

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Jagbir Singh Terkiana
(CA SBN #339166)
Terkiana PC
PO Box 70280
Sunnyvale, CA 94086
(408) 689-6117
Email: jay@immigration.global

Counsel for Petitioner
Gurpreet Singh

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

GURPREET SINGH, 

Petitioner,
v.

PAMELA BONDI, in her official capacity as
Attorney General,

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

U.S. DEPARTMENT OF HOMELAND
SECURITY,

JEREMY CASEY, in his official capacity as
Warden of Warden of the
Imperial Regional Adult Detention Facility,

TODD M. LYONS, in his official capacity as
acting director of US Immigration and Customs
Enforcement,
Respondents.

Case No. '26CV0399 BJC JLB

**VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

IMMIGRATION HABEAS
CASE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

1. Gurpreet Singh (“Petitioner”), by and through his undersigned counsel, hereby files this petition for a writ of habeas corpus challenging his continued detention without eligibility for a bond hearing.
2. Petitioner is a citizen of India. He first arrived in the United States without inspection on or about October 17, 2022. *See* Exhibit A.
3. In October, 2022, Immigration and Customs Enforcement (“ICE”) released Petitioner into the United States.
4. On December 21, 2022, Petitioner filed his form I-589 application for asylum and Withholding of Removal with Executive Office for Immigration Review (“EOIR”). *See* Exhibit B.
5. On or about December 27, 2025, three years after he began his residence in the United States, Petitioner was arrested by ICE and is currently detained at Imperial Regional Adult Detention Facility. *See* Exhibit C.

PARTIES

6. Petitioner Gurpreet Singh is a citizen of India, who is currently in the custody of ICE in Calexico, California.
7. Respondent Pamela Bondi, the Attorney General, is the highest-ranking

1 official within the Department of Justice (“DOJ”). Respondent Bondi has
2 responsibility for the administration and enforcement of the immigration
3 laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act
4 (“INA”) has not been amended to reflect the designation of the Secretary of
5 the Department of Homeland Security (“DHS”) as the administrator and
6 enforcer of immigration laws, Respondent Bondi is sued in her official
7 capacity to the extent that 8 U.S.C. § 1102 gives her authority over
8 immigration law.
9

10 8. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking
11 official within the DHS. Respondent Noem, by and through her agency for
12 the DHS, is responsible for the implementation of the INA, and for ensuring
13 compliance with applicable federal law. She is also responsible for the
14 detention of non-citizens by ICE. Respondent Noem is sued in her official
15 capacity as an agent of the government of the United States.

16 9. The DHS is the agency responsible for detaining non-citizens, including
17 Petitioner.

18 10. Jeremy Casey is the warden of the Imperial Regional Adult Detention
19 Facility. He is sued in his role as Petitioner’s immediate custodian.

20 11. Respondent Todd M. Lyons is the Acting Director of the of Immigration
21

1 and Customs Enforcement. He oversees the custody of all Immigration and
2 Customs Enforcement is also responsible for the detention of non-citizens
3 by ICE. Respondent Lyons is sued in his official capacity as an agent of the
4 government of the United States.

5
6 **JURISDICTION AND VENUE**

7 12. This Court has jurisdiction over the present action pursuant to 28 U.S.C.
8 § 1331, general federal question jurisdiction; habeas jurisdiction pursuant to
9 28 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution
10 (the Suspension Clause); and the common law. This action arises under the
11 Due Process Clause of the Fifth Amendment of the U.S. Constitution and
12 the INA. This Court may grant relief under the habeas corpus statutes, 28
13 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et
14 seq., and the All-Writs Act, 28 U.S.C. § 1651.

15 13. Federal district courts have jurisdiction to hear habeas claims by
16 noncitizens challenging the lawfulness or constitutionality of DHS conduct.
17 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*
18 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

19 14. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are
20 agencies of the United States or officers or employees thereof acting in their
21

1 official capacity or under color of legal authority; Petitioner is in the custody
2 of the Immigration and Customs Enforcement at the Imperial Regional Adult
3 Detention Facility, which is in the jurisdiction of the Southern District of
4 California; and there is no real property involved in this action.
5

6 **LEGAL BACKGROUND**

7
8 15. The INA prescribes three basic forms of detention for noncitizens in removal
9 proceedings.

10 16. First, individuals detained pursuant to 8 U.S.C. § 1226(a) are generally
11 entitled to a bond hearing, unless they have been arrested, charged with, or
12 convicted of certain crimes and are subject to mandatory detention. *See* 8
13 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also*
14 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody
15 determinations made by DHS), 1236.1(d) (same).

16 17. Second, the INA provides for mandatory detention of noncitizens subject to
17 expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals
18 deemed to be “seeking admission” under § 1225(b)(2).

19 18. Third, the INA authorizes detention of noncitizens who have received a final
20 order of removal, including those in withholding-only proceedings. *See* 8
21 U.S.C. § 1231(a)–(b).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

19. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

20. Following the enactment of the IIRIRA, the U.S. Department of Justice’s Executive Office of Immigration Review (“EOIR”) drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formed referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

21. Thus, in the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an Immigration Judge (“IJ”), unless their criminal history

1 rendered them ineligible. That practice was consistent with many more
2 decades of prior practice, in which noncitizens who had entered the United
3 States, even if without inspection, were entitled to a custody hearing before an
4 IJ or other hearing officer. In contrast, those who were stopped at the border
5 were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); see
6 also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply
7 “restates” the detention authority previously found at § 1252(a)).

8 22. For decades, long-term residents of the U.S. who entered without inspection
9 and were subsequently apprehended by ICE in the interior of the country have
10 been detained pursuant to § 1226 and entitled to bond hearings before an IJ,
11 unless barred from doing so due to their criminal history.

12 23. In July 2025, however, ICE began asserting that all individuals who entered
13 without inspection should be considered “seeking admission” and therefore
14 subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

15 24. On September 5, 2025, the BIA issued a precedential decision adopting this
16 interpretation, departing from the INA’s text, federal precedent, and existing
17 regulations. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

18 25. Defendants’ new legal interpretation is plainly contrary to the statutory
19 framework and its implementing regulations. Indeed, for decades, Defendants
20 had applied § 1226(a) to people like the Petitioner. Defendants’ new policies
21

1 are thus not only contrary to law, but are arbitrary and capricious in violation
2 of the Administrative Procedure Act (“APA”). They were also adopted without
3 complying with the procedural requirements of the APA.

4 26. Numerous federal courts have rejected this interpretation and instead have
5 consistently found that § 1226, not § 1225(b)(2), authorizes detention of
6 noncitizens who entered without inspection and were later apprehended in the
7 interior of the country. *See e.g., Sampiao v. Hyde*, 2025 WL 2607924 (D.
8 Mass. Sept. 9, 2025) (noting court’s disagreement with BIA’s analysis in
9 *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug.
10 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13,
11 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept.
12 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025);
13 *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9,
14 2025); *see also Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC) (E.D.
15 Cal. Sept. 23, 2025), attached hereto as Exhibit D, and *Chafla v. Scott*, No.
16 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025), attached hereto as Exhibit E.

17 27. Under the Supreme Court’s recent decision in *Loper Bright v. Raimondo*, this
18 Court should independently interpret the statute and give the BIA’s expansive
19 interpretation of § 1225(b)(2) no weight, as it conflicts with the statute,
20 regulations, and precedent. 603 U.S. 369 (2024).

21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration Review (“EOIR”) issued regulations clarifying that individuals who entered the country without inspection were not considered detained under § 1225, but rather under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

29. The statutory context and structure also make clear that § 1226 applies to individuals who have not been admitted and entered without inspection. In 2025, Congress added new mandatory detention grounds to § 1226(c) that apply only to noncitizens who have not been admitted. *See The Laken Riley Act*, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

30. By specifically referencing inadmissibility for entry without inspection under 8 U.S.C. § 1182(6)(A), Congress made clear that such individuals are

1 otherwise covered by § 1226(a). Thus, § 1226 plainly applies to noncitizens
2 charged as inadmissible, including those present without admission or parole.

3 31. The Supreme Court has explained that § 1225(b) is concerned “primarily [with
4 those] seeking entry,” and is generally imposed “at the Nation’s borders and
5 ports of entry, where the Government must determine whether [a noncitizen]
6 seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S.
7 281, 297, 2987 (2018). In contrast, Section 1226 “authorizes the Government
8 to detain certain aliens *already in the country* pending the outcome of removal
9 proceedings.” *Id.* at 289 (emphases added).

10 32. Furthermore, § 1225(b)(2) specifically applies only to those “seeking
11 admission,” and the implementing regulations at 8 C.F.R. § 1.2 address
12 noncitizens who are “coming or attempting to come into the United States.”
13 The use of the present progressive tense would exclude noncitizens like
14 Petitioner who are apprehended in the interior years after they entered, as they
15 are no longer “seeking admission” or “coming [...] into the United States.”
16 *See Martinez v. Hyde*, 2025 WL 2084238 at *6 (D. Mass. July 24, 2025) (citing
17 the use of present and present progressive tense to support conclusion that INA
18 § 1225(b)(2) does not apply to individuals apprehended in the interior); *see*
19 *also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019)
20 (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that “[t]he
21

1 use of the present progressive, like use of the present participle, denotes an
2 ongoing process”).

3 33. Accordingly, the mandatory detention provision of § 1225(b)(2) does not
4 apply to Petitioner, who was arrested by ICE while residing at his residence
5 in the United States.

6
7 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

8 34. Administrative exhaustion is unnecessary as it would be futile. *See, e.g.,*
9 *Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999).

10 35. It would be futile for Petitioner to seek a custody redetermination hearing
11 before an IJ because of the BIA recent decision holding that anyone who has
12 entered the U.S. without inspection is now considered an “applicant for
13 admission” who is “seeking admission” and therefore subject to mandatory
14 detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec.
15 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530,
16 at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA’s decision in *Yajure Hurtado*
17 renders exhaustion futile).

18 36. Additionally, the agency does not have jurisdiction to review Petitioner’s
19 claim of unlawful custody in violation of his due process rights, and it would
20 therefore be futile for him to pursue administrative remedies. *Reno v Amer.-*
21

1 Immigration and Naturalization Service issued an interim rule to interpret and
2 apply IIRIRA. Specifically, under the heading of “Apprehension, Custody,
3 and Detention of [Noncitizens],” the agencies explained that “[d]espite being
4 applicants for admission, [noncitizens] who are present without having been
5 admitted or paroled (formerly referred to as [noncitizens] who entered without
6 inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg.
7 at 10323. The agencies thus made clear that individuals who had entered
8 without inspection were eligible for consideration for bond and bond hearings
9 before IJs under 8 U.S.C. § 1226 and its implementing regulations.

10 41. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
11 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

12
13 **THIRD CAUSE OF ACTION**

14 **Violation of Fifth Amendment Right to Due Process**

15 42. Petitioner restates and realleges paragraphs 1 to 36 as if fully set forth here.

16 43. The Fifth Amendment’s Due Process Clause prohibits the federal government
17 from depriving any person of “life, liberty, or property, without due process of
18 law.” U.S. Const. Amend. V.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

44. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

45. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Petitioner’s release.

46. Petitioner’s private interest in freedom from detention is profound. The interest in being free from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”).

47. The risk of erroneous deprivation is exceptionally high. Petitioner has never been arrested and has deep ties to the community.

48. The government’s interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.

49. Furthermore, the “fiscal and administrative burdens” of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

50. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody or provide him with a bond hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Declare that Respondents have violated Petitioner's rights;
3. Order that Petitioner not be transferred outside of this District;
4. Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;
5. Declare that Petitioner's detention is unlawful;
6. Issue a Writ of Habeas Corpus ordering Respondents to release him from custody immediately on the same conditions he was subject to immediately prior to his recent detention or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) or the Due Process Clause within seven days;
7. Enjoin and restrain from re-detaining petitioner for any purpose, absent exigent circumstances, without providing petitioner notice and a pre-detention hearing before an immigration judge where Respondents will have the burden to demonstrate a change in circumstances justifying petitioner's re-detention.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

- 8. Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- 9. Grant him any further relief this Court deems just and proper;

RESPECTFULLY SUBMITTED this Twenty Second day of January, 2026
/s/Jagbir Terkiana
Jagbir Singh Terkiana (CA SBN #339166)
Terkiana PC
PO Box 70280
Sunnyvale, CA 94086
(408) 689-6117
Email: jay@immigration.global

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

VERIFICATION

I, Jagbir Singh Terkiana, counsel for Petitioner Gurpreet Singh, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioners.

Dated: January 22, 2026

Respectfully submitted,

/s/Jagbir Singh Terkiana

Jagbir Singh Terkiana

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

TABLE OF EXHIBITS

Exhibit A: Form I-862-Notice to Appear

Exhibit B: Initial Asylum Application filed with EOIR with filing time stamp

Exhibit C: ICE Detainee Locator Reflecting Respondent's Current Location

Exhibit D: Lepe v. Andrews, No. 1:25-cv-01163-KES-SKO (HC) (E.D. Cal. Sept. 23, 2025)

Exhibit E: Chafra v. Scott, No. 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025)

Exhibit A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:
 Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]
 In the Matter of: [REDACTED] DOB: [REDACTED] Event No: [REDACTED]
 Respondent: GURPREET SINGH currently residing at:
 [REDACTED] (Number, street, city, state and ZIP code) [REDACTED] (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 INDIA and a citizen of INDIA ;
3. You arrived in the United States at or near SAN LUIS, AZ , on or about October 17, 2022 ;
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:

650 CAPITOL MALL SUITE 4-200 SACRAMENTO CA US 958140000

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

on January 06, 2023 at 08:30 AM to show why you should not be removed from the United States based on the

charge(s) set forth above.

RYAN GRIMM

RYAN J GRIMM
Acting/Principal Charge
Date: 2022.10.19 15:25-07:00

(Signature and Title of Issuing Officer) (Sign in Ink)

Date: October 19, 2022

Nogales, Arizona

(City and State)

EOIR - 1 of 3

Notice to Respondent

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

Allen 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 of Respondent) (Sign in ink)

BORDER PATROL AGENT

Date: 10/19/2022

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

Certificate of Service

This Notice To Appear was served on the respondent by me on October 19, 2022, in the following manner and in compliance with section 239(a)(1) of the Act.

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

The alien was provided oral notice in the PUNJABI 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.

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

JERMAINE L BREWER
JERMAINE BREWER, BORDER PATROL AGENT
Date: 2022.10.19 11:07:00
10/19/2022 CRP

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

EOIR - 2 of 3

Privacy Act Statement

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/oepl/dol-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 B

JAY TERKIANA, ESQ.
ALEXANDRA JACOBS, ESQ.
TERKIANA, PC.
PO BOX 70280
SUNNYVALE, CA 94086
(408) 502-3142
ATTORNEYS FOR RESPONDENT

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SACRAMENTO, CALIFORNIA**

_____)
In the Matter of:)
)
 Gurpreet Singh¹)
)
 Respondent,)
)
)
 In Removal Proceedings.)
_____)



Next Hearing Date: 01/06/2023
Time: 08:30 AM
(Master Calendar Hearing)
Judge: Hon. Gelsse, Loreto

RESPONDENT'S I-589 APPLICATION

¹ Please note that the court has uploaded the Respondent's name incorrectly as Grupreet Singh on EOIR case portal. However, the name of the Respondent is Gurpreet Singh as stated in the instant application.

Respondent, through undersigned counsel, respectfully submits his application for asylum, withholding, and protection under the Convention Against Torture ("CAT"). Respondent entered the United States on 10/17/2022. Therefore, this submission should be considered TIMELY for purposes of the One-Year Bar.

Dated: December 21, 2022

Respectfully,



Alexandra Jacobs, Esq.