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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 Angel Alejandro QUEZADA GRADO

11 and

12 Qinchuan Liu CHAMBERS

13
14 Petitioners-Plaintiffs,

15 v.

16 Pamela Bondi, U.S. Attorney General;
17 Kristi Noem, Secretary, U.S. Dept. of
Homeland Security; Joseph B. Edlow,
18 Director, U.S. Citizenship and
Immigration Services; Todd Lyons,
19 Acting Director of Immigration and
Customs Enforcement; and Gregory J.
20 Archanbeault, San Diego Field Office
Director for ICE ERO,

21 Respondents-Defendants.
22
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'25CV3833 JLS MMP

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

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INTRODUCTION

1. Petitioner-Plaintiffs (“Petitioners”), Angel Alejandro Quezada Grado (hereinafter “Mr. Quezada Grado” and/or “Lead Petitioner”) and Qinchuan Liu Chambers (hereinafter “Mr. Chambers” and/or “Petitioner”) by and through undersigned counsel, file this petition for writ of habeas corpus and complaint for declaratory and injunctive relief challenging the U.S. Department of Homeland Security’s (“DHS”) “arrest-at-interview-policy” of arresting noncitizen applicants for adjustment of status (“adjustment applicants”) at their mandatory immigration interviews with U.S. Citizenship and Immigration Services (“USCIS”), a component of DHS, and detaining them without an individualized determination or justification for their custody. Petitioners, who are fully eligible to adjust—i.e., receive their lawful permanent residence—under Immigration and Nationality Act (“INA”) § 245(a), 8 U.S.C. § 1255(a), face a credible and imminent threat of arrest at their upcoming USCIS interviews. Absent this Court’s intervention, they will very likely face an unlawful deprivation of their liberty.

2. For purposes of this petition, the ‘arrest-at-interview policy’ refers to DHS’s and ICE’s practice of pre-planning enforcement actions targeting adjustment applicants at mandatory USCIS interviews based solely on prior immigration status, without individualized assessment, or notice.

1 3. Mr. Angel Alejandro Quezada Grado is a 26-year-old citizen of
2 Mexico who is married to a U.S. Citizen. Mr. Quezada Grado has lived in the United
3 States for over 15 years and has extensive and longstanding ties to San Diego,
4 California. His wife filed a form I-130, *Petition for Alien Relative* (“I-130 Petition”),
5 which is pending with USCIS. Mr. Quezada is scheduled for a mandatory in-person
6 interview with USCIS in San Diego on his family-based petition and application for
7 adjustment of status on January 6, 2026.
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9 4. Similarly, Petitioner Qinchuan Liu Chambers is a 22-year-old
10 native of China, who has continuously resided in the United States since 2015. His
11 U.S. citizen wife filed an I-130 Petition on his behalf, and he is scheduled for a
12 mandatory in-person interview on February 5, 2026, at the USCIS field office in San
13 Diego.
14

15 5. In recent weeks, individuals in identical or substantially similar
16 circumstances as Petitioners have been arrested at USCIS adjustment of status
17 interviews, and held in immigration detention absent notice, resulting in district
18 courts granting them habeas and other relief. *Leite Silva v. Kristi Noem et al.*, No.
19 2:25-cv-11867-AB-RAO (C.D. Cal. Dec. 16, 2025); *Hirsh v. Bondi et al.*, No. 3:25-
20 cv-03241 (S.D. Cal. Nov. 21, 2025).
21

22 6. Petitioners bring this action under the Administrative Procedure Act
23 (“APA”), the Due Process Clause, and the Fourth Amendment, to challenge a newly

1 adopted and unlawful enforcement policy by U.S. immigration authorities that
2 targets adjustment applicants for arrest at mandatory USCIS interviews based solely
3 on their immigration status. This policy—implemented without notice, explanation,
4 or any mechanism for advance review—represents a radical departure from decades
5 of settled policy, exceeds statutory authority, and undermines the very purpose of 8
6 U.S.C. § 1255(a). Petitioners seek declaratory and injunctive relief preventing ICE
7 from arresting them in connection with their scheduled interviews and setting aside
8 the arrest-at-interview policy as unlawful. In addition, Petitioners request that this
9 Court enter an order preventing Respondents from unlawfully detaining Petitioners
10 thereafter in violation of the Fourth and Fifth Amendments to the U.S. Constitution
11 without first providing each of them with an individualized due process hearing
12 where the government bears the burden to demonstrate to a neutral adjudicator that
13 their custody is justified by clear and convincing evidence because they are a flight
14 risk or danger to the community.
15

16 **SUMMARY OF THE ARGUMENT**

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18 7. The arrest-at-interview policy is final agency action that is arbitrary,
19 capricious, and contrary to law under 5 U.S.C. § 706(2)(A). It is an unexplained
20 reversal of long-standing policy and frustrates Congress's design in 8 U.S.C. §
21 1255(a).
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1 8. Congress created adjustment of status to allow eligible
2 individuals—especially immediate relatives of U.S. citizens—to become permanent
3 residents without departing the United States. Using the mandatory interview as an
4 enforcement trigger produces absurd, self-defeating results contrary to legislative
5 intent.
6

7 9. The policy also violates procedural and substantive due process. It
8 deprives Petitioners of a protected liberty interest in pursuing adjustment without
9 notice or meaningful safeguards and weaponizes a required procedural step, creating
10 an unconstitutional catch-22.
11

12 10. In addition, the policy violates the Fourth Amendment. ICE has
13 been executing pre-signed, non-particularized warrants that lack individualized
14 probable cause and were issued before USCIS officers conducted any factual review
15 at the interview.

16 11. Petitioners face imminent, irreparable harm—including arrest,
17 detention, and family separation—absent relief.

18 12. The dispute is ripe, purely legal, and suitable for immediate judicial
19 intervention.
20

21 **PARTIES**

22 13. Lead Petitioner, Mr. Angel Alejandro Quezada Grado, is the
23 beneficiary of a pending Form I-130, *Petition for Alien Relative*. Based on this

1 underlying petition, Mr. Quezada Grado filed a Form I-485, *Application to Register*
2 *Permanent Residence or Adjust Status*, and has an interview scheduled with USCIS
3 in San Diego on January 6, 2026.
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5 14. Petitioner, Mr. Qinchuan Liu Chambers, is the beneficiary of a
6 pending Form I-130, *Petition for Alien Relative*. Based on this underlying petition,
7 Mr. Chambers filed a Form I-485, *Application to Register Permanent Residence or*
8 *Adjust Status*, and has an interview scheduled for February 5, 2026.
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10 15. Respondent Pamela Bondi is the Attorney General of the United
11 States and is sued in her official capacity.

12 16. Respondent Kristi Noem is the Secretary of DHS and is sued in her
13 official capacity.

14 17. Respondent Joseph B. Edlow is the Director of USCIS and is sued
15 in his official capacity.

16 18. Respondent Todd M. Lyons is the Acting Director of U.S.
17 Immigration and Customs Enforcement (“ICE”) and is sued in his official capacity.

18 19. Respondent Gregory J. Archambeault is the San Diego Field Office
19 Director for ICE’s Enforcement and Removal Operations (ERO) and is sued in his
20 official capacity.
21

22 **JURISDICTION AND VENUE**
23

1 20. This case arises under the Constitution of the United States, the
2 INA, 8 U.S.C. § 1101 *et seq.*, the regulations implementing the INA, the APA, 5
3 U.S.C. § 701 *et seq.*; and 5 U.S.C. § 552 *et seq.*
4

5 21. This Court has jurisdiction under 28 U.S.C. § 1331 (federal
6 question); the APA, 5 U.S.C. §§ 701–706; the Declaratory Judgment Act, 28 U.S.C.
7 §§ 2201–2202; and 28 U.S.C. § 1361 (mandamus); the All Writs Act; 28 U.S.C. §
8 2241, *et seq.*, and habeas corpus. This Court may grant relief pursuant to 28 U.S.C.
9 § 2241; the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; and the All Writs
10 Act, 28 U.S.C. § 1651 to protect Petitioners rights under the Due Process Clause of
11 the Fifth Amendment to the United States Constitution, under the Fourth
12 Amendment and under applicable Federal law, and to issue a writ of habeas corpus.
13 *See generally* *INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas*, 533 U.S. 678.
14

15 22. Venue is proper in the Southern District of California under 28
16 U.S.C. § 1391(e) because a substantial part of the events or omissions giving rise to
17 the claim occurred in this District and Petitioners’ USCIS interviews are scheduled
18 here. This Court has authority to grant declaratory and injunctive relief under 28
19 U.S.C. §§ 2201–2202.
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21 23. Furthermore, because Petitioners are not challenging any present
22 physical confinement but instead the likelihood of their future unlawful arrest and
23 incarceration, the San Diego ICE Field Office is the proper Respondent.

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STANDING AND IRREPARABLE HARM

24. Petitioners have standing. They face a concrete injury-in-fact: an imminent and credible threat of arrest and detention at their mandatory USCIS interviews. The injury is fairly traceable to Respondents' arrest-at-interview policy and is redressable by declaratory and injunctive relief. Arrest would impose irreparable harms including detention, family separation, loss of work authorization and disruption of statutory benefits.

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JOINDER OF PETITIONERS

25. Petitioners are properly joined in this action pursuant to Rule 20(a)(1) of the Federal Rules of Civil Procedure, as their claims arise out of the same transaction, occurrence, or series of transactions or occurrences, and they share common questions of law and fact. All Petitioners reside within the jurisdiction of this Court, specifically within the geographic boundaries of the Southern District of California, and their grievances and claims for relief stem from substantially similar fact patterns and legal issues. Each Petitioner alleges harm caused or to be caused by the same Respondents, arising from the same or similar agency actions or inactions, which are subject to review under the APA, 5 U.S.C. 701-706. The joinder of Petitioners in this matter promotes judicial economy and efficiency by avoiding the unnecessary duplication of proceedings and inconsistent adjudications.

1 26. Rule 20(a)(1) permits the joinder of Petitioners if two conditions
2 are met: (1) the claims arise out of the same transaction, occurrence, or series of
3 transactions or occurrences, and (2) there are common questions of law or fact. The
4 Ninth Circuit has consistently applied these principles, emphasizing that joinder is
5 appropriate when claims are logically related and arise from a common nucleus of
6 operative facts. For example, in *Johnson v. High Desert State Prison*, 127 F.4th 123,
7 the court reiterated that Rule 20(a) is designed to promote judicial economy and
8 reduce inconvenience, delay, and added expense. (9th Cir. 2025). The court also
9 noted that even if the threshold requirements of Rule 20(a) are met, district courts
10 must ensure that joinders compete with principles of fundamental fairness and does
11 not result in prejudice to any party.
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14 27. Additionally, the Ninth Circuit has clarified that factual similarity
15 is a key factor in determining whether claims arise from the same transaction or
16 occurrence. In *Visendi v. Bank of Am., N.A.*, 733 F.3d 863 (9th Cir. 2013), the court
17 found that joinder was improper where the claims involved over 100 distinct loan
18 transactions with different lenders, as the factual disparities were too great to support
19 joinder. This case highlights the importance of ensuring that the claims are factually
20 related to satisfy Rule 20(a)(1). Conversely, in cases where Petitioners allege harm
21 caused by the same defendants and stemming from similar actions or inactions, as
22 in the present case, joinder is more likely to be deemed appropriate.
23

1 28. Here, the differences among the Petitioners, such as their names,
2 dates of admission, dates of expiration of status, names of their U.S. citizen spouses,
3 and timing of their adjustment of status applications, are not significant enough to
4 alter the legal analysis or outcome of this case. These variations are immaterial
5 because all Petitioners share the same grievances and seek the same remedy from
6 this Court.

7
8 29. Accordingly, the joinder of Petitioners in this action is proper, and
9 this Court has jurisdiction to adjudicate their claims under the APA and applicable
10 federal law.

11
12 **STATUTORY AND REGULATORY BACKGROUND**

13 30. The statute governing applications for adjustment of status to lawful
14 permanent residence at 8 U.S.C. § 1255(a) provides that certain aliens “who were
15 inspected and admitted or paroled into the United States” may apply for adjustment
16 of status to lawful permanent residence without leaving the United States.

17 31. Congress enacted 8 U.S.C. § 1255(a) to create a fair and
18 administratively efficient alternative to the previous system, which required
19 noncitizens to depart the United States to obtain a visa abroad. This provision
20 promotes family unity, stability, and continuity for individuals already present in the
21 U.S.

1 32. The statute establishes a clear eligibility framework: applicants
2 must have a qualifying family relationship (e.g., marriage to a U.S. citizen), a
3 properly filed immigrant petition, and be admissible to the United States.
4

5 33. USCIS receives and adjudicates I-130 petitions filed by U.S.
6 citizens or lawful permanent residents seeking to establish a qualifying relationship
7 with a foreign relative.

8 34. Approval of the I-130 petition is a prerequisite for adjustment of
9 status under 8 U.S.C. § 1255(a). Regulations require that an I-130 petition be valid
10 and pending, or filed concurrently with an I-485, for applicants in the United States.
11

12 35. A noncitizen physically present in the U.S. files Form I-485,
13 Application to Register Permanent Residence or Adjust Status, to effectuate lawful
14 permanent residency under 8 U.S.C. § 1255(a).

15 36. USCIS regulations and longstanding agency practice make clear
16 that attendance at a mandatory adjustment interview does not expose a pending
17 applicant to arrest. Arresting a noncitizen with a pending I-485 violates 8 C.F.R. §
18 245.1(a) and undermines the statutory intent of 8 U.S.C. § 1255(a).

19 37. In addition, 8 C.F.R. § 274a.12(c)(9) allows adjustment of status
20 applicants to obtain an Employment Authorization Document (EAD), enabling them
21 to work lawfully in the United States while their I-485 application is pending. They
22 can even obtain a travel authorization commonly known as “advance parole” which
23

1 allows them to travel abroad and return to the United States to resume their
2 applications. 8 C.F.R. 245.2(a)(4)(ii)(B).

3
4 38. It is inconceivable that a person who is afforded authorization to
5 work legally in the United States, with eligibility to obtain travel authorization by
6 DHS, could be simply arrested by the very agency that confers such benefits.

7 **FACTUAL BACKGROUND**

8 39. Lead Petitioner Mr. Angel Alejandro Quezada Grado entered the
9 United States on a B-2 visitor visa on May 24, 2010, and was admitted until
10 November 23, 2010. He has remained in the United States since that time, after his
11 period of authorized stay expired.
12

13 40. On June 17, 2023, Mr. Quezada Grado married Ms. Olivia
14 Braunreiter, a U.S. citizen.

15 41. On June 23, 2025, Mr. Quezada Grado and his spouse concurrently
16 filed a Form I-130, *Petition for Alien Relative* and a Form I-485, *Application to*
17 *Adjust Status*. Mr. Quezada Grado is fully eligible for adjustment under 8 U.S.C. §
18 1255(a).

19 42. On December 2, 2025, USCIS scheduled Mr. Quezada Grado's
20 mandatory adjustment interview for January 6, 2026, at 8:00 AM at 1325 Front
21 Street, San Diego, California, 92101.
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1 43. Petitioner Mr. Qinchuan Liu Chambers entered the United States on
2 a B-2 visitor visa on December 27, 2015, and was admitted until June 26, 2016. He
3 has remained in the United States since that time, after his period of authorized stay
4 expired.

6 44. On June 16, 2025, Mr. Chambers married Ms. Jade Chambers, a
7 U.S. citizen.

8 45. Ms. Chambers filed a Form I-130, *Petition for Alien Relative* for
9 Mr. Chambers on August 1, 2025. Then on September 15, 2025, Mr. Chambers filed
10 the Form I-485, *Application to Adjust Status*. Mr. Chambers is fully eligible for
11 adjustment under 8 U.S.C. § 1255(a).

13 46. On December 23, 2025, USCIS scheduled Mr. Chambers'
14 mandatory adjustment interview for February 5, 2026, at 10:15 AM at 1325 Front
15 Street, San Diego, California, 92101.

16 47. Petitioners face a credible threat of arrest at the USCIS office based
17 on a policy where similarly situated marriage-based applicants during or
18 immediately after interviews in San Diego and other California offices have been
19 arrested. These arrests happen pursuant to a warrant issued by ICE.

20 48. Numerous immigration attorneys representing noncitizens in the
21 San Diego area have provided declarations detailing their recent experiences at
22 adjustment interviews in San Diego where their clients were arrested. Attorney Lilia
23

1 Rodriguez witnessed three of her clients get arrested and states that since those
2 incidents, she has “learned through professional communications with other
3 immigration attorneys in Southern California that similar arrests have occurred
4 under substantially similar circumstances.” *See* Lilia Rodriguez Sworn Statement,
5 Attachment A. Attorney Habib Hasbini also witnessed his client get arrested at their
6 adjustment interview under similar circumstances—the client overstayed their visa
7 and was applying for adjustment of status through marriage to a US Citizen. *See*
8 Habib Hasbini Sworn Statement, Attachment B. Leah Chavarria, a San Diego-based
9 attorney with 13 years’ experience states in her declaration that in her “professional
10 judgment, the timing and content of the warrant strongly suggest pre-planned
11 enforcement action coordinated with the USCIS interview, transforming a benefits
12 adjudication into an [sic] pretextual enforcement trap.” *See* Leah Chavarria Sworn
13 Statement, Attachment C.

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16 49. Attendance at these interviews is required to complete the
17 adjustment process, unless waived by USCIS.

18 ***I. Public Reports Confirm a Widespread Pattern of Arrests at USCIS***

19 ***Interviews***

20
21 50. Petitioners’ fear of imminent and unlawful arrest is well founded.
22 In the past several weeks, multiple reputable news organizations across California
23

1 and the United States have reported that ICE has begun arresting marriage-based
2 adjustment applicants at USCIS interviews under circumstances nearly identical to
3 those faced by Petitioners. These reports confirm that ICE’s arrest-at-interview
4 policy is not hypothetical, isolated, or speculative—it is a consistent and ongoing
5 enforcement pattern that has already harmed numerous applicants who, like
6 Petitioners, were out of status but statutorily eligible to adjust status under 8 U.S.C.
7 § 1255(a). These arrests are not based on any individualized assessment by USCIS
8 officers; rather, they reflect a coordinated policy implemented without regard to
9 personal circumstances and intended to deter and intimidate the broader community.
10 Based on professional communications with other immigration attorneys in San
11 Diego, the adjustment applicants who have been arrested were clearly eligible for
12 lawful permanent residence.
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15 51. Their arrests are based solely on the fact that they lack lawful
16 immigration status, such as having overstayed their visas.

17 52. On November 14, 2025, KGTV San Diego reported that
18 immigration attorneys in San Diego witnessed their clients being detained by ICE
19 during routine green card interviews—an “unprecedented tactic” at USCIS offices.
20 One attorney described how her client, a longtime resident with an approved I-130
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1 petition, was handcuffed mid-interview and taken to the basement of the federal
2 building before being transferred to the Otay Mesa Detention Center.¹

3
4 53. On November 25, 2025, NewsNation reported that a British mother
5 attending her green card interview in San Diego was arrested by ICE while holding
6 her six-month-old infant, despite being in the final stages of securing permanent
7 residency.²

8 54. On November 26, 2025, NBC San Diego reported that ICE arrested
9 multiple individuals—including military spouses—during their green card
10 interviews at the downtown USCIS office. Attorneys described these arrests as a
11 dramatic break from longstanding policy, noting that visa overstays have never
12 previously resulted in arrest at adjustment interviews for immediate relatives of U.S.
13 citizens.³

14 55. That same week, Times of San Diego reported multiple arrests of
15 marriage-based applicants at scheduled USCIS appointments, including a British
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18 ¹ KGTV San Diego, *San Diego Immigration Attorneys Report Clients Detained*
19 *During Green Card Interviews in Unprecedented Crackdown* (Nov. 14, 2025),
20 [https://www.10news.com/news/local-news/san-diego-immigration-attorneys-](https://www.10news.com/news/local-news/san-diego-immigration-attorneys-report-clients-detained-during-green-card-interviews-in-unprecedented-crackdown)
21 [report-clients-detained-during-green-card-interviews-in-unprecedented-crackdown.](https://www.10news.com/news/local-news/san-diego-immigration-attorneys-report-clients-detained-during-green-card-interviews-in-unprecedented-crackdown)

22 ² NewsNation, *British Mother Arrested at Green Card Interview in San Diego*
23 (Nov. 25, 2025), [https://www.newsnationnow.com/us-news/immigration/border-](https://www.newsnationnow.com/us-news/immigration/border-coverage/british-mother-arrested-green-card-interview/)
[coverage/british-mother-arrested-green-card-interview/.](https://www.newsnationnow.com/us-news/immigration/border-coverage/british-mother-arrested-green-card-interview/)

³ NBC San Diego, *ICE Arrests Military Spouses During Green Card Interviews in San Diego* (Nov. 26, 2025), [https://www.nbcsandiego.com/news/local/ice-arrests-](https://www.nbcsandiego.com/news/local/ice-arrests-military-spouses-san-diego-green-card-interviews/3937834/)
[military-spouses-san-diego-green-card-interviews/3937834/.](https://www.nbcsandiego.com/news/local/ice-arrests-military-spouses-san-diego-green-card-interviews/3937834/)

1 woman and a Norwegian applicant who had briefly fallen out of status while
2 planning her wedding.⁴

3
4 56. The pattern is not limited to San Diego. On October 27, 2025, the
5 FresnoLand newsroom reported that ICE detained a longtime resident at his
6 permanent resident appointment in Fresno, escorting him out a back entrance and
7 transferring him to the Golden State Annex detention center. The applicant, who had
8 lived in the United States since childhood and had an approved I-130 petition,
9 described the experience as “a nightmare,” and his family—including a newborn and
10 a child with autism—suffered severe hardship as a result of the arrest.⁵

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12 57. These consistent, well documented reports demonstrate that ICE
13 has adopted a new and unlawful enforcement policy targeting adjustment applicants
14 at their mandatory USCIS interviews. Petitioners’ fear of imminent arrest is
15 therefore not speculative but grounded in a clear, ongoing pattern of identical arrests
16 carried out by the same Respondent in the same jurisdiction where Petitioners’
17 interviews are scheduled.

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20 ⁴ Times of San Diego, *Green Card Applicants Arrested at USCIS Appointments in San Diego* (Nov. 26, 2025),
21 <https://timesofsandiego.com/immigration/2025/11/25/green-card-arrested-at-appointments-san-diego/>.

22 ⁵ FresnoLand, *ICE Detains Immigrants Attending Permanent Resident Appointments in Fresno* (Oct. 27, 2025), <https://fresnoland.org/2025/10/27/ice-detains-immigrants-attending-permanent-resident-appointments-in-fresno/>.

1 58. This policy constitutes a troubling break from established agency
2 norms, undermining decades of precedent in which ICE refrained from arresting
3 individuals attending USCIS interviews for marriage-based adjustment of status
4 under 8 U.S.C. § 1255(a). Such a shift not only disregards long-standing policy but
5 also erodes trust in the immigration process.
6

7 59. At this point, Petitioners have alleged enough to establish a
8 practice/policy as they are without the benefit of the Administrative Record.
9 Petitioners face a genuine, well-founded, and imminent risk of arrest at their
10 interviews and lack any meaningful avenue to challenge this unlawful policy
11 beforehand.
12

13 ***The Arrests Appear to be Based on Invalid Warrants***
14

15 60. ICE is arresting similarly situated individuals based on invalid
16 warrants. All the warrants appear to have been electronically signed on November
17 15, 2025, by Assistant Field Office Director Nathan A. Cardoza. The rest of the
18 warrant is handwritten and on the date of the arrests in question. *See* Nov. 18, 2025,
19 Warrant, Attachment D and Dec. 15, 2025, Warrant, Attachment E. Professional
20 communications between attorneys in San Diego have confirmed that other arrests
21 have involved similar warrants.
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1 occurred, establishing a concrete likelihood of harm. Multiple reports confirm this
2 policy is active, not hypothetical.

3
4 70. The issues are purely legal—whether ICE’s conduct violates the
5 APA and constitutional protections—so no further factual development is needed.
6 Balancing interests favors immediate review: Petitioners face irreparable harm,
7 while the agency’s interest in delay is minimal. See *Nat. Res. Def. Council v. EPA*,
8 966 F.2d 1292 (9th Cir. 1992).

9
10 71. Accordingly, Petitioners’ claims are ripe for judicial review.

11 **CLAIMS FOR RELIEF**

12 ***I. Violation of the Administrative Procedure Act***

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14 72. Petitioners incorporate the allegations in the paragraphs above as
15 though fully set forth here.

16 73. Respondents’ arrest-at-interview policy constitutes final agency
17 action that is arbitrary, capricious, and contrary to law under 5 U.S.C. § 706(2)(A).
18 It violates 8 C.F.R. § 245.1(a) and undermines the statutory intent of 8 U.S.C. §
19 1255(a)

20 74. Respondents adopted this enforcement policy without notice,
21 explanation, or opportunity for public comment, representing a drastic and
22 unexplained departure from decades of settled policy. Courts consistently hold that
23

1 such abrupt shifts without reasoned justification violate the APA. See *FCC v. Fox*
2 *Television Stations, Inc.*, 556 U.S. 502 (2009).

3
4 75. The policy creates an impossible dilemma: Petitioners must attend
5 mandatory USCIS interviews to maintain eligibility, yet doing so subjects them to
6 arrest and detention. This outcome frustrates the statutory purpose of 8 U.S.C. §
7 1255(a) and undermines Congress's intent to allow eligible individuals to adjust
8 status without leaving the United States.

9
10 76. Petitioners have no adequate alternative remedy. Immediate judicial
11 intervention is necessary to prevent irreparable harm, including arrest, detention, and
12 loss of statutory rights.

13
14 ***II. Violation of the Accardi Doctrine***

15 77. Petitioners incorporate the allegations in the paragraphs above as
16 though fully set forth here.

17 78. Under the Accardi doctrine, agencies must follow their own binding
18 regulations, especially where those regulations create rights or protections for
19 individuals. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954);
20 *Montes-Lopez v. Holder*, 694 F.3d 1085 (9th Cir. 2012). 8 C.F.R. § 245.1(b)(4)(i)
21 allows individuals to adjust their status to that of lawful permanent residents through
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1 immediate relatives, despite being out of status. This regulation reflects Congress's
2 intent to allow eligible individuals to adjust status without leaving the country.

3
4 79. Respondents' arrest-at-interview policy violates this regulation. By
5 arresting applicants during mandatory USCIS interviews, DHS disregards its own
6 rules and nullifies the statutory right to pursue adjustment of status. Courts have
7 consistently held that such departures from binding regulations are unlawful and
8 require relief even absent a showing of prejudice. See *Montilla v. INS*, 926 F.2d 162
9 (2d Cir. 1991).

10
11 80. This violation is not technical—it strikes at the heart of the
12 adjustment process. Petitioners face an unconstitutional dilemma: comply with a
13 mandatory interview and risk arrest or abandon the benefit Congress expressly
14 provided. The Accardi doctrine exists to prevent precisely this kind of agency
15 overreach. Respondents' failure to adhere to their own regulations renders the arrest-
16 at-interview policy unlawful and arbitrary under the APA.

17 ***III. Agency Action Contrary to Legislative Intent***

18
19 ***A. Congress's Purpose in Enacting INA § 245(a), 8 U.S.C. § 1255(a)***

20
21 81. Petitioners incorporate the allegations in the paragraphs above as
22 though fully set forth here.

1 82. Congress created the adjustment of status process under 8 U.S.C. §
2 1255(a) to allow eligible individuals already present in the United States to obtain
3 lawful permanent residence without leaving the country. This provision was
4 designed to promote family unity, reduce unnecessary hardship, and streamline
5 adjudication by eliminating the burdensome requirement of consular processing
6 abroad. The court in *You, Xiu Qing v. Nielsen* stated that

7
8 “Congress felt that, in many circumstances, it was more important to unite
9 families and preserve family ties than it was to enforce strictly the quota
10 limitations or even the many restrictive sections that are designed to keep
11 undesirable or harmful aliens out of the country.” 321 F. Supp. 3d 451, 465
(S.D.N.Y. 2018).

12 83. *See also Patel v. Barr*, 2020 U.S. Dist. LEXIS 253496 (N.D. Cal.)
13 (recognizing § 1255(a) promotes family unity).

14
15 *B. Respondents’ Policy Frustrates Legislative Intent*

16 84. The arrest-at-interview policy directly undermines these objectives.
17 By targeting applicants at mandatory USCIS interviews—an essential step in the
18 adjustment process—Respondents transform a statutory pathway into an
19 enforcement trap. This policy discourages eligible individuals from pursuing lawful
20 status, destabilizes families, and produces absurd results: compliance with statutory
21 requirements leads to detention and removal.

22
23 *C. Absurd and Self-Defeating Outcomes*

1 85. Courts consistently reject agency actions that yield outcomes
2 contrary to congressional purpose or that create “catch-22” scenarios. Here,
3 Congress intended adjustment to be a remedy for prior status violations, yet
4 Respondents weaponize those same violations to justify arrest during the very
5 process designed to cure them. It is absurd and self-defeating to arrest someone and
6 prevent them from adjusting their status through USCIS when they can then file for
7 adjustment of status in immigration court. Such an interpretation is not only
8 unreasonable but fundamentally inconsistent with the statutory scheme.
9

10
11 *D. Broader Policy Implications*

12
13 86. This enforcement tactic erodes trust in the immigration system and
14 chills participation in lawful processes. Eligible applicants, including immediate
15 relatives of U.S. citizens, face an impossible choice: abandon adjustment or risk
16 arrest. These consequences contradict Congress’s intent to facilitate compliance and
17 family stability.

18 ***IV. Petitioners’ Have a Protected Liberty Interest that Mandates a Hearing***
19 ***Before any Arrest by Immigration Authorities***

20
21 87. The Due Process Clause protects Mr. Quezada Grado and Mr.
22 Chambers’ liberty from immigration custody: “Freedom from imprisonment—from
23

1 government custody, detention, or other forms of physical restraint—lies at the heart
2 of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S.
3 678, 690 (2001); *De La Garza v. Albarran*, No. 25-CV-10305-HSG, 2025 WL
4 3485157, (N.D. Cal. Dec. 4, 2025); *You, Xiu Qing v. Nielsen*, 321 F. Supp. 3d 451,
5 454 (S.D.N.Y. 2018).

7 88. Mr. Quezada Grado has established a life in California. He has lived
8 in the United States for over 15 years and is gainfully employed. Other than two
9 infractions, which were paid, Mr. Quezada Grado has no criminal record.

10 89. Mr. Chambers has lived in California for approximately, nine years
11 and is a recent graduate from the University of California, San Diego.

12 90. Petitioners assert that, where, as here, their detention would be civil,
13 due process mandates that they receive notice and a hearing before a neutral
14 adjudicator *prior* to any arrest. This Court must “balance [Petitioner’s] liberty
15 interest against the [government’s] interest in the efficient administration of” its
16 immigration laws to determine what process they are owed to ensure that ICE does
17 not unconstitutionally deprive them of their liberty. *Haygood v. Younger*, 769 F.2d
18 1350, at 1357 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). Under
19 the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in
20 conducting its balancing test: “first, the private interest that will be affected by the
21 official action; second, the risk of an erroneous deprivation of such interest through
22
23

1 the procedures used, and the probative value, if any, of additional or substitute
2 procedural safeguards; and finally the government’s interest, including the function
3 involved and the fiscal and administrative burdens that the additional or substitute
4 procedural requirements would entail.” *Haygood*, 769 F.2d at 1357 (citing *Mathews*
5 *v. Eldridge*, 424 U.S. 319, 335 (1976)).

7 91. The Supreme Court “usually has held that the Constitution requires
8 some kind of a hearing *before* the State deprives a person of liberty or property.”
9 *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Moreover, only
10 where “one of the variables in the *Mathews* equation—the value of predeprivation
11 safeguards—is negligible in preventing the kind of deprivation at issue” such that
12 “the State cannot be required constitutionally to do the impossible by providing
13 predeprivation process” can the government avoid providing a pre-deprivation
14 process. *Id.*

16 92. Because, in this case, the provision of a pre-deprivation hearing is
17 both possible and valuable to preventing an erroneous deprivation of liberty, ICE is
18 required to provide Petitioners with notice and a hearing *prior* to any arrest and
19 incarceration. *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56;
20 *Jones*, 393 F.3d at 932; *Zinerman*, 494 U.S. at 985; *see also Youngberg v. Romeo*,
21 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984)
22 (holding that individuals awaiting involuntary civil commitment proceedings may
23

1 not constitutionally be held in jail pending the determination as to whether they can
2 ultimately be recommitted). Under *Mathews*, the balance weighs heavily in favor of
3 Petitioners' liberty and requires a pre-deprivation hearing before a neutral
4 adjudicator.
5

6
7 *A. Petitioners' Private Interest in their Liberty is Profound.*

8 93. What is at stake in this case for Mr. Quezada Grado and Mr.
9 Chambers is one of the most profound individual interests recognized by our legal
10 system: whether ICE may unilaterally detain a non-citizen and be able to take away
11 their physical freedom, i.e., their "constitutionally protected interest in avoiding
12 physical restraint." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (internal
13 quotation omitted). "Freedom from bodily restraint has always been at the core of
14 the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71,
15 80 (1992). *See also Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—
16 from government custody, detention, or other forms of physical restraint—lies at the
17 heart of the liberty that [the Due Process] Clause protects."); *Cooper v. Oklahoma*,
18 517 U.S. 348 (1996).
19

20 94. Thus, it is clear that there is a profound private interest at stake in
21 this case, which must be weighed heavily when determining what process Petitioners
22 are owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.
23

1 *B. The Government’s Interest in Incarcerating Petitioners Without a*
2 *Hearing is Low and the Burden on the Government to Refrain from Arresting*
3 *Them Unless and Until they Provided a Hearing is Minimal*
4

5 95. The government’s interest in maintaining an unlawful detention
6 without a due process hearing is low, and when weighed against Mr. Quezada Grado
7 and Mr. Chambers’ significant private interest in their liberty, the scale tips sharply
8 in favor of enjoining Respondents from arresting Petitioners unless and until the
9 government demonstrates to a neutral adjudicator by clear and convincing evidence
10 that they are a flight risk or danger to the community. It becomes abundantly clear
11 that the *Mathews* test favors Mr. Quezada Grado and Mr. Chambers when the Court
12 considers that the process they seek—notice and a bond hearing before a neutral
13 decision maker —is a standard course of action for the government. Providing
14 Petitioners with a hearing before this Court (or a neutral decision maker) to
15 determine whether there is clear and convincing evidence of flight risk or danger to
16 the community would impose only a *de minimis* burden on the government, because
17 the government routinely provides this sort of hearing to individuals like Petitioners.
18

19 96. As immigration detention is civil in nature, it cannot serve a
20 punitive purpose. The government’s only interest in holding an individual in
21 immigration detention can be to prevent danger to the community or to ensure a
22 noncitizen’s appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.
23

1 In this case, the government cannot plausibly assert that it has any basis for detaining
2 Mr. Quezada Grado or Mr. Chambers.

3
4 97. Petitioners have lived at liberty with their community and family.
5 Their adjustment applications have been pending for over three months, and they
6 have attended their biometrics appointments with USCIS, and the government never
7 sought to detain them. This shows that the government's interest in detaining
8 Petitioners at this time is extremely low. That ICE has a new policy under the new
9 administration does not constitute a valid reason to detain Mr. Quezada Grado or
10 Mr. Chambers.

11
12 98. Moreover, the "fiscal and administrative burdens" that a lawful pre-
13 detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S.
14 at 334-35. Neither Mr. Quezada Grado nor Mr. Chambers seek a unique or expensive
15 form of process, but rather a routine hearing. As the Ninth Circuit noted in 2017,
16 "[t]he costs to the public of immigration detention are 'staggering': \$158 each day
17 per detainee, amounting to a total daily cost of \$6.5 million." *Hernandez*, 872 F.3d
18 at 996. It is only fair to say these costs have increased in the past eight years.

19 99. Alternatively, providing Petitioners with a hearing before this Court
20 (or a neutral decision-maker) regarding release from custody is a routine procedure
21 that the government provides to those in immigration detention facilities daily. At
22 that hearing, the Court would have the opportunity to determine whether
23

1 circumstances justify their arrest and detention. But there is no justifiable reason to
2 incarcerate Mr. Quezada Grado or Mr. Chambers before such a hearing takes place.

3
4 100. Enjoining Petitioners' arrest until ICE (1) moves for a custody re-
5 determination before a neutral decisionmaker and (2) demonstrates by clear and
6 convincing evidence that Petitioner is a flight risk or danger to the community is far
7 less costly and burdensome for the government than their detention. *Hernandez*, 872
8 F.3d at 996.

9
10 C. *Without a Due Process Hearing Prior to Any Arrest, the Risk of an*
11 *Erroneous Deprivation of Liberty is High, and Process in the Form of a*
12 *Constitutionally Compliant Hearing Where ICE Carries the Burden Would*
13 *Decrease That Risk*

14
15 101. Providing Mr. Quezada Grado or Mr. Chambers a pre-deprivation
16 hearing would decrease the risk of their being erroneously deprived of their liberty.
17 Before Mr. Quezada Grado or Mr. Chambers can be lawfully detained, they should
18 be provided with a hearing before a neutral adjudicator at which the government is
19 held to show that there are sufficient circumstances for their detention. Clear and
20 convincing evidence exists to establish that neither Mr. Quezada Grado nor Mr.
21 Chambers are a danger to the community or a flight risk.

1 102. The procedure Mr. Quezada Grado and Mr. Chambers seek is a
2 hearing in front of a neutral adjudicator at which the government must prove by clear
3 and convincing evidence to justify their detention. “A neutral judge is one of the
4 most basic due process protections.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th
5 Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S.
6 30 (2006). The Ninth Circuit has noted that the risk of an erroneous deprivation of
7 liberty under *Mathews* can be decreased where a neutral decisionmaker, rather than
8 ICE alone, makes custody determinations. *Diouf v. Napolitano* (“*Diouf II*”), 634
9 F.3d 1081, 1091-92 (9th Cir. 2011).
10
11

12 103. The above-cited authorities show that Mr. Quezada Grado and Mr.
13 Chambers would likely succeed on their claim that their arrest and detention by ICE
14 would be unlawful. The Due Process Clause requires notice and a hearing before a
15 neutral decision-maker before any arrest and incarceration by ICE.

16 ***V. Violation of Substantive Due Process***

17
18 104. Petitioners incorporate the allegations in the paragraphs above as
19 though fully set forth here.

20 105. The government may not deprive a person of life, liberty, or
21 property without due process of law. U.S. Const. amend. V. “Freedom from
22 imprisonment—from government custody, detention, or other forms of physical
23

1 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*,
2 533 U.S. 678, 690 (2001).

3
4 106. Petitioners possess a constitutionally protected liberty interest in
5 pursuing the statutory right to apply for adjustment of status under 8 U.S.C. §
6 1255(a). Courts recognize that when a statute creates a substantive right to seek a
7 benefit, the government may not arbitrarily obstruct access to it. *See*
8 *Maine v. Thiboutot*, 448 U.S. 1 (1980).

9
10 107. Petitioners have complied with every statutory and regulatory
11 requirement for adjustment of status. USCIS accepted their properly filed I-130 and
12 I-485, placing them in a period of authorized stay and entitling them to adjudication
13 of their application.

14 108. Respondents’ policy of arresting applicants at mandatory
15 adjustment interviews deprives Petitioners of their liberty interest without adequate
16 process. The policy creates an unconstitutional “catch-22”: an applicant must appear
17 for the interview to maintain eligibility, but appearing subjects the applicant to
18 immediate arrest, detention, and initiation of removal proceedings. Courts
19 consistently reject government actions that deliberately entrap individuals in a
20 process designed to harm them. *Sanchez v. McAleenan*, 2024, U.S. Dist. LEXIS
21 52056; *In re Arlin Bojorquez-Vasquez*, 2021 Immig. Rptr. LEXIS 7464.

1 109. Accordingly, Respondents’ arrest-at-interview policy violates
2 Petitioners’ substantive rights under the Due Process Clause of the Fifth Amendment
3 and must be enjoined.
4

5 ***VI. Violation of Procedural Due Process***
6

7 110. Petitioners incorporate the allegations in the paragraphs above as
8 though fully set forth here.

9 111. The government may not deprive a person of life, liberty, or
10 property without due process of law. U.S. Const. amend. V. “Freedom from
11 imprisonment—from government custody, detention, or other forms of physical
12 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*,
13 533 U.S. 678, 690 (2001).
14

15 112. The policy is fundamentally unfair and violates basic procedural
16 due process principles. It chills the exercise of statutory rights, deters eligible
17 applicants from pursuing lawful immigration benefits, and imposes severe
18 consequences without notice, opportunity to be heard, or any meaningful procedural
19 safeguards.

20 113. As applied to Petitioners, the threat is real and imminent. Their
21 interview is scheduled at the San Diego Field Office, where comparable arrests have
22 already occurred. The uncertainty and fear caused by Respondents’ policy impede
23

1 their ability to exercise their statutory rights, deprive them of the opportunity
2 Congress guaranteed, and threaten them with detention and removal despite full
3 eligibility for adjustment.
4

5 114. Accordingly, Respondents' arrest-at-interview policy violates
6 Petitioners' procedural rights under the Due Process Clause of the Fifth Amendment
7 and must be enjoined.
8

9 ***VII. Violation of Petitioners' Fourth Amendment Rights***

10 115. Petitioners incorporate the allegations in the paragraphs above as
11 though fully set forth here.
12

13 116. The Fourth Amendment protects the right of all persons present in
14 the United States to be free from unreasonable seizures by government officials.
15 Petitioners therefore have the right to be free from unreasonable seizures.

16 ***A. Warrants Must Be Particularized***

17 117. The U.S. Supreme Court has held that the Fourth Amendment
18 requires warrants to "particularly describ[e] the place to be searched and the persons
19 or things to be seized." *Maryland v. Garrison*, 480 U.S. 79, 84 (1987). Moreover, a
20 warrant that fails to describe with particularity the person or things to be seized is
21 "plainly invalid." *Groh v. Ramirez*, 540 U.S. 551, 557–58 (2004). Lastly, warrants
22
23

1 must be “particularized” to the individual case. *Coolidge v. New Hampshire*, 403
2 U.S. 443, 450–51 (1971). Lastly, probable cause must be particularized to each
3 individual. *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).
4

5 118. In Attachments D and E, the warrants were digitally signed on
6 November 15, 2025, by Nathan A. Cardoza, ICE assistant field office director but
7 the other details were handwritten on the dates of the arrests. The fact that they were
8 signed before interviewing the adjustment applicants, indicates that they were not
9 particularized.
10

11 *B. Warrants Must Be Supported by Individualized Probable Cause*
12

13 119. Probable cause exists only when the facts and circumstances
14 “warrant a prudent man in believing that the suspect had committed or was
15 committing an offense.” *Beck v. Ohio*, 379 U.S. 89, 91 (1964). Moreover, probable
16 cause requires a “fair probability” based on the totality of the circumstances. *Illinois*
17 *v. Gates*, 462 U.S. 213, 238 (1983). In addition, a warrant is invalid if the complaint
18 on which it is based fails to establish probable cause. *Whiteley v. Warden*, 401 U.S.
19 560, 565–66 (1971). Lastly, an arrest warrant must be based on a complaint that “sets
20 forth the facts” establishing probable cause; conclusory statements are insufficient.
21 *Giordenello v. United States*, 357 U.S. 480, 485–86 (1958).
22
23

- a. Declare that Respondents' policy of arresting noncitizens at USCIS adjustment interviews despite their eligibility to adjust status under 8 U.S.C. § 1255(a), is contrary to law, violates the Administrative Procedure Act, 5 U.S.C. § 706, and is unlawful as applied to Petitioners;
- b. Enjoin Respondents, including ICE and USCIS officers acting under their direction, from arresting, detaining, removing, or otherwise taking Petitioners into custody in connection with their scheduled adjustment of status interviews, or any future interviews related to their pending adjustment of status applications;
- c. Order Respondents to permit Petitioners to attend and complete their interviews at 1325 Front Street, San Diego, California, without threat of arrest or detention;
- d. Require Respondents to provide written assurance to counsel that Petitioners will not be arrested at their interviews;
- e. Exercise the Court's authority under 5 U.S.C. § 705 to provide relief pending review of the arrest-at-interview policy.
- f. Enjoin Respondents from applying or enforcing any policy or pattern of targeting adjustment applicants for enforcement actions

1 at USCIS interviews when such applicants are prima facie eligible
2 to adjust status;

3
4 g. Award Petitioners reasonable costs and attorney's fees under the
5 Equal Access to Justice Act, 28 U.S.C. § 2412; and

6 h. Grant any other and further relief that this Court deems just and
7 proper.

8
9 DATED December 30, 2025.

Respectfully Submitted

10 /s/Andrés Lemons
11 Andrés P. Lemons (CA SBN #325661)
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13 9500 Gilman Dr MC0048, Student Services
14 Center 555
15 La Jolla, CA 92093
16 Telephone: (530) 219-8856
17 Email: andres.ucimm@law.ucdavis.edu
18 Pro Bono Counsel for Petitioner
19
20
21
22
23

DECLARATION OF LILIA RODRIGUEZ

IN SUPPORT OF PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, **Lilia Rodriguez**, declare as follows:

1. Identity and Qualifications

I am an attorney licensed to practice law in the State(s) of **California**, with approximately **9 years** of experience practicing immigration law. I have represented six hundred individuals and families in immigration matters, including family-based adjustment of status ("AOS") applications under INA § 245.

In the past **9 years**, I have personally represented **100** clients in in-person AOS interviews conducted by U.S. Citizenship and Immigration Services ("USCIS"), including interviews at USCIS field offices in Southern California.

2. Historical Practice and Reliance Interests

Based on my professional experience, USCIS adjustment-of-status interviews have historically functioned as **civil, non-custodial adjudications** focused on eligibility for immigration benefits. Prior to the incident described below, I had **never** witnessed Immigration and Customs Enforcement ("ICE") officers entering USCIS interview rooms to arrest applicants immediately following or during AOS interviews based solely on civil immigration violations such as visa overstays.

For decades, immigration attorneys and applicants alike have reasonably relied on the distinction between USCIS as a benefits-adjudicating agency and ICE as an enforcement agency.

3. Incidents

On or about December 5, 2025, at approximately **10 am**, Ms. Gomez, the mother of a U.S. Citizen appeared for her I-485 interview at the USCIS San Diego Office and was detained by ICE and transferred several days later to Otay Mesa Detention Center.

On or about December 9, 2025, Mr. Armenta and his wife Ms. Navarrete appeared at their I-485 interviews with their U.S. Citizen Petitioner son at the USCIS San Diego Office and were both detained by ICE and transferred to Otay Mesa Detention Center.

On or about December 15, 2025, Mr. Adeoye, appeared at the USCIS San Diego Office, with his US Citizen, Active Duty Military Spouse, for his I-485 interview and was detained by ICE and transferred to Otay Mesa Detention Center.

Each of these applicants are now in Removal Proceedings before Otay Mesa EOIR and San Diego EOIR. All of these applicants now bear the burden of attorney fees for removal proceedings, bond fees in order to be released from detention, government fees before EOIR for a renewed I-485 application given that their placement in removal proceedings strips USCIS from jurisdiction over their case.

a. Nature of the Case

These cases all involved a **family based** adjustment-of-status applications lawfully filed with USCIS. The applicants had appeared pursuant to a USCIS-issued interview notice requiring attendance.

b. USCIS Interview Conduct

Per all applicants the USCIS officer conducted the interview in a manner that appeared routine and consistent with standard AOS adjudications. Questions included immigration history, manner of entry, and periods of stay—topics customarily addressed in such interviews.

At no time prior to the arrest was I informed that ICE was present, involved, or coordinating enforcement action.

4. ICE Arrest Inside USCIS Facility

Shortly after the USCIS officer exited the interview room, ICE officers entered the room and arrested my clients **inside the USCIS facility**, immediately following compliance with a USCIS-mandated interview.

The arrest was effectuated without prior notice to counsel and occurred solely because the applicant appeared for an interview required by law as part of the adjustment-of-status process.

5. Arrest Documentation and Pre-Interview Coordination

ICE officers presented an administrative arrest warrant and/or related documentation.

In my professional judgment, the timing and content of the warrant strongly suggest **pre-planned enforcement action coordinated with the USCIS interview**, transforming a benefits adjudication into an enforcement trap.

6. Novelty and Pattern

This practice represents a **new and unprecedented departure** from longstanding USCIS procedures. Since this incident, I have learned through professional communications with other immigration attorneys in Southern California that similar arrests have occurred under substantially similar circumstances.

These reports indicate a **pattern**, not an isolated incident.

7. Irreparable Harm and Chilling Effect

The practice of arresting applicants at USCIS interviews causes immediate and irreparable harm, including:

- Loss of liberty through detention;
- Separation of families;
- Foreclosure of statutory immigration benefits;
- Severe chilling of participation in lawful immigration processes.

In my professional opinion, this practice deters eligible applicants from appearing at required interviews, undermines attorney-client counseling, and erodes trust in the immigration system.

8. Public Interest and Equities

Preventing ICE arrests at USCIS adjustment-of-status interviews serves the public interest by preserving due process, ensuring access to congressionally authorized immigration benefits, and maintaining the integrity and reliability of federal administrative procedures.

Enjoining this practice would not prevent lawful enforcement actions; it would merely prohibit the use of USCIS interviews as enforcement ambushes.

9. Purpose of Declaration

I submit this declaration in support of Plaintiffs' request for immediate injunctive relief to prevent ongoing and imminent constitutional and statutory violations.

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

Executed on this ~~24~~ day of December, **2025**, at San Diego, CA.


Lilia Rodriguez
Attorney at Law
CA 313007

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Lilia@erlawsd.com

DECLARATION OF HABIB HASBINI, ESQ.

IN SUPPORT OF PLAINTIFFS' APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, Habib Hasbini, declare as follows:

1. I am an attorney licensed to practice law in the State of California, with approximately 15 years of experience practicing immigration law. I have represented hundreds of individuals and families in immigration matters, including family-based adjustment of status ("AOS") applications under INA § 245.
2. In the past 15 years, I have personally represented hundreds of clients in in-person AOS interviews conducted by U.S. Citizenship and Immigration Services ("USCIS"), including interviews at USCIS field offices in Southern California, including San Diego, CA.
3. Based on my professional experience, USCIS adjustment-of-status interviews have historically functioned as civil, non-custodial adjudications focused on eligibility for immigration benefits. Prior to the incident described below, I had never witnessed Immigration and Customs Enforcement ("ICE") officers entering USCIS interview rooms to arrest applicants immediately following or during AOS interviews based solely on civil immigration violations such as visa overstays. For decades, immigration attorneys and applicants alike have reasonably relied on the distinction between USCIS as a benefits-adjudicating agency and ICE as an enforcement agency.
4. On November 12, 2025, at approximately 9:30 A.M., I personally appeared with my client(s) at a scheduled adjustment-of-status interview at the USCIS field office located at San Diego, California.
5. The case involved a marriage-based adjustment-of-status application lawfully filed with USCIS. My client was a US Citizen who petitioned for their spouse and who had overstayed their visa. My client's appeared pursuant to a USCIS-issued interview notice requiring attendance.
6. The day of the interview, the USCIS officer conducted the interview in a manner that appeared routine and consistent with standard AOS adjudications. Questions included immigration history, manner of entry, and periods of stay—topics

customarily addressed in such interviews. At no time prior to the arrest was I informed that ICE was present, involved, or coordinating enforcement action.

7. Shortly after the USCIS officer exited the interview room, ICE officers entered the room and arrested my client **inside the USCIS facility**, immediately following compliance with a USCIS-mandated interview. The arrest was effectuated without prior notice to counsel and occurred solely because my client appeared for an interview required by law as part of the adjustment-of-status process.
8. This practice represents a new and unprecedented departure from longstanding USCIS procedures. Since this incident, I have learned through professional communications with other immigration attorneys in San Diego, California that similar arrests have occurred under substantially similar circumstances.
9. These reports indicate a pattern, not an isolated incident: Marriage based adjustment of status cases with overstay of visas.
10. The practice of arresting applicants at USCIS interviews causes immediate and irreparable harm, including:
 - o Loss of liberty through detention;
 - o Separation of families;
 - o Financial loss;
 - o Foreclosure of statutory immigration benefits;
 - o Severe chilling of participation in lawful immigration processes.
11. In my professional opinion, this practice deters eligible applicants from appearing at required interviews, undermines attorney-client counseling, and erodes trust in the immigration system.
12. Preventing ICE arrests at USCIS adjustment-of-status interviews serves the public interest by preserving due process, ensuring access to congressionally authorized immigration benefits, and maintaining the integrity and reliability of federal administrative procedures.
13. Enjoining this practice would not prevent lawful enforcement actions; it would merely prohibit the use of USCIS interviews as enforcement ambushes.

I submit this declaration in support of Plaintiffs' request for immediate injunctive relief to prevent ongoing and imminent constitutional and statutory violations.

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

Date: 23/12/2025

habib hasbini

Habib Hasbini

Attorney at Law

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Affidavit by Att. Hasbini

Final Audit Report

2025-12-23

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DECLARATION OF LEAH L. CHAVARRIA

IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION IN SUPPORT OF PLAINTIFF(S)

I, **Leah L. Chavarria**, declare as follows:

1. I am an attorney licensed to practice law in the State(s) of California, with approximately 13 years of experience practicing immigration law. I have represented hundreds individuals and families in immigration matters, including family-based adjustment of status (“AOS”) applications under INA § 245. I am a frequent presenter on immigration law topics at local and national immigration law conferences and at various law schools in and around San Diego. I am also the former Director of Immigration Legal Services at Jewish Family Service of San Diego where I spent nearly 5 years overseeing the immigration legal strategy, policy, and training of a team of over 40 legal service professionals. In the past 13 years, I have personally represented over 50 clients at their AOS interviews conducted by U.S. Citizenship and Immigration Services (“USCIS”), including interviews at USCIS field offices in California.
2. Based on my professional experience, USCIS adjustment of status interviews have been non-adversarial and pleasant engagements where officers build rapport with clients, as is required, and spend time getting to know applicants. These are adjudications focused on eligibility for immigration benefits and do not result in custody determinations or as a basis for a warrant. Prior to the incident described below, I had never witnessed Immigration and Customs Enforcement (“ICE”) officers entering USCIS interview rooms to arrest applicants immediately following or during AOS interviews based solely on civil immigration violations such as visa overstay. In my experience, if USCIS declines to approve an AOS interview, and the applicant is out of status, USCIS has sometimes used its discretion to issue by mail a notice to appear in non-detained removal proceedings after an opportunity to exhaust all administrative rights (motions, appeals, etc.). Various presidential administrations have exercised discretion on whether to

issue a notice to appear to AOS applicants in different ways and we have always counseled our clients of this possibility.

3. I did not ever counsel clients on the possibility of arrest at their USCIS interview in San Diego, California, before November 12, 2025. That day is when we learned of some arrests happening at the USCIS in San Diego and the day in which a client of my firm was arrested (I was not at that interview). At that time, I had only previously learned of one confirmed arrest at an interview at the San Bernardino USCIS field office for someone applying for AOS while in temporary protected Status (“TPS”) who had a prior order of removal, which is a rare fact pattern and the person was released later that day. Over the years of my practice, I have heard messaging from USCIS officers and administrators that it is not an enforcement agency and that it only adjudicates applications. I have filed many different types of applications and have not before November 12, 2025, had to counsel my clients that they were possibly going to be arrested at their scheduled AOS interview unless they had a prior order of removal. Even so, I attended an AOS interview in October 2025 for a client with a vacated prior order of removal and they were not arrested at the interview.
4. On or about November 15, 2025, at approximately 9:30 am, I personally appeared with my client and her U.S. citizen husband at a scheduled adjustment-of-status interview at the USCIS field office located at San Diego, California (1325 Front Street, San Diego, CA 92101). The case involved a U.S. citizen husband petitioning for his Peruvian wife who entered the United States with a tourist visa as a minor and spent her entire life in the United States from then on. She is a U.S.-educated university graduate with no criminal record. After marriage, the couple consulted with my firm and we advised that cases like hers are common and approvable with correct evidence. In fact, a case like this typically has zero issues given all possible inadmissibility issues for her case (i.e., overstaying the visa and working in the United States without permission) are waived upon a petition by a U.S. citizen spouse. As a part of the standard application process, the couple was scheduled to appear for an interview to complete the process.

5. The USCIS officer conducted the interview in a manner that appeared routine and consistent with standard AOS adjudications. Questions included information gathering about the relationship to verify validity and not entered into for immigration purposes. After the questioning on the relationship was completed, the officer indicated that she was approving the family petition and would now ask questions to the applicant. The next questions were related to immigration history, manner of entry, any exits, and information related to any criminal past or criminal intent —topics customarily addressed in such interviews.
6. Shortly after the USCIS officer asked all questions, she started what seems like a side conversation with my clients about their employment, which I thought was odd. The officer was not taking notes during this conversation, which they usually take notes about everything. A few minutes passed and she got a message on her computer, then stood up and said, I am sorry but there are some additional officers who wish to speak with you and the specifically said, “I am sorry, I have nothing to do with this next part of your case.”
7. The officer seems genuinely apologetic that this was happening. The officer exited the interview room, and two ICE officers entered the room with a supervisory USCIS officer who indicated that ICE would be arresting my client. I asked to see the arrest warrant and to have a copy. Once I saw the arrest warrant, I commented that it was electronically signed on November 15, 2025 at 11:30.13 AM by Assistant Field Office Director Nathan A. Cardoza, but that everything else was handwritten and dated for December 15, 2025, which seems legally questionable because it was signed before the individual facts of my client’s case had been reviewed with a USCIS officer in an interview. The two ICE officers allowed me to take a photo of the arrest warrant but did not provide a copy. They then informed me that it did not matter what I said or did, my client would be arrested, taken downtown for processing, and then taken to the Otay Mesa Detention Center. The officers gave us a few minutes to speak privately before they took my client from the room down a back hallway and me and the husband were escorted to exit toward a lobby.

8. At no time prior to the arrest was I informed that ICE was present, involved, or coordinating enforcement action. The arrest was effectuated without prior notice to counsel and occurred solely because the applicant appeared for an interview required by law as part of the application process to adjust status.
9. My client spent one night with insufficient accommodations at a downtown 880 Front Street temporary holding cell and then spent the next 6 days at the Otay Mesa Detention Center. On December 22, 2025, we appeared for a bond hearing where the immigration judge released her on her own recognizance.
10. In my professional judgment, the timing and content of the warrant strongly suggest pre-planned enforcement action coordinated with the USCIS interview, transforming a benefits adjudication into an pretextual enforcement trap.
11. This practice represents a new and unprecedented departure from longstanding USCIS procedures. Since this incident, I have learned through professional communications with other immigration attorneys in Southern California that similar arrests have occurred under substantially similar circumstances. These reports indicate a pattern, not an isolated incident.
12. The practice of arresting applicants at USCIS interviews causes immediate and irreparable harm, including:
 - o Loss of liberty through detention;
 - o Separation of families;
 - o Foreclosure of statutory immigration benefits;
 - o Severe chilling of participation in lawful immigration processes;
 - o Additional costs in unanticipated legal fees (representation at bond hearings, court hearings, and converting USCIS filings to be suitable

for court) and additional filing fees for applications in removal proceedings¹; and

- A record of arrest that is permanent on an individual's arrest record and can affect employment in the future; and
- Possible loss of lawful employment.

13. In my professional opinion, this practice deters eligible applicants from appearing at required interviews, undermines attorney-client counseling, and erodes trust in the immigration system.

14. Preventing ICE arrests at USCIS adjustment of status interviews serves the public interest by preserving due process, ensuring access to congressionally authorized immigration benefits, and maintaining the integrity and reliability of federal administrative procedures. Enjoining this practice would not prevent lawful enforcement actions; it would merely prohibit the use of USCIS interviews for enforcement ambushes.

15. I submit this declaration in support of Plaintiffs' request for immediate injunctive relief to prevent ongoing and imminent constitutional and statutory violations.

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



Leah L. Chavarria, Esq.
Senior Associate Attorney
Hurwitz Holt, APLC
2251 San Diego Ave., Ste. B-200
San Diego, CA 92110

December 23, 2025

¹ According to the H.R. Reconciliation Bill of July 4, 2025 (Public Law 119-21), and PM 25-36 (Amended), *Update and supplement EOIR policy regarding fees*, issued July 17, 2025, an adjustment of status applicant in removal proceedings must not only pay the standard fees to USCIS for the application (\$1,440), but must also pay an additional \$1,500 when the application is before the immigration court. See <https://www.justice.gov/eoir/media/1408356/dl?inline>.

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U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. 2 [REDACTED]

Date: 11-18-25

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

NATHAN A
CARDOZA

Digitally signed by
NATHAN A CARDOZA
Date: 2025.11.15 11:30:13
-3808

(Signature of Authorized Immigration Officer)

Assistant Field Office Director Nate Cardoza
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at 1325 Front st
(Location)

on [REDACTED] on 11-18-25, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

J. Smoak
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. [REDACTED] 01

Date: 12/15/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

NATHAN A CARDOZA

Digitally signed by NATHAN A CARDOZA Date: 2025.11.15 11:30:13 -08'00'

(Signature of Authorized Immigration Officer)

Assistant Field Office Director Nate Cardoza

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at USCIS SAN DIEGO, CA (Location)

on [REDACTED] (Name of Alien) on 12/15/2025 (Date of Service), and the contents of this

notice were read to him or her in the (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)