Shara Svendsen
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Email: Shara@Svenlaw.com
Counsel for petitioner.

IN THE UNITED STATES DISTRICT COURT

IN AND FOR WESTERN DISTRICT COURT OF WASHINGTON

Jian Qin Chen., Petitioner, vs. LAURA HERMISILLO, Seattle Field Office Acting Director, U.S. Immigration and Customs Enforcement and Removal Operations, KRISTI NOEM, Secretary of Homeland Security, PAMELA BONDI, Attorney General, TODD LYONS, Acting Director of Immigration and Customs Enforcement, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and U.S. DEPARTMENT OF JUSTICE Respondents.	File No. 2:26-cv-00067 Agency No. A[redacted] **PETITION FOR HABEAS CORPUS** ORAL ARGUMENT REQUESTED Expedited hearing requested

For his complaint against respondents, petitioner alleges as follows.

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

2. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This court has subject matter jurisdiction under the Supreme Court precedent *Zadvydas v. Davis*, 533 U.S. 678 (2001).

4. In addition, "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).

5. To give a court a reasonable opportunity to determine whether it has subject-matter jurisdiction and whether venue is proper in a district, and if so to consider the validity of a habeas petition, a court may order the preservation of the status quo. See *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) ("[T]he District Court ha[s] the power to preserve existing conditions while it ... determine[s] its own authority to grant injunctive relief," unless the assertion of jurisdiction is frivolous.).

6. Venue is proper because petitioner is now in custody in Tacoma, Washington and because a substantial part of the events giving rise to his claims occurred in this district. *28 U.S.C. § 1391(e)*. For these same reasons, divisional venue is proper under Local

Rule 3(d) and 3(e) as well as Local Rule 100.

THE PETITIONER

7. Petitioner is a resident of the state of Colorado and is being detained in Tacoma, WA at the immigration detention center, which is located at 1623 E J St, Tacoma, WA 98421. Petitioner is a citizen of China.

8. Petitioner is aware that the Court prefers the use of Form AO-242 for the filing of a Petition for Habeas Corpus. However, that form did not have sufficient space to detail Petitioner's claim. Petitioner, as required by LCR 100, is following the format of the standardized form and providing all relevant information requested on Form AO-242.

CUSTODY

9. Petitioner was arrested by agents of the respondents Immigration and Customs Enforcement on June 10, 2025 when he presented himself for a scheduled check in with respondent Immigration and Customs Enforcement and is in Respondent's actual physical custody at the time of the filing of this petition.

RESPONDENTS

10. Respondent LAURA HERMISILLO is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens.

11. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Consequently, respondent LAURA HERMISILLO is the immediate legal custodian of Petitioner.

12. Respondent KRISTI NOEM is the Secretary of Homeland Security and is responsible for the actions of that department, its subagencies, officers and personnel.

13. Respondent PAMELA BONDI is the Attorney General of the United States and has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review.

14. Respondent TODD LYONS is the Acting Director of ICE, and responsible for the means by which the immigration laws of the United States are enforced.

15. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of respondent KRISTI NOEM.

16. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY and is under the direction of respondent TODD LYONS.

17. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States and is under the direction of respondent PAMELA BONDI.

18. All individual respondents are sued in their official capacities.

FIRST CLAIM FOR RELIEF (PETITION FOR WRIT OF HABEAS CORPUS)

19. Petitioner is a citizen and national of China. Petitioner initially entered the U.S. in or around 1992. Petitioner entered the U.S. after flying to the U.S. from China. At the time, he was not in possession of a valid nonimmigrant visa or passport. Therefore, he was likely paroled into the U.S. during the inspection and admissions process.

20. Petitioner has two Orders of Supervision issued by respondent Immigration and Customs Enforcement (ICE). The first is dated January 18, 2011 and alleges he was ordered excluded or deported on February 16, 1994. The second Order of Supervision is dated April 15, 2015 and reads that petitioner was ordered removed on December 10, 2007. The second Order of Supervision issued by respondent ICE also mandated check-ins at set intervals with respondent ICE. The Orders of Supervision are attached as EXHIBIT 1.

21. Petitioner checked in with respondent ICE as ordered since the inception of the Order of Supervision. Therefore, petitioner has checked in as ordered for at least ten (10) years. A copy of petitioner's check-in schedule and record of compliance is attached as EXHIBIT 2. Petitioner was then detained on June 10, 2025 at his scheduled check-in with respondent ICE. EXHIBIT 2 establishes that petitioner checked in with respondent ICE once per year.

22. Petitioner is married to a lawful permanent resident and has three (3) U.S. citizen children. The birth certificates for Petitioner's children are attached as EXHIBIT 3. Petitioner is also the beneficiary of an approved I-130, Petitioner for Alien Relative,

filed by his U.S. citizen daughter. The I-130 approval notice is attached as EXHIBIT 4.

23. Petitioner's children requested a custody redetermination on their father's behalf after their father was detained for more than six months. The request was dated November 24, 2025 and mailed in early December of 2025. The request for custody redetermination is attached as EXHIBIT 5.

24. 8 U.S.C. 1231(a)(1)(A) directs the government to remove a noncitizen with a final order of removal within 90 days. *8 U.S.C. 1231(a)(1)(A)*. The same statute states that the government shall detain a noncitizen during the removal period. *8 U.S.C. 1231(2)(A)*. After the 90 day removal period expires, a noncitizen may remain in custody or be granted supervised release. *See 8 U.S.C. 1231(2)(B)(3)*. The Supreme Court, in *Zadvydas v. Davis,* 533 U.S. 678 (2001) held that 8 U.S.C. 1231 does not permit indefinite detention of noncitizens. *Zadvydas v. Davis,* 533 U.S. 678 (2001).

25. Petitioner is eligible for release under *Zadvydas v. Davis*, 533 U.S. 678 (2001). As detailed by the Supreme Court in *Zadvydas v. Davis*, after a noncitizen is ordered removed, the noncitizen can be detained for 90 days for a period commonly referred to as the "removal period." *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Supreme Court stated that 8 U.S.C. 1231 when "read in light of the Constitution's demands, limits an alien's post-removal period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Id.* at 678. The Court went on to explain that the habeas court must determine if detention beyond the statutory period is

reasonably necessary to secure removal. *Id.* at 699. If the noncitizen's removal is not reasonably foreseeable, the court adjudicating the noncitizen's petition for a writ of habeas corpus should order the noncitizen to be released. *See Id.* at 699-700.

26. In determining whether a noncitizen's detention is reasonable, the Court held that a detention period of six months is presumptively reasonable. *Id.* at 701. After the six months have elapsed, the government bears the burden of disproving the noncitizen's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *See Zhouv. Farquharson*, 2001 U.S.Dist. LEXIS18239, *2-*3 (D.Mass.Oct.19, 2001) (quoting and summarizing *Zadvydas v. Davis*). Further, as the post-removal period grows, what counts "as the reasonably foreseeable future would conversely have to shrink." *Zadydas*, 533 U.S. at 701.

27. After the decision in *Zadvydas*, the government implemented regulations regarding post removal detention, which are located at 8 USC 241.4. Specifically, 8 U.S.C. 241.4(d) reads that the government must provide the detained noncitizen a copy of the decision to detain or release the noncitizen and the justification for the decision. *8 U.S.C. 241(d).* The delegated authority can release a noncitizen upon a showing that the noncitizen is not a flight risk or a danger to the community. *Id.*

28. Petitioner was detained on June 10, 2025. Therefore, he has been detained for almost seven months as of the date of this petition. Petitioner filed a request for release with respondent ICE with proof of his significant ties to the community and positive

equities. As of the date of this filing, respondents have not responded to the request. As of the date of this filing, respondents have not given petitioner a notice detailing the justification for his continued detention.

29. The likelihood of respondents removing the petitioner in a reasonable timeframe is exceedingly unlikely. As demonstrated by EXHIBIT 1, petitioner has been subject to a Supervised Order of Release since 2010 and has diligently checked in as required by respondents. This means that respondents have failed to remove petitioner for over fifteen years. Further, given the fact that respondents have maintained an order of supervision for petitioner during these 15 years, his prolonged detention means that respondents detained petitioner with the knowledge that they did not have the means, such as a valid travel document, to remove petitioner within a reasonable period. Respondents had over fifteen years to obtain the appropriate travel documents to secure petitioner's removal and have failed to do so. Petitioner has complied with all requests for assistance in obtaining a travel document, including requests for cooperation during his detention and respondents still have not been able to secure the required travel document or accomplish petitioner's removal. Given the current timeline of events, the likelihood that respondents will be able to accomplish petitioner's removal within a reasonable time is extremely unlikely.

30. Respondents will not be able to justify continued detention based on allegations that petitioner is a flight risk or a danger to the community. Respondent has three U.S.

citizen children who reside in the U.S. Respondent is also the beneficiary of an approved I-130. He has resided in the U.S. since approximately 1992. He has been subject to an Order of Supervision since 2010 and has checked in with ICE consistently since at least 2015. Therefore, any argument that petitioner is a flight risk is not persuasive. Further, petitioner has no criminal history and is, therefore, not a danger to the community.

31. Consequently, petitioner's detention is unlawful, and a writ of habeas corpus should be issued.

32. Petitioner is detained and submitting this petition through counsel. Undersigned counsel confirms that Petitioner is aware of the contents of this Petition.

33. Wherefore petitioner prays for relief as follows in that this court:

a. Assume jurisdiction over this matter.

b. Order Respondents to show cause within ten days why this petition should not be granted.

c. Immediately bar respondents from removing petitioner from the District of Western Washington absent further order of this court. In addition to serving the named Respondents, Petitioner, through counsel, will contact the Attorney General's office via email to notify of this petition.

d. Issue a Writ of Habeas Corpus ordering respondents to immediately release petitioner from custody.

e. Award Petitioner his attorney's fees and costs; and

f. Grant any other relief that the Court deems just and proper.

Dated this 8th day of January 2026.

/s/ Shara Svendsen

Shara Svendsen
WSBA #38151
Attorney for petitioner

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: [redacted]
Date: 04/15/2015

Name: Chen, Jun Qin

on 12/10/2007, you were ordered:
(Date of final order)

[ ] Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
[x] Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

[X] That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

[X] That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United StatesGovernment.

[X] That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

[X] That you do not travel outside State of Colorado for more than 48 hours without first
(Specify geographic limits, if any)
having notified this Service office of the dates and places of such proposed travel.

[X] That you furnish written notice to this Service office of any change of residence/employment/telephone number within 48 hours of such change.

[X] You must report in person to Department of Homeland Security Immigration and Customs Enforcement located at 12445 E. Caley Ave. Centennial, Colorado 80111 (720) 873-2899 as required by the Deportation Officer. You must abide by all the rules and regulations that are required of you by the program.

[X] That you assist the Department of Homeland Security in obtaining any necessary travel documents.

[X] Other: Additionally, you must obtain work authorization prior to employment.

[ ] See attached sheet containing other specified conditions (Continue on separate sheet if required)

D. Thompson, SDDO
(Print name and title of ICE official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

S. Santos, Deportation Officer
(Signature of ICE officer serving order)

Jun Qin Chen
(Signature of alien)

04/15/2015
Date

Form I-220B(Rev. 4/1/97)N

EXHIBIT 1

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision-Addendum

File No: [redacted]
Date: 04/15/2015

Name: Chen, Jian Qin

[ ] That you do not associate with known gang members, criminal associates, or be associated with any such activity.

[ ] That you register in a substance abuse program within 14 days and provide the Department of Homeland Security with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

[ ] That you register in a sexual deviancy counseling program within 14 days and provide the Department of Homeland Security with written proof of such within 30 days. You must provide the Department of Homeland Security with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.

[ ] That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the Department of Homeland Security with written proof of such within 10 days.

[X] That you do not commit any crimes while on this Order of Supervision.

[ ] That you report to any parole or probation officer as required within 5 business days and provide the Department of Homeland Security with written verification of the officers name, address, telephone number, and reporting requirements.

[ ] That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.

[X] That you provide this ICE office with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.

[X] That you provide this ICE office with written responses from the Embassy or Consulate regarding your request.

[ ] Any violation of the above conditions will result in revocation of your employment authorization document.

[X] Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.

[ ] Other.

x Jian Qin Chen

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: [redacted]
Date: 01/18/2011

Name: Jian Qin CHEN

On 02/16/1994 (Date of final order), you were ordered:

[X] Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.

[ ] Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

[X] That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

[X] That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.

[X] That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

[X] That you do not travel outside the State of Colorado (Specify geographic limits, if any) without first having notified this Service office of the dates and places of such proposed travel.

[X] That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.

[X] That you report in person on The fourth Wednesday of each month beginning February 23, 2011 @ 8:00 a.m. to this Service office at: 12445 E. Caley Ave. Centennial, CO 80111, unless you are granted written permission to report on another date.

[X] That you assist the Immigration and Customs Enforcement (ICE) in obtaining any necessary travel documents.

[X] Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)

[X] See attached sheet containing other specified conditions (Continue on separate sheet if required)

(Signature of ICE official)

Carl Zabat, SDDO
(Printed name and title of ICE official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Trenton D. Blatt
(Signature of ICE official serving order)

Jian Qin Chen
(Signature of alien)

01/18/2011
Date

Form I-220B (Rev. 4/1/97)N

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Continuation Page for Form: **I-220B**

Alien's Name	File Number	Date
Chen, Jian Qin	[redacted]	04/15/2015

x Jian Qin Chen
Alien's Signature



Alien's Address

[redacted]

Alien's Telephone Number (if any)

RIGHT INDEX PRINT

[redacted]

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES
04/15/2015: Subject will be placed on OSUP required to report on the third Wednesday of the month designated by the officer Between 0900-1100 at 12445 E. Caley Ave. Centennial, CO 80111. Next appointment 08/19/2015.		
8/19/15	RIP	NO W/W Next 8/17/16
8/19/16	RIP	NO w/w. NO changes. Next check in 8/16/17. 8.8
8-16-17	RIP	No w/w. No changes Next check in 4 Nov. 15 17 RD
11/18/17	ND5	NO changes - next check in 2/14/2018 - Bring proof of passport application.
2/14/18	RIP	brought in TD App. check in on Aug 15 2018 with progress
8/15/2018	RIP	no w/w. next is on 01/16/19 RD.
01/16/19	LC	RIP Next Check in 07/17/19
8/5/18	D	RIP Next check in 10/16/2018
10/16/19	RM	RIP Next check in 01/15/2020
1/9/20	JA	RIP Next check in 6/24/2020
6/24/20	RM	RIP Next check in 12/23/2020
12/23/20	I Larraza	RIP Next Check in 6/2/21
6/2/21	JL	RIP Next check in 12/8/21
12/8/21	VTD	RIP. Next Check in 6/9/22
6-8-22	Lee	RIP. Next check in 6-8 2023
06-03-23	Calcedo	RIP Next check in 06-10-2024 @ 8 AM

Signature	Title
[signature]	

[redacted]

EXHIBIT 2

06-10-24 Lwonda RIP, Next check in will be on 06/10/2025

RTX

Date: **November 25, 2025**

Verification of Employment

Name: **Heidi Chen**
SSN: *****-**-4030**
Employee ID: [redacted]
Employment Dates: **05/26/2020**- Present
Job Title: **Sr Supv, Software Engrg**
Status: **Full time**
Office Location: **CO106: 16470 East Hughes Drive,Aurora 16470 East Hughes Drive Building S77, Aurora, CO, 80011 USA**
Location Assignment:**Onsite**
Company: **MD Raytheon**

RTX utilizes a third-party payroll administrator. Therefore, we do not maintain additional compensation information such as overtime onsite. Should you require additional compensation data, the employee's pay stub contains the information.

Nothing contained in this document is intended to alter the subject's status as an at will employee of RTX.

Respectfully,

Human Resources – People Services
1.866.295.4747
PeopleServices.utc.us@rtx.com

Scanned with CamScanner

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: [redacted]
Date: 04/15/2015

Name: Chen, Jun Qin

on 12/10/2007, you were ordered:
(Date of final order)

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[x] Removed pursuant to proceedings commenced on or after April 1, 1997.

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[X] That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

[X] That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United StatesGovernment.

[X] That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

[X] That you do not travel outside State of Colorado for more than 48 hours without first
(Specify geographic limits, if any)
having notified this Service office of the dates and places of such proposed travel.

[X] That you furnish written notice to this Service office of any change of residence/employment/telephone number within 48 hours of such change.

[X] You must report in person to Department of Homeland Security Immigration and Customs Enforcement located at 12445 E. Caley Ave. Centennial, Colorado 80111 (720) 873-2899 as required by the Deportation Officer. You must abide by all the rules and regulations that are required of you by the program.

[X] That you assist the Department of Homeland Security in obtaining any necessary travel documents.

[X] Other: Additionally, you must obtain work authorization prior to employment.

[ ] See attached sheet containing other specified conditions (Continue on separate sheet if required)

(Signature)
D. Thompson, SDDO
(Print name and title of ICE official)

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I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

S. Santos, Deportation Officer
(Signature of ICE official serving order)

Jun Qin Chen
(Signature of alien)

04/15/2015
Date

Form I-220B (Rev. 4/1/97)N

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Continuation Page for Form: **I-220B**

Alien's Name	File Number	Date
Chen, Jian Qin	[redacted]	04/15/2015

x Jian Qin Chen
Alien's Signature



Alien's Address

[redacted]

Alien's Telephone Number (if any)

RIGHT INDEX PRINT

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11/18/17	ND5	NO changes - next check in 2/14/2018 - Bring proof of passport application.
2/14/18	RIP	brought in TD App. check in on Aug 15 2018 with progress
8/15/2018	RIP	no w/w, next is on 01/16/19 RD.
01/16/19	LC	RIP Next Check in 07/17/19
8/5/18	D	RIP Next check in 10/16/2018
10/16/19	RM	RIP Next check in 01/15/2020
1/9/20	JA	RIP Next check in 6/24/2020
6/24/20	RM	RIP Next check in 12/23/2020
12/23/20	ILARRAZA	RIP Next Check in 6/2/21
6/2/21	JL	RIP Next check in 12/8/21
12/8/21	VTD	RIP. Next check in 6/9/22
6-8-22	Lee	RIP. Next check in 6-8 2023
06-08-23	Palcador	RIP Next check in 06-10-2024 @ 8 AM

Signature	Title
[redacted]	

06-10-24 Lincoln KIV, next check in will be on 06/10/2025

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision-Addendum

File No: [redacted]
Date: 04/15/2015

Name: Chen, Jian Qin

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[X] That you do not commit any crimes while on this Order of Supervision.

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[X] That you provide this ICE office with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.

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[X] Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.

[ ] Other.

x Jian Qin Chen

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

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Date: 01/18/2011

Name: Jian Qin CHEN

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[X] That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.

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[X] Other: See Order of Supervision Form I-220B-Addendum, Warning for Failure to Depart, Form I-229(a) and Warning for Failure to Comply with Terms of Supervised Release, Form I-229(b)

[X] See attached sheet containing other specified conditions (Continue on separate sheet if required)

(Signature of ICE official)

Carl Zabat, SDDO
(Printed name and title of ICE official)

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Trenton D. Blatt
(Signature of ICE official serving order)

Jian Qin Chen
(Signature of alien)

01/18/2011
Date

Form I-220B (Rev. 4/1/97)N