

UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JAN 12 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

ALTYNAI ASHYRAPOVA, in her own capacity and on
behalf of her minor son, 

Petitioner(s),

SA 26CA0214 FB

-against-

TODD M. LYONS, Acting Director, U.S. Immigration
and Customs Enforcement (ICE); MARCOS
CHARLES, in his official capacity as Acting Executive
Associate Director, Enforcement and Removal
Operations, U.S. Immigration and Customs
Enforcement; ALEJANDRO N. MAYORKAS,
Secretary, U.S. Department of Homeland Security;
KRISTI NOEM, in her official capacity as Secretary of
the U.S. Department of Homeland Security; and PAM
BONDI, in her official capacity as Attorney General of
the United States, and WARDEN of DILLEY
IMMIGRATION PROCESSING CENTER, in their
official capacity as custodian of petitioner, THE
WARDEN OF THE FACILITY WHERE PETITIONER
IS CURRENTLY DETAINED, in his or her official
capacity as custodian of Petitioner

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Case No.:

PARTIES

1. ALTYNAI ASHYRAPOVA ("Ms. Ashyrapova") is a citizen of Kyrgyzstan who entered the
United States with her three years old son,  at or near the Laredo,
Texas port of entry (the "Border") on or about August 24, 2025. Ms. Ashyrapova brings this
action in her own capacity and on behalf of her minor son, 

ALTYNAL. Ms. Ashyrapova and her minor son, [REDACTED] are collectively referred to herein as the "Petitioners".

2. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), an agency of the U.S. Department of Homeland Security ("DHS"). In that capacity, he is responsible for overseeing ICE's operations, including the detention and removal of noncitizens within the United States. He exercises authority over the policies and actions giving rise to Petitioner's detention and is sued in his official capacity.
3. Respondent Marcos Charles is the Acting Executive Associate Director of Enforcement and Removal Operations ("ERO"), the division of ICE responsible for the arrest, detention, and removal of noncitizens. He is charged with implementing ICE detention policies nationwide and is sued in his official capacity.
4. Respondent Alejandro N. Mayorkas is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal department with ultimate authority over immigration enforcement and the administration of ICE. As the head of DHS, Secretary Mayorkas has ultimate responsibility for the custody and detention of individuals such as the Petitioner and is sued in his official capacity.
5. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security. To the extent she currently holds or exercises the functions of that office, she is responsible for the policies and actions of DHS and its sub-agencies, including ICE, and is sued in her official capacity.
6. Respondent Pam Bondi is the Attorney General of the United States and head of the U.S. Department of Justice, which includes the Executive Office for Immigration Review

(“EOIR”) and the nation’s immigration courts. The Attorney General is responsible for the overall administration of immigration proceedings and the enforcement of federal immigration law and is sued in her official capacity.

7. Respondent Warden of Dilley Immigration Processing Center (the “Warden”), in their official capacity as custodian of Petitioner, is the warden of a detention center located in Frio County, Texas (the “Detention Facility”). The Warden is named herein in their official capacity as Petitioner’s custodian.
8. Respondent “the Warden of the Facility Where Petitioner Is Currently Detained” is named in his or her official capacity as Petitioner’s immediate physical custodian. Because Petitioner’s place of detention may change during the pendency of these proceedings, this designation is intended to encompass any warden or equivalent official who exercises day-to-day custody over Petitioner at the time the Court issues its decision, thereby ensuring that the Court’s order may be promptly enforced.

JURISDICTION & VENUE

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
10. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).
11. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. See, e.g., *Zadvydas*, 533 U.S. at 687.

12. Venue is proper in this district pursuant to 28 U.S.C. § 2241(d) because Petitioner is currently detained in the Detention Facility, within this district, and remains in ICE continuous custody.

INTRODUCTION/BACKGROUND INFORMATION

Ms. Ashyrapova's Asylum Request and subsequent arrest.

13. As a threshold matter, this petition does not seek review of the merits of the credible fear determination or credibility findings, but challenges the constitutionality of the procedures used, including the government's reliance on an interview conducted while Petitioner was cognitively impaired/incompetent, in violation of the Fifth Amendment.
14. By way of background, on July 10, 2025, Ms. Ashyrapova was violently struck on the head with a blunt object, causing her to lose consciousness and remain in a coma for two days. She suffered a serious head injury, including a fractured skull and brain injury. She was admitted to intensive care and later underwent brain surgery to repair the skull fracture at City Clinical Emergency Hospital No. 4 in Bishkek, Kyrgyzstan. Her recovery was complicated by ongoing symptoms such as severe headaches, dizziness, and confusion, as well as the development of an abnormal mass in her head, for which urgent further testing was recommended. At the time of discharge, Ms. Ashyrapova continued to experience significant after-effects of the injury and was instructed to obtain close medical follow-up and additional treatment. All of these findings are documented in the hospital discharge records, attached hereto as **Exhibit A**.
15. Shortly after Ms. Ashyrapova sustaining this serious head injury and while still recovering, Petitioners entered the United States on or about August 24, 2025, and were detained.

16. On or about September 3, 2025, while still in detention, Ms. Ashyrapova underwent a credible fear interview with USCIS officer, while still suffering/recovering from the serious brain injury she sustained. The officer who conducted the interview determined that Ms. Ashyrapova's testimony was mostly inconsistent. The findings of USCIS officer are attached hereto as **Exhibit B**.
17. On or about October 23, 2025, the Petitioner was released from detention due to Ms. Ashyrapova's complications from her brain/head injury, and, prior to her release, DHS/ICE placed an anklet/bracelet on her. Ms. Ashyrapova applied for asylum (filed her i589 form) on or about December 8, 2025.
18. Upon Petitioners' release, Ms. Ashyrapova started receiving treatment at Ascension Saint Alexius hospital in Hoffman Estates, Illinois.
19. During the course of her treatment, on or about December 10, 2025, Petitioners appeared for a routine check-in with DHS/ICE, during which Ms. Ashyrapova's anklet/bracelet was removed to allow for an MRI.
20. On December 12, 2025, DHS/ICE directed the Petitioners to appear on December 17, 2025, for MRI updates and a check-in.
21. On December 16, 2025, Ms. Ashyrapova followed up with Yelena N. Shanchuk, M.D., who informed her that she would be receiving further treatment in connection with her brain/head injury.
22. On December 17, 2025, Petitioners appeared for their scheduled check-in with DHS/ICE and were unjustifiably detained by DHS/ICE on that same date. During the check-in appointment,

Ms. Ashyrapova presented DHS/ICE with medical records documenting her brain and head injuries for review and assessment.

23. While in DHS/ICE custody, Ms. Ashyrapova's medical condition related to her head/brain injury deteriorated significantly, and she was transported to a hotel where she received some medical assistance, however, she continued to feel unwell.

24. On December 18, 2025, Petitioners were transported to the Detention Facility.

25. At the Detention Facility, Ms. Ashyrapova has not been receiving proper medical treatment due to overcrowding, and her condition has deteriorated substantially day by day.

26. The previous counsel for the Petitioner filed an application with the immigration court in connection with the negative credible fear interview determinations. By order dated September 17, 2025 the Immigration Judge affirmed the negative credible fear interview determinations and ordered the Petitioner to be removed. The copy of the subject order is attached hereto as **Exhibit E**.

27. Petitioner now brings this petition for a writ of habeas corpus to challenge the lawfulness of her detention and the procedures leading to the negative credible fear determination/affirmation by the Immigration Judge of the negative credible fear determination, on the grounds that the determination(s) was/were reached while Petitioner was medically incapacitated/incompetent due to a recent severe brain injury and without adequate opportunity to obtain medical care or legal assistance, in violation of her rights to due process.

STATUTORY AND LEGAL FRAMEWORK, AND ARGUMENT

28. To succeed on a due process challenge to immigration proceedings, a noncitizen must demonstrate that he was deprived of an opportunity to be heard "in a meaningful manner," Burger v. Gonzales, 498 F.3d 131, 134 (2d Cir. 2007), and that the "alleged shortcomings . . . prejudiced the outcome of his case," Garcia-Villeda v. Mukasey, 531 F.3d 141, 149 (2d Cir. 2008)
29. Consistent with due process, "a person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial." Drope v. Missouri, 420 U.S. 162, 171, 95 S. Ct. 896, 43 L. Ed. 2d 103 (1975).
30. A noncitizen "is entitled to a full and fair removal hearing under both the [INA] and the Due Process Clause of the Fifth Amendment." *Matter of R-C-R-*, 28 I. & N. Dec. 74, 77 (B.I.A. 2020). Under the Fifth Amendment, a noncitizen is "entitle[d] . . . to due process of law in deportation proceedings," Reno v. Flores, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993), which includes the right to a full and fair hearing, Landon v. Plasencia, 459 U.S. 21, 32-33, 103 S. Ct. 321, 74 L. Ed. 2d 21 (1982). Similarly, the INA guarantees noncitizens "a reasonable opportunity to examine the evidence against [them], to present evidence on [their] own behalf, and to cross-examine witnesses presented by the Government." 8 U.S.C. § 1229a(b)(4)(B).
31. In the *Matter of M-A-M-*, 25 I. & N. Dec. 474 (BIA 2011), the BIA set forth a test for competency to "meet traditional standards of fundamental fairness in determining whether an alien is competent to participate in immigration proceedings," 25 I. & N. Dec. at 479, and "provide[d] a framework for analyzing cases in which issues of mental competency are

raised." Id. at 476. The framework imposed "rigorous procedural requirements," Mejia v. Sessions, 868 F.3d 1118, 1122 (9th Cir. 2017), which the BIA supplemented in subsequent decisions, see, e.g., *Matter of E-S-I*, 26 I. & N. Dec. 136 (B.I.A. 2013); *Matter of J-R-R-A*, 26 I. & N. Dec. 609 (B.I.A. 2015); *Matter of J-S-S*, 26 I. & N. Dec. 679; *Matter of M-J-K*, 26 I. & N. Dec. 773 (B.I.A. 2016).

32. Under *Matter of M-A-M*, when there are indicia that a noncitizen may be incompetent, the adjudicator must: (i) Make a determination as to whether the individual is competent to participate in the proceedings; (ii) Identify the character, scope, and severity of any incompetency; (iii) Implement appropriate procedural safeguards tailored to that incompetency; and (IV) Articulate on the record why the safeguards employed are sufficient to ensure a fair proceeding.
33. Failure to conduct this analysis, or to explain how safeguards adequately protect the individual's rights, constitutes legal error and violates due process.
34. When the government fails to follow regulations or procedures designed to protect fundamental rights, a petitioner is not required to show actual prejudice to obtain relief., Montilla v. INS, 926 F.2d 162, 169 (2d Cir. 1991); Waldron v. INS, 17 F.3d 511, 518 (2d Cir. 1993)).
35. Where a credible fear determination is reached through a process that fails to account for a noncitizen's incompetency or medical incapacity, and where the government relies on that determination to justify continued custody or removal, the resulting deprivation of liberty violates due process.

ARGUMENT

36. As was stated previously, on or about September 3, 2025, while still in detention, Ms. Ashyrapova underwent a credible fear interview with USCIS officer (the "Interview"), while still suffering/recovering from the brain injury she sustained less than two month prior to the Interview. The USCIS officer who conducted the interview (the "Officer") determined that Ms. Ashyrapova's testimony was mostly inconsistent. The copy of the Form I-870, the Record of Determination/Credible Fear Worksheet is annexed hereto as **Exhibit B**.

37. At the outset of the Interview, the Petitioner advised the Officer that at the time of the Interview she was taking medication related to her concussion (see p. 6/37, **Ex. B**).

38. Subsequently, the Petitioner explained to the Officer the nature and cause of her concussion, testifying that it resulted from an incident that took place on July 10, 2025, during which she was assaulted and struck on the head with a hard object, causing her to lose consciousness. The Petitioner further testified that she was hospitalized and remained in a coma for the following two days (see p. 12/37, **Ex. B**), albeit later stating that she was in coma for one day (see p. 13/37, **Ex. B**).

39. As was also stated above, Petitioner's brain injuries that she sustained on July 10, 2025 are well documented.

40. Later on the Officer made the following inconsistencies determinations: Credibility Concern 1: The Officer identified inconsistent testimony regarding the assault and loss of consciousness. Per the Officer's determinations the Petitioner provided conflicting accounts of the harm she suffered. She initially testified that she was struck from behind with a hard object and fell into a coma lasting two days. She later testified that she regained consciousness the following day in the hospital and was able to speak with police at that time

(see **Ex. B**, section titled “Credible Fear Determination Checklist and Written Analysis (For RAICES Class Members Only)”.

41. In Credibility Concern 2 the Officer determined that inconsistent testimony concerning whether she saw her attacker was also inconsistent. She first stated that she was hit from behind and immediately lost consciousness, implying she did not see the attacker. She later testified that she was able to observe the attacker’s clothing (dressed in black) and estimate his height. She attempted to explain this inconsistency by stating that she only saw the attacker’s silhouette and inferred the details. This explanation was found unreasonable because it did not adequately explain how she could provide specific identifying details after claiming she lost consciousness immediately. This inconsistency was considered significant because it directly related to the identity of the alleged persecutor.
42. With respect to “Credibility Concern 1,” a medical article published on the United States Department of Veterans Affairs website addressing Traumatic Brain Injury (“TBI”) and PTSD explains that TBI, particularly when caused by a violent blow to the head, is well documented to impair memory, attention, and the ability to provide coherent and consistent narratives, especially in the period shortly after the injury. The article further explains that loss of consciousness, post-traumatic amnesia, altered mental state, and ongoing post-concussive symptoms can directly affect recall and testimony, and that the severity and manifestation of these impairments vary widely among individuals. Importantly, inconsistencies in recounting events are a recognized consequence of TBI-related cognitive disruption and do not necessarily reflect fabrication or a lack of credibility. The copy of the article is annexed hereto as **Exhibit C**.

43. To wit, the article provides that "TBI may cause damage to the prefrontal cortex or HPA axis, thereby leading to impaired fear extinction, poorer cognitive control over trauma-related memories, and poorer emotion regulation".
44. As a result, individuals, like Petitioner, with a recent history of TBI may struggle to organize memories chronologically, recall details consistently, or articulate traumatic experiences in a linear and internally consistent way. Accordingly, any inconsistencies identified in Petitioner's testimony are medically consistent with the documented effects of her traumatic brain injury and cannot reasonably serve as a basis for an adverse credibility finding, which was made less than two month after Petitioner sustained the brain injury in question.
45. With respect to "Credibility Concern 2," an article published by the National Center for Biotechnology Information ("NCBI"), a division of the National Institutes of Health ("NIH"), explains that a patient's progression from an initially vague account of an event to the later inclusion of specific details, such as a silhouette or clothing, is a recognized clinical manifestation of confabulation. Confabulation is defined as a neuropsychiatric condition in which an individual generates inaccurate or fabricated memories without any intention to deceive. The subject article is attached hereto as **Exhibit D**.
46. This condition leads a patient to generate information as a "compensatory mechanism to fill holes in one's memories" in an effort to maintain "self-coherence" and the "integration of memories."
47. This directly rebuts the Officer's finding that the explanation was "unreasonable," as the medical literature confirms that a brain impacted by severe traumatic brain injury is neurologically driven to fill the void of a blackout with details that "can be believable or

bizarre." The article further distinguishes "Provoked Confabulations," which are "discovered by directly questioning and prompting a false memory." This type of memory error occurs specifically when a patient is asked direct questions and results in a "reply incorrectly instead of responding with 'I don't know.'".

48. In the context of the September 3, 2025 interview, upon information and belief, the direct questioning by the USCIS officer acted as an external trigger that "provoked" the Petitioner's brain to generate details about the attacker's height and clothing to resolve the "reduced memory capacity" caused by her traumatic brain injury.

49. In addition, the article notes that "presenting patients with contradictory information may further perpetuate confabulation in an attempt to explain their account." When the Officer confronted the Petitioner with her inconsistencies, her attempt to reconcile the "hit from behind" statement with the "silhouette" detail was a symptomatic effort to "explain her account" rather than a willful attempt to mislead. Because the article specifies that "the patient believes the statement to be truthful," the Petitioner's testimony lacks the "intention of deceit".

50. In addition, during the Interview, when asked whether Petitioner would like any representative or consultant to be present, she responded in the affirmative and provided the phone numbers of her sister and her mother (see **Ex. B**, p. 4/37). The USCIS officer was not able to reach either Petitioner's sister or her mother. Despite Petitioner's agreement to proceed without them, the record demonstrates that she participated in a critical, non-adversarial interview without the support or guidance of a family member or representative. Additionally, the Petitioner was asked by the USCIS officer whether the Petitioner was

taking any medications during the Interview, and the Petitioner responded in the affirmative, stating that she was taking pills for the concussion she had previously experienced (see **Ex. B**, p. 6/37).

51. As stated above, at the time of the Interview, Ms. Ashyrapova was recovering from a severe traumatic brain injury and was experiencing post-concussive symptoms, including memory lapses, confusion, and cognitive impairment. These impairments materially affected her ability to recall events consistently, as documented in her medical records (**Ex. A**). The presence of Petitioner's mother or sister would have helped to ensure that the nature and severity of her head injuries were clearly conveyed to the USCIS officer during the Interview, enabling a more accurate reflection of her ability to testify coherently and competently in the record.

52. Accordingly, the Officer failed to account for Petitioner's documented traumatic brain injury, cognitive impairments, and post-concussive symptoms, and conducted the Interview without a representative or family member despite Petitioner's clear request and medical vulnerabilities.

53. Importantly, the Immigration Judge failed to assess Petitioner's competency or implement any safeguards, contrary to basic due process principles and the government's own recognized competency framework articulated in *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011), when reviewing the negative credible fear determination. The Immigration Judge was obligated to ensure that the proceedings were fundamentally fair.

54. Where, as here, the record before the Immigration Judge contained clear indicia of mental incompetency or medical incapacity based on a well-documented recent traumatic brain

injury, hospitalization, coma, ongoing post-concussive symptoms, and the use of concussion-related medication, the Immigration Judge was required to assess whether Petitioner was capable of participating in the proceedings and whether adequate procedural safeguards had been employed. *Matter of M-A-M-*, 25 I&N Dec. at 479–81.

55. If there are indicia of incompetency, the Immigration Judge must make further inquiry to determine whether the alien is competent for purposes of immigration proceedings.

56. The Immigration Judge may use different ways to establish mental competency, such as asking simple and direct questions, review medical or other records, order or consider mental health evaluations, allow continuances, and otherwise gather evidence relevant to competency.

57. None of that was done to reasonably assess Petitioner's mental competency, and the Petitioner never appeared before the Immigration Judge. Instead, the Immigration Judge affirmed the negative credible fear determination based exclusively on a written record derived from an interview conducted while Petitioner was cognitively impaired, without any inquiry into her capacity to understand the proceedings, medical records, her ability to communicate coherently, or assist in the presentation of her claim, which resulted in violation of the Due Process Clause of the Fifth Amendment.

58. Instead, the Immigration Judge relied on the USCIS interview record without addressing whether Petitioner's cognitive impairments that materially affected her ability to recall events consistently, or communicate coherently, and without evaluating whether the absence of safeguards rendered the credible fear interview unreliable. The Immigration Judge likewise

failed to identify the nature or severity of Petitioner's impairments or to explain how the existing procedures were sufficient to ensure a fair process.

59. This failure to properly apply the *Matter of M-A-M-* framework, at least to the extent necessary to assess the reliability of the record, constitutes legal error and violates due process. Because the Immigration Judge's review was based on a procedurally defective and unreliable interview conducted while Petitioner was medically incompetent, the resulting credible fear determination cannot stand and must be vacated.

60. Finally, as set forth above, the record establishes that Ms. Ashyrapova was medically and cognitively incompetent to provide coherent testimony at the Interview due to her recent severe traumatic brain injury, coma, and ongoing post-concussive symptoms. In an effort to further corroborate and formally document this incapacity/incompetency, the undersigned and Petitioner's US based relatives sought an expert neurological assessment from U.S.-based medical professionals regarding the direct impact of Ms. Ashyrapova's head and brain injuries on her testimonial competence at the time of the Interview.

61. Medical professionals uniformly advised that such confirmation requires a comprehensive, in-person neuropsychological evaluation lasting at least eight hours and cannot be performed remotely. Because this evaluation requires Ms. Ashyrapova's physical presence at a specialized medical facility, her continued detention makes it impossible to obtain this corroborating medical evidence, thereby limiting Petitioner's ability to fully develop her due process claim/record and further showing the need for her release.

62. Petitioner respectfully requests release from detention or parole in order to obtain necessary medical treatment and a comprehensive, in-person neuropsychological evaluation of her traumatic brain injury.
63. Continued detention prevents Petitioner from obtaining medical evaluation required to document the extent of her cognitive impairments and to ensure that any future immigration proceedings are conducted in a manner consistent with due process. Absent such relief, Petitioner remains unable to meaningfully develop the record regarding her mental competency in connection with any further proceedings.
64. Petitioner respectfully requests that this Court declare that the negative credible fear determination issued by USCIS and affirmed by an Immigration Judge was obtained through a constitutionally defective process, in violation of Petitioner's Due Process rights, as it relied on an interview conducted while Petitioner was cognitively impaired/incompetent and without adequate procedural safeguards.
65. Petitioner further requests that the Court vacate or enjoin enforcement of the negative credible fear determination and direct that Petitioner be afforded a full and fair hearing before an Immigration Judge, with the opportunity to apply for asylum and present evidence consistent with due process, including any necessary procedures to assess and ensure Petitioner's mental competency pursuant to *Matter of M-A-M-*.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner respectfully request that this Court:

- A. Assumes jurisdiction over this matter;

- B. Issue a writ of habeas corpus directing Respondent to release Petitioner from detention or to grant her parole, or, in the alternative, to provide such conditions of confinement that allow Petitioner to obtain necessary medical treatment and a comprehensive, in-person neuropsychological evaluation of her traumatic brain injury;
- C. Declare that the negative credible fear determination issued by USCIS on September 3, 2025, and affirmed by the Immigration Judge, was obtained through procedures that violated Petitioner's rights under the Due Process Clause of the Fifth Amendment, as it relied on an interview conducted while Petitioner was cognitively impaired/incompetent and without adequate procedural safeguards;
- D. Vacate or enjoin enforcement of the negative credible fear determination;
- E. Enjoin any Respondents from enforcing the Immigration Judge's order dated September 17, 2025;
- F. Order that Petitioner be afforded a full and fair hearing before an Immigration Judge, with the opportunity to apply for asylum and present evidence, including medical and expert evidence regarding her mental competency, consistent with due process and the framework set forth in *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011);
- G. Award reasonable attorneys' fees and costs;
- H. Grant such other and further relief as the Court deems just and proper.

Dated: January 8, 2026
Port Washington, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana Rubin", is written over a horizontal line.

Diana Rubin, Esq.

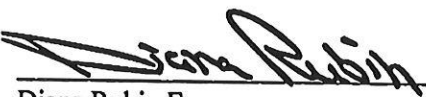
NYS BAR No. 520-2627
3 Main St.,
Port Washington, NY 11050
Tel (212) 603-9334
Fax (516) 272-4171

VERIFICATION

I, Diana Rubin, Esq., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the attorney for Petitioner, ALTYNAI ASHYRAPOVA and her underaged son, in this action.
2. Petitioner is currently detained by immigration authorities and, due to the conditions of confinement, practical limitations on access, and her deteriorating mental and cognitive condition, is unable to sign this verification at this time.
3. I submit this verification on Petitioner's behalf pursuant to 28 U.S.C. § 2242, which permits a habeas petition to be verified "by the person for whose relief it is intended or by someone acting in his behalf."
4. I have reviewed the subject Petition for Writ of Habeas Corpus.
5. The factual statements contained in the Petition are true and correct to the best of my knowledge and belief based on information provided by Petitioner and my investigation.

Executed on this 8th day of January, 2026, in New York.



Diana Rubin Esq.,
NYS BAR No. 520-2627
Attorney for Petitioner
ALTYNAI ASHYRAPOVA
3 Main Street
Port Washington, NY 11050
Tel (212) 603-9334
Fax (516) 272-4171