UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Mileidys Zamara AGUIAR HERNANDEZ, *Petitioner*, v. Jason STREEVAL, et al. *Respondents*.	Case Nos.: 4:25-cv-00527-CDL-ALS

PETITIONER'S EMERGENCY MOTION TO ENFORCE JUDGMENT

INTRODUCTION

Petitioner Mileidys Zamara Aguiar Hernandez, through undersigned counsel, files this Emergency Motion to Enforce Judgment based on the Respondents' failure to provide Petitioner with a proper bond hearing pursuant to this Court's order. Upon information and belief, Immigration judges across the country have purportedly been instructed to find pretextual reasons to deny bond for individuals who historically would be granted low bonds, such as the instant case. Because Respondents failed to provide an adequate and fair bond hearing before a neutral magistrate, as this Court ordered in the first instance, Petitioner respectfully requests that this Court follow others Federal District Courts and order immediate release as the only appropriate remedy. Without immediate release, on conditions this Court deems appropriate, Respondents' continuous violations of court orders and the due process owed to individuals like the Petitioner render the proceedings entirely futile.

FACTS

Petitioner is a native and citizen of Cuba who entered the United States in 2024 to seek asylum. On the day she entered, she turned herself into immigration officials and was released into the United States. Exhibit 1, Affidavit of Attorney Dustin Baxter. She diligently reported every time ICE requested at fixed check-in intervals. *Id*. She has no criminal history. *Id*. She has fully complied with the terms of her release and has strong ties to the community. *Id*. She timely applied for asylum and has authorization to work lawfully in the United States. *Id*. She is also eligible to obtain a green card through the Cuban Adjustment Act. *Id*. Nevertheless, she was detained at a routine immigration hearing in June 2025 after her immigration proceedings were dismissed so she could be placed in expedited removal. However, that never happened. Instead, she sat in detention for months while no removal proceedings were lodged against her. In January 2026, in response to this habeas petition, Respondents placed Ms. Aguiar Hernandez back into removal proceedings. On January 23, 2026, this Court granted Ms. Aguiar Hernandez's habeas petition and ordered a bond hearing.

On January 30, 2026, Ms. Aguiar Hernandez had a bond hearing scheduled in front of Immigration Judge Bianca Brown. *Id*. That day, Judge Brown denied eleven out of eleven bonds, including Ms. Aguiar Hernandez's, finding pretextual reasons to deny bond in cases such as Petitioner's that normally would have been granted for minimal bonds. Exhibit 2, Affidavit of Attorney Maura Finn.

In one of the more egregious cases the same day, Judge Brown denied bond for a man with several U.S. citizen children, including one with a tumor. *Id*. In denying bond, Judge Brown stated that "other than the tumor," the man's child was healthy. *Id*. This behavior aligns with

reports from attorneys across the country, where immigration judges are continuously denying bonds in cases for individuals that normally would be granted reasonable bonds. *See* Exhibit 1, Affidavit of Attorney Dustin Baxter; Exhibit 2, Affidavit of Attorney Maura Finn; Exhibit 3: Affidavit of Attorney Danielle Claffey; Exhibit 4; Statement from Attorney Deigo Gomez; Exhibit 5: Affidavit of Attorney Karen Weinstock; Exhibit 6; Attorney Affidavits from New Jersey. Attorney Dustin Baxter describes several cases with Judge Brown, where she denied bond based on "speculative relief" and "flight risk" without listening to any of the facts of the case. Attorney Danielle Claffey also described the same, noting that several judges, including Judge Brown, were granting reasonable bonds several weeks ago. Exhibit 3: Affidavit of Danielle Claffey.

This sudden shift in denying bonds in all cases aligns with what appears to be confirmation from immigration judges that they recently participated in conference calls with EOIR officials where they were directed to deny bonds in all cases, especially where a habeas grant triggered the bond hearing. Indeed, former Immigration Judge Lawrence Burman has written an affidavit saying that there is a disturbing trend in immigration judges being fired because of their commitment to due process. *See* Exhibit 7, Affidavit of Lawrence Burman. It appears that immigration judges are denying bonds in increasing number out of fears of losing their jobs. *Id*. Judge Burman stated that he is "concerned that the notable rise in bond denials and adverse case outcomes undermines due process and erodes confidence in the Immigration Court system." *Id*.

Other district courts have noted immigration judges' denials based on "flight risk" for habeas grants despite the government providing absolutely no evidence to the contrary. *See Soto-Medina v. Lynch*, Case No. 1:25-cv-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026) (requiring a new bond hearing based on Respondents' failure to provide a proper bond hearing in line with the court's order).

It appears that Respondents have colluded to violate court orders across the country and have circumvented their obligations to provide bond hearings under 8 U.S.C. § 1226(a) as neutral and impartial magistrates pursuant to habeas orders like the one in the instant case.

LAW AND ANALYSIS

"Courts have the inherent power to enforce compliance with their lawful orders[.]" *Citronelle-Mobile Gathering, Inc. v. Watkins*, 943 F.2d 1297, 1301 (11th Cir. 1991). "A motion to enforce a judgment previously entered by the court is proper and may be made any time after the entry of judgment." *Stephens v. Ripa*, Case No. 1:22-cv-20110, 2022 WL 18108494, at *4 (S.D. Fla. Nov. 14, 2022), *report and recommendation adopted*, *Stephens v. Ripa*, 2023 WL 34689 (S.D. Fla. Jan. 3, 2023).

"Section 1226(e) [of Title 8] prohibits judicial review of an IJ's 'discretionary judgment' regarding § 1226's application to particular cases." *J.G. v. Warden. Irwin Cnty. Det. Cntr.*, Case No. 7:20-cv-93, 2021 WL 541366, at *2 (M.D. Ga., Jan. 15, 2021). However, "[t]hat language does not foreclose judicial review of all challenges to a noncitizen's bond," such as "habeas claims and constitutional challenges." *Id*. A different judge of this Court has found that this Court retains jurisdiction to review the government's compliance with an order and whether an immigration judge afforded an individual due process under the Constitution. *Id*.

[H]abeas corpus is, at its core, an equitable remedy." *Schlup v. Delo*, 513 U.S. 298, 319 (1995). The Supreme Court has consistently held that the relief granted to habeas petitioners is broad. *See Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Indeed, given Respondents' continuous egregious behavior throughout the country, many courts have found that the only proper remedy is immediate release from detention. *Munoz Materano v. Arteta*, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza Sisalema v. Francis*, 2025 WL

1927931, at *4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (same); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (same); *Gonzalez Centeno v. Lowe*, No. 3:25-cv-2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026) (same); *Feisal O. v. Noem*, No. 26-cv-81, 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) (same); *Garcia Covarrubias v. Holston*, No. 2:25-cv-02445, 2026 WL 25970, at *4 (D. Nev. Jan. 5, 2026) (same) *Kenzhebaev v. Noem*, No. 1:25-cv-1786, 2025 WL 3737975, at *9 (W.D. Mich. Dec. 29, 2025) (same); *Kobilov v. O'Neill*, No. 26-cv-0058, 2026 WL 73475, at *3 (E.D. Pa. Jan. 8, 2026) (same, finding a bond hearing unnecessary where there was no record indication petitioner was a danger or flight risk); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025) (same); *Bumbila Iza v. Arnott*, No. 6:25-cv-3392, 2026 WL 67152, at *5 (W.D. Mo. Jan. 8, 2026) (same); *see also Mata Velasquez v. Kurzdorfer,* --- F. Supp. 3d ---, No. 25-cv-493, 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (ordering release and that petitioner could not be re-detained without a pre-deprivation hearing); *Gil v. Warden, Otay Mesa Det. Ctr.*, No. 3:25-cv-03279, 2025 WL 3675153, at *4 (S.D. Cal. Dec. 17, 2025) (same); *Sekhon v. Warden of Golden State Annex Det. Facility*, No. 1:25-cv-1692, 2026 WL 74151, at *4 (E.D. Cal. Jan. 9, 2026) (same); *Rodriguez v. Woosley*, No. 4:25-cv-1680RGJ, 2026 WL 3645, at *11-12 (W.D. Ky. Jan. 6, 2026) (collecting cases).

Here, as a threshold matter, this Court has jurisdiction to hear Ms. Aguiar Hernandez's motion to enforce and is not barred by § 1226(e). She is not challenging the immigration judge's (lack of) consideration and analysis of the facts of her case. Instead, she is challenging Respondents' failure to comply with this Court's order and failure to afford Ms. Aguiar Hernandez's due-process interest in avoiding prolonged and indefinite intention with no meaningful way to be heard. *J.G. v. Warden. Irwin Cnty. Det. Cntr.*, Case No. 7:20-cv-93, 2021

WL 541366, at *2. Respondents instead provided a sham bond hearing to feign compliance with Court orders and refuse to provide individuals like Ms. Aguiar Hernandez proper bond hearings.

As to the merits, as shown in Ms. Aguiar Hernandez's case and cases across the country, bond hearings are no longer the proper remedy for such cases because of the collusion among Respondents to provide defective bond hearings to defy district court orders and continue their deportation rampage with little to no semblance of due process. As this Court has noted, including in the order granting Ms. Aguiar Hernandez's habeas petition, "Respondents insist upon denying the relief that the Court has found is required." ECF No. 7 at 2, n.1.

Thus, due to Respondents' continuous violations and failure to act as neutral magistrates, the only proper remedy for habeas actions challenging the illegality of *Matter of Yajure Hurtado* is immediate release from detention. Ms. Aguiar Hernandez respectfully requests that this Court do the same in her case and order her immediate release from detention. If not, Ms. Aguiar Hernandez requests that this Court order Respondents to provide Ms. Aguiar Hernandez with an immediate bond hearing with sufficient safeguards so that she may be provided with a proper bond hearing she is entitled to under 8 U.S.C. § 1226(a) as ordered by this Court, including shifting the burden of proof to the government in the bond hearing, as it relates to danger to the community and flight risk.

Dated: February 18, 2026

Respectfully submitted,

/s/ Thomas Evans
Thomas Evans
KUCK BAXTER LLC
P.O. Box 501359
Atlanta, Georgia 31150
Tel.: (404) 949-8176
tevans@immigration.net

CERTIFICATE OF SERVICE

I hereby certify that, on February 18, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and all counsel of record were served.

/s/ Thomas Evans
Thomas Evans
KUCK BAXTER LLC
P.O. Box 501359
Atlanta, Georgia 31150
Tel.: (404) 949-8176
tevans@immigration.net

DECLARATION OF COUNSEL REGARDING SHAM BOND HEARINGS PERFORMED BY IMMIGRATION JUDGES

I, **Dustin Reed Baxter**, declare as follows:

1. I am an attorney licensed to practice law in the states of Oregon and Georgia.
2. I am the managing partner and owner of Kuck Baxter LLC, a law firm dedicated solely to the practice of immigration law.
3. I have personally been practicing immigration law for over twenty years and have participated in hundreds of bond hearings during that time.
4. Based on my professional experience in this district, I have observed a complete 180 over the last three weeks by immigration judges in post-habeas bond cases, characterized by a systematic and uniform denial of bond without meaningful analysis of facts and law.
5. These denials overwhelmingly involve individuals with little to no criminal history other than driving infractions. The judges are almost uniformly denying bond, almost as if reading from a script, based on their finding of flight risk based on "speculative relief" as an inherent "incentive to flee".
6. In these cases, counsel for the government has not submitted any evidence at all, let alone evidence probative of whether a person is actually a flight risk.
7. In most cases, the individuals have submitted applications for relief and are at least prima facie eligible for the relief they are seeking, yet the judge disregards all relevant bond factors and specific evidence to the contrary in summarily issuing their denials based on one or two factors: relatively short amount of time in the U.S., or "speculative relief".
8. While not all immigration judges deny all bonds, several judges, including Judge Brown, Judge Hewitt, Judge Coaxum, and Judge Harness, are denying bonds in nearly 100% of the cases before them, including cases that I have personally handled, observed, or have been observed and reported on by court observers. These same judges were approving reasonable bonds just three to four weeks ago.
9. In cannot possibly be a coincidence that the above-listed judges are now being assigned the bulk of post-habeas bonds over the last three weeks.
10. There is reason to believe that the judges have been instructed to deny bonds, as they all seem to be reading from a similar script as they deny bonds, and their shifts to summary denial occurred at approximately the same point in time.
11. The following case examples illustrate the extent to which post-habeas bond hearings have become a sham, not adjudicated by neutral magistrates:
    1. Mileidys Aguiar Hernandez [redacted] – Immigration Judge Brown denied bond for an individual from Cuban, who has been in the United States three years, no criminal record, consistently reporting with ICE and appearing before immigration court, previously released by ICE on her own recognizance after determination she was not a flight risk, clearly eligible for Cuban Adjustment of Status – thus every incentive to appear before immigration if released, valid work authorization and lawful employment. Bond was denied due to short time in the U.S. and no kids or spouse with status – flight risk.
    2. Jesus Graterol Jimenez [redacted] – Immigration Judge Brown denied bond for an individual from Venezuela. Present in the United States for several years with wife and two children, asylum application pending the entire time they have been

in the U.S., all with valid work authorization, reporting to ICE for years as required, immense amount of community support, no arrests or criminal record, ICE previously released on his own recognizance as a non-flight risk, TPS status, lawfully employed, property owner, health issues. Bond was denied due to "speculative relief" without weighing any of the bond factors.

3. Kenyi Rojas Moreno [redacted] – Immigration Judge Coaxum denied bond for individual from Guatemala, no criminal history, present in U.S. more than two years with wife and child, timely filed for asylum, released by ICE on own-recognizance as non-flight risk, reporting regularly to immigration, lawfully and gainfully employed, brutally assaulted by ICE during encounter despite the fact that he was lawfully working with work authorization and had application pending with the court, employment offer upon release, regular church attendance and strong community support. Bond denied in vague finding of lack of ties to the U.S. and short time present – flight risk.
4. Milanyely Caldera Moreno [redacted] – Immigration Judge Brown denied bond for individual from Venezuela, no criminal history, timely filed application for relief, no evidence of flight risk submitted by government, previously released on own recognizance by ICE as non-flight risk, detained while complying with ICE request to report for check-in, several years in U.S. without missing appointment or court date. Bond denied for no U.S. citizen ties and speculative relief – flight risk.

12. Attorneys at my office have represented numerous other individuals before these judges in the past three weeks, and are preparing affidavits that illustrate the futility of bond hearings before the immigration court.
13. As a general theme, there is no meaningful weighing of applicable factors in these cases. Bond hearings have been rendered pro forma, a pointless remedy. In at least one of my cases the judge waited until just seconds after my explanation of the facts of the case to hit send and upload the order denying bond before the hearing was even complete.
14. Inasmuch as the immigration court has become a participant in the violation of bond seekers' due process rights, the only effective means to enforce the Court's authority would be to order immediate release from custody.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of February, 2026.

Dustin R. Baxter

EMMA E CARTER NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 22, 2027

AFFIDAVIT OF ATTORNEY MAURA FINN

I am over the age of 18 and competent to make this affidavit. I swear and affirm that the following is true and correct to the best of my knowledge:

1. My name is Maura Finn. I have been an immigration attorney, licensed in the state of Georgia, since 2013. I have been an Associate Attorney with Diaz & Gaeta Law since September 2024, before which I was a Senior Lead Attorney at the Southern Poverty Law Center.

2. I have appeared regularly before the Stewart Immigration Court in bond and removal proceedings since 2013.

3. I appeared before Judge Brown at the Stewart Immigration Court for a bond hearing on January 30, 2026 at 1pm. Judge Brown heard 11 bond cases including my own, of which I observed all but one.

4. Judge Brown denied bond in every case I observed. All the denials were perfunctory and lacked individualized analyses of flight risk and danger to the community. None of the cases involved criminal history beyond traffic citations; most had no criminal history. Most of the detained individuals were detained while dutifully reporting to their check-ins with ICE. Judge Brown denied based on flight risk in all cases on which she reached a decision on the merits. She did not find that any of the detained individuals were a danger to the community.

5. In one particularly egregious denial, the detained individual had a pending EOIR-42B Application and had resided in the United States for more than 10 years. He had several U.S. citizen children, one of whom had been diagnosed with a tumor. It was clear from the oral record that the attorney had filed substantial evidence supporting her client's physical presence, family ties, and the medical diagnoses of the child. Judge Brown stated on the record that the child appeared to be healthy "other than the tumor" before denying bond.

Maura Finn, Esq.

GABRIELA ALBERTO NOTARY PUBLIC WALTON COUNTY, GEORGIA COMMISSION EXPIRES DECEMBER 16, 2029

02/02/2026

my commission expires: 12/16/2029

DECLARATION OF COUNSEL REGARDING SHAM BOND HEARINGS PERFORMED BY IMMIGRATION JUDGES

I, **Danielle M. Claffey**, declare as follows:

1. I am an attorney licensed to practice law in the state of Georgia.
2. I am a partner with Kuck Baxter LLC, a law firm dedicated solely to the practice of immigration law.
3. I have personally been practicing immigration law for over 18 years and have participated in hundreds of bond hearings during that time.
4. Based on my professional experience in this district, I have observed a drastic change in how bond hearings are conducted in just over a month, particularly in post-habeas bond cases. They are now nearly exclusively characterized by a systematic and uniform denial of bond, or setting of excessively high bonds, without meaningful analysis of facts and law.
5. These denials overwhelmingly involve individuals with little to no criminal history other than no license violations, if that. The judges appear to be working off of a script, based on their finding of "flight risk" and "speculative relief" as an inherent "incentive to flee".
6. In these cases, counsel for the government has not submitted any evidence at all, let alone evidence probative of whether a person is actually a flight risk.
7. In many cases, individuals have pending relief before the court, yet the judges disregard all relevant bond factors and specific evidence to the contrary in summarily issuing their denials based on one or two factors: "flight risk" and "speculative relief".
8. Many of the Judges at Stewart Detention Center and in Atlanta were granting reasonable bonds just a month ago. In fact, on January 9, 2026, at 1 pm, Counsel participated in a bond hearing with Judge Bianca Brown wherein my client had 25 years of physical presence in the U.S., one no license violation, two U.S. citizen children, and prima facie eligibility for Non-LPR Cancellation of removal. She was issued a $3,000 bond on that date. Just one week later, Judge Brown began outright denying every bond presented with the same or very similar facts, on account of "flight risk" and "speculative relief". There is a clear dichotomy from one week to the next.
9. On that same date, I also witnessed three other bond hearings prepared by other attorneys – Judge Brown also granted bonds in those cases for either $3,000 or $5,000.
10. This cannot possibly be a coincidence that the above-listed judges are now being assigned the bulk of post-habeas bonds over the last month.
11. There is reason to believe that the judges have been instructed to deny bonds, as they all seem to be reading from a similar script as they deny bonds, and their shifts to summary denial occurred at approximately the same point in time.
12. My colleagues at Kuck Baxter have represented numerous other detainees before these judges in the past month, and they are also preparing affidavits that illustrate the futility of bond hearings before the immigration court.
13. As a general theme, there is no meaningful weighing of applicable factors in these cases. Bond hearings have been rendered pro forma, a pointless remedy that is not being conducted before a neutral magistrate.

14. Inasmuch as the immigration court has become a participant in the violation of bond seekers' due process rights, the only effective means to enforce the Court's authority would be to order immediate release from custody.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of February, 2026.

/s/ Danielle M. Claffey
Danielle M. Claffey

Outlook

Re: ROP - LUIS RODOLFO BERMEO SANCHEZ

From Diego Gomez <diego@daglawgroup.com>
Date Fri 1/30/2026 10:10
To Eszter Bardi <ebardi@sonodalaw.com>

Here you go,

Mr. Luis Rodolfo Bermeo Sanchez is a 39-year-old citizen of Peru who entered the United States without inspection in 2007. He married his U.S. citizen spouse on January 11, 2019. In addition to his U.S. citizen wife, Mr. Bermeo is the father of a [redacted] and the stepfather of an [redacted].

Mr. Bermeo's wife is employed by the U.S. Department of Veterans Affairs and suffers from keratoconus, a progressive degenerative eye condition in which the normally round cornea thins and bulges outward into a cone shape. This condition has severely impaired her vision and now significantly limits her ability to drive and perform everyday activities, making her heavily dependent on Mr. Bermeo for daily support. This constitutes the primary hardship for purposes of both cancellation of removal under INA § 240A(b) and the I-601A waiver.

On June 28, 2023, Mr. Bermeo filed a Form I-130, which was approved on August 17, 2024. Shortly thereafter, on November 8, 2024, he filed a Form I-601A with USCIS. That application remains pending.

Mr. Bermeo was taken into ICE custody on October 1, 2025, following his arrest for driving without a valid driver's license in Lake County, Florida. That state case remains pending, and a capias was issued solely because Mr. Bermeo was transferred into federal custody and was therefore unable to appear. I also represent him in that matter. The State Attorney has indicated that the charge will be dismissed once Mr. Bermeo is able to obtain a valid driver's license—something he can do upon release now that he is in removal proceedings.

Mr. Bermeo has had three bond hearings. The first was held in Orlando on December 3, 2025, where the Immigration Judge denied bond, concluding that *Maldonado-Bautista* was not binding on the Immigration Court. The second hearing took place on December 29, 2025, at which time the Court held that it lacked jurisdiction under *Yajure-Hurtado*. Thereafter, with the assistance of Eszter, I obtained a writ of habeas corpus for Mr. Bermeo in the Southern District of Georgia. Following that grant, Mr. Bermeo appeared for a third bond hearing.

At the third bond hearing, the Immigration Judge denied bond on the basis of flight risk, relying primarily on two findings: (1) that Mr. Bermeo and his U.S. citizen spouse were married in 2019 but did not file the I-130 until 2023; and (2) that Mr. Bermeo had an "alternative path" to legal status through consular processing and was therefore "marching down" that path. The Court further concluded that any hardship Mr. Bermeo might suffer in the context of cancellation of removal would be offset by the availability of consular processing.

Based on the Court's comments, it appeared that Mr. Bermeo was effectively penalized for having pursued lawful immigration relief through the I-130 and I-601A process, and that this was used against him to support a finding of flight risk—rather than recognized as evidence of his incentive to appear and comply with the law. I argued that Mr. Bermeo's placement in removal proceedings now provides him with a form of relief that was previously unavailable—namely, the opportunity to seek legal status from within the United States rather than being forced to depart and trigger the unlawful presence bars associated with the I-601A process.

Although the Immigration Judge stated that he "understood that was the Respondent's preference," he nevertheless insisted that Mr. Bermeo's "best course" was to seek voluntary departure. The Court further remarked that the I-601A "ship had sailed" and that Mr. Bermeo would now require a Form I-601 waiver instead—demonstrating a fundamental mischaracterization of Mr. Bermeo's legal posture and further underscoring the punitive nature of the Court's reasoning.

After listening to the Digital Audio Recording ("DAR") of the bond proceedings, I can reasonably predict that—given the procedural history of this case—the Immigration Judge will also deny Mr. Bermeo's application for cancellation of removal under INA § 240A(b) on the same improper ground: that "alternative relief" is available and therefore offsets any hardship. Although that stage has not yet been reached, such a conclusion would constitute an abuse of discretion and would be arbitrary and capricious, as it would impermissibly penalize Mr. Bermeo for having pursued lawful avenues of relief.

I will continue to research and preserve this issue as the removal proceedings move forward, as it raises serious concerns regarding due process, fundamental fairness, and the proper exercise of discretion.

[redacted]

DECLARATION OF KAREN WEINSTOCK

I, Karen Weinstock, declare as follows under penalty of perjury pursuant to the laws of the United States:

I. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

1. I am an attorney licensed to practice law in the States of New York and Georgia and am admitted to practice before the United States District Courts in many jurisdictions as well as most Circuit Courts of Appeals.

2. I have almost 25 years of experience in immigration law and have been continuously practicing immigration law since August 2001.

3. For the past two decades, I have been in private practice as a managing immigration attorney and have supervised attorneys in my firm specializing in detention and removal defense, including routine representation of detained individuals in bond proceedings before Immigration Judges (IJs) mainly in the immigration courts in Georgia.

4. Based on this extensive experience with immigration enforcement, removal, and litigation, I am intimately familiar with the standards, practices, and norms governing bond determinations in immigration proceedings in this district.

5. I offer the opinions in this declaration based on my training and experience to assist the Court in understanding current bond-hearing practices and their practical effect on habeas relief.

II. PURPOSE OF THIS DECLARATION

6. I submit this declaration to provide the Court with direct, firsthand observations of a dramatic and systematic change in bond hearing outcomes that have occurred since late December 2025 in immigration bond proceedings in Georgia, particularly before Immigration Judges assigned to the detained docket in Stewart Detention Center, Irwin Detention Center, and the Atlanta Immigration Court, whose judges adjudicate detainee cases located at the D. Ray James and Folkston detention center in South Georgia.

7. While I generally do not participate in bond hearings because I mostly work in a supervisory role over immigration attorneys (including removal defense attorneys) and I have been focusing on leading federal court litigation actions over the past few months, I have attended several recent bond hearings in immigration court because my firm's primary removal defense attorney was out on maternity leave.

8. I provide these observations to assist federal courts in determining whether ordering additional 8 U.S.C. § 1226(a) bond hearings—rather than directing immediate release or imposing specific procedural safeguards—constitutes an effective or meaningful remedy for individuals who have already been unlawfully detained and sought and obtained habeas relief.

9. This declaration is based on: (a) my personal observations of bond hearings I have attended, which include cases I observed the immigration judges conduct for my firm's clients and other attorneys appearing before me in bond dockets for their clients; (b) my review of written bond decisions issued to clients; (c) communications with numerous immigration attorneys practicing in this district; and (d) my professional knowledge of historical bond practices in this jurisdiction spanning more than two decades.

III. THE SEISMIC SHIFT: SYSTEMATIC DENIAL OF BOND IN POST-HABEAS CASES

10. Historically, prior to 2025, the vast majority of noncitizens pending removal proceedings were not detained, with the exception of people with serious criminal offenses detained pursuant to 8 U.S.C. § 1226(c).

11. If a client was detained and a bond hearing requested, the IJ would apply bond factors in *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006) at 40-41. Those include: (1) whether the noncitizen has a fixed address in the United States; (2) the noncitizen's length of residence in the U.S.; (3) the noncitizen's family ties in the U.S. and whether they may entitle the person to permanently reside in the U.S. in the future; (4) the noncitizen's employment history; (5) the noncitizen's record of appearance in court; (6) the noncitizen's criminal record, including the extensiveness of the criminal activity, recency and seriousness of the offenses; (7) the noncitizen's history of immigration

violations; (8) any attempt of the noncitizen to flee from prosecution or escape from authorities; and (9) the noncitizen's manner of entry to the U.S. The IJ may also consider the likelihood of whether relief from removal will be granted, meaning whether the noncitizen is prima facie eligible for relief from removal. However, the IJ is not supposed to conduct a merits analysis in a bond hearing because relief is not yet filed or completed so early in the process. Historically, an IJ would just ask what kind of relief would be filed with the immigration court. And the IJ's findings must be based on reasonable inferences drawn from the record as a whole, rather than on speculation or conjecture.

12. Beginning in or around late December 2025, I began observing what can only be described as a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by this Court and several other Federal district courts in which I have received habeas grants on behalf of detained clients.

13. Prior to this shift, while bond amounts had increased in recent months to a "normal" around $4,000-$5,000 (from lower amounts of $2,000-$3,000 previously), bond was routinely granted in cases where individuals demonstrated: (a) lack of significant criminal history; (b) strong family ties in the United States; (c) lengthy residence in the country; (d) prima facie eligibility or claims for relief from removal; (e) stable housing and employment; and (f) community support and involvement. There was never a requirement to obtain a U.S. citizen or Lawful Permanent Resident (LPR) sponsor.

14. Beginning in January 2026, this pattern ***abruptly and uniformly*** ceased. In numerous cases I have personally observed or learned about from colleagues, IJs have denied bond based on alleged flight risks and other reasons such as "speculative relief" in circumstances that, weeks earlier, would have resulted in bond being set.

15. In my professional observation, the consistency, timing, and uniformity of these denials cannot be readily explained by coincidence, changes in individual case facts, or independent judicial decision-making. The pattern

appears systematic and, in my professional judgment, is best explained by an institutional or policy shift rather than case-by-case independent adjudication.

16. Prior to this shift, the immigration judges were conducting what appeared to be meaningful individualized bond assessments in post-habeas cases. They were granting bonds in most cases, as neutral arbitrators should. Only one case stands out in my mind prior to January 2026, when a bond under 8 U.S.C. § 1226(a) was denied in a post-habeas grant.

17. In my recent observations, immigration judges on these detained dockets no longer appear to function as neutral arbiters. They rarely question DHS's detention positions, even where the factual record does not appear to justify continued custody. Sometimes, they conduct the role of prosecutor as well as a judge, for example, denying for "flight risk" when DHS does not allege a flight risk exists.

18. Attorneys for DHS now claim in nearly every case that bond should be denied for clients based on flight risk or danger or both. DHS makes this claim even when there is no criminal history for the client, or where there is very minor criminal history comprised of traffic offenses such as driving without a license. Moreover, DHS often make a claim of flight risk without any justification and in direct contradiction to evidence of the noncitizen's family and community ties. For example, DHS may argue "flight risk" even despite years of prior compliance with an Order of Release on Recognizance by the noncitizen.

19. Since late December 2025, many IJs on the detained docket in Stewart and Atlanta immigration courts have, based on my observations, *systematically denied bond or issued extraordinarily high bonds which are tantamount to denial of bond* in post-habeas cases. This pattern suggests an institutional or policy shift that has the practical effect of ensuring predetermined outcomes—continued detention—regardless of individual circumstances and neutral, independent, and unbiased review.

20. Based on this pattern, it is my professional assessment that for individuals who have already received a bond hearing ordered by a federal habeas court under 8 U.S.C. § 1226(a) but that was constitutionally defective, ordering yet another bond hearing under the same current practices is unlikely to provide any meaningful opportunity for release. In practice, these post-habeas bond hearings have operated as illusory proceedings that preserve the appearance of due process while virtually foreclosing any realistic possibility of release. In other words, I do not believe that IJs are neutral arbiters any longer and many bond hearings conducted under these IJs purportedly under 8 U.S.C. § 1226(a) do not comport with due process under the Fifth Amendment. Binding Supreme Court and other case law mandates a fair hearing before a tribunal that is impartial, conducting individualized and evidence-based assessment tied to statutory purposes and consideration of a noncitizen's ability to pay and less restrictive alternatives. This results in many bonds now being denied.

IV. PRETEXTUAL AND LEGALLY INSUFFICIENT RATIONALES FOR DENYING BOND

21. Since January 2026, IJs have, in my observation, relied on a remarkably narrow and predictable set of rationales to deny bond—rationales that appear to bear little relationship to genuine individualized risk assessment and that would not have been deemed sufficient to justify denial just weeks earlier.

22. These rationales, which I believe to be pretextual, include, but are not limited to:

    a. Treating the absence of a financial sponsor as dispositive of flight risk, even when other equities (family ties, length of residence, employment history, community support) overwhelmingly favor release;[1]

[1] There is no requirement in the regulations or caselaw to provide a sponsor for a bond, only that a U.S. citizen or Lawful Permanent Resident post a bond after one is given. Having a sponsor with a fixed address and financial ability can be a factor to mitigate flight risk in some circumstances (for example when someone entered recently or has minimal ties such as no family members) but is not required or a deciding factor. In previous years, a sponsor was not required to be filed with a bond motion, however recently IJs have been denying bonds for lack of a "sponsor" or taking a sponsor's income into consideration, even in cases where noncitizens have spent years in the country and have been supporting themselves and their families throughout

b. Finding that a sponsor who is not a strong *financial* sponsor is insufficient, despite no legal requirement that sponsors provide financial guarantees, only that they post the bond through a wire transfer or cashier's check;

c. Treating the fact that an individual did not seek relief from removal until after being detained as evidence of a lack of intent to comply with immigration proceedings;

d. Pre-determining that eligibility for or applications for relief that are filed or about to be filed, such as asylum or cancellation of removal is "speculative" and therefore cannot mitigate flight risk, despite the fact that all immigration relief applications involve some degree of uncertainty and detailed, individualized merits assessment (which is not required to be assessed at the bond stage so early in the proceedings, particularly when no individualized merits hearings have even been scheduled);

e. Characterizing unlawful entry into the United States—*by itself*—as establishing flight risk, a rationale that would render bond impossible for the vast majority of detained individuals (while the manner of entry is a consideration, one illegal entry into the country would never have disqualified someone from being granted a bond previously);

f. Treating the accumulation of unlawful presence (which is a civil violation, not a crime) as evidence of danger or disregard for the law;

g. Treating minor offenses with pending charges, dismissed cases, or cases resolved with probation only or light sentences as supporting "dangerousness";

h. Finding that unauthorized employment—a status violation shared by millions of undocumented immigrants—constitutes a significant negative factor warranting denial of bond (in my view, treating unauthorized employment as a negative factor departs from prior practice, where stable work and ability to self-support was generally

viewed as mitigating flight risk and many clients pay taxes on this unauthorized work and file tax returns using Tax Identification Numbers);

i. Failing to consider years of consistent reporting to ICE on an Order of Release on Recognizance (OREC) or ISAP or other previous reporting compliance;

j. Questioning the accuracy of tax returns and suggesting "underreporting" based on subjective assessments of lifestyle, without any actual evidence of fraud or misrepresentation;

k. Imposing on noncitizens the burden of proving that they will appear for future court proceedings—an impossible burden that requires proving a negative—even though many noncitizens have never failed to appear for any prior proceeding because they have never been required to appear until being placed in removal proceedings or when they previously appeared to state court and complied with probation or payment of fines (in the past 25 years prior to this shift this was never done in practice cases that I am familiar with);

l. Denying bonds for "driving without a license" offenses as "danger to the community" despite knowing that undocumented individuals are not able to obtain licenses in many states and despite having no record of accidents or reckless driving throughout years of driving in the country (lack of accidents or citations over years would actually indicate that they are driving safely); This, while other IJs grant bonds for noncitizens arrested for driving without a license but some IJs may set a bond condition that the noncitizen would not drive without a license;

m. Denying bonds for "violating the law" or "disregarding the law" for multiple traffic offenses, which is the incorrect legal standard (which, in my professional view, is not an appropriate standard because it is not, by itself, indicative of danger or flight risk); and

n. Denying bonds for a single DUI arrest (without requiring a conviction) or a single DUI conviction relying on *Matter of Siniauskas*, 27 I&N Dec. 207 (BIA 2018), even though a single arrest, without conviction or aggravating factors (such as damage to property or hurting others), does not automatically prove ongoing dangerousness (*Siniauskas* involved an arrest for a ***fourth*** DUI offense; two of the prior convictions and the new DUI charge involved traffic *accidents*).

23. In my professional assessment, these rationales do not appear to be grounded in legitimate risk assessment. They appear to be pretexts designed to ensure denial of bond regardless of the individual facts of each case.

24. The rationales being employed to deny bond appear to depart significantly from the standards articulated in BIA precedents governing bond determinations and prior bond determinations even from the same IJs in the past.

25. The rationales I have observed recently—having no evidence but establishing flight risk, dismissing relief applications as inherently "speculative," requiring financial sponsorship as a prerequisite, and treating any traffic violation negatively—appear to represent a departure from these precedential standards and undermine Due Process.

26. BIA case law requires that IJs consider the ***specific circumstances*** of each case and weigh multiple factors in reaching bond determinations. The systematic application of categorical exclusions based on status violations common to the detained population does not appear consistent with the individualized, fact-specific analysis that BIA precedent mandates.

27. In many of the bond hearings I observed, the bond hearings and decisions are very swift, with IJs taking only a few minutes to review the documents submitted by attorneys and discussing the merits on the record, which are insufficient, in my opinion, to thoroughly review all documents submitted and conduct a thorough analysis.

V. OBSERVATIONS AND EXAMPLES FROM SPECIFIC BOND PROCEEDINGS ON THE DETAINED DOCKET IN GEORGIA

28. Immigration bond hearings on the detained dockets in the Atlanta and Stewart Immigration Courts are conducted via Webex in an open-court format: all attorneys log into the same Webex session, and the Immigration Judge calls cases one after another on a single bond calendar. Because of this structure, I was present in the virtual courtroom and was able to hear each bond hearing for noncitizens whose attorneys appeared before me in the court that day.

29. On several occasions, I personally observed a detained bond docket before Immigration Judge Bianca Brown by Webex in the Stewart Immigration Court. During those sessions, Judge Brown denied bond in every case I observed. By way of example (this is not a complete list, just a sample):

a. IJ Bianca Brown denied bond for a client of another attorney who has been in the United States for approximately two decades, has U.S. citizen children in their teens, and had filed an EOIR-42B non-LPR cancellation application; IJ Brown characterized that application as "speculative" and relied on that characterization in finding flight risk and denying bond.

b. In the same session, IJ Bianca Brown denied bond for one of my clients who entered the United States through a port of entry several years ago, applied there for asylum, was released on his own recognizance by the government, and faithfully complied with reporting requirements for several years until he was unlawfully detained under 8 U.S.C. § 1225 at his most recent reporting appointment. In the January 30 hearing, DHS requested "no bond" but did not present any documentary evidence of flight risk or danger, instead offering only a brief assertion that my client had entered in 2023 and asking the Court to "hold him to his burden." In response, I explained that DHS itself had previously released M.G. on an OREC when he entered, that he had timely filed his asylum application, had maintained a fixed address, had been working with authorization as a driver for Amazon, and had been in full compliance for approximately three years with ISAP and all reporting requirements before he was re-detained at a routine check-in in December 2025 based on the

government's new "arriving alien" theory later rejected in habeas. I also referenced the documentary evidence we had filed in support of bond, including pay stubs, W-2s, and evidence of his residence, which in my view showed he met the *Guerra* factors for release and had a strong compliance history. IJ Brown did not take any testimony, did not meaningfully address this evidence on the record, did not discuss less restrictive alternatives to detention, and did not solicit or require any specific evidentiary proffer from DHS regarding flight risk. Instead, in a very brief ruling, she concluded that my client had not met his burden to show that he was not a "significant flight risk," characterizing him as having "tenuous ties" and being a "relatively recent entrant," and stating that his release before the Court was "speculative," and she denied bond on that basis. When I attempted to further explain and to address the Court's reference to "speculative" relief and flight risk, persistent audio problems led IJ Brown to state that she could not hear me and that she "must move on," after which she unilaterally reserved appeal on my client's behalf and concluded the hearing. Based on my observations, this bond hearing lasted only a few minutes, did not involve any individualized analysis of the full record of M.G.'s compliance and equities, and functioned in practice as a summary denial of bond on boilerplate "flight risk" grounds despite years of prior OREC and ISAP compliance.

c. In another matter involving a client of mine (R.R.C., who was represented by attorney Adams in the bond hearing for whom I have obtained a Declaration and later reviewed the hearing transcript) for whom I filed for and was granted a habeas by Judge Land, IJ Brown denied bond based on "flight risk" and "speculative relief" even though he entered the United States through a port of entry several years ago, applied there for asylum, was released on his own recognizance by the government, and faithfully complied with reporting requirements for several years until he was unlawfully detained under 8 U.S.C. § 1225 at his most recent reporting appointment.

d. In another matter involving IJ Brown, I witnessed her deny a bond for another noncitizen represented by another attorney who came up

before my client based on him being a "danger" for a second driving without a license without any proof or reckless driving or dangerous driving conduct. She stated to the record something to the effect that to get a license the noncitizen has to pass a road test and secure insurance, without questioning whether the noncitizen did in fact have insurance and without taking into account exemplary driving record for more than a decade other than driving without a license (which undocumented noncitizens cannot obtain in Georgia). Other judges have granted bonds in similar situation, with a condition not to drive unlicensed.

30. IJ Jerrica Harness at the Stewart Immigration Court, who up until a few months ago was approving bonds in similar circumstances, also changed course. In another matter involving a client of mine for whom I filed for and was granted a writ of habeas, IJ Jerrica Harness denied bond notwithstanding no criminal history and nearly 20 years in the U.S. with U.S. citizen children in their late teens, stable address and stable employment for the same employer for years because the "sponsor" did not make a lot of money, notwithstanding that Petitioner was fully self-supporting and a sponsor is not required, although sometime necessary to mitigate flight risk (for example for people who recently entered the country and do not have a history of compliance or have no U.S. citizen family). The full circumstances surrounding this denial are referenced in a Declaration by attorney Nikita Modi who attended that hearing following a habeas grant for my client.

31. In another client bond hearing on January 28, 2026 before IJ Blake Doughty, I observed that the proceeding did not resemble the individualized, evidence-based bond assessment that I understand § 1226(a) and due process to require. Although we had submitted extensive documentary evidence in advance—including proof of his nearly three years of full compliance with his OREC and ISAP reporting requirements—and, in fact, that client was detained by ICE as he reported as requested by ICE in December 2025, IJ Doughty failed to consider the client's U.S. citizen fiancée's sponsorship and fixed address, evidence of his employment, and multiple letters of support—IJ Doughty did not take live testimony from the client or his fiancée, did not meaningfully address this evidence on the record, and did not engage in a *Guerra*-type analysis of his fixed address, long-term residence,

family and community ties, employment history, or perfect appearance and compliance history. DHS submitted no advance evidence of flight risk and, at the hearing, did not argue that my client was a flight risk, yet IJ Doughty nonetheless relied on "flight risk" as the basis for setting an extraordinarily high $40,000 cash-only bond, without asking any questions about my client's financial circumstances, without considering that such an amount was far beyond his means, and without discussing less restrictive alternatives to detention such as continued ISAP supervision. Based on my observations, the bond amount imposed functioned, in practice, as a denial of bond and ignored both his three-year record of perfect OREC and ISAP compliance and his inability to pay such a sum.

32. In another matter involving a client of mine for whom I filed and obtained a writ of habeas, I attended a post-habeas bond hearing before Immigration Judge James Ward. That client had lived in the United States for more than a decade, was engaged to a U.S. citizen whom he had been dating for approximately four years and had two minor driving-without-a-license offenses (and other minor convictions) from about a decade earlier as well as a more recent driving-without-a-license offense. At that session, I observed Judge Ward deny multiple bonds for other noncitizens on the detained docket based on driving-without-a-license offenses, characterizing them as "danger" because, in his view, those individuals "kept breaking the law," even though conditions of release such as a no-driving condition could have addressed that concern. Based on those denials and the reasons given, I withdrew my client's bond request at that time, intending to refile in hopes of being assigned a different bond judge. I was later informed by another attorney who reported being present at a subsequent master calendar hearing (at which my client was unrepresented) that, before the next bond hearing could occur, Immigration Judge Bianca Brown told my client that, because he had entered without inspection, he was ineligible for bond, and that he was then pressured to sign voluntary departure paperwork and remain detained after ICE allegedly promised prompt removal to Mexico if he did so, despite his having had a habeas petition granted. I did not personally witness that later hearing, and I relate these events as they were described to me by that attorney to illustrate how other practitioners are observing post-habeas practices being handled in similar cases.

33. Multiple cases that, under the standards applied in this district as recently as early December 2025, previously would have resulted in bond being set were instead denied. The denials were based on the same rationales I have described above: lack of a financial sponsor, unauthorized work, the "speculative" nature of relief applications, and immigration violations that are endemic to the detained population. "Flight risk" was invoked repeatedly to justify denial for individuals with no criminal record, often without any individualized negative flight-risk factors, based solely on the IJ's speculation and DHS's assertion that the person was a flight risk. Several of these individuals, including my own client, had just obtained federal habeas relief on the question of their detention authority and were appearing for the § 1226(a) bond hearings ordered by the district court, yet bond was denied on these categorical grounds. Therefore, the post-habeas bond hearings did not function as meaningful mechanisms for release. For example, one of my clients was found to be a "flight risk" even though he had previously been released by ICE on his own recognizance, had complied with ICE reporting for years, had a U.S. citizen fiancée with a fixed address, and was detained while he was complying with ICE reporting at his most recent check-in at the ICE office.

34. In each instance I observed, the IJ was applying factors that, if consistently applied, would make bond impossible for virtually any detained individual in removal proceedings. There did not appear to be meaningful individualized assessment or a neutral adjudication of factors. The hearings appeared to be perfunctory exercises designed to create a veneer of Due Process while ensuring predetermined outcomes.

35. The cases I observed involved individuals with no criminal history, or only minor criminal history unrelated to violence or flight (such as driving without a license). These individuals had family members present in court or U.S. citizen children, stable housing, stable employment, and pending applications or eligibility for relief from removal. Under the standards that prevailed in this district for years—and indeed, as recently as December 2025—these individuals would have been granted bond.

36. Although I reserved my clients' right to appeal bond denials or exorbitant bonds to the Board of Immigration Appeals, in my professional judgment pursuing such an appeal would be effectively futile in practice. The filing fee for a Form EOIR 26 appeal in most categories was recently increased to $975, and EOIR related filings now also trigger an additional $30 DHS–EOIR biometric services fee, so that many BIA appeals require payment of over $1,000 before accounting for attorney's fees and related litigation costs. For detained noncitizens, who are already unable to pay the cash bonds being set due to months of detention, those costs are prohibitive. In addition, published information and my own experience from recent months indicate that BIA appeals commonly take many months to more than a year to resolve, during which time the noncitizen remains detained, meaning that an appeal would likely prolong my client's custody for a substantial period with little realistic prospect of a different result.

VI. CORROBORATION FROM THE IMMIGRATION LEGAL COMMUNITY

37. My observations are not isolated. In recent weeks, I have communicated with numerous immigration attorneys practicing all over the United States who handle detention cases. These colleagues have described experiencing similar patterns in their own matters. I relate these conversations solely to illustrate how other practitioners are perceiving current bond-hearing practices, not to attest to the truth of the underlying facts in each individual case.

38. Colleagues have reported to me that clients who were granted federal habeas relief and ordered § 1226(a) bond hearings are now being systematically denied bond based on rationales that, in their experience, would not have been deemed sufficient weeks or months earlier.

39. According to these attorneys, bond hearings often appear to be "pro forma" exercises where the outcome seems predetermined. They report that meaningful individualized review appears to have been replaced by boilerplate language and cookie-cutter denials utilizing the smallest of reasons to deny bond to non-criminals.

40. Several of these attorneys—particularly those with less experience in federal court—have asked me to assist them in preparing motions to enforce prior

habeas orders, based on what they view as pro forma denials using rationales such as "flight risk," "speculative relief," or findings of danger that they believe are unsupported by the record.

41. In my professional judgment, based on the patterns described above and the consistent reports of other practitioners, the developments of the past few months are not merely the product of individual judicial discretion or case-specific circumstances. Rather, the immediate and uniform shift to systematic denial of bond or the imposition of very high cash bonds, the reliance on a narrow set of recurring rationales across multiple judges and cases, and the abrupt firing or reassignment of judges who were granting bond and questioning government positions together appear, in practice, to reflect an institutional pattern within the Executive Office for Immigration Review (EOIR) and the Department of Justice that has the effect of keeping noncitizens detained despite habeas grants and undermining the practical effectiveness of federal habeas relief.

VII. PROFESSIONAL ASSESSMENT AND CONCLUSION

42. In my professional judgment, based on the patterns described above, what I have witnessed over the past couple of months appears, in practice, to function as a systematic effort to nullify the constitutional protections that federal courts have recognized and enforced through habeas corpus. The current approach to post-habeas bond hearings—characterized by routine denials or effectively unattainable bonds and reliance on a narrow set of recurring rationales—has the effect of rendering meaningless the bond hearings that this Court and others have ordered for many detained noncitizens.

43. In my professional judgment, based on the patterns described above, noncitizens are now being denied those hearings in any meaningful sense, and are being held in detention not because they truly pose a danger or a flight risk, but because, in my observation, the Executive Branch appears to have decided to circumvent federal court orders through institutional means—via its administrative law judges (IJs)—or "hearing officers" as called by EOIR—by denying bonds for whatever plausible reason can be mustered, often invoking "flight risk" or "speculative relief" without evidentiary

support. In my view, this pattern is likely to advance the current administration's agenda of deporting as many noncitizens as possible in the fastest time possible.

44. I do not have access to EOIR's or the DOJ's internal deliberations or directives, and I do not know whether any relevant changes have been formally memorialized in internal policy memoranda that would be subject to FOIA. My assessment is based on the consistent patterns I have personally observed in bond hearings and decisions across multiple dockets and judges, as well as reports from other practitioners. In my professional judgment, this institutional pattern is the most plausible explanation for the level of uniformity in outcomes and reasoning I have observed, which is not typical of independent, case-by-case adjudication.

45. The bond hearings being provided to individuals who have been granted federal habeas relief do not, in my observation, function as genuine adjudications of bond eligibility under 8 U.S.C. § 1226(a) and implementing regulations at 8 C.F.R. §§ 236.1 and 1236.1. Instead, they appear in practice to operate as illusory remedies designed to create the appearance of due process while ensuring that individuals remain detained for prolonged periods, and they fall far short of the basic procedural safeguards that I understand due process to require.

46. Additionally, in my professional judgment, for noncitizens who have already obtained habeas relief and a resulting § 1226(a) bond hearing, directing additional bond hearings before the same institution, under the same practices I describe above, is not an effective way to vindicate the writ. Under current conditions, the only reliable means for a federal court to ensure that its habeas rulings are implemented is to order release directly. Alternatively, at minimum, due process requires district courts to impose specific, enforceable standards and burdens of proof that meaningfully constrain the conduct and outcomes of post-habeas bond hearings (such as the government bears the burden by clear and convincing evidence that a noncitizen is a flight risk or danger and IJs must consider the noncitizen's ability to pay and alternatives to detention).

47. I am profoundly concerned by what I have witnessed. As an attorney who has dedicated my career to the fair administration of immigration law, I find what appears to be a coordinated effort to undermine judicial authority and deny Due Process to be deeply troubling and inconsistent with the values of the United States. In my professional opinion these IJs are denying these bonds in a biased predetermined manner and not by true exercise of discretion pursuant to the law, regulations or binding BIA caselaw.

48. The individuals affected by this systematic denial of bond are not abstractions. They are human beings with families, with children, with jobs, with lives in this country. They have been detained pursuant to the wrong statute (as "arriving aliens" under 8 U.S.C. § 1225(b)) and thus should not have been detained in the first place. Many of them were on OREC reporting and were fully compliant for years. While federal courts found that they are entitled to bond hearings under 8 U.S.C. § 1226(a) and implementing regulations, the assumption that underlies that is that those bond hearings would be fair and unbiased and Due Process will be afforded. Unfortunately, that is no longer the reality in many cases.

49. I submit this declaration in the hope that it will assist courts in understanding the reality of what appears to be occurring in immigration proceedings in this district and in ensuring that the constitutional right to release from unlawful detention through habeas corpus is not rendered meaningless.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

2/18/2026
Date

Karen Wahstock
Signature

Law Office of
Matthew J. Archambeault
IMMIGRATION AND NATIONALITY LAW

Matthew J. Archambeault, Esq.
Direct: 215-599-2189
Fax: 215-790-6242
mja@archambeaultlaw.com

December 12, 2025

AFFIDAVIT OF MATTHEW J. ARCHAMBEAULT

I swear, under the penalty of perjury, the following is true and correct. I have been a practicing immigration attorney for over 23 years. I practice primarily in removal defense, including the representation of detained individuals. I have appeared in immigration courts in Pennsylvania, New Jersey, New York, Maryland, Florida, Georgia, North Carolina, Texas, Louisiana, Colorado, California, Washington, Puerto Rico, St. Thomas, and St. Lucia over my career. I have also represented immigrants in federal court at both the District and Circuit levels.

I write this affidavit for general use for my colleagues for submission in any court proceedings they feel appropriate.

I have represented hundreds of clients over the years and done scores of bond redetermination hearings. Under the current administration, bond redeterminations have undergone a noticeable shift, most notably in the issuance of the BIA precedent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) . This decision illegally concluded that a vast swath of immigrants, who entered without inspection, were subjected to mandatory detention pursuant to INA 235(b)(2), and not eligible for bond. Decades of practice and legal precedent found the same individuals eligible for bond and detained under INA 236(a). Hundreds of federal district courts have ruled against the administration following a flood of habeas corpus petitions nationwide. The result of this litigation has been that immigrants are either released or afforded an opportunity to have a bond hearing before an immigration judge.

I represent Jorge Perez Florez in both immigration court and the New Jersey District Court (case no. [redacted]). Mr. Perez Florez was detained by ICE on November 24, 2025, and transported to the Elizabeth Detention Center in Elizabeth, New Jersey. I filed a habeas corpus petition on his behalf on the same day, and the Honorable Susan D. Wigenton of the New Jersey District Court issued a text order directing that a bond hearing be held by December 1, 2025. Immigration Judge Ramin Rastegar conducted a bond hearing on December 1, 2025, at the Elizabeth Immigration Court in Elizabeth, New Jersey.

Mr. Jorge Perez Florez is a Mexican immigrant who has been in the United States for more than 18 years, lives with his long-term partner and their 15-year-old U.S. citizen daughter in Maple Shade, New Jersey. Mr. Perez Florez has resided at the Maple Shade, New Jersey, address for more than 8 years and in the immediate area for the entirety of his time in the United States. Mr. Perez Florez has never been arrested in the United States or anywhere else in the world. Mr. Perez Florez is eligible to apply for Cancellation of Removal for Certain Non-

Permanent Residents, as he has been in the United States for more than ten years, has a US citizen child who would suffer extreme and unusual hardship if he were removed, and has been a person of good moral character and worthy of discretion. Mr. Perez Florez's US citizen daughter had been recently hospitalized for anxiety disorder and was beginning treatment. Mr. Perez Florez had numerous persons write on his behalf, and a US citizen sponsor was prepared to post any bond issued by the immigration judge.

The Department of Homeland Security raised the following negative factor: Mr. Perez Florez had previously attempted to enter the United States more than 18 years ago, was voluntarily returned, and then re-entered undetected. DHS also concluded that Mr. Perez had received a traffic ticket in 2009, when it appears he did not have a license, as an indicator of dangerousness. DHS further questioned a "learner's permit" from Maryland obtained by Mr. Perez Florez, despite his never appearing to live in Maryland.

These sets of facts would traditionally have earned Mr. Perez Florez a bond, as his lack of criminal history indicates he is not a danger to the community, and his long-term, stable residency in the United States with a family, relief from removal available, and support from the community would indicate he is not a flight risk. In my professional experience, one would expect a bond ranging from $2,500 to $10,000. This was not the case this time.

Immigration Judge Rastegar ruled that he posed a danger to the community and a flight risk so significant that no amount of bond would ensure his appearance for deportation if he lost his case. Immigration Judge Rastegar refused to explain why Mr. Perez Florez was a flight risk, indicating we could read it in his bond memorandum if we appealed. He did explain that Mr. Perez Florez's long-term residency here was a negative factor, as he never attempted to "fix" his immigration status, despite the fact that no options for doing so existed. After extensive questioning, Judge Rastegar concluded that Mr. Perez Florez was not credible based on his receiving a "driver's license" from Maryland, even though it was apparent he never lived there, and questions regarding an educational program Mr. Perez Florez completed in Camden, NJ. Judge Rastegar also held the fact that no applciation for relief had not been submitted to the immigraiton court, despite the fact that he had yet to appear for his first initial master calendar hearing (bond proceedings are separate and distinct from removal proceedings), which was scheduled for December 8, 2025 and pleadings on the allegations alleged by the Department of Homeland Security had not been completed. Judge Rastegar refused to recognize Mr. Perez Florez's long-term, committed relationship with the mother of their child because they were not married. Lastly, Judge Rastegar concluded that, because there was scant documentation of the medical condition affecting his 15-year-old USC daughter, he could not meet his burden to approve any Cancellation of Removal Application submitted, and that no amount of bond would be sufficient to ensure Mr. Perez Florez would appear for his ordered removal. Judge Rastegar did not even consider other restrictions on Mr. Perez Florez's liberty that could have ensured his compliance, such as electronic monitoring and/or reporting to ICE.

In my 23-year professional career, I have never had a bond flatly denied under similar facts. It is clear that I am not alone. The New Jersey AILA listserve is replete with similar, and even more egregious examples of bond denials from the judges at the Elizabeth Immigration Court and other courts across the country. I observed a bond hearing for an immigrant who has been in the United States for over 20 years, several US citizen children, one with a serious heart

condition, and no criminal record, denied a bond by Immigration Judge Wilson, finding he was a flight risk because he resided so long in the United States without being detected and that no amount of bond would be sufficient to ensure he complied with a deportation order. Now immigration judges are using immigrants' long-term residency and deep ties to the community as evidence of their flight risk. This is not normal.

Despite the losses of over 200 federal district court cases on the issue of detention pursuant to INA 235(b)(2), DHS persists in illegally denying immigrants their statutory right to a bond hearing, causing the current flood of litigation that is taking the time of US Attorneys who could be working on essential cases affecting our security as a nation, and time away from District Court judges and their staff. DHS has no incentive to change its practice if the result is immigrants spending thousands of dollars for legal representation and a rigged bond hearing, designed only to deny deserving immigrants the ability to receive a bond and return to their families and community as Congress intended.

We implore District Court judges to address this issue by either ordering the straight release from detention when it is shown that the detention is illegal, or conducting their own bond analysis and making their own determination regarding the issuance of bond, the amount, and any other restrictions the Court deems necessary.

We sincerely appreciate the Court's attention to this matter.

Respectfully,
/s/Matthew J. Archambeault
Matthew J. Archambeault
Law Office of Matthew J. Archambeault
216 Haddon Avenue, Suite 402
Haddon Township, NJ 08108
215-599-2189
mja@archambeaultlaw.com

AFFIDAVIT OF ADRIANA MITCHELL, ESQ.

I am the attorney representing Mr. Delgado-Villegas in Immigration Court.

On December 4, 2025, the Honorable District Court Judge Paul S. Diamond granted Mr. Delgado-Villegas's *habeas corpus* petition and ordered that a bond hearing on his case be held no later than December 11, 2025.

On December 10, 2025, at or around 9:00 a.m., I appeared in Immigration Court in Newark, New Jersey, by video for a bond reconsideration hearing. The bond hearing was conducted by the Immigration Judge Tamar Wilson.

At the beginning of the hearing, I argued that Mr. Delgado-Villegas, who has been present in the United States for more than twenty-five years, has no criminal history, is gainfully employed, and is the father of three U.S.-citizen children, is neither a risk of flight nor a danger to the community, and that he should be released on bond. I stated that my client has strong incentives to participate in his future court hearings because he is *prima facie* eligible for immigration relief in the form of Cancellation of Removal for Non-Lawful Permanent Residents.

In response, the U.S. Immigration and Customs Enforcement ("ICE") attorney, Keith Hoppes, argued that, even though he did not believe Mr. Delgado-Villegas is currently a risk of flight, he had concerns that Mr. Delgado-Villegas might become a risk of flight in the event he was to lose his immigration case.

The Immigration Judge orally denied bond, finding that Mr. Delgado-Villegas is a risk of flight because, as she stated, "he resided in the United States for more than twenty-five years undetected" without applying for any immigration relief.

I pointed out that Mr. Delgado-Villegas was not eligible for any relief, and that he became eligible for Cancellation of Removal only after being placed in removal proceedings.

The Immigration Judge then went on to justify her finding of risk of flight by expressing skepticism regarding Mr. Delgado-Villegas's chances of prevailing on his application for Cancellation of Removal. She also stated that Mr. Delgado-Villegas had lived at his current address "for only three years" and had not filed tax returns. She suggested that he either lied about or underreported his income because, in her opinion, the amount he was making was not enough to support his family.

Ultimately, the Immigration Judge found that Respondent presents a risk of flight and denied bond. I reserved appeal, and the Immigration Judge stated that the appeal is due on January 9, 2026.

The judge failed to consider any alternative to detention to mitigate what she perceived as a flight risk, even though my client has a bond sponsor, a clean record, solid ties to the United States and incentives to appear in court and fight his case. Based on information and believes, Mr. Delgado-Villegas' case is not isolated, but part of a pattern of conduct.

VERIFICATION

I, Adriana Mitchell, Esq., hereby verify that the statements contained therein are true and correct to the best of my knowledge, information, and belief, based upon my personal recollection and the notes I prepared immediately following Mr. Gabriel Delgado-Villegas's bond reconsideration hearing on December 10, 2025.

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

Executed on this 10th day of December 2025, in Philadelphia, Pennsylvania

Adriana Mitchell
PA Bar Number 323243

Affidavit of Alexis M. Price

My name is Alexis M. Price. I am a practicing immigration attorney licensed before the New Jersey Bar (Bar No. 496882025). My practice includes extensive work in detained and non-detained dockets across multiple jurisdictions, including the Elizabeth Immigration Court, the Philadelphia Immigration Court, and related detention facilities.

For attorneys who regularly practice before EOIR—particularly within detained dockets—it has become increasingly clear that the Immigration Court has taken a severe departure from longstanding practice and interpretation of the Immigration and Nationality Act (INA) and controlling BIA precedent. Throughout recent months, practitioners have observed rapidly shifting regulatory standards, inconsistent adjudications, opaque procedural policies, and a systemic restriction of access to bond and other procedural protections. In my experience, these trends have become markedly pronounced over the last several months, with direct and significant impact on Respondents' ability to obtain fair and meaningful review.

I have represented numerous detained individuals in proceedings before the Immigration Court, including individuals with strong equities, fixed residences, no criminal history, and demonstrated compliance with all immigration obligations. Despite these facts, nearly all of the detained individuals I have represented over the course of the last several months have ultimately been denied release.

Even in cases where an immigration judge granted a bond order after full evidentiary presentation, adverse DHS action and subsequent appellate intervention have effectively ensured prolonged detention and, in some instances, removal before the Respondent's appeal could be adjudicated.

One such case involved a thirty-three-year-old Brazilian asylum applicant identified here for privacy as "C.S.S." My office was retained to represent his family—C.S.S., his wife, and his minor stepson—in non-detained removal proceedings before the Philadelphia Immigration Court. C.S.S. had no criminal convictions, resided consistently with his wife and minor stepson, complied with every notice and requirement issued by DHS or EOIR, and had presented himself willingly when required. His minor stepson is the beneficiary of federally recognized juvenile protections as a Special Immigrant Juvenile, a classification that will ultimately provide him lawful permanent residency.

The family has lived in the United States for nearly five years, during which they have maintained stable employment, paid taxes, and developed meaningful connections in their community. In late May 2025, C.S.S. was detained and placed in proceedings before the Elizabeth Immigration Court. On July 30, 2025, the presiding immigration judge granted bond in the amount of $12,000. DHS immediately reserved appeal and requested an automatic stay of release during the pendency of the BIA appeal.

On September 2, 2025, the Board of Immigration Appeals issued a briefing schedule for presentation of arguments.On October 31, 2025, the BIA issued a decision vacating bond and denying C.S.S. relief, relying on the Board's decision in *Matter of Yajure-Hurtado*. Notably, *Yajure-Hurtado* was issued and made precedential *after* the immigration judge granted bond, thereby applying new restrictive standards retroactively to an order previously issued under longstanding practice. As of the date of this affidavit, C.S.S. remains detained at the Moshannon Valley Processing Center despite having prevailed before an immigration judge.

I also represented a man from El Salvador, identified as "M.M.G.," who was detained at Moshannon Valley beginning in September 2024**.** His detention stemmed from a false allegation made by an ex-partner amid contentious custody proceedings. The criminal charges were ultimately dismissed in state court.

We sought bond before the immigration court while pursuing Cancellation of Removal on the basis of his four minor U.S. citizen children. One child was born during his detention, whom he held just a few times.

The immigration judge granted bond; DHS appealed and sought a stay pending appeal. While awaiting a BIA briefing schedule in the bond matter, EOIR advanced his final merits hearing from September 11, 2025, to August 15, 2025—less than half the time originally allotted. Counsel immediately sought a continuance due to the extraordinary circumstances, including the pending BIA bond appeal and the need for meaningful preparation. This request was denied almost immediately.

A Cancellation of Removal case—particularly one involving four qualifying U.S. citizen children—requires extensive preparation, including psychological evaluations, affidavits from teachers, specialists, or medical professionals, and detailed country conditions evidence. Such preparation typically spans many months.

M.M.G. was afforded only weeks, and then even fewer, after EOIR's advancement of his

hearing. He was ultimately removed from the United States while his bond appeal before the BIA remained pending.

These experiences are not isolated events; they reflect a pattern now readily apparent to practitioners nationwide. The consistent elevation of procedural barriers, the retroactive application of newly issued precedents, the restrictive interpretation of judicial authority, and the DHS practice of appealing nearly every bond order collectively demonstrate an intentional erosion of Respondents' ability to obtain fair adjudication.

It has become clear to many practitioners that the immigration court—often in concert with DHS and the Department of Justice—has created an environment where procedural hurdles are engineered to move the goalposts continually**.** Each time a Respondent satisfies the standards purportedly required, new obstacles emerge, standards shift, or orders are rendered ineffective by administrative maneuvering.

This is not due process. It is not fundamental fairness. It is not an accessible system of adjudication. In many cases, it is no process at all. What is occurring reflects the dismantling of meaningful immigration review, and in many circumstances, the dismantling of due process itself.

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

Dated: December 11, 2025

//s// Alexis M. Price, Esq.

Alexis M. Price
NJ Bar: 496882025

AFFIDAVIT OF ERIC M. MARK, ESQ.

I have been practicing criminal defense and immigration for more than 15 years and have represented dozens, or hundreds, of clients during bond proceedings before the Immigration Court.

Presently, I am the attorney representing Pablo Martinez Ron before the Immigration Court and before the U.S. District Court for the District of New Jersey before the Hon. Michael E. Farbiarz on a Petition for Habeas Corpus.

Judge Farbiarz ordered a bond hearing for Mr. Martinez Ron that was conducted by Immigration Judge Counihan of the Batavia Immigration Court. Mr. Martinez Ron has been present in the United States for approximately two years. He has no criminal history. He was initially on the docket in Maryland and appeared there once for a hearing. Subsequently, he changed his address with the court and venue was transferred to New Jersey. He was awaiting a hearing in New Jersey. Substantial documentary evidence was submitted demonstrating that he was engaged to be married and lived with his fiancé and his fiance's mother in a house owned by his fiance's mother. The couple had begun IVF treatments, including blood draws and payments and this was also documented to the court. His fiancé was present at the bond hearing.

Despite this evidence, the immigration judge found Mr. Martinez Ron did not have a meaningful family tie in the United States, and that he might have such a tie if he got married. The immigration judge found he did not have a fixed address in the U.S. because he had previously lived at other addresses, was not on the deed and there was no lease. The judge also held against him, without articulating why, that he made $500 - $700 per week.

In the past, such facts would have resulted in a low bond based on decades of caselaw. Her the immigration judge created an impossible standard. Evidence of stable employment was somehow held against the non-citizen. Living with a fiancé and going through IVF was somehow not sufficient to establish a meaningful tie to the U.S. Merely having prior addresses, something that virtually every person on the face of the Earth has, was held against him even though he updated the court when he moved and appeared in court when scheduled.

It is evident that immigration judges have been instructed not to issue bonds and what rationales to rely on to do so. Judges who have been issuing bonds for years, if they have not been terminated, have suddenly stopped issuing bonds. Facts and evidence that were sufficient evidence in 2024 are completely discarded or held against the non-citizens in

2025. The burden of proof has been elevated to such a level that it is impossible to meet and is far beyond what is constitutionally permissible or statutorily authorized.

I affirm that the foregoing statements are true and correct and that any willfully false statement is punishable under the penalty of perjury.

Dated: Decemeber 11, 2025

/s/ Eric M. Mark

Eric M. Mark, Esq.

D'UVA & MIRON
ATTORNEYS AT LAW

17 Academy Street, Suite 1101
Newark, New Jersey 07102

T: 973 643 7750
E: Alexandra@duvalaw.com

Raymond P. D'Uva
1976-2020

Alexandra Miron
Member NY & NJ Bars

December 30, 2025

BY ECF

Hon. Edward S. Kiel, U.S.D.J.
U.S. District Court for the District of New Jersey
4th & Copper Streets
Camden, NJ 08101

Re: ***Ismael Arriaga Miranda v. Pam Bondi, et. al., No. 25-1887***
Bond Hearing Update

Dear Hon. Judge Kiel:

I represent the Petitioner in the above-referenced habeas matter. On December 23, 2025, this Court ordered that the Petitioner be provided a bond hearing by the Immigration Court by December 30, 2025, by 5:00pm.

As per the order, on December 23, 2025, counsel for Petitioner filed a request for bond hearing with the Immigration Court. A hearing was calendared for December 29, 2025, at 9:00am before the Immigration Judge Nicole Lane sitting in Newark, NJ, and appearing for the Elizabeth, NJ Immigration Court.

On December 29, 2025, counsel appeared before Judge Lane to proceed with the scheduled bond hearing. However, Judge Lane indicated that the Immigration Court did not review the evidence and legal memorandum submitted in support of the bond hearing by counsel on December 24th and 26th respectively. Judge Lane further indicated to counsel that the options would be to proceed on the merits of the bond without the Court having reviewed or considered the evidence and memorandum, or withdraw the bond request. When requested by counsel, Judge Lane declined to provide a new hearing date so as to allow the Court to review the evidence; Judge Lane indicated that the bond request must be decided or withdrawn. Effectively, the Petitioner was deprived of his due process right to a bond hearing being conducted on the merits and was forced to withdraw

the bond request. Judge Lane also indicated that even if the Immigration Court could review the evidence later that day, it did not have the space to conduct the hearing later on in the day due to the crowded court calendar. Counsel attaches email confirmations of the submissions filed in support of the bond hearing via the ECAS filing system of EOIR.

Independent of the bond hearing, the Petitioner was also scheduled twice to appear before the Elizabeth Immigration Court in connection with his removal proceedings matter; on both occasions, the hearings were not conducted due to the overwhelmed calendar of the Immigration Court.

There is currently no future hearing scheduled for the Petitioner's removal case. There is also no future bond hearing scheduled for the Petitioner at the request of the Immigration Court or the Respondents'. The Petitioner has now been in ICE/ERO custody since Thanksgiving Day on November 27, 2025.

In light of the Immigration Court's inability to timely review and consider evidence, to conduct the hearings as scheduled, and the lack of an order of removal against him, the Petitioner believes that the appropriate equitable remedy is that this Court grant Petitioner's immediate release from custody, and enjoin the Government from re-detaining the Petitioner under INA 1225, which this Court found inapplicable to him.

Sincerely,

/s/Alexandra Miron
Alexandra Miron, Esq.

Outlook

EOIR - ARRIAGA MI - 731 - Service - Supplemental Ev - RMV

From eFiling-DHSPortal@usdoj.gov <eFiling-DHSPortal@usdoj.gov>
Date Wed 12/24/2025 12:19 PM
To Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>; Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>

The Executive Office for Immigration Review (EOIR) has received an electronic upload of the document referenced below. EOIR is evaluating this document for inclusion into the electronic Record of Proceedings (eROP). EOIR will notify you upon completion of the evaluation process.

- eFiled Document Name: ARRIAGA Ismael Second Compressed Respondent s Evidence as Listed A to S.pdf
- Document Category: Supplemental Evidence
- Document Sub Category: Evidence Part 01
- Uploaded On: 12/24/2025
- Tracking Number: [redacted]

- A-Number: [redacted]
- Alien Name: ARRIAGA MIRANDA, ISMAEL
- Bond Requested Date: 12/23/2025
- Case Type: RMV
- Other Information: Detained

The documents associated with this filing may be viewed as follows:

Individuals in immigration proceedings before EOIR may view the documents in the EOIR Respondent Access Portal at this [/link?returnUrl=/casedetails&alien=[redacted]1]link. A valid User ID and password are required for access.

Attorneys/Representatives may view the documents in the EOIR Case Portal at this link. A valid User ID and password are required for access.

DHS users may view the documents in the EOIR DHS Portal at this link.

Outlook

EOIR - ARRIAGA MI - 731 - Service - Filings - RMV

From eFiling-DHSPortal@usdoj.gov <eFiling-DHSPortal@usdoj.gov>
Date Fri 12/26/2025 11:47 AM
To Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>; Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>

The Executive Office for Immigration Review (EOIR) has received an electronic upload of the document referenced below. EOIR is evaluating this document for inclusion into the electronic Record of Proceedings (eROP). EOIR will notify you upon completion of the evaluation process.

- eFiled Document Name: Updated Legal memo for bond following habeas Ismael Arriaga.pdf
- Document Category: Filings
- Document Sub Category: Legal Brief
- Uploaded On: 12/26/2025
- Tracking Number: [redacted]

- A-Number: [redacted]
- Alien Name: ARRIAGA MIRANDA, ISMAEL
- Bond Requested Date: 12/23/2025
- Case Type: RMV
- Other Information: Detained

The documents associated with this filing may be viewed as follows:

Individuals in immigration proceedings before EOIR may view the documents in the EOIR Respondent Access Portal at this [/link?returnUrl=/casedetails&alien=[redacted]1]link. A valid User ID and password are required for access.

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Outlook

EOIR - ARRIAGA MI - 731 - Accepted - Supplemental Ev - RMV

From eRop@usdoj.gov <eRop@usdoj.gov>
Date Mon 12/29/2025 9:16 AM
To Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>; Alexandra Miron at D'Uva & Miron Law Office <Alexandra@duvalaw.com>

The Executive Office for Immigration Review (EOIR) has reviewed and approved your uploaded document. The following document is now included in the electronic Record of Proceedings (eROP):

- eFiled Document Name: ARRIAGA Ismael Second Compressed Respondent s Evidence as Listed A to S.pdf
- Document Category: Supplemental Evidence
- Document Sub Category: Evidence Part 01
- Uploaded On: 12/24/2025
- Tracking Number: [redacted]

- A-Number: [redacted]
- Alien Name: ARRIAGA MIRANDA, ISMAEL
- Bond Requested Date: 12/23/2025
- Case Type: RMV

- Other Information: Detained

Individuals in immigration proceedings before EOIR may view the documents in the EOIR Respondent Access Portal at this [/link?returnUrl=/casedetails&alien=[redacted]1]link. A valid User ID and password are required for access.

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Outlook

EOIR - ARRIAGA MI - 731 - Accepted - Filings - RMV

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Date Mon 12/29/2025 9:16 AM
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- Document Category: Filings
- Document Sub Category: Legal Brief
- Uploaded On: 12/26/2025
- Tracking Number: [redacted]

- A-Number: [redacted]
- Alien Name: ARRIAGA MIRANDA, ISMAEL
- Bond Requested Date: 12/23/2025
- Case Type: RMV

- Other Information: Detained

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Attorneys/Representatives may view the documents in the EOIR Case Portal at this link. A valid User ID and password are required for access.

DHS users may view the documents in the EOIR DHS Portal at this link.

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

Respondent Name:
ARRIAGA MIRANDA, ISMAEL

To:
Miron, Alexandra
17 Academy Street
Suite 1101
Newark, NJ 07102

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
12/29/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☑ Other:
WITHDRAWN.

Immigration Judge: Nicole Lane 12/29/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : ARRIAGA MIRANDA, ISMAEL | A-Number : [redacted]
Riders:
Date: 12/29/2025 By: DUARTE, ORDALINA, Court Staff

ATTORNEY CERTIFICATAION

Lawrence K. Le Roy, Attorney at Law, does hereby state:

1 I have been practicing law since January 1981and am admitted to the bar in the states of New Jersey and New York. My office is located at 228 Mt. Prospect Avenue, Newark, N 07104 since September 1983.

2, I practice exclusively immigration and nationality law. Previously I was an officer with the legacy Immigration and Naturalization Service from 1974 through 1981. More than 50% of my cases involve matters pending in Immigration Court. I have represented countless respondents over the years in both deportation and custody matters.

3. On December 29, 2025 I appeared before Immigration Judge Nicole Lane in a custody redetermination hearing for a detained respondent. No issues of jurisdictional authority over bond eligibility was raised in any fashion.

4. I am well aware of the requirements of INA Section 236 regarding danger to national security, danger to public safety and flight risk as the main elements of concern for seeking and being granted release from custody by posting a monetary bond.

5. Applying the facts in my client's case to the legal requirements for bond, I believed that he had a reasonably strong case. He has been present in the United States for 18 years, he has a [redacted] US citizen child, he presented evidence of gainful employment, tax returns and a fixed address. He did have an arrest for a disorderly persons offense three years ago in municipal court that was dismissed.

6. Judge Lane interpreted his long residence in the United States as his "evading the immigration authorities for 18 years." I argued against this interpretation as his arrest by ICE was merely collateral to a targeted enforcement action for another individual.

7. In my four decades of appearing in bond proceedings I have always seen long residence in the US as a positive factor in seeking bond. To have my client's almost two decades in the US dismissed as evasive in nature is counter intuitive.

8. Additionally presenting confirmation of employment has always been viewed as positive. In this case Judge Lane commented that he was only with this employer for two years not factoring in the he merely changed employers as many people do.

9. Judge Lane dismissed his lease contract as a residential tie because his landlord is also his employer. This has never been considered a negative factor as to flight risk.

10. Judge Lane placed little or no weight on his relation to his US citizen daughter against flight risk because he did not have "more family". In my experience US citizen children have always weighed heavily in favor of bond.

11. Judge Lane gave little weight to his tax returns because "he did not have other years". My experience has always been that the filing of any tax returns is a positive consideration as to flight risk.

12. Lastly, the judge believed that the respondent's disorderly persons arrest, although dismissed, still indicates that the respondent is a danger to public safety. A dismissed charge is always been a positive factor when addressing danger to the community. The BIA recently reversed a finding by the immigration judge in another case of mine when bond was denied as to danger to the community based upon a dismissed disorderly persons offense.

13. My take away from this hearing is there is a hidden agenda or "marching orders" of sorts that are driving immigration judges to deny bonds in otherwise meritorious cases. Of course, I cannot prove this but my suspicions are reasonable.

14. It flows from the absurdity of having Immigration Judges not acting independently but rather as employees of the highest-ranking law enforcement official in the United States; the Attorney General of the U.S. who is pursing the goals of the present administration. They fear arbitrary dismissal which is happening in real time.

Lawrence K. Le Roy
Attorney at Law
12/30/2025

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5. Applying the facts in my client's case to the legal requirements for bond, I believed that he had a reasonably strong case. He has been present in the United States for 18 years, he has a 12 year old US citizen child, he presented evidence of gainful employment, tax returns and a fixed address. He did have an arrest for a disorderly persons offense three years ago in municipal court that was dismissed.

6. Judge Lane interpreted his long residence in the United States as his "evading the immigration authorities for 18 years." I argued against this interpretation as his arrest by ICE was merely collateral to a targeted enforcement action for another individual.

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Lawrence K. Le Roy
Attorney at Law
12/30/2025

Law Office of
Matthew J. Archambeault
IMMIGRATION AND NATIONALITY LAW

Matthew J. Archambeault, Esq.
Direct: 215-599-2189
Fax: 215-790-6242
mja@archambeaultlaw.com

December 12, 2025

AFFIDAVIT OF MATTHEW J. ARCHAMBEAULT

I swear, under the penalty of perjury, the following is true and correct. I have been a practicing immigration attorney for over 23 years. I practice primarily in removal defense, including the representation of detained individuals. I have appeared in immigration courts in Pennsylvania, New Jersey, New York, Maryland, Florida, Georgia, North Carolina, Texas, Louisiana, Colorado, California, Washington, Puerto Rico, St. Thomas, and St. Lucia over my career. I have also represented immigrants in federal court at both the District and Circuit levels.

I write this affidavit for general use for my colleagues for submission in any court proceedings they feel appropriate.

I have represented hundreds of clients over the years and done scores of bond redetermination hearings. Under the current administration, bond redeterminations have undergone a noticeable shift, most notably in the issuance of the BIA precedent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) . This decision illegally concluded that a vast swath of immigrants, who entered without inspection, were subjected to mandatory detention pursuant to INA 235(b)(2), and not eligible for bond. Decades of practice and legal precedent found the same individuals eligible for bond and detained under INA 236(a). Hundreds of federal district courts have ruled against the administration following a flood of habeas corpus petitions nationwide. The result of this litigation has been that immigrants are either released or afforded an opportunity to have a bond hearing before an immigration judge.

I represent Jorge Perez Florez in both immigration court and the New Jersey District Court (case no. [redacted]). Mr. Perez Florez was detained by ICE on November 24, 2025, and transported to the Elizabeth Detention Center in Elizabeth, New Jersey. I filed a habeas corpus petition on his behalf on the same day, and the Honorable Susan D. Wigenton of the New Jersey District Court issued a text order directing that a bond hearing be held by December 1, 2025. Immigration Judge Ramin Rastegar conducted a bond hearing on December 1, 2025, at the Elizabeth Immigration Court in Elizabeth, New Jersey.

Mr. Jorge Perez Florez is a Mexican immigrant who has been in the United States for more than 18 years, lives with his long-term partner and their 15-year-old U.S. citizen daughter in Maple Shade, New Jersey. Mr. Perez Florez has resided at the Maple Shade, New Jersey, address for more than 8 years and in the immediate area for the entirety of his time in the United States. Mr. Perez Florez has never been arrested in the United States or anywhere else in the world. Mr. Perez Florez is eligible to apply for Cancellation of Removal for Certain Non-

Permanent Residents, as he has been in the United States for more than ten years, has a US citizen child who would suffer extreme and unusual hardship if he were removed, and has been a person of good moral character and worthy of discretion. Mr. Perez Florez's US citizen daughter had been recently hospitalized for anxiety disorder and was beginning treatment. Mr. Perez Florez had numerous persons write on his behalf, and a US citizen sponsor was prepared to post any bond issued by the immigration judge.

The Department of Homeland Security raised the following negative factor: Mr. Perez Florez had previously attempted to enter the United States more than 18 years ago, was voluntarily returned, and then re-entered undetected. DHS also concluded that Mr. Perez had received a traffic ticket in 2009, when it appears he did not have a license, as an indicator of dangerousness. DHS further questioned a "learner's permit" from Maryland obtained by Mr. Perez Florez, despite his never appearing to live in Maryland.

These sets of facts would traditionally have earned Mr. Perez Florez a bond, as his lack of criminal history indicates he is not a danger to the community, and his long-term, stable residency in the United States with a family, relief from removal available, and support from the community would indicate he is not a flight risk. In my professional experience, one would expect a bond ranging from $2,500 to $10,000. This was not the case this time.

Immigration Judge Rastegar ruled that he posed a danger to the community and a flight risk so significant that no amount of bond would ensure his appearance for deportation if he lost his case. Immigration Judge Rastegar refused to explain why Mr. Perez Florez was a flight risk, indicating we could read it in his bond memorandum if we appealed. He did explain that Mr. Perez Florez's long-term residency here was a negative factor, as he never attempted to "fix" his immigration status, despite the fact that no options for doing so existed. After extensive questioning, Judge Rastegar concluded that Mr. Perez Florez was not credible based on his receiving a "driver's license" from Maryland, even though it was apparent he never lived there, and questions regarding an educational program Mr. Perez Florez completed in Camden, NJ. Judge Rastegar also held the fact that no applciation for relief had not been submitted to the immigraiton court, despite the fact that he had yet to appear for his first initial master calendar hearing (bond proceedings are separate and distinct from removal proceedings), which was scheduled for December 8, 2025 and pleadings on the allegations alleged by the Department of Homeland Security had not been completed. Judge Rastegar refused to recognize Mr. Perez Florez's long-term, committed relationship with the mother of their child because they were not married. Lastly, Judge Rastegar concluded that, because there was scant documentation of the medical condition affecting his 15-year-old USC daughter, he could not meet his burden to approve any Cancellation of Removal Application submitted, and that no amount of bond would be sufficient to ensure Mr. Perez Florez would appear for his ordered removal. Judge Rastegar did not even consider other restrictions on Mr. Perez Florez's liberty that could have ensured his compliance, such as electronic monitoring and/or reporting to ICE.

In my 23-year professional career, I have never had a bond flatly denied under similar facts. It is clear that I am not alone. The New Jersey AILA listserve is replete with similar, and even more egregious examples of bond denials from the judges at the Elizabeth Immigration Court and other courts across the country. I observed a bond hearing for an immigrant who has been in the United States for over 20 years, several US citizen children, one with a serious heart

condition, and no criminal record, denied a bond by Immigration Judge Wilson, finding he was a flight risk because he resided so long in the United States without being detected and that no amount of bond would be sufficient to ensure he complied with a deportation order. Now immigration judges are using immigrants' long-term residency and deep ties to the community as evidence of their flight risk. This is not normal.

Despite the losses of over 200 federal district court cases on the issue of detention pursuant to INA 235(b)(2), DHS persists in illegally denying immigrants their statutory right to a bond hearing, causing the current flood of litigation that is taking the time of US Attorneys who could be working on essential cases affecting our security as a nation, and time away from District Court judges and their staff. DHS has no incentive to change its practice if the result is immigrants spending thousands of dollars for legal representation and a rigged bond hearing, designed only to deny deserving immigrants the ability to receive a bond and return to their families and community as Congress intended.

We implore District Court judges to address this issue by either ordering the straight release from detention when it is shown that the detention is illegal, or conducting their own bond analysis and making their own determination regarding the issuance of bond, the amount, and any other restrictions the Court deems necessary.

We sincerely appreciate the Court's attention to this matter.

Respectfully,
/s/Matthew J. Archambeault
Matthew J. Archambeault
Law Office of Matthew J. Archambeault
216 Haddon Avenue, Suite 402
Haddon Township, NJ 08108
215-599-2189
mja@archambeaultlaw.com

AFFIDAVIT OF ADRIANA MITCHELL, ESQ.

I am the attorney representing Mr. Delgado-Villegas in Immigration Court.

On December 4, 2025, the Honorable District Court Judge Paul S. Diamond granted Mr. Delgado-Villegas's *habeas corpus* petition and ordered that a bond hearing on his case be held no later than December 11, 2025.

On December 10, 2025, at or around 9:00 a.m., I appeared in Immigration Court in Newark, New Jersey, by video for a bond reconsideration hearing. The bond hearing was conducted by the Immigration Judge Tamar Wilson.

At the beginning of the hearing, I argued that Mr. Delgado-Villegas, who has been present in the United States for more than twenty-five years, has no criminal history, is gainfully employed, and is the father of three U.S.-citizen children, is neither a risk of flight nor a danger to the community, and that he should be released on bond. I stated that my client has strong incentives to participate in his future court hearings because he is *prima facie* eligible for immigration relief in the form of Cancellation of Removal for Non-Lawful Permanent Residents.

In response, the U.S. Immigration and Customs Enforcement ("ICE") attorney, Keith Hoppes, argued that, even though he did not believe Mr. Delgado-Villegas is currently a risk of flight, he had concerns that Mr. Delgado-Villegas might become a risk of flight in the event he was to lose his immigration case.

The Immigration Judge orally denied bond, finding that Mr. Delgado-Villegas is a risk of flight because, as she stated, "he resided in the United States for more than twenty-five years undetected" without applying for any immigration relief.

I pointed out that Mr. Delgado-Villegas was not eligible for any relief, and that he became eligible for Cancellation of Removal only after being placed in removal proceedings.

The Immigration Judge then went on to justify her finding of risk of flight by expressing skepticism regarding Mr. Delgado-Villegas's chances of prevailing on his application for Cancellation of Removal. She also stated that Mr. Delgado-Villegas had lived at his current address "for only three years" and had not filed tax returns. She suggested that he either lied about or underreported his income because, in her opinion, the amount he was making was not enough to support his family.

Ultimately, the Immigration Judge found that Respondent presents a risk of flight and denied bond. I reserved appeal, and the Immigration Judge stated that the appeal is due on January 9, 2026.

The judge failed to consider any alternative to detention to mitigate what she perceived as a flight risk, even though my client has a bond sponsor, a clean record, solid ties to the United States and incentives to appear in court and fight his case. Based on information and believes, Mr. Delgado-Villegas' case is not isolated, but part of a pattern of conduct.

VERIFICATION

I, Adriana Mitchell, Esq., hereby verify that the statements contained therein are true and correct to the best of my knowledge, information, and belief, based upon my personal recollection and the notes I prepared immediately following Mr. Gabriel Delgado-Villegas's bond reconsideration hearing on December 10, 2025.

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

Executed on this 10th day of December 2025, in Philadelphia, Pennsylvania

Adriana Mitchell
PA Bar Number 323243

Affidavit of Alexis M. Price

My name is Alexis M. Price. I am a practicing immigration attorney licensed before the New Jersey Bar (Bar No. 496882025). My practice includes extensive work in detained and non-detained dockets across multiple jurisdictions, including the Elizabeth Immigration Court, the Philadelphia Immigration Court, and related detention facilities.

For attorneys who regularly practice before EOIR—particularly within detained dockets—it has become increasingly clear that the Immigration Court has taken a severe departure from longstanding practice and interpretation of the Immigration and Nationality Act (INA) and controlling BIA precedent. Throughout recent months, practitioners have observed rapidly shifting regulatory standards, inconsistent adjudications, opaque procedural policies, and a systemic restriction of access to bond and other procedural protections. In my experience, these trends have become markedly pronounced over the last several months, with direct and significant impact on Respondents' ability to obtain fair and meaningful review.

I have represented numerous detained individuals in proceedings before the Immigration Court, including individuals with strong equities, fixed residences, no criminal history, and demonstrated compliance with all immigration obligations. Despite these facts, nearly all of the detained individuals I have represented over the course of the last several months have ultimately been denied release.

Even in cases where an immigration judge granted a bond order after full evidentiary presentation, adverse DHS action and subsequent appellate intervention have effectively ensured prolonged detention and, in some instances, removal before the Respondent's appeal could be adjudicated.

One such case involved a thirty-three-year-old Brazilian asylum applicant identified here for privacy as "C.S.S." My office was retained to represent his family—C.S.S., his wife, and his minor stepson—in non-detained removal proceedings before the Philadelphia Immigration Court. C.S.S. had no criminal convictions, resided consistently with his wife and minor stepson, complied with every notice and requirement issued by DHS or EOIR, and had presented himself willingly when required. His minor stepson is the beneficiary of federally recognized juvenile protections as a Special Immigrant Juvenile, a classification that will ultimately provide him lawful permanent residency.

The family has lived in the United States for nearly five years, during which they have maintained stable employment, paid taxes, and developed meaningful connections in their community. In late May 2025, C.S.S. was detained and placed in proceedings before the Elizabeth Immigration Court. On July 30, 2025, the presiding immigration judge granted bond in the amount of $12,000. DHS immediately reserved appeal and requested an automatic stay of release during the pendency of the BIA appeal.

On September 2, 2025, the Board of Immigration Appeals issued a briefing schedule for presentation of arguments.On October 31, 2025, the BIA issued a decision vacating bond and denying C.S.S. relief, relying on the Board's decision in *Matter of Yajure-Hurtado*. Notably, *Yajure-Hurtado* was issued and made precedential *after* the immigration judge granted bond, thereby applying new restrictive standards retroactively to an order previously issued under longstanding practice. As of the date of this affidavit, C.S.S. remains detained at the Moshannon Valley Processing Center despite having prevailed before an immigration judge.

I also represented a man from El Salvador, identified as "M.M.G.," who was detained at Moshannon Valley beginning in September 2024**.** His detention stemmed from a false allegation made by an ex-partner amid contentious custody proceedings. The criminal charges were ultimately dismissed in state court.

We sought bond before the immigration court while pursuing Cancellation of Removal on the basis of his four minor U.S. citizen children. One child was born during his detention, whom he held just a few times.

The immigration judge granted bond; DHS appealed and sought a stay pending appeal. While awaiting a BIA briefing schedule in the bond matter, EOIR advanced his final merits hearing from September 11, 2025, to August 15, 2025—less than half the time originally allotted. Counsel immediately sought a continuance due to the extraordinary circumstances, including the pending BIA bond appeal and the need for meaningful preparation. This request was denied almost immediately.

A Cancellation of Removal case—particularly one involving four qualifying U.S. citizen children—requires extensive preparation, including psychological evaluations, affidavits from teachers, specialists, or medical professionals, and detailed country conditions evidence. Such preparation typically spans many months.

M.M.G. was afforded only weeks, and then even fewer, after EOIR's advancement of his

hearing. He was ultimately removed from the United States while his bond appeal before the BIA remained pending.

These experiences are not isolated events; they reflect a pattern now readily apparent to practitioners nationwide. The consistent elevation of procedural barriers, the retroactive application of newly issued precedents, the restrictive interpretation of judicial authority, and the DHS practice of appealing nearly every bond order collectively demonstrate an intentional erosion of Respondents' ability to obtain fair adjudication.

It has become clear to many practitioners that the immigration court—often in concert with DHS and the Department of Justice—has created an environment where procedural hurdles are engineered to move the goalposts continually**.** Each time a Respondent satisfies the standards purportedly required, new obstacles emerge, standards shift, or orders are rendered ineffective by administrative maneuvering.

This is not due process. It is not fundamental fairness. It is not an accessible system of adjudication. In many cases, it is no process at all. What is occurring reflects the dismantling of meaningful immigration review, and in many circumstances, the dismantling of due process itself.

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

Dated: December 11, 2025

//s// Alexis M. Price, Esq.

Alexis M. Price
NJ Bar: 496882025

AFFIDAVIT OF ERIC M. MARK, ESQ.

I have been practicing criminal defense and immigration for more than 15 years and have represented dozens, or hundreds, of clients during bond proceedings before the Immigration Court.

Presently, I am the attorney representing Pablo Martinez Ron before the Immigration Court and before the U.S. District Court for the District of New Jersey before the Hon. Michael E. Farbiarz on a Petition for Habeas Corpus.

Judge Farbiarz ordered a bond hearing for Mr. Martinez Ron that was conducted by Immigration Judge Counihan of the Batavia Immigration Court. Mr. Martinez Ron has been present in the United States for approximately two years. He has no criminal history. He was initially on the docket in Maryland and appeared there once for a hearing. Subsequently, he changed his address with the court and venue was transferred to New Jersey. He was awaiting a hearing in New Jersey. Substantial documentary evidence was submitted demonstrating that he was engaged to be married and lived with his fiancé and his fiance's mother in a house owned by his fiance's mother. The couple had begun IVF treatments, including blood draws and payments and this was also documented to the court. His fiancé was present at the bond hearing.

Despite this evidence, the immigration judge found Mr. Martinez Ron did not have a meaningful family tie in the United States, and that he might have such a tie if he got married. The immigration judge found he did not have a fixed address in the U.S. because he had previously lived at other addresses, was not on the deed and there was no lease. The judge also held against him, without articulating why, that he made $500 - $700 per week.

In the past, such facts would have resulted in a low bond based on decades of caselaw. Her the immigration judge created an impossible standard. Evidence of stable employment was somehow held against the non-citizen. Living with a fiancé and going through IVF was somehow not sufficient to establish a meaningful tie to the U.S. Merely having prior addresses, something that virtually every person on the face of the Earth has, was held against him even though he updated the court when he moved and appeared in court when scheduled.

It is evident that immigration judges have been instructed not to issue bonds and what rationales to rely on to do so. Judges who have been issuing bonds for years, if they have not been terminated, have suddenly stopped issuing bonds. Facts and evidence that were sufficient evidence in 2024 are completely discarded or held against the non-citizens in

2025. The burden of proof has been elevated to such a level that it is impossible to meet and is far beyond what is constitutionally permissible or statutorily authorized.

I affirm that the foregoing statements are true and correct and that any willfully false statement is punishable under the penalty of perjury.

Dated: Decemeber 11, 2025

/s/ Eric M. Mark

Eric M. Mark, Esq.

Law Offices of Noemi C. Simbron
56 Hamilton Street, Ste. 2
Paterson, New Jersey 07505

Tel: (973) 684-4214
Fax: (201) 625-6365
noemi.simbron@gmail.com

AFFIDAVIT OF NOEMI C. SIMBRON IN HER CAPACITY AS AN IMMIGRATION ATTORNEY

I have been a member of the New Jersey Bar of Attorneys and of the New Jersey Federal District Court since 2016. I have been a solo practitioner concentrating mainly in representing immigrants before the USCIS and in Removal Proceedings in immigration Court. Before I was admitted to the Bar, I worked as a legal assistant for respected counsels also from our district for 8 years. Accordingly, I have personally handled and participated in documenting hundreds of cases before immigration courts all over the country.

I am writing this statement in good faith to provide the Federal Court with my testimony of the obvious change in impossible standards that immigration judges are currently applying to individuals who are seeking release under bond. Over the course of my career, I have witnessed individuals being provided with a fair opportunity to be released under bond when they are able to show that there is neither a danger to the community nor a flight risk. Whenever an adjudicator immigration judge found that an individual had less than ideal ties to the community, he or she would even grant a larger amount so as to secure their continued appearances at future hearings. This practice seems to have been eradicated since July of 2025.

There seems to be internal instructions to judges to find ways to deny release under bond which were never there before. For instance, I recently represented a 42-year-old Mexican lady, Ms. Eva Alvarez Coeto, before the immigration court ([redacted]) and this honorable tribunal (2:25-cv-17789-B). Ms. Alvarez entered the United States without inspection in the year 2002. Over the course of her 22-year life span in the U.S., she bore four U.S.C. children (ages 21, 18, 13 and 12)– all of whom resided with her up until the time she was detained. The two youngest children have learning and speech disabilities. Also, she heavily cooperated with the Passaic Police Department in prosecuting the father of her younger children when he showed pornographic videos to her oldest daughter. This participation led to the criminal conviction of this individual, thereby making Ms. Alvarez Coeto also eligible to apply for U visa status. In August of 2025, Ms. Alvarez moved into the father of her older children's father's home following a reduction of her hours at work. The father of her children attempted to kiss Ms. Alvarez against her will and she slapped him once due to unwanted advances before leaving his house. This incident was reported to the police by the father of Ms. Alvarez's children and she was charged with simple assault in the city of Clifton, NJ on or about August 27, 2025. Ms. Alvarez was arrested pursuant to that incident for the first and only time after being present in

the United States for 22 years. She was then referred to immigration detention and is currently being held at the Delaney Hall Detention Center.

On November 20, 2025, this counsel was retained to represent Ms. Alvarez Coeto for a Petition for Habeas Corpus. In preparation for the petition for Habeas Corpus, this counsel requested a bond hearing before the Immigration Court. The immigration Court scheduled a bond redetermination hearing on December 9, 2025. This counsel provided the Court with the children's birth certificates, their medical records showing that the youngest 2 suffer from learning disabilities, evidence of Ms. Alvarez Coeto's work history in the 22 years she has lived here, and a statement from Ms. Alvarez Coeto describing the underlying circumstances leading to the arrest as well as the consequences of her detention, including the fact that custody of the youngest children is being handled by the State's Children's Services because their father is prohibited from approaching them due to the existence of his record as a sexual predator. After hearing legal arguments, Immigration Judge Shana Chen found that she lacked jurisdiction pursuant to Yajure-Hurtado, 29 I&N 216 (BIA 2025) and Maldonado Bautista "not controlling on [that] Court." In the alternative, Judge Chen found that the Respondent "only acknowledged what she could not hide [from the arrest]," and that she was a danger to the community based upon this sole isolated incident in 22 years of history of hard work and raising American children. She also found that Ms. Alvarez Coeto was a flight risk despite her undeniable ties to the community due to the existence of minor children, and her eligibility to obtain status through the U visa statute for indirect victims of crimes as well as through Cancellation of Removal for Nonimmigrants.

In the past, such mild criminal offense would have never been the basis to find an individual such as Ms. Alvarez to be a danger to the community– especially in light of the obvious isolated nature of this offense. Most importantly, the extent of ties that Ms. Alvarez has to this community in her children and the heightened responsibilities of addressing their disabilities *on her own* because the father is under a permanent restraining order and is required to be registered as a sexual predator pursuant to Meghan's Laws is undeniable. In the past, a reasonable finder of fact would have considered that this woman would have a great incentive to pursue relief because her circumstances squarely fit eligibility for U visa status and Cancellations of Removal. Even the most conservative of judges in the country would have at least considered release under higher bond to assure the Respondent's future appearances and to discourage any further potential criminal actions. But this is not the case now. As I waited for my case to be called, I have heard other hearings handled by colleagues who are also being denied release due to absurd reasons which would have never led to denials in the past. This sort of stories about denials are also being shared by numerous of my colleagues within our listserve in the American Immigration Attorneys Association (AILA).

This internal change in the standards for release under bond has to be merely a plot to have immigrants be denied their due process rights because they know individuals who are hard-working and that do not engage in criminal conduct will not be able to withstand being in detention for extended periods of time. They also know that cutting those individuals' access to earn a living will cripple their ability to be represented by counsel causing a flood of them to give up their rights and just ask to voluntarily depart or be deported. And what happens with our

judicial system? Our constitutional rights? Our communities? As this Court is aware, access to bond has been cut by recently published case law to several categories of immigrants who would've been able to be released and to have a real opportunity to exercise their due process rights. For instance, under Qu Li, 29 I&N Dec. 66 (BIA 2025), there are no more bonds for individuals who are deemed "applicants for admissions," that if they had a stop and/or were processed near the border or a port of entry. Under Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), there is no more access to bond for individuals who were placed in expedited removal, or subjected to administrative deportation, even after they obtain a favorable result of a filter mechanism to be able to see a judge called a credible fear interview. Now, under Yajure-Hurtado, the government sought to subject every immigrant who may have entered without status at any time to mandatory detention. It is solely because of the intervention of the Federal Courts that this smaller group of individuals– those who are present unlawfully but are not deemed applicants for admission because they were arrested within the territory and are here for a lengthy period of time after their initial entry– have now access to bond when a Petition for Habeas is granted. But, what good does it do if the cases fall back into the same pattern through (presumably) unpublished instructions being received by the immigration judges who are still being mandated to find alternate ways to deny our clients of their due process rights?

Through this letter, I unite my plea to my colleagues to please order our clients released after conducting a fair analysis through this tribunal as we had in the immigration court before the current impossible standards for release were internally mandated. Thank you in advance for your attention.

Respectfully,

/s/ Noemi C. Simbron
Noemi C. Simbron, Esq

ATTORNEY CERTIFICATAION

Lawrence K. Le Roy, Attorney at Law, does hereby state:

1 I have been practicing law since January 1981and am admitted to the bar in the states of New Jersey and New York. My office is located at 228 Mt. Prospect Avenue, Newark, N 07104 since September 1983.

2, I practice exclusively immigration and nationality law. Previously I was an officer with the legacy Immigration and Naturalization Service from 1974 through 1981. More than 50% of my cases involve matters pending in Immigration Court. I have represented countless respondents over the years in both deportation and custody matters.

3. On December 29, 2025 I appeared before Immigration Judge Nicole Lane in a custody redetermination hearing for a detained respondent. No issues of jurisdictional authority over bond eligibility was raised in any fashion.

4. I am well aware of the requirements of INA Section 236 regarding danger to national security, danger to public safety and flight risk as the main elements of concern for seeking and being granted release from custody by posting a monetary bond.

5. Applying the facts in my client's case to the legal requirements for bond, I believed that he had a reasonably strong case. He has been present in the United States for 18 years, he has a [redacted] US citizen child, he presented evidence of gainful employment, tax returns and a fixed address. He did have an arrest for a disorderly persons offense three years ago in municipal court that was dismissed.

6. Judge Lane interpreted his long residence in the United States as his "evading the immigration authorities for 18 years." I argued against this interpretation as his arrest by ICE was merely collateral to a targeted enforcement action for another individual.

7. In my four decades of appearing in bond proceedings I have always seen long residence in the US as a positive factor in seeking bond. To have my client's almost two decades in the US dismissed as evasive in nature is counter intuitive.

8. Additionally presenting confirmation of employment has always been viewed as positive. In this case Judge Lane commented that he was only with this employer for two years not factoring in the he merely changed employers as many people do.

9. Judge Lane dismissed his lease contract as a residential tie because his landlord is also his employer. This has never been considered a negative factor as to flight risk.

10. Judge Lane placed little or no weight on his relation to his US citizen daughter against flight risk because he did not have "more family". In my experience US citizen children have always weighed heavily in favor of bond.

11. Judge Lane gave little weight to his tax returns because "he did not have other years". My experience has always been that the filing of any tax returns is a positive consideration as to flight risk.

12. Lastly, the judge believed that the respondent's disorderly persons arrest, although dismissed, still indicates that the respondent is a danger to public safety. A dismissed charge is always been a positive factor when addressing danger to the community. The BIA recently reversed a finding by the immigration judge in another case of mine when bond was denied as to danger to the community based upon a dismissed disorderly persons offense.

13. My take away from this hearing is there is a hidden agenda or "marching orders" of sorts that are driving immigration judges to deny bonds in otherwise meritorious cases. Of course, I cannot prove this but my suspicions are reasonable.

14. It flows from the absurdity of having Immigration Judges not acting independently but rather as employees of the highest-ranking law enforcement official in the United States; the Attorney General of the U.S. who is pursing the goals of the present administration. They fear arbitrary dismissal which is happening in real time.

Lawrence K. Le Roy
Attorney at Law
12/30/2025

AFFIDAVIT OF KAREN L. HOFFMANN, ESQ.

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

1. I have been a practicing attorney since 2017. I am a member in good standing of the bars of Pennsylvania and New Jersey, and am admitted to the U.S. Court of Appeals for the Third Circuit as well as the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania and the District of New Jersey.

2. As an immigration attorney, I have represented numerous individuals in bond hearings before the Executive Office of Immigration Review ("EOIR" or "Immigration Court").

3. In a recent case in which I filed a petition for writ of habeas corpus for a detained client, *Santana da Cruz v. O'Neill et al.*, No. 25-cv-6286, in the Eastern District of Pennsylvania, Senior U.S. District Judge Joel Slomsky ordered the government to provide a bond hearing for my client.

4. On January 7, 2026, Immigration Judge Dennis Ryan of the Elizabeth Immigration Court held a bond hearing in which evidence was presented that:

    a. My client has a fixed address where he lives with his wife and two children, and that he is their principal support, both emotionally and financially.
    b. His employer, a U.S. Lawful Permanent Resident, attesting that he would ensure my client complied with his immigration requirements.
    c. He has been in the United States for more than three years.
    d. He and his family have a pending asylum claim, which they filed affirmatively with the Asylum Office, and jurisdiction of which was transferred to EOIR after the family was served with a Notice to Appear. He and his family duly appeared at their interview at the Asylum Office.
    e. He was detained at a routine ICE check-in, further showing he is not a flight risk.
    f. He has no criminal history.

5. At the bond hearing, DHS did not put forth any evidence of flight risk or danger, other than pointing out that he had not paid taxes (despite his only obtaining work authorization this year).

6. Yet the Immigration Judge found that the respondent was a flight risk and set the bond at $20,000, as well as imposing an ankle monitor.

7. On these facts, in my experience, a bond of $5,000 or less would be typical.

8. The family cannot afford to pay a $20,000 bond, especially with my client detained and not able to work. Therefore, it is effectively a bond denial.

9. Even if he were somehow able to pay, the Immigration Judge additionally imposed onerous conditions of an ankle monitor and home monitoring by ICE.

10. In my opinion, such prohibitively high bonds and bond denials based on flimsy or no evidence show that, at least in the current environment, Immigration Courts cannot be entrusted with the responsibility of holding bond hearings.

11. Therefore, it must necessarily fall to District Courts to either order release or conduct their own bond hearings as a neutral arbiter.

Dated: January 7, 2026

s/ Karen L. Hoffmann

Karen L. Hoffmann, Esq.
ELLENBERG LAW GROUP
1500 JFK Blvd., Suite 1825
Philadelphia, PA 19102
(215) 790-1682
karen@sellenberglaw.com

Marisol Conde-Hernandez, Esq.
NJ Attorney ID: 241772018
96 Summer Ave., Fl. 1
Newark, NJ 07104
(973) 306-4246
marisolch@ericmarklaw.com

ATTORNEY CERTIFICATION

1. I am an attorney licensed in the State of New Jersey. I have never been subject to any disciplinary proceedings.
2. I am also licensed to appear before the U.S. District Court for the District of New Jersey, the Court of Appeals for the Second Circuit, and the Court of Appeals for the Sixth Circuit. I regularly appear before various immigration agencies including DHS-USCIS, DHS-ICE, the Department of Justice's Executive Office for Immigration Review (the immigration courts), and the Board of Immigration Appeals.
3. Through this certification I offer an example of the immigration court's lack of a particularized assessment as required by Due Process in bond redetermination hearings ("bond hearing"), even when ordered pursuant to federal court order.
4. This afternoon, one of my clients had a bond hearing before Immigration Judge Shana W. Chen out of the Elizabeth Immigration Court, pursuant to an order issued by the U.S. District Court for the District of New Jersey on my client's habeas petition.
5. My client has continuously lived in the city of New Brunswick, New Jersey since 2009. He has been married for 17 years and has three U.S. citizen children presently 16-, 12-, and 2-years-old. The eldest of his children was diagnosed on the autism spectrum at an early age, is followed by a neurodevelopmental specialist, receives special education services in school, suffers from sensory integration disorder and a coordination problem, and has consistently showed limited cognitive and communication capacity, all for which he requires help with activities of daily living and supervision at all times. My client has lived at the same apartment with his family for several years, has never lived in another township in the State since his 2009 entry, and has worked for the same construction company for several years.
6. The Immigration Judge denied my client's release on bond *only* because she deemed him a flight risk, based on his illegal re-entry in 2009 after complying with a grant of voluntary departure in 2008.
7. The Immigration Judge did NOT find him a danger. She did not consider any amount or any conditions that would assure his appearance at any future court hearings. She *only* considered his aforementioned illegal re-entry- nothing else, despite the over 300 pages of evidence I submitted- to deem him a flight risk and deny bond.

I swear under the penalty of perjury that the above is true and correct.

January 8, 2026

/s/ Marisol Conde-Hernandez
Marisol Conde-Hernandez, Esq.

Law Offices of Noemi C. Simbron
56 Hamilton Street, Ste. 2
Paterson, New Jersey 07505

Tel: (973) 684-4214
Fax: (201) 625-6365
noemi.simbron@gmail.com

AFFIDAVIT OF NOEMI C. SIMBRON IN HER CAPACITY AS AN IMMIGRATION ATTORNEY

I have been a member of the New Jersey Bar of Attorneys and of the New Jersey Federal District Court since 2016. I have been a solo practitioner concentrating mainly in representing immigrants before the USCIS and in Removal Proceedings in immigration Court. Before I was admitted to the Bar, I worked as a legal assistant for respected counsels also from our district for 8 years. Accordingly, I have personally handled and participated in documenting hundreds of cases before immigration courts all over the country.

I am writing this statement in good faith to provide the Federal Court with my testimony of the obvious change in impossible standards that immigration judges are currently applying to individuals who are seeking release under bond. Over the course of my career, I have witnessed individuals being provided with a fair opportunity to be released under bond when they are able to show that there is neither a danger to the community nor a flight risk. Whenever an adjudicator immigration judge found that an individual had less than ideal ties to the community, he or she would even grant a larger amount so as to secure their continued appearances at future hearings. This practice seems to have been eradicated since July of 2025.

There seems to be internal instructions to judges to find ways to deny release under bond which were never there before. For instance, I recently represented a 42-year-old Mexican lady, Ms. Eva Alvarez Coeto, before the immigration court ([redacted]) and this honorable tribunal (2:25-cv-17789-B). Ms. Alvarez entered the United States without inspection in the year 2002. Over the course of her 22-year life span in the U.S., she bore four U.S.C. children (ages 21, 18, 13 and 12)– all of whom resided with her up until the time she was detained. The two youngest children have learning and speech disabilities. Also, she heavily cooperated with the Passaic Police Department in prosecuting the father of her younger children when he showed pornographic videos to her oldest daughter. This participation led to the criminal conviction of this individual, thereby making Ms. Alvarez Coeto also eligible to apply for U visa status. In August of 2025, Ms. Alvarez moved into the father of her older children's father's home following a reduction of her hours at work. The father of her children attempted to kiss Ms. Alvarez against her will and she slapped him once due to unwanted advances before leaving his house. This incident was reported to the police by the father of Ms. Alvarez's children and she was charged with simple assault in the city of Clifton, NJ on or about August 27, 2025. Ms. Alvarez was arrested pursuant to that incident for the first and only time after being present in

the United States for 22 years. She was then referred to immigration detention and is currently being held at the Delaney Hall Detention Center.

On November 20, 2025, this counsel was retained to represent Ms. Alvarez Coeto for a Petition for Habeas Corpus. In preparation for the petition for Habeas Corpus, this counsel requested a bond hearing before the Immigration Court. The immigration Court scheduled a bond redetermination hearing on December 9, 2025. This counsel provided the Court with the children's birth certificates, their medical records showing that the youngest 2 suffer from learning disabilities, evidence of Ms. Alvarez Coeto's work history in the 22 years she has lived here, and a statement from Ms. Alvarez Coeto describing the underlying circumstances leading to the arrest as well as the consequences of her detention, including the fact that custody of the youngest children is being handled by the State's Children's Services because their father is prohibited from approaching them due to the existence of his record as a sexual predator. After hearing legal arguments, Immigration Judge Shana Chen found that she lacked jurisdiction pursuant to Yajure-Hurtado, 29 I&N 216 (BIA 2025) and Maldonado Bautista "not controlling on [that] Court." In the alternative, Judge Chen found that the Respondent "only acknowledged what she could not hide [from the arrest]," and that she was a danger to the community based upon this sole isolated incident in 22 years of history of hard work and raising American children. She also found that Ms. Alvarez Coeto was a flight risk despite her undeniable ties to the community due to the existence of minor children, and her eligibility to obtain status through the U visa statute for indirect victims of crimes as well as through Cancellation of Removal for Nonimmigrants.

In the past, such mild criminal offense would have never been the basis to find an individual such as Ms. Alvarez to be a danger to the community– especially in light of the obvious isolated nature of this offense. Most importantly, the extent of ties that Ms. Alvarez has to this community in her children and the heightened responsibilities of addressing their disabilities *on her own* because the father is under a permanent restraining order and is required to be registered as a sexual predator pursuant to Meghan's Laws is undeniable. In the past, a reasonable finder of fact would have considered that this woman would have a great incentive to pursue relief because her circumstances squarely fit eligibility for U visa status and Cancellations of Removal. Even the most conservative of judges in the country would have at least considered release under higher bond to assure the Respondent's future appearances and to discourage any further potential criminal actions. But this is not the case now. As I waited for my case to be called, I have heard other hearings handled by colleagues who are also being denied release due to absurd reasons which would have never led to denials in the past. This sort of stories about denials are also being shared by numerous of my colleagues within our listserve in the American Immigration Attorneys Association (AILA).

This internal change in the standards for release under bond has to be merely a plot to have immigrants be denied their due process rights because they know individuals who are hard-working and that do not engage in criminal conduct will not be able to withstand being in detention for extended periods of time. They also know that cutting those individuals' access to earn a living will cripple their ability to be represented by counsel causing a flood of them to give up their rights and just ask to voluntarily depart or be deported. And what happens with our

judicial system? Our constitutional rights? Our communities? As this Court is aware, access to bond has been cut by recently published case law to several categories of immigrants who would've been able to be released and to have a real opportunity to exercise their due process rights. For instance, under Qu Li, 29 I&N Dec. 66 (BIA 2025), there are no more bonds for individuals who are deemed "applicants for admissions," that if they had a stop and/or were processed near the border or a port of entry. Under Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), there is no more access to bond for individuals who were placed in expedited removal, or subjected to administrative deportation, even after they obtain a favorable result of a filter mechanism to be able to see a judge called a credible fear interview. Now, under Yajure-Hurtado, the government sought to subject every immigrant who may have entered without status at any time to mandatory detention. It is solely because of the intervention of the Federal Courts that this smaller group of individuals– those who are present unlawfully but are not deemed applicants for admission because they were arrested within the territory and are here for a lengthy period of time after their initial entry– have now access to bond when a Petition for Habeas is granted. But, what good does it do if the cases fall back into the same pattern through (presumably) unpublished instructions being received by the immigration judges who are still being mandated to find alternate ways to deny our clients of their due process rights?

Through this letter, I unite my plea to my colleagues to please order our clients released after conducting a fair analysis through this tribunal as we had in the immigration court before the current impossible standards for release were internally mandated. Thank you in advance for your attention.

Respectfully,

/s/ Noemi C. Simbron
Noemi C. Simbron, Esq

AFFIDAVIT OF LAWRENCE O. BURMAN

I, Lawrence O. Burman, swear under penalty of perjury, that the following information is true and correct to the best of my knowledge, information, and belief:

Experience

1. I am over 18 years of age, and a citizen of the United States.
2. I was admitted to the Maryland Bar in November 1978 and have maintained active status since that time.
3. I was employed by the United States Department of Justice from September 1988 until my retirement on December 31, 2025.
4. I served as an Immigration Judge from my appointment in April 1998 until my retirement.
5. Before that, I worked as an assistant district counsel for the former Immigration and Naturalization Service (INS) in Baltimore, Maryland, from 1991 to 1998 – a role now absorbed by the Department of Homeland Security.
6. Prior to that, from 1990 to 1991, I served as assistant general counsel at INS Headquarters in Washington, D.C.
7. From 1988 to 1990, I worked as a general attorney for INS in Baltimore.

Experience as an Immigration Judge

8. During my 27 years as an Immigration Judge, I presided over both detained and non-detained dockets in Memphis TN and NorthernVirginia. I also heard detained cases on detail to detention facilities in Texas, California, New Mexico, Louisiana and Pennsylvania. I was assigned to the Annandale VA detained docket most recently in December 2025 for a short period to cover judges who were on leave.
9. While presiding over the detained docket, I adjudicated requests for custody redetermination (also known as bond hearings). In making these adjudications, I considered whether the alien was a flight risk or a danger to the community.
10. I have been asked to prepare this affidavit to explain my decades of experience as an Immigration Judge regarding the application of "flight risk" when denying a bond, as well as my professional observations regarding recent adjudicatory patterns and their potential implications.
11. Over my time on the bench, I found that concerns about flight risk were usually addressed by setting an appropriate bond amount. It was rare for a bond to be denied solely based on flight risk; more often, a higher bond amount was imposed to ensure the individual's appearance at future hearings.
12. In my experience, bond was not denied solely due to a person's manner of entry into the United States or because they had not yet applied for relief before being encountered by immigration officials. Such factors werer never the main reason for denial, and generally not considered at all.

13. It was also extremely rare to see a bond denial based on flight risk where the alien had a fixed address, a job, a proposed application for relief, or family ties to the United States.
14. In my experience, bonds in excess of $15,000 were relatively uncommon on the dockets on which I served. This is largely because a person's ability to pay a bond should be considered when adjudicating a bond request, and because immigration delivery bonds generally require payment of the full amount to post.
15. Earlier in my tenure, judges typically maintained a regular detained docket. In the last decade, the Immigration Court in Annandale, Virginia, assigned certain judges to detained matters on a full-time basis, while others would substitute when needed.
16. Since around 2017, Immigration Judges Raphael Choi and Karen Donoso-Stevens had been assigned to the detained dockets. IJ Choi was previously the Chief Counsel of the Office of Principal Legal Advisor for Arlington, Virginia, and IJ Donoso-Stevens was a senior attorney for the detained docket for the Office of Principal Legal Advisor for Arlington, Virginia
17. I recently learned that both IJ Choi and IJ Donoso-Stevens were abruptly removed from the detained docket in January 2026, in the middle of their morning dockets, and were replaced by newly-appointed judges.

Concerns about the Immigration Court System

18. Since January 2025, I have observed a troubling trend of Immigration Judges being terminated without explanation or notice. In all my years on the bench, I have never witnessed such a high level of turnover.
19. From conversations within the immigration bench and professional organizations, including the National Association of Immigration Judges (of which I was an officer), it is clear that judges were removed for their strong commitment to due process for those appearing before them.
20. Although immigration judges are expected to act as neutral adjudicators, I have noticed increasing concern among members of the bench about institutional intimidation and the perception that decisions unfavorable to the government could negatively affect judicial tenure.
21. I am concerned that the notable rise in bond denials and adverse case outcomes undermines due process and erodes confidence in the Immigration Court system.

Signed this 14th day of February 2026 in the County of Arlington, Commonwealth of Virginia.

February 14, 2026 _____

Lawrence O.Burman