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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

Xiangying CHEN,

Petitioner,

v.

Jason STREEVAL, Warden of Stewart
Detention Center, in his official capacity;
George STERLING, Deputy Field Office
Director of the Atlanta Field Office, U.S.
Immigration and Customs Enforcement; Todd
LYONS, in his official capacity as acting
Director of U.S. Immigration and Customs
Enforcement, Kristi NOEM, in her official
capacity as Secretary of the U.S. Department
of Homeland Security; and Pamela BONDI,
in her official capacity as Attorney General,

Respondents.

HEARING REQUESTED

Case No.:

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

INTRODUCTION

1. Petitioner Xiangying Chen (A ) is a native and citizen of China. Ms. Chen lawfully entered the United States on a tourist visa and is awaiting adjudication of her application for permanent residence as the beneficiary of an EB-5 visa petition. This visa is available to individuals, like Ms. Chen, who invest significant capital in the American economy to create local jobs for Americans. Ms. Chen is the primary caregiver of her two children who are derivatives of her application. Based on her pending application for adjustment of status, Ms. Chen received advance parole to leave and return lawfully to the United States while her application is pending.

2. Despite Ms. Chen’s significant investment in this country, she was recently detained by U.S. Immigration and Customs Enforcement (“ICE”) notwithstanding her pending application. The Department of Homeland Security (“DHS”) issued a Notice to Appear (“NTA”), charging Ms. Chen as an immigrant who is removable for lacking valid entry documents and a valid passport, despite the fact that Ms. Chen was admitted into the country with valid travel documents using her valid Chinese passport. Most glaringly, DHS did not indicate that Ms. Chen was an “arriving alien” on her NTA which would disqualify her from bond.

3. On January 23, 2026, Ms. Chen attended a bond hearing so that she could be released from detention pending these baseless charges against her. During the bond hearing, DHS filed as a bond exhibit, a copy of what it claimed to be amendments to the NTA, charging Ms. Chen as an “arriving alien.” DHS never filed any amendments to the NTA with the court in removal proceedings, and gave no indication or assurance that the “amended to the NTA” would be filed with the immigration court in the removal proceedings setting. The immigration court found that it lacked jurisdiction as Ms. Chen was an arriving alien, despite the fact that she has not

been formally charged as an arriving alien. Notably, this “amended NTA” has still not been filed with the immigration court in Ms. Chen’s removal proceedings, and it is not the operative document controlling her pending removal proceedings.

4. Respondents’ detention of Ms. Chen plainly violates the Immigration and Nationality Act (“INA”) as she is not charged as an “arriving alien” in her removal proceedings. Respondents’ detention of Ms. Chen also violates her due process rights under the Fifth Amendment by unlawfully detaining her without any meaningful way to challenge her detention, as DHS argued in her bond hearing that she an “arriving alien” despite never charging this in her removal proceedings.

5. Ms. Chen requests that this Court: (a) declare that her detention is governed by § 1226(a) and that she is therefore eligible for bond; and (b) order her immediate release from custody under appropriate conditions of supervision, or, in the alternative, order Respondents to provide an immediate bond hearing in her case pursuant to § 1226(a).

JURISDICTION AND VENUE

6. Ms. Chen is currently in the physical custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia.

7. This Court has jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (*federal question*), 28 U.S.C. § 1651 (*All Writs Act*), 28 U.S.C. §§ 2201–2202 (*Declaratory Judgment Act*), 5 U.S.C. § 702 (*APA*), and Article I, Section 9, Clause 2 of the United States Constitution (*Suspension Clause*). Ms. Chen is presently in custody under color of the authority of the United States and challenges her custody as in violation of the Constitution, laws, or treaties of the United States.

8. Federal district courts have jurisdiction under § 2241 to hear habeas claims by

individuals challenging the lawfulness of their detention by ICE. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018).

9. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner is detained within this District at the Stewart Detention Center.

PARTIES

10. Petitioner Xiangying Chen is a native and citizen of China unlawfully detained at the Stewart Detention Center in Lumpkin, Georgia. ICE has held her in custody since around January 2026.

11. Respondent Jason Streeval is the warden of the Stewart Detention Center and controls the detention center where Petitioner is confined under the authority of ICE. Mr. Streeval has direct physical custody of Petitioner and is her immediate custodian. Mr. Streeval is sued in his official capacity.

12. Respondent George Sterling is the Acting Director of ICE’s Atlanta Field Office, which has jurisdiction over ICE detention facilities in Georgia, including the Stewart Detention Center. He exercises authority over Petitioner’s detention and is sued in his official capacity.

13. Respondent Todd Lyons is the Acting Director of ICE. He is responsible for the overall administration of ICE and for the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). DHS is responsible for the administration of ICE, a component agency, and for the

implementation and enforcement of the immigration laws. As such, Secretary Noem is a legal custodian of Petitioner. She is sued in her official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals (BIA) and the Immigration Courts. The Attorney General shares responsibility for the implementation and enforcement of the immigration laws with Respondents Lyons and Noem. Attorney General Bondi is a legal custodian of Petitioner and is sued in her official capacity.

FACTS

16. Petitioner Xiangying Chen is a native and citizen of China. She is the beneficiary of an approved EB-5 immigrant visa application and is awaiting adjudication of her application for adjustment of status with the U.S. citizenship and Immigration Services (“USCIS”) so that she and her two children may become lawful permanent residents. Exhibit A, Copy of EB-5 Approval Notice; Exhibit B, Copy of I-485 Receipt Notice. The EB-5 Immigrant Investor Program is awarded to immigrants who invest significant money into the American economy to create job growth for American workers. *See* EB-5 Immigrant Investor Program, USCIS, available at <https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program>. Pursuant to her pending adjustment of status application, Ms. Chen was granted advance parole to leave and lawfully re-enter the United States. Exhibit C, Advance Parole Document.

17. In January 2026, Ms. Chen was detained due to confusion of her ability to own firearms as a non-citizen of the United States. She was detained and served with a Notice to Appear, claiming that Ms. Chen had already been admitted into the United States while at the same time falsely claiming that she lacked valid entry documents and a valid passport. Exhibit D,

Operative Notice to Appear. Noticeably, Ms. Chen was not charged with any violation of the immigration laws surrounding her firearm ownership, nor could she be because she holds a valid hunting license.

18. On January 23, 2026, Ms. Chen had a bond hearing so that she could be released on bond while she fights the baseless immigration charges against her. During the hearing, DHS provided the judge with an amended NTA, charging Ms. Chen with being an “arriving alien.” Exhibit E, Alleged NTA. Based on that alleged amended NTA, the immigration judge determined that the immigration court lacked jurisdiction to determine bond for Ms. Chen because she is an “arriving alien.” Exhibit F, Bond Denial Order.

19. Notably, this amended NTA has never been filed with the immigration court, and she is not currently charged as an “arriving alien” in her removal proceedings. As stated in the operative NTA, Ms. Chen is not an “arriving alien” and is thus eligible for bond under 8 U.S.C. § 1226.

LEGAL FRAMEWORK

20. There are two main statutes governing immigration detention: 8 U.S.C. §§ 1225 and 1226. Under 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained’ pending removal proceedings.” *See J.A.M. v. Streeval*, No. 25-cv-342, 2025 WL 3050094, at *2 (M.D. Ga. Nov. 1, 2025) (quoting 8 U.S.C. § 1225(b)(2)(A)). Individuals subject to expedited removal proceedings are also mandatorily detained under 8 U.S.C. § 1225(b)(1). Individuals who DHS classifies as so-called “arriving aliens” are statutorily ineligible to seek bond while their removal proceedings are pending. *See* 1225(b)(2)(A).

21. The second provision concerning detention, § 1226, allows for discretionary bond determinations for individuals “who are found in the country unlawfully and are arrested.” *Id.* at *3. Section 1226 “creates a default rule” that “applies to aliens already present in the United States.” *Jennings*, 583 U.S. at 303.

22. To begin removal proceedings, written notice, in the form of a Notice to Appear, “shall be given” to the noncitizen specifying several important pieces of information, including, as relevant here: (a) the nature of the proceedings against the noncitizen; (b) the legal authority under which the proceedings are conducted; (c) the alleged acts or conduct in violation of the law; and (d) the charges against the noncitizen and the statutory provisions that have been allegedly violated. 8 U.S.C. 1229(a)(1)(A). “Jurisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court. 8 C.F.R. § 1003.14(a). A charging document, such as a Notice to Appear, “initiates a proceeding before an Immigration Judge.” *Perez-Sanchez v. U.S. Att’y Gen.*, 935 F.3d 1148, 1155 (11th Cir. 2019) (quoting 8 C.F.R. § 1003.13).

23. Other courts have found that DHS’s failure to file an NTA charging a habeas petitioner as an “arriving alien” was an indication that the petitioner was eligible for bond under 8 U.S.C. § 1226 since they were not categorized as an “arriving alien.” *See Boffill v. Field Office Director*, Case No.: 25-cv-25179, 2025 WL 3246868, at *6 (S.D. Fla. Nov. 20, 2025) (“[T]he NTA that DHS issued to Petitioner did not classify him as an ‘arriving alien.’”); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *8 (E.D. Mich. Sep. 9, 2025) (finding that the selection of “present” instead of “arriving” in an NTA was evidence that § 1226 applied); *Hyppolite v. Noem*, No. 25-4304, 2025 WL 2829511, *8 (E.D.N.Y. Oct. 6, 2025) (finding that the government’s initial classification of a noncitizen in an NTA was an indication of the individual’s

eligibility for bond under § 1226 where the noncitizen was not categorized as an “arriving alien”); *Perez v. Berg*, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025) (finding that the government’s failure to charge a noncitizen as an “arriving alien” to indicate that the noncitizen was eligible for bond under § 1226); *Ardon-Quiroz v. Assistant Field Director*, Case No. 25-cv-25290, 2025 WL 3451645, at *6 (S.D. Fla., Dec. 1, 2025) (finding that an NTA’s failure to classify a noncitizen as an “arriving alien” “places him squarely within section 1226”).

24. Due to the Respondents’ continuous violations of the laws of this country, several courts have found that the proper remedy is immediate release from detention. *See Rodriguez v. Woosley*, Case No. 4:25-cv-168, 2026 WL 36345, at *11-12 (W.D. Ky. Jan. 6, 2026) (collecting cases that find that immediate release from detention is the proper remedy).

CLAIMS FOR RELIEF

COUNT I

Violation of 8 U.S.C. § 1226(a): Unlawful Denial of Release on Bond

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

26. The mandatory detention provision of § 1225(b)(2) does not apply to Ms. Chen because, as charged in her removal proceedings, she is not an “arriving alien.” Exhibit D. While DHS purported that it would file an amended NTA making this allegation, it has failed to do so and appears to be a willful action on behalf of Respondents to deny Ms. Chen the bond hearing she is entitled to. The operative NTA that vested jurisdiction with the immigration court did not and does designate Ms. Chen as an “arriving alien.”

27. Respondent’s decision to detain Ms. Chen under § 1225(b)(2)(A) unlawfully denies her access to a bond hearing in violation of the INA.

COUNT II

**Violation of the Fifth Amendment
Due Process**

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

29. Under the Fifth Amendment of the Constitution, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, regardless of immigration status. *Id.* at 693.

30. Respondent's detention of Ms. Chen under § 1225(b)(2), without the possibility of release on bond or a meaningful custody redetermination, violates her right to due process under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Xiangying Chen prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondent to show cause why the writ should not be granted within **three days**, pursuant to 28 U.S.C. § 2243;
3. Grant a writ of habeas corpus declaring that Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), and ordering Respondents to immediately release her from custody;
4. In the alternative, order Respondent's to hold an immediate bond hearing in her case applying 8 U.S.C. § 1226(a);
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

6. In the event the Court determines a genuine dispute of material fact exists regarding Petitioner's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;
7. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Petitioner;
8. Declare that Petitioner's detention violates the INA;
9. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
10. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
11. Grant any other and further relief that this Court deems just and proper.

Dated: February 5, 2026

Respectfully submitted,

/s/ Thomas Evans

Thomas Evans

KUCK BAXTER LLC

P.O. Box 501359

Atlanta, Georgia 31150

Tel.: (404) 949-8176

tevans@immigration.net

VERIFICATION

I, Thomas Evans, counsel for Petitioner 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 Petitioner.

Dated: February 5, 2026

Respectfully submitted,
/s/ Thomas Evans
Thomas Evans

EXHIBIT D

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]
Event: [REDACTED]

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: XIANGYING CHEN currently residing at:

146 Cca Rd Lumpkin, GEORGIA 318153823

(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 CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
4. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

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:

See Continuation Page Made a Part Hereof

- 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:

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA

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

on February 6, 2026 at 9:00 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

NEWMAN, R. 7608 NEWMAN - SDDO

(Signature and Title of Issuing Officer)

Date: January 15, 2026

ATLANTA, GEORGIA

(City and State)

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 allen 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/aro, 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)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on January 16, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

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

The alien was provided oral notice in the MANDARIN 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)

L. 6600 WHITE - Deportation Officer

(Signature and Title of officer)

EOIR - 2 of 4

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or Individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Alien's Name CHEN, XIANGYING	File Number 	Date 01/15/2026
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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.

Signature NEWMAN, R. 	Title SDDO
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EXHIBIT E

U.S. Department of Homeland Security

Immigration and Customs Enforcement

Additional Charges of Inadmissibility/Deportability

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

Deportation proceedings commenced prior to April 1, 1997 under former section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Xiangying CHEN

File No: A [REDACTED] Address: 146 CCA Road PO Box 248 Lumpkin, GA 31815

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.

There is submitted the following factual allegation(s) in addition to in lieu of those set forth in the original charging document:

1. You are not a citizen or national of the United States;
2. You are a native of China, People's Republic of China and a citizen of People's Republic of China;
3. You applied for admission to enter the United States on July 28, 2025, in Atlanta, Georgia;
4. You were paroled into the United States on or about July 28, 2025, pursuant to section 212(d)(5) of the Immigration and Nationality Act;
5. The parole was terminated on January 15, 2026;
6. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the forgoing, 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.

January 22, 2026
Date

/S/ Paul Campbell
(Signature of ICE Counsel)

EXHIBIT F



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

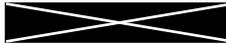
Respondent Name:

CHEN, XIANGYING

To:

Baxter, Dustin Reed
PO Box 501359
Atlanta, GA 31150

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/23/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent’s request for a change in custody status is hereby ordered:

Denied, because

The court lacks jurisdiction over the respondent’s request for a redetermination of his custody status because the Department of Homeland Security designated her as an “arriving alien,” (see Bond Exhibit 3). The governing regulations preclude the Immigration Judge from considering both the propriety of that designation and her request for a bond. 8 C.F.R. § 1003.19(h)(2)(i)(B); see also Matter of Oseiwusu, 22 I&N Dec. 19, 20 (BIA 1998) (“Pursuant to the regulations, an Immigration Judge has no authority over the apprehension, custody, and detention of arriving aliens.” Id at 20.); (“An alien who arrives in the United States pursuant to a grant of advance parole is an “arriving alien,” as that term is defined in the federal regulations.” Id at 19.)

According to counsel, Respondent most recently entered the United States on advance parole on or about December 3, 2025, based on a pending adjustment of status application. Respondent is or was approved for an EB-5 Visa, which is for investors to stimulate the economy. However, the court cannot tell whether a Visa is currently available. The priority date is 8/19/24, and her notice date was 5/7/2025.

Respondent applied for and received advanced parole because she would not have a valid entry document upon return. The NTA may have terminated her advance parole (served on her January 16, 2026), making her an alien seeking admission to the U.S. with an approved EB-5 Visa.

Additionally, the Department filed an I-261 in the bond proceeding. This I-261 alleges her advance parole was terminated January 15, 2026, and designates the Respondent as an arriving alien.

The court does not believe it has sufficient evidence to find Respondent met her burden to show jurisdiction in this case.

- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

Other:



Immigration Judge: FULLER, STEVEN 01/23/2026

Appeal: Department of Homeland Security: waived reserved
 Respondent: waived reserved

Appeal Due: 02/23/2026

Certificate of Service

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Respondent Name : CHEN, XIANGYING | A-Number :



Riders:

Date: 01/23/2026 By: Corbin,T, Court Staff