

CHERI ATTIX, ESQ.  
Cal. State Bar No.: 185731

Law Office of Cheri Attix  
2221 Camino del Rio S, Suite 201  
San Diego, CA 92108  
(619) 847-8694 (tel.)  
cheriattix@icloud.com

Counsel for Petitioner

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAID CYRUS )

Petitioner )

v. )

CHRISTOPHER J. LAROSE, Senior )  
Warden, Otay Mesa Detention Center; )  
DANIEL A. BRIGHTMAN, San Diego )  
Field Office Director, U.S. Immigration & )  
Customs Enforcement (ICE); TODD )  
LYONS, Acting Director, ICE; KRISTI )  
NOEM, U.S. Secretary of Homeland )  
Security; PAMELA BONDI, Attorney )  
General of the United States )

Respondents. )  
)  
)  
)  

---

Case No. '26CV0084 TWR KSC

Agency No. A 

**PETITION FOR WRIT  
OF HABEAS CORPUS  
AND ORDER TO SHOW  
CAUSE WITHIN THREE  
DAYS**

Expedited Hearing Requested

## I. INTRODUCTION

1. Petitioner, Said Cyrus, by and through his undersigned counsel, hereby files this Petition for Writ of Habeas Corpus to compel his immediate release from the immigration detention facility where he has been held by the U.S. Department of Homeland Security (DHS) since being detained on January 3, 2026.

2. Mr. Cyrus is a citizen of Ukraine. He is an asylum applicant who has maintained Temporary Protected Status (TPS) since January 25, 2023.

3. Mr. Cyrus did not enter the United States unlawfully; he requested asylum at the San Ysidro port of entry and was paroled into the United States by the Respondents for one year on March 27, 2022. At the same time, they placed him in removal proceedings so that he could apply for asylum. On December 14, 2022, the Respondents agreed to dismiss his removal proceedings based on his prima facie eligibility for TPS and so that he could file his asylum application with USCIS in the first instance. His removal proceedings were dismissed without prejudice on January 17, 2023. He filed for asylum with USCIS on October 7, 2024. The application has been pending since that time. Mr. Cyrus has not violated any laws since arriving in the United States.

4. On January 3, 2026, Respondent ICE informed Mr. Cyrus that he was being detained and placed again in removal proceedings because he had “no status.” In coming to this conclusion, Respondent ICE ignored Mr. Cyrus’s maintenance of

TPS, which not only protects him from removal, but prohibits his detention. Moreover, Respondents did not exercise discretion to determine whether Mr. Cyrus had become a danger to the community or a flight risk such that detention was necessary to ensure his appearance at removal proceedings.

5. On information and belief, Mr. Cyrus was arrested and re-detained pursuant to Executive Order No. 14165 which directs the Respondents to “take all appropriate actions to detain, to the fullest extent permitted by law, aliens apprehended for violations of immigration law until their successful removal from the United States.” Exec. Order No. 14165 Sec. 5, 90 Fed. Reg. 8467 (Jan. 20, 2025). Mr. Cyrus, however, has not violated any immigration law.

## II. JURISDICTION

6. This court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the U.S. Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (APA), 5 U.S.C. § 551 et seq.

7. The aid of this Court is further invoked under 28 U.S.C. §§ 2201-2, authorizing declaratory judgment and “further necessary or proper relief based on [such] declaratory judgment.” and injunctive relief necessary to judgment and any further necessary and proper relief.

### III. VENUE

8. Venue is proper with this court because Respondent Warden LAROSE is Petitioner's immediate custodian at the Otay Mesa Detention Facility in Otay Mesa, California. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because the Respondents are all officers and agencies of the United States; the Plaintiff resides in this judicial district; and there is no real property involved in this action.

### IV. PARTIES

9. Petitioner SAID CYRUS is a native of Iran and citizen of Ukraine who resides in the Southern District of California and is currently detained at the Otay Mesa Detention Center.

10. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention Center. Respondent LaRose oversees the day-to-day operations of Otay Mesa Detention Center and acts at the direction of Respondents BRIGHTMAN, LYONS, NOEM, AND BONDI. He is a custodian of the Petitioner and is named in this official capacity.

11. Respondent DANIEL A. BRIGHTMAN is the San Diego Field Office Director of U.S. Immigration and Customs Enforcement (ICE). ICE is the component of the Department of Homeland Security (DHS) which is responsible for detaining and removing noncitizens according to immigration law and oversees

custody determinations. Mr. Brightman is named in his official capacity. In his official capacity, he is a legal custodian of the petitioner.

12. Respondent TODD LYONS is the Acting Director of ICE and is named in his official capacity. In his official capacity, he is a legal custodian of the petitioner.

13. Respondent KRISTI NOEM is the Secretary of the DHS and is named in her official capacity. DHS is the federal agency of which ICE is a component part. DHS is responsible for the administration and enforcement of the Immigration and Nationality Act (INA) and all other laws pertaining to the immigration of noncitizens. In her capacity as Secretary of the DHS, Respondent NOEM has responsibility for the administration and enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. § 1103(a). Respondent NOEM is the ultimate legal custodian of Petitioner.

14. Respondent PAM BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the authority to interpret the immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA).

## V. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

15. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Id.

16. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” Fay v. Niola, 372 U.S. 391, 400 (1963).

17. The Petitioner is “in custody” for the purpose of § 2241 because he was arrested and remains detained by the Respondents.

## VI. FACTS

18. The Petitioner, Mr. Said Cyrus, was born in Iran, but moved to Ukraine in 1996. While there, he converted to Christianity. In 2017, he married his wife Maryna, a Ukrainian citizen. Mr. Cyrus received Ukrainian citizenship through their marriage. Despite racist attacks and discrimination, Mr. Cyrus remained in Ukraine until the Russian invasion of February 2022. At that time, he, his wife and daughter,

fled to the United States, where Mr. Cyrus's brother lives. Mr. Cyrus's brother is a U.S. citizen and a lay pastor at the Iranian Christian Church of San Diego.

19. Mr. Cyrus requested asylum at the U.S. border on March 26, 2022, with his wife and daughter. They were detained overnight by the Respondents.

20. The next day, ICE placed Mr. Cyrus in removal proceedings pursuant to 8 U.S.C. § 1229a., charging him as an arriving alien who was inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), as someone who, at the time of application for admission, was not in possession of the required documents for entry.

21. After issuing a Notice to Appear in immigration court, ICE paroled Mr. Cyrus and his family into the United States on March 27, 2022 for a period of one year. No conditions were placed on Mr. Cyrus's release on parole. Mr. Cyrus was not placed in a GPS wrist or ankle shackle or subject to any other form of electronic monitoring.

22. On June 14, 2022, Mr. Cyrus's counsel requested that Respondent Immigration and Customs Enforcement (ICE) agree to dismiss his removal proceedings based on his parole, his eligibility for Ukrainian TPS, and the fact that he could pursue an application for asylum with USCIS outside of immigration court. On June 21, 2022, the immigration judge administratively closed Mr. Cyrus's removal proceedings to allow ICE time to consider his request for prosecutorial discretion.

23. On December 14, 2022, ICE, through its Office of the Principal Legal Advisor (OPLA), informed Mr. Cyrus that it would not oppose dismissal of his case, without prejudice, from immigration court. On January 17, 2023, Mr. Cyrus's counsel filed an unopposed motion to dismiss proceedings, which was granted by the immigration court on January 19, 2023.

24. On January 25, 2023, while still under his period of parole, Mr. Cyrus was granted temporary protected status (TPS) for Ukraine until October 19, 2023. Ukrainian TPS was then extended to April 29, 2025 and Mr. Cyrus and his family timely re-registered. Ukrainian TPS was again extended to October 19, 2026. Mr. Cyrus timely filed his re-registration for TPS on February 14, 2025.

25. On October 7, 2024, while maintaining TPS, Mr. Cyrus filed an I-589 application for asylum with the U.S. Citizenship and Immigration Service (USCIS), a constituent agency of Respondent DHS. That application has been pending with USCIS since that time.

26. Mr. Cyrus works as an Uber driver. At approximately 9 p.m. on Saturday January 3, 2026, he drove a group of U.S. Marines to Camp Pendelton after their night out. Mr. Cyrus was permitted to enter Camp Pendelton and drop off the Marines. When he returned to the Camp exit, however, he was not permitted to leave. The guard requested to see his identification. When he showed his California driver's license, the guard saw that he was born in Iran and told him to pull over into

a parking lot and get out of the car. The guard then called Respondent ICE who came, arrested him, and took him to a holding facility in Oceanside.

27. At the Oceanside facility, Respondent ICE allowed Mr. Cyrus to call his wife, who speaks English, to translate for him. ICE asked Mr. Cyrus what status he had in the United States and he told them, through his wife, that he had TPS and a pending asylum application. ICE told him that he was in the United States unlawfully, detained him, and transported him to the federal building at 800 Front Street in San Diego, and from there to Otay Mesa Detention Center. He has been informed that he will have a removal hearing on January 15, 2026 at 8:00 a.m.

28. Mr. Cyrus has never received an explanation for his arrest and re-detention by the Respondents aside from the blanket assertion that he is in the United States without status, which is patently false.

## VII. LEGAL FRAMEWORK

29. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” Addington v. Texas, 441 U.S. 418, 423 (1979). Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. Reno v. Flores, 507 U.S. 292, 306 (1993). Immigration detention should not be used as a punishment and should only be used when, under an individualized determination,

a noncitizen is a flight risk because they are unlikely to appear for immigration court or are a danger to the community. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

### **Temporary Protected Status**

30. TPS may be granted to nationals of any foreign state if the Attorney General “finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.” U.S.C. § 1254a(b)(1)(C). TPS is designated for periods between 6 and 18 months and may be extended for periods of 6, 12 or 18 months at a time if conditions in the home country so warrant. U.S.C. § 1254a(b)(3)(C).

31. Once a person is granted TPS, the Attorney General, “shall not remove the alien from the United States during the period in which such status is in effect.” 8 U.S.C. § 1254a(a)(1)(A). Such an alien, moreover, “*shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.*” 8 U.S.C. § 1254a(d)(4)(emphasis added). This protection from detention and removal does not only apply to those already granted benefits, but is extended to any and all *applicants* for TPS who can “establish[] a prima facie case of eligibility for benefits” 8 U.S.C. § 1254a(a)(4)(B). The INA provides that, “until a final determination with respect to the alien’s eligibility for such benefits [...] has been made, the alien *shall be provided* such benefits.” Id.

32. Once an alien has been granted TPS, such protection can only be “withdrawn” under specified grounds: (1) discovery of initial ineligibility; (2) failure to maintain continuous physical presence in the United States; or (3) failure to re-register “in a form and manner specified by the Attorney General.” 8 U.S.C. § 1254a(c)(3).

33. On April 19, 2022, the Respondents designated Ukraine for TPS for 18 months “due to ongoing armed conflict and extraordinary and temporary conditions.” 87 Fed. Reg. 23211. This designation was extended for another 18 months on August 21, 2023. 88 Fed. Reg. 56872. It was extended again for 18 months on January 17, 2025. 90 Fed. Reg. 5936. The current extension runs through October 19, 2026. Id.

#### **Detention During Removal Proceedings**

34. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioner, should be removed from the United States. See, 8 U.S.C. § 1229a. The Immigration and Nationality Act establishes various procedures through which individuals may be detained pending a decision on whether or not the noncitizen is to be removed. 8 U.S.C. § 1226(a).

35. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if she does not present a danger to persons or property and is not a flight risk.

Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Matter of Guera, 24 I&N Dec. 37 (BIA 2006). Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

36. Once a determination to release an individual from custody is made pursuant to 8 U.S.C. § 1226, the release order may be revisited only if the facts and circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). Revocation of release and return to custody is authorized only based on the individualized facts and circumstances. 8 CFR § 1236.1(c)(9). “In practice, the DHS re-arrests individuals only after a ‘material’ change in circumstances. To satisfy due process, those changed circumstances must represent individualized legal justification for detention.” Sanchez v. Larose, No. 25cv2396-JES-MMP (S.D. Cal. Sep. 26, 2025)(internal citations omitted); Tran v. Noem, No. 25cv2334-JES-MSB, at \*6-7 (S.D. Cal. Sep. 29, 2025)(citing Ying Fong v. Ashcroft, 317 F.Supp. 2d 398, 403 (S.D.N.Y. 2004). “This standard prevent[s] arbitrary revocations and ensure[s] that detention decisions rest[] on individualized assessments of changed circumstances rather than categorical assumptions. Gonzalez v. Bostock, No. 2:25cv01404-JNW-GJL at \*13 (W.D. Wash. Oct. 7, 2025)(discussing Vargas v. Jennings, No. 20-cv-5785, 2020 WL 5074312, at \*2 (N.D. Cal. Aug. 23, 2020)

(quoting Ortega v. Bonnar, 415 F.Supp.3d 963, 968 (N.D. Cal. 2019) (quoting Matter of Sugay, 17 I.&N. Dec. 637, 640 (B.I.A. 1981))); Saravia v. Sessions, 280 F.Supp.3d 1168, 1197 (N.D. Cal. 2017). Cf., Matter of Sugay, 17 I&N Dec. 637, 640 (BIA 1981)(“Where a previous bond determination has been made by an immigration judge, no change should be made by a District Director absent a change in circumstance[.]”). By regulation, revocation decisions are limited in nature and may only be made by certain authorized individuals. Id.

### VIII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

37. Exhaustion of administrative remedies is prudential, not jurisdictional, in habeas proceedings. Hernandez v. Sessions, 872 F.3d 976, 988 (9<sup>th</sup> Cir. 2017). A court may waive the prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” Id. (quoting Liang v. Ashcroft, 370 F.3d 994, 1000 (9<sup>th</sup> Cir. 2004)).

38. No statutory exhaustion requirements apply to Petitioner’s claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. See, American-Arab Anti-Discrimination Comm. v. Reno, 70 F.3d 1045, 1058 (9<sup>th</sup> Cir. 1995) (Finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to

review constitutional claims); In re Indefinite Det. Cases, 83 F. Supp. 2d 1098, 1099 (C.D. Cal 2000)(same).

39. The Petitioner is challenging his detention by the Respondents in violation of the INA, which in turn violates his due process rights. Since Respondent EOIR does not have jurisdiction to review constitutional claims, seeking a custody review before an immigration judge would be a futile endeavor.

## VIII. CLAIMS FOR RELIEF

### COUNT ONE

#### Violation of Fifth Amendment Right to Due Process Substantive Due Process

40. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil detention, including that of a non-citizen, violates due process in the absence of a “special justification” sufficient to outweigh one’s “constitutionally protected interest in avoiding physical restraint.” *Id.* (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)) (internal quotation marks omitted).

41. This interest in freedom from detention is particularly strong for individuals who are facing termination of previous release conditions and re-detention. In Morrissey v. Brewer, the Supreme Court held that an individual who is re-detained after being released has a “valuable” liberty interest notwithstanding

the “indeterminate” nature of his freedom. 408 U.S. 471, 482 (1972). Subject to the conditions of his release, a noncitizen “can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life.” Id. The noncitizen’s liberty therefore “includes many of the core values of unqualified liberty and its termination inflicts a ‘grievous loss’ on the noncitizen and often others.” Id. See, Carballo v. Andrews, No. 1:25-CV-00978- KES-EPG (HC), 2025 WL 2381464, at \*4 (E.D. Cal. Aug. 15, 2025)(There is “a meaningful distinction between a challenge to an initial period of detention . . . and a challenge to *re-detention* after [...] release [...] pending immigration proceedings.”) (emphasis in original).

42. The Respondents have violated Mr. Cyrus’s protected liberty interest in freedom from arbitrary imprisonment.

**COUNT TWO**  
**Violation of Fifth Amendment Right to Due Process**  
**Procedural Due Process**

43. Due process requires that government action be rational and non-arbitrary. See, U.S. v. Trimble, 487 F.3d 752, 757 (9<sup>th</sup> Cir. 2007). While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. See, Zadvydas, 533 U.S. at 698.

44. Here, Respondents have chosen to revoke Petitioner's release in an arbitrary manner by disregarding the fact that he has been granted TPS and cannot legally be detained. The Petitioner's detention is part of a nationwide effort by the Respondents to detain as many noncitizens as possible, based on a sweeping categorical order from Washington not on any individualized consideration of individualized facts and circumstances. Petitioner's detention is a violation of his procedural due process rights.

### COUNT THREE

**Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A)  
Not in Accordance with Law and in Excess of Statutory Authority  
Violation of 8 U.S.C. § 1226(b), 8 CFR § 1236.1(c)(9)**

45. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

46. Under the APA, a court “shall [...] hold unlawful [...] agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction, authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A-D).

47. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable if not void *ab initio*.” L.M.-M. v. Cuccinelli, 442 F.Supp. 3d 1, 35 (D.D.C. 2020), citing SW General, Inc. v NLRB, 796 F.3d 67, 79 (D.C. Cir. 2015); see also, Hooks v. Kitsap Tenant Support Servs.,

Inc., 816 F.3d 550, 555 (9<sup>th</sup> Cir. 2016)(invalidating agency action because it was taken by an unauthorized official).

48. A noncitizen granted TPS, “*shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.*” 8 U.S.C. § 1254a(d)(4)(emphasis added). Mr. Cyrus was granted TPS in 2023 and has dutifully and timely re-registered for two subsequent extensions. His status has not been withdrawn, and indeed, there is no basis for doing so. The Respondents’ detention of Mr. Said violates 8 U.S.C. § 1254a(d)(4) and was therefore not in accordance with law and in excess of statutory authority.

#### **COUNT FOUR**

**Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A)  
Abuse of Discretion  
Violation of 8 U.S.C. § 1226(b), 8 CFR § 1236.1(c)(9)**

49. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

50. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

51. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” Nat’l Ass’n of Home Builders v. Defs. of Wildlife, 551 U.S. 644, 658 (2007)(quoting

Motor Vehicle Mfrs. Ass'n of U.S. Inc. v. State Farm Mut. Auto Ins. Co., 463 U.S. 29, 43 (1983).

52. To prevail against such a claim, the agency must articulate “a satisfactory explanation for its action, including a rational connection between the facts found and the choice made.” Dept. of Com. v. New York, 139 S. Ct. 2551, 2569 (2019)(citation omitted).

53. Respondents failed to consider an important aspect of the problem: that the INA prohibits the detention of a person who is maintaining Temporary Protected Status. The detention of Mr. Cyrus is categorically a violation of law and the Respondent’s disregard of that law is an abuse of discretion.

54. Respondents decision to re-detain the Petitioner cannot be considered a rational exercise of discretion. The Respondents paroled the Petitioner into the United States in March 2022 due to “urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5). Moreover, the Respondents affirmatively did not oppose a motion to dismiss Mr. Cyrus’s removal proceedings in December 2022 due to the grant of parole, his eligibility for TPS, and the fact that he could just as well file an application for asylum with USCIS as with the immigration court. There have been no changes to the Petitioner’s circumstances that justify this re-detention. He was granted and maintains TPS, a fact that prohibits his detention. He also filed his asylum application with USCIS, as the Respondents instructed him to

do when they agreed not to oppose the dismissal of his removal proceedings in 2023. Mr. Cyrus has complied with every request made of him by the Respondents. There simply was no rational reason to re-detain him.

55. By categorically revoking Petitioner's release and re-detaining him without consideration of his individualized facts and circumstances—in particular, the INA's prohibition on the detention of those maintaining TPS—Respondents have violated the APA by failing to exercise discretion at all, let alone find facts and make a rational choice based on those facts.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an order prohibiting Respondents from transferring Petitioner outside the jurisdiction of the San Diego Field Office and/or the Southern District of California pending the resolution of this case;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
- (4) Declare that Petitioner's detention was done in violation of statute and regulation;

- (5) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from their custody immediately and prohibit them from detaining him while he maintains his Temporary Protected Status;
- (7) Enjoin Respondents from constructively detaining Petitioner post-release by enrolling him in an "alternatives to detention" program that requires GPS or any other electronic monitoring;
- (8) In the alternative, conduct an immediate bond hearing before this Court where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence;
- (9) In the alternative, order an immediate bond hearing before a neutral decisionmaker who does not work for any of the Respondents and where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence;
- (10) Award costs and reasonable attorney's fees pursuant to the Equal Access to Justice Act, and on any other basis justified under law; and
- (11) Grant such other relief as the Court deems just and proper.

Respectfully submitted on this 6th day of January 2026.

S/Cheri Attix  
Law Office of Cheri Attix  
2221 Camino del Rio S, Suite 201  
San Diego, CA 92108  
Tel: (619) 847-8694  
cheriattix@icloud.com  
Counsel for Petitioner-Plaintiff

**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Dated: January 6, 2026

S/Cheri Attix  
Law Office of Cheri Attix  
2221 Camino del Rio S, Suite 201  
San Diego, CA 92108  
Tel: (619) 847-8694  
cheriattix@icloud.com  
Counsel for Petitioner


I94 - Official Website

https://i94.cbp.dhs.gov/i94/#/recent-result:

 For: SAID CYRUS



Most Recent I-94

Admission (I-94) Record Number : 

Most Recent Date of Entry: 2022 March 27

Class of Admission : DT


Admit Until Date : 03/24/2023

Details provided on the I-94 Information form:

Last/Surname : CYRUS

First (Given) Name : SAID

Birth Date : 1979 

Document Number : 

Country of Citizenship : Ukraine

[Get Travel History](#)

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a pre-printed Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

DHS No. 1451-0111  
Expiration Date: 04/30/2022

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

[Privacy](#) · [Terms](#)

1/5/2022 1:17 PM

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

**In removal proceedings under section 240 of the Immigration and Nationality Act:** Event No: [REDACTED]

Subject ID : [REDACTED] FIN #: [REDACTED] FAMU : [REDACTED] File No: [REDACTED]

SIGMA Event: [REDACTED] DOB: [REDACTED] 1979

In the Matter of: CYRUS, SAID

Respondent: CYRUS, Said currently residing at:  
[REDACTED]  
(Number, street, city, state and ZIP code) (Area code and phone number)

You are an arriving alien.  
 You are an alien present in the United States who has not been admitted or paroled.  
 You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:  
1. You are not a citizen or national of the United States.  
2. You are a native of Iran and a citizen of Ukraine.  
3. On or about March 26, 2022, you applied for admission into the United States from Mexico at the Otay Mesa Port of Entry.  
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:  
See Continuation Page Made a Part Hereof

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.  
 Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
880 FRONT STREET SUITE 4240,  
San Diego, CA, US 92101  
(Complete Address of Immigration Court, Including Room Number, if any)


on April 28, 2022 at 08:30 AM to show why you should not be removed from the United States based on the  
(Date) (Time) ANGARITA, CAR29272

charge(s) set forth above. CBP OFFICER [Signature]  
(Signature and Title of Issuing Officer) (Sign in ink)

Date: March 27, 2022 SAN YSIDRO, CALIFORNIA  
(City and State)

Department of Homeland Security

Continuation Page for Form I-862

Alien's Name CYRUS, KARINA	File Number A [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date March 27, 2022
<p>ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:</p> <p>=====</p>		
<p>212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.</p>		
Signature  ANGARITA, CAR29272 	Title  CBP OFFICER	

Privacy Act Statement

U.S. Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following OHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorns>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned OHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and OHS policy, the information you provide may be shared internally within OHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

**Notice to Respondent**

Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/I-589](http://www.uscis.gov/I-589). Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

\_\_\_\_\_  
(Signature of Respondent) (Sign in ink)

Date: March 27, 2022

\_\_\_\_\_  
(Signature and Title of Immigration Officer) (Sign in ink)

**Certificate of Service**

This Notice To Appear was served on the respondent by me on March 27, 2022, in the following manner and in compliance with section 239(a)(1) of the Act.

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

The alien was provided oral notice in the RUSSIAN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

caaf  
(Signature of Respondent if Personally Served) (Sign in ink)

ANGARITA, CAR2927  
CBP OFFICER  
(Signature and Title of officer) (Sign in ink)

12/14/22, 10:30 AM

Mail - Farsiar Zandian - Outlook

**RE: Request for Prosecutorial Discretion | Said CYRUS (A [REDACTED]) et al. | UKRAINE**

Nazaretyan, Edgar <Edgar.Nazaretyan@ice.dhs.gov>

Wed 12/14/2022 10:29 AM

To: Farsiar Zandian <FZandian@ccdsd.org>

Based on pending TPS, DHS will not oppose dismissal (without prejudice) as a matter of prosecutorial discretion. Thank you.

Edgar Nazaretyan  
Assistant Chief Counsel  
OPLA San Diego  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
880 Front Street, Suite 2246  
San Diego, CA 92101  
T: (619) 436-0312

\*\*\* Warning \*\*\* Attorney/Client Privilege \*\*\* Attorney Work Product \*\*\*

This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

**From:** Farsiar Zandian <FZandian@ccdsd.org>

**Sent:** Monday, December 12, 2022 2:11 PM

**To:** Nazaretyan, Edgar <Edgar.Nazaretyan@ice.dhs.gov>

**Subject:** Re: Request for Prosecutorial Discretion | Said CYRUS (A [REDACTED]) et al. | UKRAINE

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

Hello Mr. Nazaretyan,

Yes, Respondents have applied for TPS. I have attached their respective receipt notices. Would DHS join or not oppose a motion to dismiss based on TPS eligibility?

Best,

**From:** Nazaretyan, Edgar <Edgar.Nazaretyan@ice.dhs.gov>

**Sent:** Friday, December 9, 2022 3:17 PM

**To:** Farsiar Zandian <FZandian@ccdsd.org>

**Subject:** RE: Request for Prosecutorial Discretion | Said CYRUS (A [REDACTED]) et al. | UKRAINE

Counsel,

In your PD request from June 2022 you indicated that Rs are prima facie eligible for TPS. Have they applied yet?

12/14/22, 10:30 AM

Mail - Farsiar Zandian - Outlook

Edgar Nazaretyan  
Assistant Chief Counsel  
OPLA San Diego  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
880 Front Street, Suite 2246  
San Diego, CA 92101  
T: (619) 436-0312

\*\*\* Warning \*\*\* Attorney/Client Privilege \*\*\* Attorney Work Product \*\*\*

This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

From: Farsiar Zandian <FZandian@ccdsd.org>  
Sent: Wednesday, December 7, 2022 3:11 PM  
To: ICE OPLA San Diego, PD <ice-opla-snd-pd@ice.dhs.gov>  
Subject: Re: Request for Prosecutorial Discretion I Said CYRUS (A [REDACTED]) et al. I UKRAINE

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

To Whom It May Concern:

I am writing to follow up on my request for prosecutorial discretion submitted below on June 14, 2022. I have not yet received a response from OPLA to this request. I would appreciate a response at your earliest convenience. Thank you.

Respectfully,

---

From: Farsiar Zandian  
Sent: Tuesday, June 14, 2022 2:30 PM  
To: ICE OPLA San Diego, PD <ice-opla-snd-pd@ice.dhs.gov>  
Subject: Request for Prosecutorial Discretion I Said CYRUS (A [REDACTED]) et al. I UKRAINE

To Whom It May Concern:

I am pro bono counsel for the following family of Respondents from Ukraine:

- Said CYRUS (A [REDACTED])
- [REDACTED] CYRUS (A [REDACTED])
- [REDACTED] CYRUS (A [REDACTED])

Respondents have a Master Calendar Hearing on June 21, 2022 at 1:00 PM with Immigration Judge Philip S. Law. I have attached a request for prosecutorial discretion (with supporting documents) on their behalf.



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
SAN DIEGO IMMIGRATION COURT**

Respondent Name:

CYRUS, SAID

To:

Zandian, Farsiar  
4575-B Mission Gorge Place  
San Diego, CA 92120

A-Number:



Riders:

CYRUS,   
 CYRUS,

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

01/19/2023

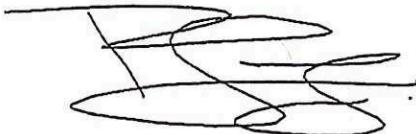
**ORDER OF THE IMMIGRATION JUDGE**

The applicants filed a motion to recalendar and dismiss these proceedings. Attached to this motion is an email communication by counsel for the Department of Homeland Security indicating that he does not oppose dismissing these cases without prejudice. Accordingly, the present motion is granted, and the following orders are entered:

**Order:**

These cases are recalendared, and terminated without prejudice.

**IT IS SO ORDERED.**



Immigration Judge: Law, Philip 01/19/2023

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

To:  Noncitizen |  Noncitizen c/o custodial officer |  E Noncitizen's atty/rep. |  E DHS

Respondent Name : CYRUS, SAID | A-Number : 

Riders:

 CYRUS, 

 CYRUS, 

Date: 01/19/2023 By: Olivares, Veronica , Court Staff



**I-797A | NOTICE OF ACTION** | DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS
Received Date 06/24/2022	Priority Date 06/24/2022	Applicant CYRUS, SAID
Notice Date 01/25/2023	Page 1 of 2	

CYRUS, SAID  
[REDACTED]  
SAN DIEGO CA [REDACTED]

**Notice Type:** Approval Notice  
Valid from: 01/25/2023 to 10/19/2023

You have been granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act. The benefits of TPS are temporary protection from removal (or deportation), employment authorization in the United States, and the opportunity to apply for travel authorization.

Attached to this notice is a Form I-94 indicating your Temporary Protected Status in the United States. The I-94 is valid until the expiration date shown on it.

If you requested an employment authorization document (EAD) pursuant to your registration for TPS, you will receive a separate notice containing the decision on that request. If your EAD request is approved, you will be issued an EAD that will be valid until the expiration date shown on the EAD itself. The EAD will serve as evidence of your TPS and employment authorization.

If the TPS designation is extended, you must re-register with U.S. Citizenship and Immigration Services (USCIS) within the time period designated for re-registration. If you wish to obtain an EAD valid for the time period of the extended TPS designation, you must also apply for an EAD during the filing period(s) described in the applicable Federal Register notice (FRN). The FRN notice will provide guidance on required forms and application fees to re-register for TPS and to apply for a new EAD. You should also pay close attention to any future FRNs issued by USCIS regarding your country's TPS, including any information that may be included in such notices about possible automatic extensions of the validity date(s) on EADs.

Failure to re-register during a TPS extension re-registration period may result in the withdrawal of your TPS and may result in removal proceedings being initiated against you.

While you are under Temporary Protected Status, you:

- (1) will not be removed from the United States;

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Potomac Service Center  
U.S. CITIZENSHIP & IMMIGRATION SVC  
2200 Potomac Center Dr  
MS 2425  
Arlington VA 20598-2425



USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt [REDACTED]  
I-94# [REDACTED]  
NAME CYRUS, SAID  
CLASS

**VALID FROM** 01/25/2023 **UNTIL** 10/19/2023

**APPLICANT:** CYRUS, SAID  
[REDACTED]  
SAN DIEGO CA [REDACTED]



Receipt Number [REDACTED]  
United States Citizenship and Immigration Services

**I94 Departure Record**

14 Family Name CYRUS	
15 First (Given) Name SAID	16 Date of Birth [REDACTED] 979
17 Country of Citizenship	

## ADDITIONAL INFORMATION FOR APPLICANT/PETITIONER

If this is an approval notice for Form I-102, Application For Initial/ Replacement I-94, save the upper portion of this I-797A, Notice of Action, for your records. If this is an approval notice for Form I-129, Petition for a Nonimmigrant Worker, the petitioner should keep the upper part of this I-797A.

Please note that simply filing an application, petition or request, or having an approved petition does not give the person it was filed for (also known as the beneficiary) permission to legally enter the United States. It also does not grant any legal immigration status.

### Include a copy of this notice if you:

- Write to USCIS or a U.S. Consulate about your case or
- File another application or petition with USCIS based on this decision.

USCIS will notify you separately about any other application or petition you have filed.

### Inquiries

If you have questions about your application or petition, you may:

- Go to <https://egov.uscis.gov/casestatus> to check your case status online.
- Call the USCIS Contact Center at 1-800-375-5283.
- Telecommunications Device for the Deaf (TDD) 1-800-767-1833.
- Send us a letter and include a copy of this notice.
- Schedule an appointment at a local USCIS office using InfoPass at <https://infopass.uscis.gov>.

If you filed Form I-907, Request for Premium Processing Service, and you have any questions about the decision or status of your application or petition, please follow the instructions for contacting the Premium Processing Unit printed on the receipt notice we mailed you.

### APPROVAL OF NONIMMIGRANT PETITION

If we approved a nonimmigrant petition, it means that the beneficiary is eligible for the requested nonimmigrant classification. If this notice says that we are notifying a U.S. Consulate about the approval for the purpose of issuing a visa, contact the appropriate U.S. Consulate directly if you or the beneficiary has questions about the process. For more information about USCIS processing after a petition is approved, see the instructions on the form you filed.

### FORM I-94 ATTACHMENT

You can find your replacement Form I-94 (Arrival/Departure Record) in the lower portion on the front side of this notice. Keep the right half of your replacement Form I-94 with your passport, along with a copy of your original I-94 if you have it. Keep the left half of your replacement Form I-94 in a safe place with your personal records. Submit a copy of your replacement Form I-94 with any future application or petition.

When you leave the United States, you must turn in the right half of your I-94 (kept in your passport) to the officials at the airport, border or seaport. If you do not do so, it may delay your entry into the United States in the future. You may stay in the United States only until the date indicated on this form. If you want to remain in the United States past this date, you will need further authorization from USCIS.

If you are a student planning to reenter the United States within 30 days to return to the same school, review the "Instructions to Students" on Page 3 of Form I-20 before surrendering your replacement I-94.

If you lose the right half of your replacement Form I-94 (kept in your passport), submit a copy of the left half of the Form I-94 (that you keep with your personal records), along with a new Form I-102, to apply for a new replacement I-94.

**Warning:** If you accept employment without our authorization, you may be subject to removal or deportation.



**I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES**



Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS
Received Date 06/24/2022	Priority Date 06/24/2022	Applicant A [REDACTED] CYRUS, SAID
Notice Date 01/25/2023	Page 2 of 2	

- (2) have work authorization and will be granted evidence of work authorization, if you have submitted an EAD request with the required fee, that is valid until the expiration of the time period designated for your Temporary Protected Status;
- (3) will be considered as being in, and maintaining, lawful status as a nonimmigrant for purposes of adjustment of status under section 245 of the Act and for change of status under section 248 of the Act;
- (4) will not be considered to be permanently residing in the United States under the code of law;
- (5) may be deemed ineligible for public assistance by a state or any political subdivision thereof which furnishes such assistance; and
- (6) may not depart the United States without prior approval of the Attorney General of the United States.

**PLEASE NOTE:** As long as you remain eligible for Temporary Protected Status and you maintain your status by complying with the registration requirements, you will be allowed to remain and work in the United States until the end of the period of the time designated for your Temporary Protected Status.

**NOTICE:** Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Potomac Service Center  
2200 Potomac Center Dr  
MS 2425  
Arlington VA 20598-2425



USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)

**INTENTIONALLY LEFT BLANK**

Detach This Half for Personal Records

**INTENTIONALLY LEFT BLANK**  
Receipt

**INTENTIONALLY LEFT BLANK**  
NAME

**INTENTIONALLY LEFT BLANK**  
CLASS

**INTENTIONALLY LEFT BLANK**  
VALID FROM UNTIL

**INTENTIONALLY LEFT BLANK**  
APPLICANT:

**INTENTIONALLY LEFT BLANK**

**INTENTIONALLY LEFT BLANK**

**INTENTIONALLY LEFT BLANK**

**INTENTIONALLY LEFT BLANK**  
Receipt Number

**INTENTIONALLY LEFT BLANK**  
United States Citizenship and Immigration Services

**INTENTIONALLY LEFT BLANK**  
194 Departure Record

**INTENTIONALLY LEFT BLANK**

**INTENTIONALLY LEFT BLANK**  
14 Family Name

**INTENTIONALLY LEFT BLANK**  
15 First (Given) Name

**INTENTIONALLY LEFT BLANK**  
17 Country of Birth

## ADDITIONAL INFORMATION FOR APPLICANT/PETITIONER

If this is an approval notice for Form I-102, Application For Initial/ Replacement I-94, save the upper portion of this I-797A, Notice of Action, for your records. If this is an approval notice for Form I-129, Petition for a Nonimmigrant Worker, the petitioner should keep the upper part of this I-797A.

Please note that simply filing an application, petition or request, or having an approved petition does not give the person it was filed for (also known as the beneficiary) permission to legally enter the United States. It also does not grant any legal immigration status.

### Include a copy of this notice if you:

- Write to USCIS or a U.S. Consulate about your case or
- File another application or petition with USCIS based on this decision.

USCIS will notify you separately about any other application or petition you have filed.

### Inquiries

If you have questions about your application or petition, you may:

- Go to <https://egov.uscis.gov/casestatus> to check your case status online.
- Call the USCIS Contact Center at 1-800-375-5283.
- Telecommunications Device for the Deaf (TDD) 1-800-767-1833.
- Send us a letter and include a copy of this notice.
- Schedule an appointment at a local USCIS office using InfoPass at <https://infopass.uscis.gov>.

If you filed Form I-907, Request for Premium Processing Service, and you have any questions about the decision or status of your application or petition, please follow the instructions for contacting the Premium Processing Unit printed on the receipt notice we mailed you.

### APPROVAL OF NONIMMIGRANT PETITION

If we approved a nonimmigrant petition, it means that the beneficiary is eligible for the requested nonimmigrant classification. If this notice says that we are notifying a U.S. Consulate about the approval for the purpose of issuing a visa, contact the appropriate U.S. Consulate directly if you or the beneficiary has questions about the process. For more information about USCIS processing after a petition is approved, see the instructions on the form you filed.

### FORM I-94 ATTACHMENT

You can find your replacement Form I-94 (Arrival/Departure Record) in the lower portion on the front side of this notice. Keep the right half of your replacement Form I-94 with your passport, along with a copy of your original I-94 if you have it. Keep the left half of your replacement Form I-94 in a safe place with your personal records. Submit a copy of your replacement Form I-94 with any future application or petition.

When you leave the United States, you must turn in the right half of your I-94 (kept in your passport) to the officials at the airport, border or seaport. If you do not do so, it may delay your entry into the United States in the future. You may stay in the United States only until the date indicated on this form. If you want to remain in the United States past this date, you will need further authorization from USCIS.

If you are a student planning to reenter the United States within 30 days to return to the same school, review the "Instructions to Students" on Page 3 of Form I-20 before surrendering your replacement I-94.

If you lose the right half of your replacement Form I-94 (kept in your passport), submit a copy of the left half of the Form I-94 (that you keep with your personal records), along with a new Form I-102, to apply for a new replacement I-94.

**Warning:** If you accept employment without our authorization, you may be subject to removal or deportation.



**I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES**



Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS
Received Date 09/28/2023	Priority Date 09/28/2023	Applicant A CYRUS, SAID
Notice Date 08/20/2024	Page 1 of 2	

CYRUS, SAID  
[REDACTED]  
SAN DIEGO, CA [REDACTED]

Notice Type: Approval Notice  
Valid from: 10/20/2023 to 04/19/2025

You have been granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act. The benefits of TPS are temporary protection from removal (or deportation), employment authorization in the United States, and the opportunity to apply for travel authorization.

Attached to this notice is a Form I-94 indicating your Temporary Protected Status in the United States. The I-94 is valid until the expiration date shown on it.

If you requested an employment authorization document (EAD) pursuant to your registration for TPS, you will receive a separate notice containing the decision on that request. If your EAD request is approved, you will be issued an EAD that will be valid until the expiration date shown on the EAD itself. The EAD will serve as evidence of your TPS and employment authorization.

If the TPS designation is extended, you must re-register with U.S. Citizenship and Immigration Services (USCIS) within the time period designated for re-registration. If you wish to obtain an EAD valid for the time period of the extended TPS designation, you must also apply for an EAD during the filing period(s) described in the applicable Federal Register notice (FRN). The FRN notice will provide guidance on required forms and application fees to re-register for TPS and to apply for a new EAD. You should also pay close attention to any future FRNs issued by USCIS regarding your country's TPS, including any information that may be included in such notices about possible automatic extensions of the validity date(s) on EADs.

Failure to re-register during a TPS extension re-registration period may result in the withdrawal of your TPS and may result in removal proceedings being initiated against you.

While you are under Temporary Protected Status, you:

- (1) will not be removed from the United States;

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

USCIS TSC  
U.S. CITIZENSHIP & IMMIGRATION SVC  
6046 N Belt Line Rd, STE 114  
Irving TX 75038-0015



USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt [REDACTED]  
I-94# [REDACTED]  
NAME CYRUS, SAID  
CLASS

VALID FROM 10/20/2023 UNTIL 04/19/2025

APPLICANT: CYRUS, SAID  
[REDACTED]  
SAN DIEGO, CA [REDACTED]

[REDACTED]  
Receipt Number [REDACTED]  
United States Citizenship and Immigration Services

I94 Departure Record

14 Family Name CYRUS	
15 First (Given) Name SAID	16 Date of Birth [REDACTED] 979
17 Country of Citizenship UK	



**I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES**



Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS
Received Date 09/28/2023	Priority Date 09/28/2023	Applicant A CYRUS, SAID
Notice Date 08/20/2024	Page 2 of 2	

- (2) have work authorization and will be granted evidence of work authorization, if you have submitted an EAD request with the required fee, that is valid until the expiration of the time period designated for your Temporary Protected Status;
- (3) will be considered as being in, and maintaining, lawful status as a nonimmigrant for purposes of adjustment of status under section 245 of the Act and for change of status under section 248 of the Act;
- (4) will not be considered to be permanently residing in the United States under the code of law;
- (5) may be deemed ineligible for public assistance by a state or any political subdivision thereof which furnishes such assistance; and
- (6) may not depart the United States without prior approval of the Attorney General of the United States.

**PLEASE NOTE:** As long as you remain eligible for Temporary Protected Status and you maintain your status by complying with the registration requirements, you will be allowed to remain and work in the United States until the end of the period of the time designated for your Temporary Protected Status.

**NOTICE:** Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
 USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

USCIS TSC  
 U.S. CITIZENSHIP & IMMIGRATION SVC  
 6046 N Belt Line Rd. STE 114  
 Irving TX 75038-0015



USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)

**INTENTIONALLY LEFT BLANK**

Detach This Half for Personal Records

**INTENTIONALLY LEFT BLANK**  
 Receipt

**INTENTIONALLY LEFT BLANK**  
 I-94#  
 NAME

**INTENTIONALLY LEFT BLANK**  
 CLASS

**INTENTIONALLY LEFT BLANK**  
 VALID FROM UNTIL

**INTENTIONALLY LEFT BLANK**  
 APPLICANT

**INTENTIONALLY LEFT BLANK**

PLEASE PRINT OR TYPE IN THE SPACES BELOW AND TAPE TO ORIGINAL HALF AVAILABLE

**INTENTIONALLY LEFT BLANK**

**INTENTIONALLY LEFT BLANK**  
 Receipt Number

**INTENTIONALLY LEFT BLANK**  
 United States Citizenship and Immigration Services

**INTENTIONALLY LEFT BLANK**  
 I94 Departure Record

**INTENTIONALLY LEFT BLANK**  
 14 Family Name

**INTENTIONALLY LEFT BLANK**  
 15 First (Given) Name 15 Date of Birth

**INTENTIONALLY LEFT BLANK**  
 17 Country of Birth

Department of Homeland Security  
U.S. Citizenship and Immigration Services

of 1

**Form I-797C, Notice of Action**

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE <b>Receipt</b>		NOTICE DATE <b>February 19, 2025</b>
CASE TYPE <b>I-821, Application for Temporary Protected Status</b>		USCIS ALIEN NUMBER <b>A</b>
RECEIPT NUMBER <b>[REDACTED]</b>	RECEIVED DATE <b>February 14, 2025</b>	PAGE <b>1 of 1</b>
		DATE OF BIRTH <b>[REDACTED] 1979</b>

SAID CYRUS  
C/O CHERI ATTIX LAW OFFICE OF CHERI ATTIX 00003595  
2221 CAMINO DEL RIO S. STE 201  
SAN DIEGO, CA 92108



**PAYMENT INFORMATION:**

Application/Petition Fee: \$0.00  
Biometrics Fee: \$30.00  
Total Amount Received: \$30.00  
Total Balance Due: \$0.00

**NAME AND MAILING ADDRESS**

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at [uscis.gov/contactcenter](https://uscis.gov/contactcenter) to connect with a live USCIS representative in English or Spanish.

**USCIS Office Address:**

USCIS  
Nebraska Service Center  
P.O. Box 82521  
Lincoln, NE 68501-2521

**USCIS Contact Center Number:**

(800)375-5283  
ATTORNEY COPY



**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**



Receipt Number 		Case Type I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date 10/07/2024	Priority Date	Applicant A  CYRUS, SAID
Notice Date 10/21/2024	Page 1 of 2	

SAID CYRUS  
c/o CHERI ATTIX  
LAW OFFICE OF CHERI ATTIX  
2221 CAMINO DEL RIO S.  
STE 201  
SAN DIEGO CA 92108

Notice Type: Receipt Notice

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

\*\*\* ACKNOWLEDGEMENT OF RECEIPT \*\*\*

Your complete Form I-589, Application for Asylum and for Withholding of Removal was received and is pending as of 10/07/2024.

You may remain in the United States until your asylum application is decided. Having a pending asylum application with USCIS does not preclude U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) from placing you into removal proceedings. If you wish to leave the United States while your application is pending, you must obtain advance parole or, for Temporary Protected Status (TPS) recipients, approval of Form I-512T, Authorization for Travel by a Noncitizen to the United States (sometimes referred to as MTINA TPS travel authorization), from USCIS or you may be considered to have abandoned your asylum application. You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (<https://www.uscis.gov/addresschange>). Changing your address with the U.S. Postal Service will not change your address with USCIS.

BIOMETRICS APPOINTMENT AND ASYLUM INTERVIEW NOTICES:

You will receive a notice informing you when you and those listed on your application as a spouse or child dependent must appear at an Application Support Center (ASC) for biometrics collection. You will also receive a notice informing you when you and those listed on your application as a spouse or child dependent must appear for an asylum interview. Those notices will contain instructions for what to bring to your ASC appointment and what to bring to your asylum interview.

**WARNING: Failure to appear at the ASC for biometrics collection or for your asylum interview may affect your eligibility for employment authorization and may also result in the dismissal of your asylum application or referral of your asylum application to an immigration judge.**

EMPLOYMENT AUTHORIZATION:

You may file a Form I-765, Application for Employment Authorization, based on your pending asylum application 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days. 8 CFR 208.7(a)(1). The 150-day waiting period and the 180-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays that you request or cause while your asylum application is pending with an asylum office or with the Immigration Court. 8 CFR 208.7(a)(2).

Delays requested or caused by the applicant may include:

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on your change of address;
- A request to reschedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence at or after an interview;
- The submission of large volumes of evidence immediately before an interview that requires a reschedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Los Angeles Asylum Office  
U.S. CITIZENSHIP & IMMIGRATION SVC  
P.O. Box 2003  
Tustin CA 92781-2003

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)



If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

### **Notice for Customers with Disabilities**

To request a disability accommodation:

- Go to [uscis.gov/accommodations](http://uscis.gov/accommodations) to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**



Receipt Number [REDACTED]		Case Type I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date 10/07/2024	Priority Date	Applicant A [REDACTED] CYRUS, SAID
Notice Date 10/21/2024	Page 2 of 2	

Applicant(s):

Alien Number	Name
A [REDACTED]	CYRUS, SAID
A [REDACTED]	CYRUS, [REDACTED]
A [REDACTED]	CYRUS, [REDACTED]

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Los Angeles Asylum Office  
U.S. CITIZENSHIP & IMMIGRATION SVC  
P.O. Box 2003  
Tustin CA 92781-2003

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)



If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

### **Notice for Customers with Disabilities**

To request a disability accommodation:

- Go to [uscis.gov/accommodations](http://uscis.gov/accommodations) to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).