

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

2026 FEB -2 A 10:51

CLERK KM
SO. DIST. OF GA.


Artemenko Artem
Petitioner

Pam Bondi, GOVERNMENT ATTORNEY OF THE US
KRISLI NOEM, SECRETARY OF DHS
TODD LYONS, ACTING DIRECTOR OF US ICE
Warden, D. Ray James ICE PC
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 526 CV 137
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Artemenko Artem
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: D. Ray James ICE Processing Center
(b) Address: 3262 Hwy 252 Folkston, Georgia 31537
- (c) Your identification number: 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____


Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: US Immigration and Customs Enforcement (ICE) D. Ray James ICE PC 3262 Hwy 252 Folkston, Georgia 31537.
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Challenging prolonged detention, the lack of a bond hearing.
Challenging detention during BIA denial, no foreseeable removal yet.
- (d) Date of the decision or action: May 5, 2024 - present

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: May 5, 2024
- (b) Date of the removal or reinstatement order: BIA decision date: December 5, 2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: United States Court of Appeals for the Eleventh Circuit
- (2) Date of filing: December 19, 2025
- (3) Case number: 25-14429 Artem Artemenko v. U.S. Attorney General
- (4) Result: A decision is awaited
- (5) Date of result: _____
- (6) Issues raised: The petition was accepted by the federal court for asylum. Challenging a BIA decision.

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: *prolonged detention without a bond hearing violates the Due Process clause of the Fifth Amendment.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been detained by ICE for approximately 20 months. Throughout all this time I have not been granted a bond hearing. The period of my retention exceeds any reasonable limit determined in Zadvydas v. Davis (533 U.S. 678) and other federal cases. My prolonged detention violates the Fifth Amendment Due Process clause.

(b) Did you present Ground One in all appeals that were available to you?

- Yes
- No

GROUND TWO: *Detention violates the Immigration and Nationality Act because it has become indefinite and lacks procedural safeguards such as a meaningful bond hearing.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been in custody for about 20 months without a bond hearing. The law does not provide for indefinite detention without due process. My ability to communicate with the court is severely limited because mail at this facility is frequently delayed or not provided. This obstruction makes it harder to pursue my rights.

(b) Did you present Ground Two in all appeals that were available to you?

- Yes
- No

GROUND THREE: *Long-term detention pending an appeal filed in connection with a government initiative.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

An immigration judge granted me asylum. DHS appealed the decision, and the BIA reversed the asylum decision. The case was refiled, which resulted in continued detention. The detention period was extended due to the government's initiative and not due to my initiative; this is a violation of due process.

(b) Did you present Ground Three in all appeals that were available to you?

- Yes
- No

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GROUND FOUR: *My prolonged detention resulted in deterioration in my physical and mental health. And in detention, I was not provided with adequate medical care, in violation of the Fifth Amendment.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

During my lengthy detention, my physical and mental health deteriorated significantly, and medical staff were unable to provide me with adequate treatment and medical care. My condition continues to worsen in custody. This constitutes unconstitutional punishment and a violation of the right to due process guaranteed by the Fifth Amendment.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: *I could not raise the prolonged detention or due process detention issue because I did not file an appeal with the BIA; DHS filed the appeal. The BIA has no jurisdiction over the constitution of detention*

Request for Relief

15. State exactly what you want the court to do: *Release petition for review or bond hearing, or alternative release under supervision due to prolonged detention.*

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

01/06/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

01/06/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any



U.S. Immigration and Customs Enforcement

DETAINEE TRANSFER NOTIFICATION

This Form To Be Completed and Given To The Detainee

DETAINEE NAME: ARTEMENKO ARTEM A# [REDACTED]

NATIONALITY: RUSSI

TRANSFER INFORMATION

NAME OF NEW FACILITY: Folkston ICE Processing Centre

ADDRESS OF NEW FACILITY: 3026 GA-252 E
Folkston, GA 31537

TELEPHONE NUMBER OF NEW FACILITY: 912-496-6905

I hereby acknowledge that I have received the transfer information. I have also been notified that it is my responsibility to notify family members or others, if I so desire.

Detainee Signature: [Signature] A# [REDACTED] Date: 10/7/24

Agent/Officer Signature: [Signature] Date: 10/7/24



10/7/2024 10:09:40PM

Folkston ICE Processing Center
SUBJECT PROFILE

GENERAL INFORMATION

Subject Id:	[REDACTED]	Type:	ICE
Last Name:	ARTEMENKO	Status:	ACTIVE ONSITE
First Name:	ARTEM	Status Date:	10/7/2024 6:00:00PM
Middle Name:		Classification:	LOW
Race:	OTHER	[REDACTED]	
Sex:	MALE	Eye Color:	BLK
Height:	5'9	Hair Color:	BLK
Weight:	175	Alternate Id:	
Birth Date:	[REDACTED]	Citizenship:	RUSSIA
Arrival Date:	10/07/2024		
Enroll Date:	10/07/2024		
Housing:	[REDACTED]		



STATUS HISTORY

Status	Start Date/Time	End Date/Time	Type	SubjectId	Arriva
ACTIVE ONSITE	10/7/2024 6:00:00PM		ICE	[REDACTED]	True

COMMENTS

Comment	Comment By	Comment Date/Time
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CHARGES

Charge	Charge Date	Case Number	Docket Number	Disposition
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WARRANTS/DETAINERS

Agency	Warrant Number	Issued Dt	Detainer Type	Status
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VISITORS

Name	Relationship	Status
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SCARS / MARKS

Description	Location
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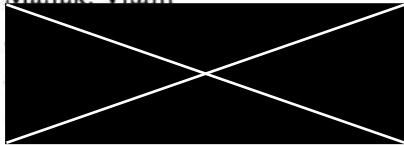
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT

Respondent Name:

ARTEMENKO, ARTEM

To:

Maliuk, Vitalii



A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

03/18/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 03/18/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I)

The immigration court found Respondent not removable not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was granted denied withdrawn with prejudice withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was granted denied withdrawn with prejudice withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was granted denied withdrawn with prejudice withdrawn without prejudice

C. Waiver

- A waiver under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

D. Adjustment of Status

- Adjustment of Status under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

E. Other

The Court notes that Respondent's applications for withholding of removal and protection under the Convention Against Torture were denied as moot as asylum has been granted.

III. Voluntary Departure

- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was denied.
- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
 - Further information regarding voluntary departure has been added to the record.
 - Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- the presumptive civil monetary penalty amount of \$3,000.00 USD
- \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- Respondent was ordered removed to
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- Proceedings were dismissed terminated with prejudice
 terminated without prejudice administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:

QAI

Immigration Judge: HARNESS, JERRICA 03/18/2025

Appeal:	Department of Homeland Security:	<input type="checkbox"/> waived	<input checked="" type="checkbox"/> reserved
	Respondent:	<input checked="" type="checkbox"/> waived	<input type="checkbox"/> reserved

Appeal Due:04/17/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
 To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : ARTEMENKO, ARTEM | A-Number :



Riders:

Date: 03/19/2025 By: Williams, Tammy, Court Staff

12/19/25, 11:38 AM

Arvian Law Firm LLC Mail - IJ Granted Asylum / Request for Release



Vitalii Maliuk <v@arvianlaw.com>

IJ Granted Asylum / Request for Release

Folkston.Outreach <Folkston.Outreach@ice.dhs.gov>
To: Vitalii Maliuk <v@arvianlaw.com>

Wed, Mar 19, 2025 at 1:42 PM

Greetings,

ICE will wait for a decision from OPLA on an appeal or not.

Folkston Outreach Team
DHS/ICE/ ERO-Enforcement and Removal Operations
FIPC

3026 Highway 252 E.
Folkston, GA. 31537

Disclosure Warning

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From: Vitalii Maliuk <v@arvianlaw.com>
Sent: Wednesday, March 19, 2025 4:31 PM
To: Folkston.Outreach <Folkston.Outreach@ice.dhs.gov>; Atlanta.Outreach <Atlanta.Outreach@ice.dhs.gov>
Subject: IJ Granted Asylum / Request for Release

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


Artem Artemenko - 

Dear ICE ERO,

On March 19, 2025, the Immigration Court granted the Respondent, Mr. Artemenko, asylum. **See attached.** While the Department of Homeland Security (DHS) has reserved the right to appeal, Immigration and Customs Enforcement (ICE) has the discretion to release him on parole while the appeal process is pending. Therefore, we respectfully request that Mr. Artemenko be released from custody on parole and/or under any conditions that ICE deems appropriate. Thank you for your consideration.




Vitalii Maliuk <v@arvianlaw.com>

request for parole 

Vitalii Maliuk <v@arvianlaw.com>
To: "Folkston.Outreach" <Folkston.Outreach@ice.dhs.gov>

Fri, Oct 18, 2024 at 12:58 PM

Dear Officer,

I would like to request a parole for my client
Artem Artemenko 

I would be thankful for your feedback

Best regards,


Vitalii Maliuk

ATTORNEY AT LAW (MO # 73573)

Phone: 213-838-0095
Mobile: 314-530-7575
Email: v@arvianlaw.com
Website: arvian-immigration.com
Address: Arvian Law Firm LLC,
100 Chesterfield Business Parkway,
2nd Floor, Chesterfield, MO 63005

300 Spectrum Center Dr, Floor 4,
Irvine, CA 92618



 Parole Request Artem Artemenko no G-28 signature.pdf
6205K




Vitalii Maliuk <v@arvianlaw.com>

request for parole 

Vitalii Maliuk <v@arvianlaw.com>
To: SanDiego.Outreach@ice.dhs.gov

Mon, Aug 12, 2024 at 11:40 PM

Dear Officer,

I am writing to request parole for my client, Artem Artemenko / 

Please find the attached set of documents for your review.

Thank you for your prompt attention and feedback.

Best regards,


Vitalii Maliuk

ATTORNEY AT LAW (MO # 73573)

Phone: 213-838-0095
Mobile: 314-530-7575
Email: v@arvianlaw.com
Website: arvian-immigration.com
Address: Arvian Law Firm LLC,
100 Chesterfield Business Parkway,
2nd Floor, Chesterfield, MO 63005

300 Spectrum Center Dr, Floor 4,
Irvine, CA 92618



 Parole Request Artem Artemenko G-28.pdf
6100K

Official Website of the Department of Homeland Security



U.S. Immigration and Customs Enforcement

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Facility Page

Detention Information For:

ARTEM ARTEMENKO

Country of Birth: Russia

A-Number: 

Current Detention Facility:

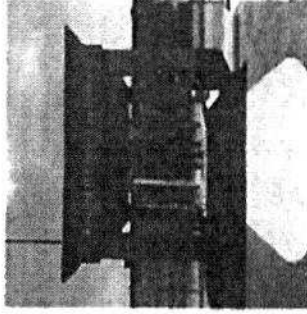
Folkston D Ray ICE Processing Center
3262 HWY 252 East

NA

Folkston, GA 31537

Visitor Information: (912) 496-6242

[MORE INFORMATION >](#)



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

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

File No: 

In the Matter of:

Artemenko, Artem

Respondent: _____ currently residing at:
c/o DHS/ICE, MTC/IRDF, 1572 Gateway Road, Calexico, CA 92231 (760) 618-7200

(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 RUSSIA and citizen of RUSSIA;
3. You applied for admission into the United States at the Calexico Port Of Entry, California on or about May 05, 2024;
4. You did not then possess or present a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

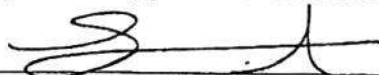
- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
EOIR - Imperial, 1572 Gateway Rd., Calexico, CA 92231

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

on 06/13/2024 at 08:00 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.



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

S000

Date: 05/31/2024

Calexico, California

(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) 448-6803.

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

Request for Prompt Hearing

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

Before:

(Signature of Respondent) (Sign in ink)

Date: _____

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

Certificate of Service

This Notice To Appear was served on the respondent by me on 05/31/2024, in the following manner and in compliance with section 239(a)(1) of the Act.

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

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

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

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

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 280 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-sorns>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned 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.



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

ARTEMENKO, ARTEM

**FOLKSTON MAIN IPC
3026 HIGHWAY 252 E
PO BOX 248
FOLKSTON, GA 31537**

**DHS/ICE Office of Chief Counsel - SDC
146 CCA Road, P.O. BOX 248
Lumpkin, GA 31815**

Name: ARTEMENKO, AR...

Type of Proceeding: Removal

Date of this notice: 4/21/2025

Type of Appeal: Case Appeal

Filed by: DHS

FILING RECEIPT FOR APPEAL FILED BY DHS

The Board of Immigration Appeals acknowledges receipt of the appeal from DHS filed on 4/17/2025 in the above-referenced case.

REPRESENTATION BEFORE THE BOARD

You may be represented in these proceedings before the Board of Immigration Appeals (BIA or Board). If you want to be represented, **your representative must complete the enclosed form EOIR-27** (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals) and file it with the Board as soon as possible in accordance with the Filing Instructions below.

Unless a Form EOIR-27 is received from your representative, you will be considered pro se (representing yourself) before the Board and all future notices, including the Board's decision, will be sent directly to you at your address above and not to your representative. Please note that the Board does not recognize a Form EOIR-28 (Notice of Entry of Appearance before the Immigration Court).

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board of Immigration Appeals. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, please review the Board's Practice Manual contained within EOIR's Policy Manual and found on EOIR's website at www.usdoj.gov/eoir.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the FILING ADDRESS: section below is encouraged to ensure timely filing.

FILING ADDRESS

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

VonackS

Maliuk, Vitalii
ARVIAN LAW FIRM LLC
300 Spectrum Center Dr
Floor 4
Irvine, CA, 92618

Userteam: PCM

**Information about How to Seek Release from Detention:
Parole Eligibility and Process for Certain Asylum Applicants**

USCIS has determined that you have a credible fear of persecution or torture.

- You may be eligible for parole (release from detention) while you await a final determination of your case.
- Your case will be referred to Immigration Court where you will file an application for asylum in front of an Immigration Judge.

The purpose of this notice is to explain how you might be released from detention. This type of release is called parole. Immigration and Customs Enforcement ("ICE") officials are responsible for your custody. They will interview you and decide if you will be released from detention based upon your ability to satisfy the requirements described below. ICE will provide you with an interview notice, a *Parole Advisal and Scheduling Notification* that will tell you when you will be interviewed. If you do not receive this parole interview notice within 5 days, you should contact an ICE official in your detention location.

At your parole interview, you may be represented, at no expense to the government, by an attorney or other individual who is authorized to represent persons before ICE. A list of free legal service providers has been given to you; if you cannot afford an attorney, the organizations on this list may be able to represent you. Even if you cannot find an attorney or representative, ICE will still interview you and consider your case for release from detention.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying agencies or persons to provide legal assistance for the parole process or your asylum claim. UNHCR informs us that they accept calls from asylum-seekers between the hours of 1 and 5 p.m. (Eastern Standard Time), Monday, Wednesday and Friday. Contact information for UNHCR is:

United Nations High Commissioner for Refugees
1775 K Street, NW, Suite 300
Washington, DC 20006
(202) 296-5191 (collect calls accepted)
(888)-272-1913 (toll-free number)

Under ICE policy, you may be granted parole if you establish: (1) your identity; (2) that you are likely to appear for all scheduled hearings and enforcement appointments; and (3) that you do not present a security risk to the United States or a danger to the community.

You may establish these three points through oral statements at the interview and/or documents you present before the interview. Before the interview, you should gather documents that will help you at your interview. Helpful documentation may include:

1) *Identity*: Government issued identity documents such as a passport, national identity card or birth certificate. If you did not arrive with these types of documents, you may want to ask relatives and other people who know you to get these documents for you. If you are unable to get these documents, you

Updated- March 18, 2011

may want to ask relatives and other people who know you to provide you with sworn statements confirming your identity. If ICE took your identity documents from you, the ICE officer should have these documents in your file already and you will not need to provide them. You may want to provide a list of the identification documents that should be in your file in order to be certain they are considered.

2) Appearance at Hearings and Appointments: You must show that you will appear for all immigration hearings and appointments, including reporting for removal if you are eventually ordered removed from the United States. In order to show that you will appear for all immigration hearings and appointments, you may want to provide information on your ties to the community. This could include names, addresses and relationship to family and community in the United States including close friends, religious groups and membership in professional societies. These are especially helpful where these individuals have legal immigration status. If there is someone who is willing to let you live with him or her, you may want to provide a letter or sworn declaration from that person and include the person's full name, relationship to you, legal status in the United States, address and any other relevant information.

3) Security Risk: ICE will generally assess this criteria based on any evidence of past criminal history. If you have past criminal history, you may want to submit any evidence of rehabilitation you may have or other evidence showing why you do not pose a danger to the community.

If you do not understand English, you may request a qualified interpreter assist you at your parole interview. Please notify ICE that you need an interpreter for your interview as soon as possible. ICE will then provide an interpreter for your parole interview at no cost to you.

Within seven days of your interview, ICE will give you a written decision as to whether you will be released from detention, including any reason for denying release. If you do not receive a decision within seven days, then you should contact ICE officials at your current location. If you are denied release, you may request that ICE review this decision. The request must be made in writing and must be based on changed circumstances or additional information. The additional information or documents should relate to the basis for the denial indicated in ICE's written decision. If there is more than one basis, you may wish to provide additional information or documents related to each basis.

If ICE decides to release you from detention, it is very important that you follow any conditions relating to your parole. These conditions can include the payment of a bond, certain reporting requirements, and/or enrollment in an alternative-to-detention program.

Do you understand everything I have told you today? Your signature below indicates your understanding.

Date: 05/31/2024

A Number: 

Language used: _____ Interpreter Service & ID No. _____

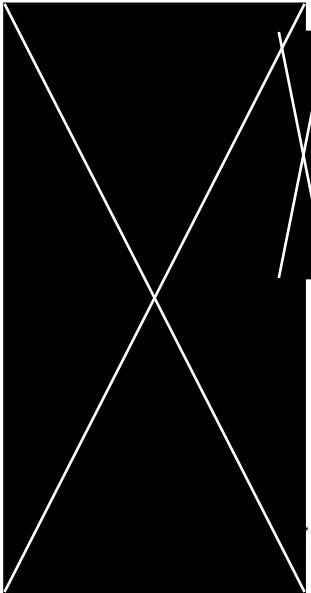
Signature of Applicant:  _____

cc: A-file and applicant

Witnesses' testimony

We witnessed the following:

On January 29, 2025 at 14:30 ICE officer Mr. T. Pittman came to our [redacted] unit at Folkston ICE Processing Center and said: "There is a new order to hold all russians in detention" "Previously on January 16, 2025 at 11:30 he told us that they were going to interview russians for parole and they recieved an order to release us. So, we were told that we would keep being detained just because of our nationality. Discriminating policy from DHS keeps working."



Anton Khoroshenkov
Sergei Ibragimov
Pupkis Danil
Denis Meulenev
ARTEMENKO ARTEM
Zhitelkin Aleksei
Musael Artandil
Egor Simitsyn
Roman Nikitenko
Chernoprivov Maksim

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January 29, 2025 AXog

Cover letter

I, Artemenko Artem have been in custody at the detention centers for almost 20 months. I was placed in custody on May 5, 2024 and was sent to detention Imperial Regional Adult DET FAC, 1572 Gateway Road, Calexico, CA 92231. In October 2024 I was transferred to detention Folkston ICE PC, 3026 Hwy 252E, Folkston, GA 31537. Later in September 2025 I was transferred to detention D. Ray James ICE PC, 3262 Hwy 252, Folkston, GA 31537, where I am still located.

On May 21, 2024 I passed the credible fear interview and received a positive result. I requested parole from ICE, but these requests were ignored or given ambiguous answers. I was never scheduled for a parole interview. In the summer of 2024, DHS banned the release of Russians from detentions for an unknown reason. An ICE officer told us this. I am not a danger to the community, I am not a criminal. I crossed the border after receiving an invitation in the CBP ONE app and passed through the designated Calexico crossing port.

I won my case in immigration court on 03/19/2025, but DHS appealed my case on April 17, 2025 and the BIA returned the case to court on December 5, 2025. It is dangerous for me to return to my country, Russia. I continue to fight for my life, even if it takes an indefinite amount of time.

I ask the honorable federal court to consider my petition, as the length of my detention has already exceeded all reasonable limits. My physical and mental health is suffering, and my rights are being violated. This detention D. Ray James is experiencing problems receiving and sending mail, with constant delays and mail not being delivered. As a result, I am unable to defend my rights in court. The conditions are prison-like. Inadequate medical care, ignoring complaints, concealing problems, and withholding documents. I ask the honorable federal court to take this into account.


I would also like to inform the honorable federal court that I do not speak English and have translated all documents using an electronic translator. Therefore, there may be punctuation errors and incorrect sentence structure. I ask the honorable federal court to make a fair decision.

Sincerely, Artemenko Artem



12/20/2025
A

Petition to the federal court

I am Artemenko Artem,  I request the honorable federal court to address the systematic delays and failure to deliver mail from this detention D. Ray James, especially when it comes to communications with the federal court. The detention center deliberately delays mail so that I cannot respond in a timely manner while my case is pending.

I ask the honorable federal court to take this into consideration and, if possible, respond to this violation.

Based on this issue, I request the honorable federal court to also forward all correspondence to my attorney for my additional notice.

Postal address: Vitalii Maliuk, Arvian Law Firm, 300 Spectrum Center Dr #14 Irvine CA 92618-4925.

Thank you very much for your understanding.

sincerely, Artemenko Artem



12/29/2025

