

RAMIREZ-SMITH LAW
NIKKI R. SMITH, ISB: 9030
NSMITH@NRSDT.COM
NEAL F. DOUGHERTY, CSB: 302612
NDOUGHERTY@NRSDT.COM
TALIA D. BURNETT, CSB: 286318
TBURNETT@NRSDT.COM
JACOB ROURK, ISB: 12585
JROURK@NRSDT.COM
444 W. Iowa Ave.
Nampa, ID 83686
208-461-1883

Attorneys for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

Daniel VENCES BELTRAN

Petitioner,

v.

Brian HENKEY, Field Office Director of
Enforcement and Removal Operations, Salt
Lake City Field Office, Immigration and
Customs Enforcement; Kenneth PORTER,
Acting Director of the Boise U.S. Immigration
and Customs Enforcement Field Sub-Office;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Pamela BONDI, U.S.
Attorney General; Mike HOLLINSHEAD,
Sheriff of Elmore County,

Respondents.

Case No. 1:25-CV-00733-DCN

**REPLY TO RESPONSE TO PETITION
FOR WRIT OF HABEAS CORPUS
(Dkt. No. 7)**

Table of Contents

I. Petitioner is a Resident of Idaho. 3

II. Petitioner Was Subjected to a Severe Form of Human Trafficking. 3

III. Petitioner’s Juvenile Adjudications are not Criminal Convictions..... 4

IV. Petitioner was never subject to detention under 1225(b), and as such, never “paroled”
into the United States. 4

V. Petitioner is Subject to § 1226(a) as He Is Not an Applicant for Admission Seeking
Admission, Having Been Never Detained Under § 1225(b). 6

VI. The Most Appropriate Relief is Release. 7

VII. CONCLUSION..... 8

I. Petitioner is a Resident of Idaho.

Respondents assert that Petitioner's claim of being a "resident" of Idaho is legally incorrect and misleading, because he has "no legal status in the United States." Dkt. 7 at 7. Petitioner has made clear that he is a native and citizen of Mexico, not of the United States, who entered the country as an unaccompanied alien child, without prior authorization. Dkt. 1 at 7. Petitioner was placed into the custody of his uncle, residing in the state of Idaho, and ergo is a *resident* of Idaho. *See attached*, ORR Verification of Release. Respondents' contention that Petitioner's claim of residency is "not true in a legal sense" is confusing, considering there is no definition under the Immigration and Nationality Act of the term "resident," but rather only such terms as "lawful permanent residency," which Petitioner has not claimed. *See* 8 C.F.R. § 1.1.

II. Petitioner Was Subjected to a Severe Form of Human Trafficking.

Respondents contest that Petitioner was "found to have been the victim of a severe form of human trafficking," plainly stating the assertion is "not true." Dkt. 7 at 6. Petitioner reiterates that he was found to have been the victim of a severe form of human trafficking, and submits as evidence with this reply the Eligibility Letter signed by Katherine Chon, Director of the Office on Trafficking in Persons under HHS, which determined that Petitioner was thereby subjected, and "eligible to apply for benefits and services to the same extent as a refugee." *See* Trinity Youth Services Eligibility Letter; *See also*, ORR Medical Assessment Form (recording that Petitioner was "dumped" by "2 adult males . . . because he didn't want to work for cartel," and that his behavioral and mental concerns consisted of trauma symptoms). While the I-213 reports that Petitioner stated he had not been trafficked, his self-assessment as a layperson and minor is not at all dispositive of this legal determination.

III. Petitioner's Juvenile Adjudications are not Criminal Convictions.

Respondents contest as false the factual allegation in the Petition for Writ of Habeas Corpus that the charges brought against him on December 28, 2025 were dismissed. Dkt. 7 at 6. Respondents appear to be correct, based on the court records they have attained. Petitioner's representations were based on his best understanding of his own case's procedural history. His case was in fact informally adjusted in juvenile court, functioning as an admittance of guilt without being placed on his record, and Petitioner was credited time served with remaining time commuted. See Dkt. No. 7-5, pp 4-5. Undersigned counsel for Petitioner apologizes to the Court for this inaccuracy.

Contrary to Respondents repeated mischaracterizations of Petitioner's record as "criminal," *see generally*, Dkt. No. 7, juvenile court is not criminal, and charges sustained against juveniles are not criminal convictions, but rather informal adjudications. *State v. Harwood*, 98 Idaho 793, 794, 572 P.2d 1228, 1229 (1977) ("juvenile jurisdiction and adult criminal jurisdiction are mutually exclusive."). This furthers the legislature's intent that Juvenile Corrections serve to "assist the juvenile offender in developing skills to become a contributing member of a diverse community". Idaho Code § 20-501.

That being said, none of these intricacies of Petitioner's juvenile adjudications affect his legal argumentation as to the merits of his claim, or his rights to due process, which Respondents have violated.

IV. Petitioner was never subject to detention under § 1225(b), and as such, never "paroled" into the United States.

Petitioner was released into the United States under the TVPRA from HHS, not pursuant to DHS' discretionary parole power. Respondents note, "when a parole period ends, 'the alien shall forthwith return or be returned to the custody from which he was paroled.'" Dkt. 7 at 7

(citing 8 U.S.C. § 1182(d)(5)(A)). The authority they cite pertains to parole under the discretion and authority of the Secretary of Homeland Security.

Petitioner is not now, nor has he ever been subject to statutory detention by DHS. Rather, DHS encountered Petitioner, screened him, and mandatorily transferred such custody to HHS upon learning he was an unaccompanied alien child. *See* 8 U.S.C. § 1232(b)(1) (“the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services”); 8 U.S.C. § 1232(b)(3) (“any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.”). HHS thereupon, per statutory mandate, placed Petitioner in the “least restrictive setting that is in [Petitioner’s] best interest.” 8 U.S.C. 1232(c)(2)(A).

Respondents assert that Petitioner was merely “temporarily protected from mandatory detention as a UAC under 8 U.S.C. § 1232” which “ended when he turned eighteen.” Dkt. 7 at 3. The mere fact that Petitioner has turned 18 does not necessarily remove his designation as an unaccompanied alien child. *See* 8 C.F.R. § 400.111 (“Unaccompanied minor means a person who has not yet attained 18 years of age (or a higher age established by the State of resettlement in its child welfare plan under title IV-B of the Social Security Act for the availability of child welfare services to any other child in the State)”). Petitioner may very well still qualify as an unaccompanied minor pursuant to federal regulation. Regardless, there is no support for their apparent suggestion that DHS maintains a hold on any UAC whom they encounter, which must be executed upon aging out of UAC designation.

Immigration officials did not “parole” Petitioner, as they had no authority to detain him, much less to discretionarily decide whether or not he should be released. It was HHS that placed him in the least restrictive setting and in his best interest under 8 U.S.C. 1232, which nowhere provides for DHS being transferred detention authority upon the child’s 18th birthday, much less subjecting that child to mandatory detention by operation of a legal fiction.¹

In summary, there has been no parole terminated here, as there was never any parole granted in the first place, let alone by DHS. Petitioner was placed with his family members in the United States by HHS pursuant to the provisions of the TVPRA.

V. Petitioner is Subject to § 1226(a) as He Is Not an Applicant for Admission Seeking Admission, Having Been Never Detained Under § 1225(b).

Petitioner arrived in the United States as an unaccompanied alien child. He was subject to the custodial authority of HHS under the TVPRA, and never subject to DHS’ detention authority under 8 U.S.C. § 1225(b)(2).

An alien cannot be subject to both 8 U.S.C. § 1225(b)(2) and the TVPRA simultaneously, because “their detention schemes are facially incompatible.” *F.S.S.M. v. Wofford*, 2025 U.S. Dist. LEXIS 254953 at *11 (C.E. D.C., 2025) (“[R]equirement of placement in the least restrictive setting is in direct conflict with mandatory detention.”); *see also, R.D.T.M. v. Wofford*, 2025 U.S. Dist. LEXIS 183995 at *9-10 (C.E. D.C. 2025) (“The detention of unaccompanied minor children is governed by the TVPRA, which does not mandate detention.”). An alien in mandatory detention under 8 U.S.C. 1225(b)(2) can only be released through the discretionary

¹ 8 U.S.C. 1232(c)(2)(B) alludes to transfer of children back to DHS in certain circumstances, reading “if a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security . . .” A minor described under subparagraph (A) is “an unaccompanied alien child in the custody of the Secretary of Health and Human Services.” 8 U.S.C. 1232(c)(2)(A). This section only provides further proof that, even in such cases where transfer of custody back to DHS is appropriate, detention is still not mandatory, but placement must rather aspire to place the alien in the “least restrictive setting available.” *Id.*

parole authority located in 8 U.S.C. 1182(d)(5)(A). *Martinez v. Hyde*, 792 F. Supp. 3d 211, 215 (D. Mass. 2025) (quoting *Jennings*, 583 U.S. at 300). Where the government releases a detainee pursuant to this parole authority, it may continue to treat the non-citizen “as if stopped at the border,” *Id.* (quoting *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139, 140 S. Ct. 1959, 207 L. Ed. 2d 427 (2020)), and therefore may continue to treat him as “‘seeking admission’ despite a long period of living in the United States while on humanitarian parole.” *Castillo v. Wamsley*, 2025 U.S. Dist. LEXIS 255553 at *17 (Wa. W. D.C., 2025). Contrarily, where an alien is release pursuant to the TVPRA, an alien cannot be treated as if still at the border if released into the United States by such means as placement out of ORR custody. *Id.* at *17-18.

Here, the lone statute controlling Petitioner’s temporary detention and placement into the United States was through the TVPRA. He was transferred to HHS custody, and released from ORR custody into the care of his uncle on April 13, 2024. *See attached*, ORR Verification of Release. He therefore cannot now, *post-hoc*, be deemed to have been processed at the time of his entry under 1225(b), when such was never the case.

VI. The Most Appropriate Relief is Release.

Petitioner’s release pursuant to the TVPRA created a “reasonable expectation that he would be entitled to retain his liberty under the TVRA’s protection.” *F.S.S.M. v. Wofford*, 2025 U.S. Dist. LEXIS 254953 at *13 (C.E. D.C., 2025) (citing *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 U.S. Dist. LEXIS 163056, 2025 WL 2419263, at *3-4 (N.D. Cal. Aug. 21, 2025) (finding a liberty interest where petitioner was released under § 1226(a) and rejecting the argument that “§ 1225(b) can serve as a new basis for Petitioner’s detention, which Respondents raised post hoc and introduced for the first time in this litigation.”).

The sudden deprivation of Petitioner's protected liberty interest without opportunity for bond, particularly at his young age and in the midst of juvenile court proceedings, his attendance of which is severely hindered by his detention, weigh in favor of his private interest being served by immediate release.

Risk of erroneous deprivation of his liberty interest is high where he has been granted no procedural safeguards prior to or during his detention within immigration court. His charges are all juvenile, and while Respondents cite pending juvenile corrections proceedings as demonstrating his danger to the community, he has not been convicted, and if he remains in custody, these charges will never be adjudicated. It is in the interest of justice that the Petitioner be released, so that he may answer the charges against him. By seeking to detain and remove the Petitioner, the Respondents are usurping the State of Idaho of its right to see justice done, and of Petitioner to have his day in Court.

VII. CONCLUSION

For the foregoing reasons, Petitioner asks the Court to grant his Petition for Writ of Habeas Corpus.

Respectfully submitted,

/s/ Jacob C. Rourk
Jacob C. Rourk
Attorney for Petitioner
Ramirez-Smith Law
444 W. Iowa Ave.
Nampa, ID 83686
Tel.: (208) 461-1883

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