

Gian-Grasso | Tomczak Immigration Law Group
Alina Park
PA Bar: 333214
990 Spring Garden Street, Suite 304
Philadelphia, PA 19123
(215) 437-0392
alina@gtilg.com

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS DANIEL VASQUEZ VELASQUEZ,

Petitioner,

v.

J.L. JAMISON,
in his official capacity as Warden of
Federal Detention Center, Philadelphia;

MICHAEL T. ROSE,
in his official capacity as Acting
Philadelphia Field Office Director, United
States Immigration and Customs
Enforcement;

TODD M. LYONS,
in his official capacity as Acting Director of
Immigration & Customs Enforcement;

KRISTI NOEM,
in her official capacity as Secretary, U.S.
Department of Homeland Security; and

PAMELA BONDI,
in her official capacity as Attorney General,
U.S. Department of Justice.

Respondents.

Case No. 2:26-cv-250

**VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241**




Petitioner, Carlos Daniel Vasquez Velasquez (“Mr. Vasquez Velasquez”) is a 27-year-old who petitions for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of his detention by Immigration and Customs Enforcement (“ICE”). Petitioner requests that this Court release him from detention by the Immigration and Customs Enforcement (“ICE”) or, alternatively, conduct or order a bond hearing in which the Respondents bear the burden of justifying Petitioner’s continued detention. Petitioner also requests that the Court set aside recent policies implemented by Respondents that are contrary to the statutory right of non-citizens like Petitioner to seek release and bail through an exercise of the Respondents’ discretion.

Mr. Vasquez Velasquez is a 27-year-old, native and citizen of Honduras with a pending I-589, Application for Asylum and for Withholding of Removal. He entered the U.S. on or about October 22, 2021 with his partner and two minor children, and was taken into custody by Customs and Border Patrol. *See* Exh. B. He and his family were then given a hearing date in Philadelphia, Pennsylvania and released from immigration custody. *See* Exh. C. Mr. Vasquez Velasquez contracted with undersigned counsel to represent him in immigration court and apply for T nonimmigrant status through a filing of Form I-914 with U.S. Citizenship and Immigration Services. Mr. Vasquez Velasquez was a victim of labor trafficking and is working with undersigned counsel in preparing this application. Prior to his recent arrest by ICE, Mr. Vasquez Velasquez was awaiting the scheduling of a hearing with the Philadelphia Immigration Court with the Honorable Immigration Judge Forrest Hoover.

On January 13, 2026, ICE detained Mr. Vasquez Velasquez at his routine ICE check-in appointment at the Philadelphia Field Office. Mr. Vasquez Velasquez was working to regularize his family’s status and was complying with all requirements set by the Department of Homeland

Security and the Department of Justice. He has lived in the United States since October 2021 and has not committed any crimes. ICE did not make any individualized assessment required under 8 U.S.C. § 1226(a) that he posed a flight risk or a danger to the community and, therefore, detained Mr. Vasquez Velasquez without due process. Moreover, Respondents have adopted policies enshrined in administrative decisions by the Board of Immigration Appeals (“BIA”) that subject non-citizens like Mr. Vasquez Velasquez to mandatory detention in violation of Section 1226(a). He therefore seeks immediate release from custody, or, in the alternative, the opportunity for a bond hearing.


STATEMENT OF FACTS

1. Mr. Vasquez Velasquez entered the United States with his partner and two minor children on or about October 22, 2021. He was processed at the border, given a hearing date at the Philadelphia Immigration Court, and released from custody. He has not left the United States since then.
2. Mr. Vasquez Velasquez does not have any ties to the U.S., but has been supporting himself and his family by working at different construction companies that subjected him to forms of labor trafficking. Mr. Vasquez Velasquez, therefore, demonstrates *prima facie* eligibility for a T-visa. At one construction company, 


and that his presence in the U.S. is on account of this trafficking.
3. Mr. Vasquez Velasquez has no criminal history.
4. On January 13, 2026, ICE detained Mr. Vasquez Velasquez during his routine check-in without an individualized assessment that he posed a flight risk or a

danger to the community and, therefore, without due process. Since then, he has remained detained without the ability to present himself at a bond hearing.

5. As of the date of this habeas corpus filing, Mr. Vasquez Velasquez is being detained at the Federal Detention Center, in Philadelphia, Pennsylvania. *See* Exh. A. (FDC Inmate Locator and ICE Locator).

PARTIES

6. Petitioner Mr. Vasquez Velasquez is a resident of Pennsylvania who normally resides at  Philadelphia, PA 19148.
7. Respondent J.L. Jamison is named in his official capacity as the warden of Federal Detention Center, Philadelphia, where Petitioner is presently located, and is therefore the immediate legal custodian of Mr. Vasquez Velasquez. *See* Exh. A (FDC Inmate Locator and ICE Locator).
8. Respondent, Michael T. Rose is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity, he is responsible for the custody of all noncitizens detained by ICE at FDC, Philadelphia and has authority to release Mr. Vasquez Velasquez or transfer him to a different facility. He is one of Mr. Vasquez Velasquez's immediate custodians and is sued in his official capacity.
9. Respondent, Todd M. Lyons is the Acting Director of ICE. In this capacity he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Vasquez Velasquez and is sued in his official capacity.

10. Respondent, Kristi Noem is named in her official capacity as the Secretary of Homeland Security. In this capacity she is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); and is legally responsible for Mr. Vasquez Velasquez's incarceration and removal. She is therefore a custodian of Mr. Vasquez Velasquez and is sued in her official capacity. Respondent Noem's office is located at DHS headquarters in Washington, DC, 20528.
11. Respondent, Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Mr. Vasquez Velasquez's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Vasquez Velasquez and is sued in her official capacity. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION AND VENUE

12. Respondents incarcerated Mr. Vasquez Velasquez on January 13, 2026, in Philadelphia, Pennsylvania, and he is under the direct control of Respondents and their agents.
13. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA").

14. This court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).
15. Jurisdiction is also proper pursuant to 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend V (Due Process Clause), and U.S. Const. art. I § 9, cl. 2 (Suspension Clause).
16. Mr. Vasquez Velasquez’s detention constitutes a “severe restraint[] on his individual liberty” interest such that Mr. Vasquez Velasquez is “subject to restraints not shared by the public generally” and “in custody in violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).
17. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
18. Venue properly lies in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(2), (e) and § 2241(d) because this petition is filed while Mr. Vasquez Velasquez is physically present within the district, as he is imprisoned at the Federal Detention Center (“FDC”) in Philadelphia, Pennsylvania.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

19. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (“Where Congress specifically mandates,

exhaustion is required... But where Congress has not clearly required exhaustion, sound judicial discretion governs.”) (citation omitted).

20. Finally, even if meaningful administrative remedies were promptly available, Mr. Vasquez Velasquez, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010).

LEGAL FRAMEWORK

21. For non-citizens attempting to enter the U.S., the INA provides that “in the case of [a non-citizen] who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained.” “A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled ‘for urgent humanitarian reasons or significant public benefit’ pursuant to 8 U.S.C. § 1182(d)(5)(A).” *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1868288, at *2 (D. Mass. July 7, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)).

22. In contrast, the Supreme Court has found that “U.S. immigration law authorizes the Government to detain certain [non-citizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Jennings*, 583 U.S. at 288-89.

23. Section 236 of the INA provides in relevant part as follows:

(a) Arrest, Detention, and Release. On a warrant issued by the Attorney General, *an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States*. Except as provided in subsection (c) and pending such decision, *the Attorney General—*

- (1) *may continue to detain the arrested alien*; and
- (2) *may release the alien on—*
 - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
 - (B) conditional parole ...

24. The Supreme Court has interpreted similar “may” language in other provisions of the INA to require “some level of individualized determination.” *I.N.S. v. Nat’l Ctr. For Immigrants’ Rights*, 502 U.S. 183, 194 (1991). The regulation implementing Respondents’ authority to arrest non-citizens present in the United States reads:

“Any officer authorized to issue a warrant of arrest may, in the officer’s discretion, release an alien not described in [8 U.S.C. § 1236(c)(1)] of the Act, under the conditions at section [8 U.S.C. § 1236(a)(2) and (3)]; provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.”

8 U.S.C. § 1236.1(c)(8).

25. Noncitizens may request a review of an initial custody determination before an Immigration Judge (“IJ”). 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision “upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [non-citizen] or the [government].” 8 C.F.R. § 1003.19(d); *see also Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). Non-citizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8 C.F.R. § 1236.1(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”).

26. For the first time in nearly three decades, Respondents have taken the position through a series of precedential decisions by the Board of Immigration Appeals that non-

citizens residing in the interior of the United States are not entitled to a custody redetermination (a “bond hearing”) before an Immigration Judge.

27. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a non-citizen who had been apprehended at the border and subsequently released into the United States is subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. § 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that “an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [], and is ineligible for any subsequent release on bond under section [1226(a)].” *Q. Li*, 29 I&N Dec. at 74.

28. Then in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities.

ARGUMENT

COUNT ONE

FIFTH AMENDMENT – DUE PROCESS

29. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

30. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.

31. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment.
32. Mr. Vasquez Velasquez is indisputably entitled to the protections of the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”). Specifically, “[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) (“[Non-citizens] facing removal are entitled to due process”); *Calderon-Rosas v. Atty’ Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) (“In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.”). Mr. Vasquez Velasquez has lived in the United States continuously since May 2024.
33. Respondents have deprived Mr. Vasquez Velasquez of his liberty interest protected by the Fifth Amendment by detaining him since January 13, 2026, without making an individualized custody determination required under 8 U.S.C. § 1226(a), and without any hearing to determine whether his ongoing detention is justified.
34. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and

administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

35. First, Mr. Vasquez Velasquez faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Vasquez Velasquez of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Vasquez Velasquez was a danger or flight risk, so there does not appear to be a significant government interest in detaining him. Indeed, there is no indication as to why he was detained.
36. An application of these factors requires that Mr. Vasquez Velasquez should have been provided with additional process before being detained or in the alternative should be able to petition for bond upon a showing he is neither a danger to the community or flight risk.

COUNT TWO

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT 8 U.S.C. § 1226(a)

37. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
38. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. As, relevant here, it does not apply to those who have been residing in the United States

at liberty after entering without inspection. Such noncitizens, if detained, are done so under § 1226(a), and are generally eligible for release on bond.

39. Respondents' authority to detain Mr. Vasquez Velasquez is derived from 8 U.S.C. § 1226(a) as he is already present in the United States.

40. Respondents have detained Mr. Vasquez Velasquez without making an individualized determination regarding whether he posed a danger or flight risk as required by 8 U.S.C. § 1226(a) and its regulations.

41. Moreover, Respondents' current policies as set forth in the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* unlawfully prevent Mr. Vasquez Velasquez from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

COUNT THREE

VIOLATION OF THE BOND REGULATIONS

8 C.F.R. § 236.1, 1236.1 and 1003.19

42. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

43. In 1997, after Congress amended the INA through IIRIRA, EOIR the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Non-citizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond*

and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). Thus, the agencies made clear that non-citizens present in the United States would be eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

44. Yet, Respondents have adopted a policy and practice of applying § 1225(b)(2) to non-citizens like Mr. Vasquez Velasquez who are present in the United States without being admitted or paroled.
45. The application of § 1225(b)(2) to Mr. Vasquez Velasquez unlawfully mandates his continued detention in violation of 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT FOUR

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (“APA”) 5 U.S.C. § 701, *et. seq.*

46. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
47. The Administrative Procedure Act (“APA”) provides a right to sue when an individual has been “aggrieved” by a “final agency action for which there is no other adequate remedy in court.” 5 U.S.C. § 704.
48. Respondents have violated procedural and substantive requirements of the Fifth Amendment and the Immigration and Nationality Act by arbitrarily detaining Mr. Vasquez Velasquez without conducting an individualized determination into his circumstances. Essentially, they have not presented any indication that his circumstances have changed since his initial release from custody such that he is now a danger to the community or a flight risk.

49. Respondent DHS' actions in detaining and seeking to remove Mr. Vasquez Velasquez and in its recent policies announced through administrative decisions issued by the BIA were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A)-(D).

PRAYER FOR RELIEF

WHEREFORE, Mr. Vasquez Velasquez prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring Mr. Vasquez Velasquez outside of the jurisdiction of the Eastern District of Pennsylvania pending the resolution of this case;
- 3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately on his own recognizance or under parole, bond, or reasonable conditions of supervision, on the ground that his continued detention by the Department of Homeland Security violates his Due Process rights;
- 4) Set aside Respondents' unlawful detention policy contained in *Matter of Q. Li* and *Matter of Yajure Hurtado* under the APA, 5 U.S.C. § 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right;
- 5) Issue a Writ requiring an immediate release of respondent as the Executive Office of Immigration Review's position makes it impossible to have a constitutionally adequate hearing before an Immigration Judge. In the alternative, petitioner requests a Constitutionally adequate bond hearing, at which: (i) DHS bears the burden to demonstrate,

- by clear and convincing evidence, that Petitioner's continued detention is necessary, and
- (ii) the immigration judge considers Petitioner's ability to pay a bond.
- 6) While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail.
- 7) Award Mr. Vasquez Velasquez attorney's fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 8) Grant any other and further relief that this Court deems just and proper.

Dated: January 15, 2026

Respectfully submitted:

/s/ Alina Park

Gian-Grasso | Tomczak
Immigration Law Group
PA Bar: 333214
990 Spring Garden St., Ste. 304
Philadelphia, PA 19123
Ph. (215) 437-0392
Fax: (215) 437-0490
alina@gtlg.com

Attorney for Petitioner

LIST OF EXHIBITS

- A. Bureau of Prisons website and ICE website printouts indicating that Petitioner is detained at FDC, Philadelphia
- B. Notice to Appear
- C. Order of Release on Recognizance

EXHIBIT A

An official website of the United States government. Here's how you know

[A-Z Topics](#) [Site Map](#) [FOIA](#)

[Search bop.gov](#)

Home	About Us	Inmates	Locations	Careers	Business	Resources	Contact Us
----------------------	--------------------------	-------------------------	---------------------------	-------------------------	--------------------------	---------------------------	----------------------------

Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present. Due to the First Step Act, sentences are being reviewed and recalculated to address pending Federal Time Credit changes. As a result, an inmate's release date may not be up-to-date. Website visitors should continue to check back periodically to see if any changes have occurred.

If an individual is listed as "Released" or "Not in BOP Custody" and no facility location is indicated, the inmate is no longer in BOP custody, however, the inmate may still be in the custody of some other correctional/criminal justice system/law enforcement entity, or on parole or supervised release.

Find By Number

Find By Name

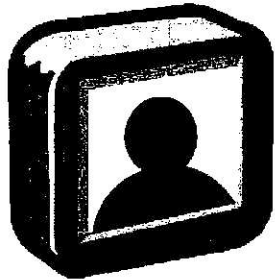
Type of Number

Number

BOP Register Number



Result using number



CARLOS VASQUEZ-VELASQUEZ

Register Number:



Age: 27
Race: White
Sex: Male

Located at: Philadelphia FDC
Release Date: UNKNOWN

Related Links

- [Facility Information](#)
- [Call or email](#)
- [Send mail/package](#)
- [Send money](#)
- [Visit](#)
- [Voice a concern](#)

[About the inmate locator & record availability](#)

About Us

- [About Our Agency](#)
- [About Our Facilities](#)
- [Historical Information](#)
- [Statistics](#)

Inmates

- [Find an Inmate](#)
- [First Step Act](#)
- [Communications](#)
- [Custody & Care](#)
- [Visiting](#)
- [Report a Concern](#)

Locations

- [List of our Facilities](#)
- [Map of our Locations](#)
- [Search for a Facility](#)

Careers

- [Life at the BOP](#)
- [Explore Opportunities](#)
- [Current Openings](#)
- [Application Process](#)
- [Our Hiring Process](#)

Business

- [Acquisitions](#)
- [Solicitations & Awards](#)
- [Reentry Contracting](#)

Resources

- [Policy & Forms](#)
- [News Stories](#)
- [Press Releases](#)
- [Publications](#)
- [Research & Reports](#)

Resources For ...

- [Victims & Witnesses](#)
- [Employees](#)
- [Volunteers](#)
- [Former Inmates](#)
- [Media Reps](#)



Report Cri

Main Menu

Search Results: 1

CARLOS DANIEL VASQUEZ-VELASQUEZ

Country of Birth : Honduras

A-Number: [REDACTED]

Status : In ICE Custody

State: PA

Current Detention Facility: Philadelphia Federal Detention Center

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

- Helpful Info
- Status of a Case
- About the Detainee Locator
- Brochure
- ICE ERO Field Offices
- ICE Detention Facilities
- Privacy Notice

External Links

Bureau of Prisons Inmate
Locator



[DHS.gov](#)[USA.gov](#)[OIG](#)[OpenFOIA](#)[Metrics](#) [No Site](#) [Site](#)
[Gov](#) [FearMap](#)[Policies](#)
[Act](#) [& Plug-](#)
[Ins](#)

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject II [Redacted]

In the Matter of CARLOS DANIEL VASQUEZ-VELASQUEZ

Respondent: [Redacted] currently residing at:

[Redacted] PHILADELPHIA, PENNSYLVANIA, 19148-4519 +1 (484)-215-0636
(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 HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near HIDALGO, TX , on or about October 22, 2021 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:

212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- 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:

900 Market Street Suite 504 Philadelphia PA US 19107

(Complete Address of Immigration Court, including Room Number, if any)

on July 12, 2022 at 08:30 AM to show why you should not be removed from the United States based on the charge(s) set forth above.

OSCAR GARCIA-III Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer) (Sign in ink)

Date: October 25, 2021 DONNA, TEXAS
(City and State)

Notice to Respondent

Warning: 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 I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-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] BORDER PATROL AGENT

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

(Signature of Respondent) (Sign in ink)

Sign: Witnessed By: [Signature]

Date: 10/25/2021

Certificate of Service

This Notice To Appear was served on the respondent by me on October 25, 2021, in the following manner and in compliance with section 239(a)(1) of the Act.

[X] in person [] by certified mail, returned receipt # _____ requested [] by regular mail

[] Attached is a credible fear worksheet.

[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH 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.

CARRIE A. CALDWELL, BORDER PATROL AGENT

(Signature and Title of officer) (Sign in ink)

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

Authority:

The 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 DHS 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-sorn>. 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 DHS 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 DHS policy, the information you provide may be shared internally within DHS, 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.

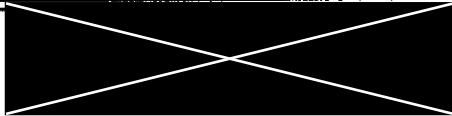
Disclosure:

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.

EXHIBIT C

U.S. Department of Homeland Security

Order of Release on Recognizance



Name: CARLOS DANIEL VASQUEZ-VELASQUEZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

[X] You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

[X] You must surrender for removal from the United States if so ordered.

[] You must report in (writing) (person) to _____ (Name and Title of Case Officer) at _____ (Location of DHS Office) on _____ (Day of each week or month) at _____ (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

[] You must not change your place of residence without first securing written permission from the immigration officer listed above.

[X] You must not violate any local, State, or Federal laws or ordinances.

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

[] Other: _____

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

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

[Signature of Oscar Garcia-III] (Signature of DHS Official) OSCAR GARCIA-III ACTING PATROL AGENT IN CHARGE (Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

CARRIE A. CALDWELL [Signature] (Signature of Immigration Officer Serving Order)

Sign: Witnessed By: [Signature] (Signature of Alien)

10/25/2021 (Date)

Cancellation of Order

I hereby cancel this order of release because: [] The alien failed to comply with the conditions of release.

[] The alien was taken into custody for removal. _____ (Signature of Immigration Officer Canceling Order) _____ (Date)

VERIFICATION

I, /s/ Alina Park, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Dated: January 15, 2026

CERTIFICATE OF SERVICE

I, Alina Park, certify that on January 15, 2026, I electronically filed the attached the foregoing Petition for Habeas Corpus with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system.

Dated: January 15, 2026

Respectfully submitted:

/s/ Alina Park

Gian-Grasso | Tomczak
Immigration Law Group
PA Bar: 333214
990 Spring Garden St., Ste. 304
Philadelphia, PA 19123
Ph. (215) 437-0392
Fax: (215) 437-0490
alina@gtilg.com

Attorney for Petitioner