 2, Notice to Appear.
17 Yet, as a matter of black-letter immigration law, this charge does not apply to
18 young people who have received SIJS. As a result, on December 9, the Immigration
19 Judge terminated R’s removal proceedings on the ground that ICE failed to
20 establish a lawful basis for his removability.

21 7. Nevertheless, R remains confined in immigration jail while ICE pursues an
22 appeal of that decision. The sole evidence provided by DHS to justify his continued
23 detention is a transcript of a private chat room on the messaging platform Discord
24 from two years ago. *See* Exhibit 3, Declaration of A.R. (originally filed in
25 immigration court to respond to government’s evidence against him). R made
26 several comments online when he was seventeen years old, a couple of which
27 reference the Israel-Palestine conflict in ways DHS apparently deems dangerous.
28 In the nearly two months that R has been in federal custody, DHS has not provided

1 any further evidence of a national security investigation related to R. It has not even
2 conducted an interview of R regarding his comments from two years ago or any
3 other allegations against him.

4 8. DHS's ongoing detention of R and its termination of R's Deferred Action
5 violate his statutory and constitutional rights in three ways. First, his ongoing
6 detention without any lawful charge of removal violates his rights under the
7 Substantive Due Process Clause of the Fifth Amendment and the Immigration and
8 Nationality Act ("INA"). Second, the termination of his Deferred Action status,
9 without any notice or opportunity to be heard, violated his rights under the
10 Administrative Procedure Act ("APA") by unlawfully depriving him of protections
11 Congress intended for SIJS youth. Finally, his arrest and detention based on the
12 unlawful termination of his Deferred Action violated his rights under the Fourth
13 and Fifth Amendments, as well as the applicable regulations and statute.

14 JURISDICTION AND VENUE

15 9. This Court has jurisdiction over Petitioner's claims based on 28 U.S.C. §
16 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question); 28 U.S.C. § 1361
17 (Mandamus Act), and 5 U.S.C. § 701 (the Administrative Procedure Act).

18 10. The Court also has jurisdiction pursuant to Art. 1, § 9, Cl. 2 of the United
19 States Constitution (Suspension Clause).

20 11. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)(1) because
21 this is a civil action in which Defendants are employees or officers of the United
22 States, acting in their official capacity, and a substantial part of the events or
23 omissions giving rise to the claim occurred within the Central District of California.
24 Venue is also proper because Petitioner is confined in this District. *See Rumsfeld v.*
25 *Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute thus
26 confirms the general rule that for core habeas petitions challenging present physical
27 confinement lies in only one district: the district of confinement."). There is no real
28 property involved in this action.

PARTIES

12. Petitioner A- R- is a nineteen-year-old young man from Bangladesh, whom USCIS granted Special Immigrant Juvenile Status and Deferred Action in 2023, based on his father's extensive history of abuse, neglect, and abandonment. Before his arrest and detention, R attended community college and lived with his mother in Los Angeles. He is currently detained at the Desert View Annex immigration detention center, located in Adelanto, California, in San Bernardino County, within this judicial district.

13. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner. She is sued in her official capacity.

14. Respondent Todd Lyons is the Acting Director of ICE and has authority over the operations of ICE. In that capacity and through his agents, Respondent Lyons has broad authority over the operation and enforcement of the immigration laws. Respondent Lyons is sued in his official capacity.

15. Respondent Ernesto Santacruz Jr. is the Acting Director of the Los Angeles Field Office of ICE's Enforcement and Removal Operations division. As such, Respondent Santacruz is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

16. Respondent Pam Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, under which the Executive Office for Immigration Review – the agency within which the immigration courts operate – is a component agency. She is sued in her official capacity.

17. Respondent Fereti Semaia is the Warden of the of the Desert View Annex ICE Processing Center, Adelanto, California, where Petitioner is detained. He has immediate physical custody of Petitioner and is sued in his official capacity.

1 18. Respondent Joseph Edlow is sued in his official capacity as Director of U.S.
2 USCIS, the component of DHS that administers the adjudication of SIJS petitions,
3 Deferred Action, and related employment authorization.

4 19. Respondent Rose Kendrick is sued in her official capacity as Acting Director
5 of USCIS's National Benefits Center, which previously conducted SIJS Deferred
6 Action adjudications, and issues notices of termination of individual SIJS Deferred
7 Action grants and related employment authorization.

8 **FACTUAL ALLEGATIONS**

9 20. R was born in 2006, in Dhaka, Bangladesh. [REDACTED]

10 [REDACTED]
11 [REDACTED] R attended Los
12 Angeles public schools from the time he was ten until he graduated from high
13 school.

14 21. The entirety of R's childhood was shaped by severe domestic violence by his
15 father, who subjected R, his mother, and his sister to severe physical and mental
16 abuse.

17 22. In 2022, R's father abandoned the family in the United States, abruptly
18 returning to Bangladesh. He left the family with no money or resources and
19 thousands of dollars in debt. Upon leaving the family, he threatened to harm R, his
20 sister, and his mother if they return to Bangladesh, telling them he would make
21 their lives a "living hell."

22 23. Since settling in Los Angeles at the age of ten, R has consistently pursued his
23 education, graduating from high school in 2023 and enrolling in community college
24 classes at [REDACTED] and [REDACTED] He and his
25 mother lived together, and she works as a school cafeteria worker.

26 24. In 2023, R obtained legal representation through the UCLA Immigrant
27 Family Legal Clinic ("the Clinic"). The Clinic prepared an application for Special
28 Immigrant Juvenile Status, which was approved by USCIS on June 8, 2023. At the

1 time of approval, USCIS also granted R Deferred Action for four years.

2 25. During the period R has Deferred Action, he is authorized to live and work in
3 the United States, subject to renewal. *See generally Reno v. Am.-Arab Anti-*
4 *Discrimination Comm.*, 525 U.S. 471, 484 (1999) (“AADC”) (“Approval of
5 Deferred Action status means that... no action will thereafter be taken to proceed
6 against an apparently deportable [non-citizen], even on grounds normally regarded
7 as aggravated.”) (internal quotations and citations omitted).

8 26. On November 4, 2025, R’s mother, Ms. P, had an asylum interview at the
9 Los Angeles Asylum Office. She arrived at the interview with her representatives
10 from the Clinic. As instructed, R came as well because he is a “derivative” on her
11 claim.¹ Neither Ms. P nor R (nor their counsel) were given any indication that there
12 were questions or concerns regarding R’s Deferred Action. After Ms. P completed
13 her portion of the interview, the asylum officer interviewing R’s mother instructed
14 R and his attorney to come to the asylum officer’s office for his portion of the
15 interview, while his mother was instructed to stay in the lobby. After completing
16 the brief mandatory questions for derivative applicants, the asylum officer told R
17 and his attorney they would be escorted out. Another person in plain clothes who
18 appeared to be another asylum officer then led them into a stairwell, where
19 suddenly numerous armed federal agents surrounded and arrested R. They handed
20 his attorney a Notice of Termination of Deferred Action, which contained no reason
21 for the termination. *See* Exhibit 1. They handcuffed R and put him in a van waiting
22 in the back parking lot, which drove him to federal immigration detention.

23 27. That same day, November 4, ICE served R with a Notice to Appear, a
24 charging document used to initiate removal proceedings in immigration court under
25 8 U.S.C. § 1229a. The sole charge of removal is 237(a)(1)(B) of the INA, 8 U.S.C.
26 § 1227(a)(1)(B), for remaining in the country after the expiration of his visa. *See*

27 ¹ An asylum applicant can include unmarried children under 21 as “derivatives” on
28 their claim, which allows the child to gain the same asylum status without needing
a separate, independent claim.

1 Exhibit 2. ICE also served him with a Warrant for his Arrest (Form I-200), which
2 states that the probable cause to justify R's arrest is based on his Notice to Appear.

3 28. During the next twelve days, R and his counsel repeatedly requested
4 additional information regarding the basis for his arrest, detention, and the
5 termination of his Deferred Action. They attempted to contact the ICE Deportation
6 Officer and ICE Office of Chief Counsel but received no responsive information.

7 29. On November 6, 2025, R through his counsel filed in immigration court a
8 Motion for a Bond Hearing.

9 30. On November 13, 2025, R through his counsel filed in immigration court a
10 Motion to Terminate his removal proceedings based on the fact that, as a SIJS
11 beneficiary, he cannot be removed based on the charge listed on his Notice to
12 Appear. The plain language of the statute clearly establishes that the sole charge of
13 deportability on his Notice to Appear, 8 U.S.C. § 1227 (a)(1)(B), is waived for R,
14 given his approved petition for SIJS. A neighboring sub-section of the same
15 statutory provision, Section 237(c), 8 U.S.C. § 1227(c), specifically waives certain
16 grounds of deportability for Special Immigrant Juveniles, including §
17 1227(a)(1)(B).

18 31. Also on November 13, 2025, R through his counsel filed evidence in support
19 of his release on bond. The supporting documents included over one hundred pages
20 of information about R's background and good moral character, including 17 letters
21 of support from R's family, friends, teachers, and college professors.

22 32. On November 17, 2025, the immigration court held a bond hearing for R, at
23 which R appeared by video. Less than an hour before the hearing, R's counsel
24 received new evidence from ICE, consisting of Form I-213 and a Letter Head
25 Memorandum from the Federal Bureau of Investigation (FBI).

26 33. The I-213 details R's immigration history, arrest, and detention, and provides
27 no new information regarding the basis for ICE's enforcement action other than the
28 charge on his Notice to Appear for overstaying his visa.

1 34. The FBI Letter Head Memorandum states that R is the subject of a national
2 security investigation. It provides nine quotes that the FBI obtained pursuant to a
3 search warrant of Discord, a messaging app, on three dates in March 2024, when R
4 was seventeen years old. The memo accuses R of making “derogatory comments
5 online” based on the quotes, some of which relate to the Israel-Palestine conflict. R
6 discusses the quotes in a declaration he submitted to the immigration court. That
7 declaration is provided as Exhibit 3 in the documents filed in support of this
8 Petition.

9 35. R through his counsel objected to the admission of the government’s
10 documents given their untimeliness. The Immigration Judge indicated the parties
11 could postpone the bond hearing, but otherwise refused to bar the new evidence.
12 Aware of the suffering that R and his family were experiencing from his two weeks
13 of sudden detention, and unable to consult with R directly because of the video
14 technology, R’s counsel chose to move forward so that they could address the
15 evidence.

16 36. R testified that he deeply regretted the violence in one of his comments in the
17 Discord chat room. He explained that he had posted these statements nearly two
18 years ago, when he was seventeen, and acknowledged his immaturity at the time.
19 He also explained that he made the comment in reaction to seeing upsetting photos
20 of Palestinian children suffering. He confirmed that a link he referenced in the
21 Discord transcript was to a charity that provides humanitarian aid in Gaza, and
22 testified that he had never sent any money online through that link, or any other
23 related to the Israel/Palestine conflict. *See* Exhibit 3.

24 37. The Immigration Judge rejected R’s testimony as self-serving, dismissed the
25 letters of support as non-responsive because they did not directly address the
26 Discord transcript, and found R to be a danger to the community so great that he
27 could not be released on bond.

28 38. The Immigration Judge made an alternative finding that R could not be

1 released on bond because he was a flight risk. The Immigration Judge did not
2 reference R's extensive record of legal compliance and numerous letters of support
3 attesting to his plans and motivation to continue to participate in his legal
4 proceedings. Instead, the Immigration Judge found his approved SIJS petition and
5 pending asylum claims not a sufficient "guarantee" of relief.

6 39. Petitioner's counsel attempted to draw the Immigration Judge's attention to
7 the pending Motion to Terminate Removal Proceedings, which had been filed in
8 both the bond and removal proceedings.² The motion argued that R could not even
9 be subject to detention given the sole charge of removal is explicitly waived for
10 SIJS beneficiaries. The Immigration Judge found this argument "strongly
11 contested" based on DHS's oral promise to address the matter in briefing, which
12 they had not yet done, and said he would address the matter in Petitioner's removal
13 proceedings.

14 40. On November 21, the Immigration Judge held a hearing in removal
15 proceedings on the Motion to Terminate. DHS was still not prepared to address the
16 arguments raised by R's motion. The Immigration Judge provided the government
17 with two additional weeks to respond in writing to the arguments raised in the
18 Motion to Terminate. He suggested that the government may want to charge R with
19 additional grounds of removal, referring to the evidence filed in the bond hearing.

20 41. On December 5, both parties filed supplemental briefs on the Motion to
21 Terminate. DHS still did not charge R with any additional grounds of removal, and
22 did not submit any evidence in his removal proceedings regarding a possible
23 national security concern. Instead, it argued that his SIJS classification did not
24 protect him from being placed in removal proceedings for overstaying his visa,
25 despite the clear text of the statute.

26 42. On December 9, the Immigration Judge issued an order granting the motion

27
28 ² In immigration court, bond and removal are separate proceedings. 8 C.F.R. § 1003.19(d).

1 and terminating proceedings. The Court stated that “considering the plain text of the
2 statute, the Court finds that the respondent's removability under section
3 237(a)(1)(B) is waived pursuant to section 237(c), and thus the respondent is not
4 removable as charged. The Department has not filed any additional charges of
5 removability, and as such, the Court must terminate proceedings, though it does so
6 here, without prejudice.” The decision reserved appeal on behalf of the government,
7 which has until January 9 to decide whether to appeal.

8 43. DHS did not release R even after the Immigration Judge terminated his
9 removal proceedings. Therefore, R immediately requested a new bond hearing,
10 which the Immigration Court set for December 17. At the second bond hearing, in
11 addition to the letters of support that were previously submitted, R submitted
12 several updated letters that specifically addressed the statements made on Discord
13 when he was seventeen, as well as his own declaration, providing additional context
14 for each of the Discord posts. *See* Exhibit 3. The government submitted no new
15 evidence.

16 44. In addition to his new evidence, R argued to the Immigration Judge that his
17 dangerousness analysis should be informed by the passage of time. By that time
18 over a month had passed since R's arrest and detention on November 4. During this
19 time, the Immigration Judge specifically invited DHS to charge R with a new
20 ground of deportability, but DHS had not done so. DHS also provided no additional
21 evidence regarding the purported FBI national security investigation. During his
22 many weeks in detention, no one in the government had interviewed R. The
23 government had not provided any additional evidence beyond the Discord transcript
24 from March 2024 to connect R to any alleged national security concerns.

25 45. At the hearing on December 17, the Immigration Judge again denied bond,
26 finding based solely on the Discord transcript that R was too dangerous to release.
27 His decision reads, in part, that R's post,
28

1 “amplified across a Discord group of unknown size and affiliation, is
2 tantamount to the incitement of violence, especially in consideration of
3 recent, and newsworthy mass shootings in the United States and
4 Australia with allegations of antisemitic overtones. Thus, despite the
5 respondent's statements being made first in March of 2024, which is
6 still recent in time, the Court finds them still to be extraordinarily
7 serious and reflective of the respondent's danger to the community.”

8 46. As a result of this sequence of events, R – a nineteen-year-old youth with no
9 criminal history, a long track record of legal compliance with immigration
10 requirements, and a clear pathway to legal status – remains in custody six weeks
11 after his unlawful arrest and weeks after his removal proceedings were terminated.
12 This, despite the fact that the Immigration Judge agreed that there is no lawful basis
13 for his removal proceedings, and therefore, his detention. The government stated on
14 the record in the bond proceedings its intention to appeal the termination decision,
15 meaning it will be many months before any decision-maker other than the
16 Immigration Judge reconsiders his detention. Meanwhile, R has had to abandon his
17 college coursework. He, his mother, and his sister, all of whom already suffer from
18 the effects of past traumatic violence, are struggling with the increasing toll of their
19 family's separation on their mental health.

20 LEGAL FRAMEWORK

21 A. Jurisdiction and Exhaustion of Administrative Remedies

22 47. This Court has jurisdiction because R challenges his arrest and detention on
23 constitutional grounds, and because his challenge to the unilateral revocation of his
24 Deferred Action without notice or an opportunity to be heard cannot be heard in
25 immigration court. The jurisdiction-stripping provisions of the INA do not bar these
26 legal issues. *B.D.A.A. v. Bostock*, No. 25-CV-02062, [2025 WL 3484912](#), at *4 (D.
27 Or. Dec. 4, 2025) (finding jurisdiction over habeas by detainee with prior grant of
28 Deferred Action because challenges to “the manner in which an individual is first
arrested and detained” are “independent of or collateral to the removal process,”

1 *citing Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *9
2 (W.D. Wash. Sept. 30, 2025) (*quoting J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th
3 Cir. 2016) and *citing Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018)) (internal
4 quotation marks omitted).

5 48. For habeas claims, exhaustion of administrative remedies is prudential, not
6 jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court
7 may waive the prudential exhaustion requirement if “administrative remedies are
8 inadequate or not efficacious, pursuit of administrative remedies would be a futile
9 gesture, irreparable injury will result, or the administrative proceedings would be
10 void.” *Id.* (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation
11 and quotation marks omitted)).

12 49. R’s principal claim is that the Due Process Clause does not permit his
13 detention because he is not subject to any lawful immigration charge. In short, the
14 immigration laws do not authorize the detention of people whom the government
15 lacks authority to deport. There are no administrative remedies that he needs to
16 exhaust for this claim. *See Hernandez*, 872 F.3d at 988; *Am.-Arab Anti-*
17 *Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding
18 exhaustion to be a “futile exercise because the agency does not have jurisdiction to
19 review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098,
20 1099 (C.D. Cal. 2000) (same); *B.D.A.A.*, 2025 WL 3484912, at *4 (to refuse
21 jurisdiction would “leave Petitioner without a remedy to challenge the legality of
22 [his] detention,” and noting and collecting cases of other courts that have confirmed
23 “the availability of habeas relief for ICE detainees.”).

24 50. R’s challenge to the termination of his Deferred Action, which formed the
25 basis for his unlawful arrest and detention, is also not subject to administrative
26 exhaustion. In fact, the Immigration Court does not have authority to address this
27 action by USCIS, which is separate and apart from the conduct of his removal
28 proceedings by ICE. *See, e.g., Dep’t of Homeland Sec. v. Regents of the Univ. of*

1 *California*, 591 U.S. 1, 19 (2020); *Inland Empire-Immigrant Youth Collective v.*
2 *Nielsen*, No. EDCV-172048, 2018 WL 1061408, at *15-16 (C.D. Cal. Feb. 26,
3 2018) (finding jurisdiction over USCIS decisions regarding Deferred Action);
4 *Nevarez Jurado v. Freden et al.*, No. 25-CV-943-LJV, 2025 WL 3687264, at *6
5 (W.D.N.Y. Dec. 19, 2025) (“once the executive branch has already exercised its
6 discretion and granted an individual an affirmative immigration benefit [in the form
7 of Deferred Action], the Court also can address detention resulting from “the
8 government's failure to honor benefits it has already granted.”) (noting a “growing
9 number of district courts around the country have recently concluded [they have
10 jurisdiction] in analogous cases,” and providing numerous citations).

11 51. In addition, every day that R remains detained causes him harm that cannot
12 be repaired. His continued detention puts his physical and mental health at greater
13 risk, warranting a finding of irreparable harm and the waiver of the prudential
14 exhaustion requirement on that basis. R is only nineteen years old. He has already
15 suffered trauma throughout his childhood. His mother and sisters are survivors of
16 brutal violence and trauma as well. The irreparable harm analysis must consider the
17 mental health impacts of continued detention on R. *See De Paz Sales v. Barr*, No.
18 19-CV-07221-KAW, 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020).

19 **B. There Is No Valid Immigration Charge to Justify R’s Arrest and Detention**

20 52. There is no basis to detain R because he has an approved petition for Special
21 Immigration Juvenile (SIJS) status. That status renders him immune from
22 deportation on the ground that he overstayed a visa, which is the only ground for
23 deportation that the government has alleged in his case. A basic understanding of
24 SIJS will aid this Court’s evaluation of R’s habeas petition.

25 ***1. Background on Special Immigrant Juvenile Status: A Form of Protection for***
26 ***Vulnerable Immigrant Youth to Obtain Permanent Safety in the United States***

27 53. In 1990, Congress created SIJS to protect vulnerable immigrant children and
28 provide them a pathway to citizenship. Immigration Act of 1990, Pub. L. No. 101-

649, § 153, 104 Stat. 4978 (1990) (amending various sections of the INA); Special Immigrant Status, 58 Fed. Reg. 42843, 43844 (Aug. 12, 1993) (“This rule alleviates hardships experienced by some dependents of United States juvenile courts by providing qualified [noncitizens] with the opportunity to apply for special immigrant classification and lawful permanent resident status, with [the] possibility of becoming citizens of the United States in the future.”). Since 1990, Congress has amended the INA multiple times to expand the protections of SIJS, most recently in 2008, through the Trafficking Victims Protection Reauthorization Act (“TVPRA”), Pub. L. 110-457, § 235(d), 122 Stat. 5044 (2008).

54. To be granted SIJS, young people must first “satisfy[] a set of rigorous, congressionally defined eligibility criteria. . .” *Osorio-Martinez v. U.S. Att’y Gen.*, 893 F.3d 153, 163 (3d Cir. 2018). Specifically, the INA provides that those eligible for SIJS, as relevant here, are noncitizen youth who are present in the United States; who have been declared dependent on a state juvenile court; who cannot be reunified with one or more parents because of abuse, neglect, or abandonment; and for whom it has been determined that it is not in their best interest to return to their country of origin. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c).

55. Crucially, a noncitizen youth is eligible for SIJS only if he or she is “present in the United States.” 8 U.S.C. § 1101(a)(27)(J). This requirement makes perfect sense in light of the purpose of the SIJS statute. SIJS is predicated on a state court finding that the youth cannot be safely reunited with one or both parents, nor safely sent back to their country of origin. The design of this program, then, “show[s] a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status.” *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011), *abrogated on other grounds as recognized by Murillo-Chavez v. Bondi*, 128 F.4th 1076, 1085 (9th Cir. 2025).

56. Youth can apply for SIJS upon receipt of a state court order finding they cannot be safely reunited with parent(s) nor safely sent back to their country of

1 origin. The application process includes submitting a Form I-360 Petition for SIJS
2 to USCIS, along with the predicate state court order and other supporting evidence.
3 See 8 C.F.R. § 204.11. USCIS then considers the application and supporting
4 documentation to determine whether to exercise its statutory “consent” function to
5 approve the petition. See 8 U.S.C. § 1101(a)(27)(J)(iii). By exercising its statutory
6 consent function to grant SIJS, the agency recognizes the state court’s
7 determinations, including that the child’s return to their country of origin would be
8 contrary to their best interests. *Id.* at § 1101(a)(27)(J)(ii).

9 57. The main benefit of SIJS – and indeed, its core purpose – is that it confers on
10 vulnerable young people like R the right to seek Lawful Permanent Resident
11 (“LPR”) status while remaining in the United States, through a process called
12 adjustment of status. See 8 U.S.C. § 1255(h).

13 ***2. Congress Created Exemptions for SIJS Youth from Certain Grounds of***
14 ***Removal, including the Sole Ground of Removal Used to Justify R’s Detention***

15 58. The history of SIJS protections reflects a consistent intent to protect SIJS
16 youth from deportation so that they can successfully complete adjustment of status
17 and become lawful permanent residents. When Congress initially created SIJS in
18 1990, it included an accompanying waiver of certain grounds of removal.
19 IMMACT, Pub. L. No. 101-649, sec. 153(b), 104 Stat. at 5006 (later codified at 8
20 U.S.C. § 1227(c)). In 1991, it added a provision to consider all SIJS beneficiaries to
21 be deemed parolees at the time of adjustment, so they would not be barred from
22 adjustment of status based on their manner of entry. Miscellaneous and Technical
23 Immigration and Nationality Amendments of 1991 (Pub. L. 102-232) 105 Stat.
24 1744, § 302(d)(2)(B) (later codified at 8 U.S.C. § 1255(h)(1); *see also 8 C.F.R.*
25 §245.1(a)). At the time, the immigration statute did not make a distinction between
26 inadmissibility (grounds of removal for those who enter without inspection) and
27 deportability (grounds of removal for those who enter lawfully). Later, when
28 Congress created that distinction, it retained the waiver of deportability, and also

1 created an additional generous waiver of certain grounds of inadmissibility, 8
2 U.S.C. § 1255(h)(2), including entry without inspection. In this way, for decades,
3 Congress has consistently pursued a legislative framework to ensure that SIJS
4 beneficiaries are not barred from adjustment simply because of the manner of their
5 initial entry.

6 59. Section 237(c) of the INA is specific about what grounds of deportability are
7 waived for SIJS beneficiaries. 8 U.S.C. § 1227(c). It waives “Paragraphs (1)(A),
8 (1)(B), (1)(C), (1)(D), and (3)(A) of subsection (a) (other than so much of
9 paragraph (1) as relates to a ground of inadmissibility described in paragraph (2) or
10 (3) of section 1182(a) of this title).” It does not waive grounds of deportability
11 based on, for example, criminal offenses (§ 237(a)(2)). This is consistent with the
12 demonstrated, sustained legislative interest in ensuring that SIJS beneficiaries are
13 not removed for immigration violations that predated their grant of SIJS – such as
14 visa overstays and entries without inspection – while they await adjustment of
15 status.

16 60. Numerous federal courts that have considered the SIJS legislative scheme
17 have recognized the waiver of certain grounds of removal as among the protections
18 to which SIJS beneficiaries are entitled. *See, e.g., J.L. v. Cissna*, 374 F. Supp. 3d
19 855, 868-69 (N.D. Cal. 2019) (“SIJ status confers a large swath of . . . benefits”
20 including being “exempt from a variety of grounds for removal”); *C.J.L.G. v.*
21 *Barr*, 923 F.3d 622, 627 (9th Cir. 2019) (en banc) (a “successful SIJ[S] application
22 plainly can to lead to relief from removal”); *Juarez Morales v. Noem*, No. 24-
23 12518-JDH, 2025 WL 1923096, at *3 (D. Mass. Jun. 24, 2025) (“The protections
24 afforded to children with [SIJS] include an array of statutory and regulatory rights
25 and safeguards, such as eligibility for application of adjustment of status to that of
26 [LPR], exemption for various grounds of inadmissibility, and robust procedural
27 protections to ensure their status is not revoked without good cause.”) (internal
28 quotation marks and citations omitted).

1 61. In light of this statutory framework, SIJS beneficiaries are not deportable
2 under 237(a)(1)(B) for having overstayed a visa. Therefore, they cannot be detained
3 based on an NTA with only this charge of deportability, since there is no lawful
4 basis for removal proceedings against them.

5 **C. SIJS Deferred Action Protects SIJS Youth from Removal, and Cannot Be**
6 **Summarily Terminated Without Any Due Process**

7 62. The foregoing legal background establishes the lack of any lawful basis for
8 R's removal proceedings, and therefore, his detention. There is a second reason R's
9 detention is unlawful, which is the illegal manner in which DHS terminated his
10 grant of Deferred Action, another benefit to which he is entitled as a SIJS
11 beneficiary.

12 63. Even after a young person obtains an approved SIJS petition, they cannot
13 adjust status to become lawful permanent residents until a visa becomes available to
14 them. 8 U.S.C. § 1255(h). However, there is an annual limit on visas available to
15 SIJS beneficiaries. 8 U.S.C. § 1153(b)(4). And since 2016, the number of SIJS
16 beneficiaries has surpassed the supply of available visas for most countries, leaving
17 what has been estimated to be more than 150,000 young people in a backlog,
18 waiting to receive their green cards.

19 64. The fact that no visa is currently available because a numerical limit has been
20 reached changes nothing about the SIJS eligibility determination by USCIS, or
21 Congress's scheme that affords a pathway to LPR status and, eventually,
22 citizenship for SIJS beneficiaries.

23 65. Taken together, the structure of the SIJS program—including the requirement
24 that recipients remain in the United States to move forward in the process, the grant
25 of parole for the purpose of adjustment, and the waiver of grounds of
26 inadmissibility and removability—implements Congress' scheme permitting SIJS
27 recipients to remain safely in the United States until they can adjust their status to
28 become LPRs. And given that they are only "a hair's breadth from being able to

1 adjust their status” and have a “substantial legal relationship” with the United
2 States, these individuals have been recognized as enjoying meaningful
3 constitutional due process rights. *Osorio*, 893 F. 3d at 174.

4 66. In March 2022, to address the harms caused by the long delays related to the
5 SIJS visa backlog, USCIS announced, consistent with Congress’s intent, that all
6 young people granted SIJS would also be considered for a grant of Deferred Action,
7 meaning that they could be protected from deportation while waiting for a visa to
8 become available. In enacting this policy, USCIS acknowledged that “Congress
9 likely did not envision that SIJ petitioners would have to wait years before a visa
10 became available. . .” USCIS Policy Alert, PA-2022-10, “Special Immigrant
11 Juvenile Classification and Deferred Action” (March 7, 2022),
12 [https://www.uscis.gov/sites/default/files/document/policy-manual-](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf)
13 [updates/20220307-SIJAndDeferredAction.pdf](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf) (hereinafter “2022 USCIS Policy
14 Alert”).

15 67. When determining whether any given youth who had received SIJS was
16 eligible for Deferred Action, USCIS assessed, “based on the totality of the
17 evidence, whether [he] warrants a favorable exercise of discretion.” 2022 USCIS
18 Policy Alert at n.6; *see also* USCIS Policy Manual as of April 18, 2025, vol. 6, pt.
19 J, ch. 4,
20 [https://web.archive.org/web/20250418205752/https://www.uscis.gov/policy-](https://web.archive.org/web/20250418205752/https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4)
21 [manual/volume-6-part-j-chapter-4](https://web.archive.org/web/20250418205752/https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4) (“USCIS weighs all relevant positive and
22 negative factors that apply to the person’s case. USCIS may generally grant
23 deferred action if, based on the totality of the facts and circumstances of the case,
24 the positive factors outweigh the negative factors.”).

25 68. Specifically, “[o]ne particularly strong positive factor that weighs heavily in
26 favor of granting deferred action is that the person has an approved [SIJS petition]
27 and will be eligible to apply for adjustment of status as soon as an immigrant visa
28 number becomes available.” *id.* On the other hand, “[i]f background and security

1 checks indicate that an SIJ-classified individual may be subject to an
2 inadmissibility ground ... that cannot be waived and that would make them
3 ineligible for SIJ-based adjustment of status, this would generally be a strong
4 negative factor weighing against the favorable exercise of discretion,” as would
5 “serious unresolved criminal charge(s)” USCIS Memorandum to ICE re SIJS
6 Deferred Action (June 23, 2022).³

7 69. In the case of SIJS beneficiaries awaiting visas, USCIS granted Deferred
8 Action for a period of four years. 2022 USCIS Policy Alert at 2. Individuals granted
9 Deferred Action are also eligible to apply for employment authorization under 8
10 C.F.R. § 274a.12(c)(14). *Id.*

11 70. Although Deferred Action does not confer lawful status, a grant of Deferred
12 Action prevents immigration authorities from physically removing a noncitizen
13 from the United States unless and until it is lawfully terminated or expires. *See*
14 USCIS Policy Manual, Vol. 6: Immigrants, Part J: Special Immigration Juveniles,
15 Ch. 4: Adjudication (“Deferred action is an act of prosecutorial discretion that
16 defers proceedings to remove an alien from the United States for a certain period of
17 time.”). “The Ninth Circuit has consistently held that deferred action means the
18 Government agency takes no action to proceed against an apparently deportable
19 [noncitizen] based on a prescribed set of factors generally related to humanitarian
20 grounds,” an interpretation that “finds strong support in Supreme Court precedent,
21 circuit authority, and USCIS policy.” *Sepulveda Ayala v. Bondi*, 794 F. Supp. 3d
22 901, 914 (W.D. Wash. 2025) (collecting cases) (internal quotation marks and
23 citations omitted). *See also Reno v. Am.-Arab Anti-Discrimination Comm.*, 525
24 U.S. 471, 484 (1999) (“AADC”) (“Approval of deferred action status means that...
25 no action will thereafter be taken to proceed against an apparently deportable [non-

26 ³ This internal memorandum was obtained through litigation by the Immigrant
27 Legal Resource Center against USCIS to obtain release of documents pursuant to
28 the Freedom of Information Act (“FOIA”). The documents received, including this
memorandum, are available at <https://www.ilrc.org/resources/foia-results-sijs-deferred-action-policy> (Sept. 4, 2025).

1 citizen], even on grounds normally regarded as aggravated.”) (internal quotation
2 marks and citations omitted); *Inland Empire-Immigrant Youth Collective v. Nielsen*,
3 No. EDCV172048, 2018 WL 1061408, at *1 (C.D. Cal. Feb. 26, 2018) (“Deferred
4 Action is a longstanding form of administrative action by which the Executive
5 Branch decides, for humanitarian or other reasons, to refrain from seeking a
6 noncitizen’s removal and to authorize his or her continued presence in the United
7 States.”).

8 71. In June 2025, USCIS rescinded the SIJS Deferred Action policy, deciding to
9 no longer consider granting Deferred Action to SIJS youth waiting to apply for a
10 green card.⁴ However, this policy change had no impact on SIJS beneficiaries, like
11 R, who had *already* received Deferred Action. *See* USCIS Policy Alert, PA-2025-
12 07, “Special Immigrant Juvenile Classification and Deferred Action” 2 (June 6,
13 2025), [https://www.uscis.gov/sites/default/files/document/policy-manual-](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf)
14 [updates/20250606-SIJDeferredAction.pdf](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf) (hereinafter “2025 USCIS Policy Alert”).
15 Indeed, USCIS explicitly provided that noncitizens “with current deferred action
16 based on their SIJ classification will generally retain this deferred action . . . until
17 the current validity periods expire.” *Id.*

18 72. Pursuant to USCIS’s internal policies, only USCIS may terminate a SIJS
19 beneficiary’s Deferred Action before it expires, and only if the agency engages in
20 an individualized review and determines, for example, that a favorable exercise of
21 discretion is no longer warranted; the individual’s SIJS petition was approved in
22 error and is revoked; or the prior Deferred Action was granted in error. USCIS
23 Policy Manual, vol. 6, part J, ch. 4, [https://www.uscis.gov/policy-manual/volume-](https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4)
24 [6-part-j-chapter-4](https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4).

25 ⁴ A federal court recently found the rescission unlawful and stayed its enforcement.
26 *A.C.R. v. Noem*, No. 25-CV-3962, 2025 WL 3228840, at *1 (E.D.N.Y. Nov. 19,
27 2025). The court found USCIS’s implementation of the rescission violated the
28 Administrative Procedure Act (APA). The opinion recognized the government’s
failure to consider reliance interests and alternatives, and it acknowledged the
irreparable harm that flows from the increased risk of removal SIJS beneficiaries
face in the absence of Deferred Action.

1 73. Once Deferred Action is granted, fundamental procedural due process
2 protections attach to the recipient, such as the right to notice and an opportunity to
3 contest the revocation of Deferred Action. Federal courts have repeatedly held that
4 recipients of Deferred Action cannot be subject to detention without notice and an
5 opportunity to respond to the termination of their Deferred Action. *See, e.g.,*
6 *B.D.A.A.*, [2025 WL 3484912](#), at *7 (finding Petitioner with prior grant of Deferred
7 Action was deprived of due process when ICE arrested and detained her without
8 prior notice and hearing); *Maldonado v. Noem*, No. 4:25-CV-2541, [2025 WL](#)
9 [1593133](#), at *2 (S.D. Tex. June 5, 2025) (finding that Petitioner was “likely to
10 succeed on his Due Process claim” because he was denied “notice, a hearing, or any
11 opportunity to contest the revocation of his deferred action.”); *F.R.P. v. Wamsley*,
12 No. 3:25-CV-01917, [2025 WL 3037858](#), at *5 (D. Or. Oct. 30, 2025) (“the Court is
13 unaware of any [court] that held that ICE could lawfully detain deferred action
14 recipients without notice or an individualized finding.”); *Gamez Lira v. Noem*, No.
15 1:25-CV-00855, [2025 WL 2581710](#), at *3 (D.N.M. Sept. 5, 2025) (finding a
16 likeliness of success on due process claim when a recipient of Deferred Action
17 pursuant to the Deferred Action for Childhood Arrivals program (“DACA”)
18 “justifiably expected that his DACA status would not terminate without notice and
19 the opportunity to respond. . . . In contravention of that expectation, Gamez Lira
20 was not provided any process at all in the course of his arrest, processing, and
21 detention in immigration custody”).

22 **D. Immigration Arrests Require Probable Cause, Which Cannot be Based**
23 **Solely on a Charge of Removal That Is Waived**

24 74. The Fourth Amendment protects “[t]he right of the people to be secure in
25 their persons . . . against unreasonable searches and seizures.” [U.S. Const. Amend.](#)
26 [IV](#). “[I]mmigration arrests and detentions are ‘seizures’ within the meaning of the
27 Fourth Amendment.” *Gamez Lira*, [2025 WL 2581710](#), at *3 (internal quotation
28 marks and citations omitted).

1 75. The law requires two components for an immigration arrest. First, there must
2 be “reason to believe” an individual is present in violation of the immigration laws.
3 8 C.F.R. § 287.8(c)(2)(i). This requirement is tantamount to a constitutional
4 “probable cause” requirement. *Tejada–Mata v. I.N.S.*, 626 F.2d 721, 725 (9th Cir.
5 1980). Second, there must be a warrant, unless there is reason to believe that the
6 individual is likely to escape before a warrant can be obtained. 8 U.S.C. §
7 1357(a)(2); 8 C.F.R. § 287.8(c)(2)(ii). If these requirements are not met, then an
8 arrest is unlawful.

9 76. At the time of R’s arrest, the DHS administrative warrant authorizing his
10 arrest states that there is probable cause for the arrest based on “the execution of a
11 charging document to initiate removal proceedings against the subject.” The
12 charging document – the Notice to Appear – contained only the charge of
13 overstaying his visa, INA § 237(a)(1)(B). As discussed, *supra*, this is not a valid
14 charge of removal for SIJS beneficiaries like R.

15 CAUSES OF ACTION

16 **COUNT ONE:**

17 **Unlawful Detention**

18 **Violation of Substantive Due Process and the INA**

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

21 78. The government may not deprive a person of life, liberty, or property without
22 due process of law. U.S. Const. amend. V. “Freedom from imprisonment – from
23 government custody, detention, or other forms of physical restraint – lies at the
24 heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690,
25 (2001).

26 79. Petitioner has a fundamental interest in liberty and being free from official
27 restraint.

28 80. The ongoing detention of Petitioner violates his right to substantive due

1 process because he is not lawfully subject to removal on any ground the
2 government has charged. Given the lack of any legitimate immigration purpose
3 served by his continued detention, it is unconstitutional. *Zadvydas*, 533 U.S. at 690
4 (due process requires that immigration detention “bear[s] [a] reasonable relation to
5 the purpose for which the individual [was] committed”) (quoting *Jackson v.*
6 *Indiana*, 406 U.S. 715 (1972)). It also violates his statutory rights under the INA.
7 *Id.* at 699 (if removal is not reasonably foreseeable, detention is not authorized by
8 statute).

9 **COUNT TWO:**

10 **Unlawful Termination of Deferred Action and Resulting Detention**

11 **Violation of the APA, 5 U.S.C. §§ 702, 706**

12 81. R repeats and re-alleges the allegations contained in all preceding paragraphs
13 of this Petition-Complaint as if fully set forth herein.

14 82. USCIS’s termination of R’s Deferred Action and employment authorization
15 is arbitrary and capricious in violation of the APA. It does not reflect reasoned
16 decision-making and does not provide any reason whatsoever for the change in the
17 agency’s position.

18 83. USCIS’s termination also violates the agency’s own binding policies, which
19 require USCIS to make an individualized assessment of relevant discretionary
20 factors before terminating a youth’s SIJS Deferred Action.

21 84. USCIS’s unlawful termination of Deferred Action also directly resulted in
22 R’s current detention, rendering it an unlawful detention.

23 **COUNT THREE:**

24 **Unlawful Termination of Deferred Action and Resulting Detention**

25 **Violation of Procedural Due Process**

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

28 86. USCIS’s termination of R’s Deferred Action and employment authorization

1 also violates R's right to procedural due process under the Fifth Amendment. Once
2 Deferred Action and corresponding employment authorization have been granted,
3 they cannot be taken away without adequate process. Here, Respondents failed to
4 provide any meaningful process upon termination of R's Deferred Action and
5 employment authorization. That termination was without prior notice, a reasoned
6 explanation, or any opportunity to respond and present arguments and evidence to
7 demonstrate that he continues to be eligible for and warrants Deferred Action. It
8 also failed to provide for any reinstatement procedure in case the termination
9 decision was in error. This does not constitute adequate process.

10 87. Furthermore, in this context, procedural due process requires notice and an
11 opportunity to be heard *before* being deprived of a liberty or property interest. R
12 justifiably expected that his Deferred Action would not terminate without notice
13 and the opportunity to respond. Instead, R was not provided any process at all in the
14 course of his arrest, processing, and detention in immigration custody.

15 **COUNT FOUR:**

16 **Unlawful Arrest and Resulting Detention**

17 **Violation of Fourth Amendment and 8 C.F.R. § 287.8(c)(2)**

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

20 89. Respondents arrested R without probable cause. The warrant that purportedly
21 justified his arrest relies solely on the Notice to Appear, which charges him with a
22 ground of removal that does not apply to R, given his SIJS classification.

23 90. In providing a legally erroneous charge of deportability as the sole basis for
24 his arrest and detention, Respondents violated his Fourth Amendment rights and the
25 regulations at 8 C.F.R. § 287.8(c)(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this District pending these proceedings;
3. Declare that Petitioner's arrest and detention violates the substantive and procedural components of the Due Process Clause of the Fifth Amendment; the INA and implementing regulations; and the Fourth Amendment;
4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;
5. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
6. Order that Respondents cannot re-detain Petitioner without a pre-deprivation hearing before this Court where the government provides a facially-valid immigration charge;
7. Vacate the unlawful termination of Petitioner's Deferred Action and employment authorization;
8. Order that Respondents cannot terminate Petitioner's Deferred Action without first providing reasonable notice of intent to terminate, a reasoned explanation, and an opportunity to submit arguments and evidence in response;
9. In the alternative, order temporary reinstatement of Petitioner's Deferred Action pending a fair procedure—including reasonable notice of intent to terminate, a reasoned explanation, and an opportunity to submit arguments and evidence in response;
10. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

1 11. Grant such further relief as this Court deems just and proper.
2

3 DATED: December 29, 2025

Respectfully submitted,

4 By: /s/ Nina Rabin

5 Nina Rabin

6 UCLA Immigrant Family Legal Clinic

7 *Attorney for Petitioner*
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VERIFICATION

I, Nina Rabin, declare as follows:

I am an attorney admitted to practice law in the State of California. Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf. I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 29, 2025.

By: /s/ Nina Rabin

Nina Rabin

Pro Bono Attorney for Petitioner