

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

OLEKSANDR TATARYN,

Petitioner,

v.

JAMAL L. JAMISON, et al.,

Respondents.

Civil Action No. 2:26-cv-00809
(Judge Pappert)

**RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

As the Court is undoubtedly aware, immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*¹ cases:** individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cantu-Cortes v. O’Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);
- ***Q. Li*² cases:** individuals who entered the United States without inspection, were encountered near the border, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases:** individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026); *Murodov v. Jamison*, No. 25-cv-594 (E.D. Pa. Feb. 13, 2026).

¹ “*Hurtado*” refers to the Board of Immigration Appeals’ decision in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025).

² “*Q. Li*” refers to the Board of Immigration Appeals’ decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

- **Expedited Removal cases:** individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). And while there are certain legal and factual distinctions among those cases, the fundamental point of departure between the government’s position and the position advanced by petitioners and adopted in over 190 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Although petitioners in these cases are indisputably “applicants for admission,” *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer “seeking admission.” Courts have reasoned that “seeking admission” should be given meaning beyond “applicant for admission” to avoid surplusage and have read the term to require active and ongoing efforts to be admitted at or near the border. *See, e.g., Kashranov v. Jamison*, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9. By contrast, the

government contends that “applicants for admission” are necessarily “seeking admission” until they have been admitted or until their removal proceedings are complete. And while the government’s position has been rejected by the vast majority of district courts to have considered it, the lone court of appeals to have squarely considered the argument, the Fifth Circuit Court of Appeals, has agreed with the government. *See Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330, at *1, *4–*6 (5th Cir. Feb. 6, 2026) (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”); *but see Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1061–62 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

This case is an “Arriving Alien” case where the government has detained petitioner under 8 U.S.C. § 1225(b)(2)(A). The Petitioner here presented at a port of entry without valid entry documents on or about May 6, 2023. *See* Pet. ¶¶ 2, 39; Ex. A (I-94) (reflecting May 9, 2023 arrival); Ex. B (Notice to Appear). He was granted humanitarian parole under 8 U.S.C. § 1182(d)(5)(A) and allowed to enter the country. *See* Ex. A (noting Ukrainian Humanitarian Parole). His parole expired on May 7, 2025. *See* Ex. B (Notice to Appear); Ex. A (I-94). He has applied to renew his parole and has applied for Temporary Protected Status, but those applications are pending and have not been granted. *See* Pet. ¶ 40; Ex. C (Case Status) (reflecting pending parole renewal); Ex. E (I-213) (discussing pending application for Temporary Protected Status). And on February 6, 2026, the government detained him under 8 U.S.C. § 1225(b)(2)(A). Pet. ¶ 42. He was issued a Notice to Appear that initially charged him as an “alien present in the United States who has not been admitted or paroled,” Ex. B, but was subsequently amended to charge him as

an “arriving alien,” Ex. D (I-261). At the time the habeas petition was filed, Petitioner was detained within the Eastern District of Pennsylvania.

Thus, as an “Arriving Alien” case, it turns principally on the threshold question of statutory interpretation discussed above—whether petitioner is an “applicant for admission” that is “seeking admission” within the meaning of § 1225(b)(2)(A).³ The government expands on that argument below, addresses the particular context of petitioner’s status as an “arriving alien” whose parole has expired, and addresses petitioner’s separate argument alleging a violation of due process.

II. ARGUMENT

The Court should deny the petition because: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(a); (2) neither a grant of discretionary parole nor its later expiration changes Petitioner’s legal status as an inadmissible arriving alien subject to mandatory detention; and (3) Petitioner’s detention does not violate constitutional due process.

A. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2).

1. Petitioner is an “applicant for admission” “seeking admission.”

An individual who “arrives in the United States,” or is “present” in this country but “has not been admitted,” is an “applicant for admission” under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 2026 WL 323330, at *2. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) “serves as a

³ In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), 1252(g), and the Third Circuit’s decision in *Khalil v. President, United States of America*, --- F.4th ---, 2026 WL 111933 (3d Cir. 2026).

catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)” (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). *See also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* “[a]n alien present in the United States who has not been admitted *or* who arrives in the United States”) (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as “applicant[s] for admission,” regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily “seeking admission” within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 2026 WL 323330, at *5 (“[A]n ‘applicant for admission’ is necessarily someone who is ‘seeking admission.’”); *id.* at *4 (“When a person applies for something, they are necessarily seeking it.”). Otherwise, the alien must “withdraw the application for admission and depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). An alien continues to be “seeking admission” while in immigration removal proceedings to determine whether he can “be admitted to the United States.” *See* 8 U.S.C. § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an “applicant for admission” be actively “seeking admission” at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, *6–7; *Demirel v. Fed. Detention Ctr.*,

No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).⁴ But, as noted, the Fifth Circuit Court of Appeals has agreed with the government. *See Buenrostro-Mendez*, 2026 WL 323330, at *1, *4–*6 (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”). The *Buenrostro-Mendez* court concluded, correctly, that an “applicant for admission” is “necessarily someone who is ‘seeking admission.’” *Id.* at *5; *but see Castañon-Nava*, 161 F.4th at 1061–62.

Thus, Petitioner, who is indisputably an “applicant for admission,” is also “seeking admission” and covered by § 1225(b)(2)(A).

2. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.

Pursuant to 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 (“Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.”).

Petitioner remains an applicant for admission seeking admission, as he has not clearly and beyond doubt established that he is entitled to be admitted to the United States. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

⁴ The government has filed protective notices of appeal in numerous cases and is awaiting final authorization decisions from the Solicitor General.

B. Neither a grant of discretionary parole nor a later expiration of parole changes Petitioner’s legal status as an inadmissible arriving alien.

Under the INA and its implementing regulations, Petitioner was—and remains—an inadmissible arriving alien. Specifically:

Arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry[] An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the [INA], and even after any such parole is terminated or revoked....

8 C.F.R. § 1001.1(q); *see also* 8 U.S.C. § 1225(a)(1) (“An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival ...) shall be deemed for purposes of this chapter an applicant for admission.”).

As an “arriving alien”—which constitutes a distinct category of “applicants for admission” within the category considered by the Board of Immigration Appeals in *Matter of Hurtado*, 29 I.&N. Dec. 216 (B.I.A. 2025)—Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), as discussed above. *See* 8 C.F.R. § 235.3(c)(1). Custody regulations expressly exclude arriving aliens from receiving a bond hearing, even if they have been paroled into the country. Specifically, 8 C.F.R. § 1003.19(h)(2)(i) provides that an immigration judge “may not redetermine conditions of custody” (i.e., set bond) “with respect to . . . (B) Arriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the Act.”

Here, Petitioner applied for admission into the United States at a port-of-entry. *See* Pet. ¶¶ 2, 39; Ex. A (I-94). “Thus, by definition, he is an arriving alien.” *Contreras v. Oddo*, 2025 WL 2104428, *4 (W.D. Pa. July 28, 2025); *see also* Ex. D (I-

261 amending Notice to Appear to charge Petitioner as an “arriving alien”).⁵ Moreover, “an inadmissible arriving alien, such as Petitioner, is entitled to an asylum interview based on a claim that the alien indicates an intention to apply for asylum or a fear of persecution; *the alien’s detention is mandatory absent DHS’s discretionary decision to parole the alien, and the alien is not entitled to a bond hearing.*” *Id.* (emphasis added). *But see A-J-R v. Rokosky*, 2026 WL 25056, *5 (D.N.J. Jan. 5, 2026).

“[A]pplicants for admission may be temporarily released on parole ‘in a case-by-case basis for urgent humanitarian reasons or significant public benefit.’” *Contreas*, 2025 WL 2104428 at *5 (quoting 8 U.S.C. § 1182(d)(5)(A) (citing *Pierre*, 350 F.Supp.3d at 330 (“Decisions under § 1182 are purely discretionary.”)); 8 C.F.R. § 212.5(b) (setting forth general considerations for parole from custody)). However,

[P]arole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Secretary of [DHS], have been served **the alien shall forthwith return or be returned to the custody from which he was paroled** and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

Contreas, 2025 WL 2104428 at *5 (emphasis added) (quoting 8 U.S.C. § 1182(d)(5)(A) and citing *Chi Thon Ngo v. INS*, 192 F.3d 390, 392 n.1 (3d Cir. 1999) (“When parole is revoked, the alien reverts to the status of an applicant for

⁵ Judge Kenney of this Court rejected a similar government argument relying on the “arriving alien” distinction. He placed great weight on the government’s reclassification of the petitioner in a superseding Notice to Appear. *See Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026). Here, although Petitioner’s Notice to Appear initially charged him as an “alien present in the United States who has not been admitted or paroled,” the government promptly amended that Notice to charge him as an “arriving alien.” *See* Ex. D. Moreover, Petitioner’s status as an “arriving alien” is based on his original presentation at a port of entry in 2023, which does not appear to be disputed, and the continuation of that status through his humanitarian parole and its eventual expiration.

admission.”)). “In short, the decision to grant and revoke parole to an inadmissible arriving alien is discretionary.” *Id.* And, at the conclusion of parole, § 1182(d)(5)(A) provides that the alien must be “returned to the custody from which he was paroled.” 8 U.S.C. § 1182(d)(5)(A).

Here, therefore, although Petitioner may previously have been paroled into the United States, the expiration of that parole “is left to the discretion of the Executive Branch.” *Id.* And, upon the expiration, termination, or revocation of his parole, Petitioner is returned to the custody from which he was paroled, the mandatory detention required for inadmissible arriving aliens under 8 U.S.C. § 1225(b)(2)(A). “Thus, under the applicable law, Petitioner’s detention is lawful.” *Id.*; *but see Murodov*, No. 25-594 (Feb. 13, 2026) (rejecting government’s distinction based on petitioner’s status as “arriving alien” whose parole has concluded).

C. Petitioner’s detention does not violate constitutional due process.

Congress broadly crafted “applicants for admission” to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.”).

The Supreme Court has repeatedly recognized this profound interest. Petitioner’s mandatory detention pursuant to §1225(b) will only last the duration of his removal proceedings. *Demore*, 538 U.S. at 512 (“[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings”); *see also*

Jennings, 583 U.S. at 304. In light of Congress’s interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). See generally *Demore*, 538 U.S. at 531.

Petitioner’s recent detention pending his removal proceedings does not violate the Due Process Clause.⁶ See, e.g., *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a “constitutionally permissible part of that process.” *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. See *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness of his detention under *German Santos*.

⁶ The government notes that the Petition contains allegations relating to Petitioner’s medical condition. See Pet. ¶¶ 7, 46. Those allegations are concerning, but the government understands Petitioner’s claim for violation of due process to relate to his mandatory detention under § 1225(b)(2)(A) and not to be specific to his medical condition. See Pet. ¶¶ 56–57.

III. CONCLUSION

For the foregoing reasons, respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

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United States Attorney

/s/ Susan R. Becker for GBD
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Dated: February 13, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 13, 2026

/s/ Landon Y. Jones

LANDON Y. JONES
Assistant United States Attorney

Exhibit A

I-94 Arrival/Departure Record

Exhibit B

Notice to Appear

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [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: OLEKSANDR NMN TATARYN currently residing at:

[REDACTED]

(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 UKRAINE and a citizen of UKRAINE;
3. You were paroled under the Ukrainian Humanitarian Parole on May 6, 2023, paroled until May 7, 2025;
4. 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;
See Continuation Page Made a Part Hereof

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:

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 07201. ELIZABETH - VIDEO HEARINGS
(Complete Address of Immigration Court, including Room Number, if any)

on February 17, 2026 at 3:00 pm to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

GREGORY ONEILL - SDDO
(Signature and Title of Issuing Officer)

Date: February 6, 2026

Philadelphia PA
(City and State)

Notice to Respondent

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

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

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

Request for Prompt Hearing

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

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on **February 6, 2026**, 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 _____ 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)

RAIFREAM WASHINGTON - Deportation Officer

(Signature and Title of officer)

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.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name TATARYN, OLEKSANDR NMN	File Number [REDACTED] Event No: [REDACTED]	Date 02/06/2026
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THE SERVICE ALLEGES THAT YOU:

5. 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:

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 GREGORY ONEILL	Title SDDO
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Exhibit C

U.S. CIS Case Status



Case Status Online

Case Is Still Being Processed By USCIS

As of October 10, 2025, your Form I-131, Application for Travel Documents, and Arrival/Departure Records, Receipt Number [REDACTED] role is still being processed. We do not currently need anything from you but will contact you if we need additional information regarding your case. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Enter Another Receipt Number [?](#)

Check Status

Already have an Account? [Login](#)

Create an Account? [Sign up](#)

[DHS PRIVACY NOTICE](#)

[PAPERWORK REDUCTION ACT](#)

Related Tools

[Change of Address](#)

Exhibit D

U.S. DHS I-261 Additional Charges of
Inadmissibility/Deportability

U.S. Department of Homeland Security

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 & Nationality Act
- Exclusion proceedings commenced prior to April 1, 1997 under former section 236 of the Immigration & Nationality Act

In the Matter of:

Respondent/Applicant: OLEKSANDR TATARYN
Address: 555 Geo Drive
Philipsburg, PA 16866

File No: [REDACTED]

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

No additional charges

In support of the additional charge(s) there is submitted the following factual allegation(s)

- in addition to those set forth in the original charging document:
- in lieu of those set forth in the original charging document:

- 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 deportable for the reason(s) stated in the charging document(s).

1. You are not a citizen or national of the United States;
2. You are a native of Ukraine and a citizen of Ukraine;
3. You entered the United States at Philadelphia International Airport, utilizing pre-clearance at Dublin Airport, under Ukrainian Humanitarian Parole, on May 6, 2023, until May 7, 2025;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry documents required by the Immigration and Nationality Act;
5. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity or nationality.

Dated: February 12, 2026

/S/ Emily L. Spataro
Emily L. Spataro, Assistant Chief Counsel
U.S. Immigration and Customs Enforcement

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 under 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. 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 which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. 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 charging document and that you are inadmissible or deportable on the charges contained in the charging document. 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.

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 departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the Government, in writing, with your full mailing address and telephone number. You must notify the Immigration Court 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 Government.

CERTIFICATE OF SERVICE

Name: OLEKSANDR TATARYN

File No. [REDACTED]

I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that on this date I caused a true and complete copy of the attached to be served, in the manner described below, on:

OLEKSANDR TATARYN
Moshannon Valley Processing Ctr.
555 GEO Dr.
Philipsburg, PA 16866

By placing same in a sealed envelope and routing it for mailing first class, postage prepaid.

Dated: February 12, 2026

/S/ Emily L. Spataro
Emily L. Spataro, Assistant Chief Counsel
U.S. Immigration and Customs Enforcement

Exhibit E

U.S. DHS I-213

Record of Deportable/Inadmissible Alien

U.S. Department of Homeland Security

Subject ID : 

Record of Deportable/Inadmissible Alien

Family Name (CAPS) TATARYN, OLEKSANDR NMN		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmpbkn LGT
Country of Citizenship UKRAINE	Passport Number and Country of Issue  UKRAINE			Height 66	Weight 200	Occupation UNR	
U.S. Address				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time,			Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence				F.B.I. Number 			
Date of Birth  Age: 39				Date of Action		Location Code PHI/PHI	
City, Province (State) and Country of Birth UKRAINE		AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number					
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) LUDMILA NATIONALITY: UKRAINE				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known			Mother's Present and Maiden Names, Nationality, and Address, if Known				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Word(s) See Narrative	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment Unemployed or Retired		Salary		Employed from/to Hr	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: 1338204598 Left Index fingerprint Right Index fingerprint							
							
FAMILY INFORMATION							

Father: Subject has not provided information for Father.							
Mother: Subject has not provided information for Mother.							
Spouse: LUDMILA is a citizen of UKRAINE.							
Child: Subject does not have children or dependents.							
SUBJECT HEALTH STATUS							

High Blood Pressure and Heart Problems. Takes medication lately. In Custody. ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				_____ (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: _____			
				on: _____ (time)			
				Disposition: Warrant of Arrest/Notice to Appear			
				Examining Officer: _____			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name TATARYN, OLEKSANDR NMN	File Number [REDACTED] Event No: [REDACTED]	Date 02/13/2026
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CURRENT ADMINISTRATIVE CHARGES

02/06/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

CIS checked on 02/06/2026 with Positive result. EARM checked on 02/06/2026 with Positive result. IAFIS checked on 02/06/2026 with Positive result. NCIC checked on 02/06/2026 with Positive result. TECS checked on 02/06/2026 with Positive result.

ARRESTED AT/NEAR

[REDACTED], UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

Immigration and Customs Enforcement (ICE) is currently executing at-large operations, targeting immigration violators in the Philadelphia Area of Responsibility. The operational focus is in direct support of Presidential Executive Orders. Operations are executed while ensuring personnel safety and maintaining tactical control operating in a confined, civilian-heavy environment. The operation integrates personnel from the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Internal Revenue Service (IRS), Drug Enforcement Administration (DEA), the US Marshals Service (USMS), with additional support from 287(g) partners in their assigned jurisdictions. The operation aims to enhance public safety and enforce immigration laws.

ENCOUNTER:

At approximately 0640, Officers Witnessed Oleksandr TATARYN (Hereafter referred to as TATARYN) exit his residence located at [REDACTED]. TATARYN walked to a [REDACTED] silver in color [REDACTED], entered and started the vehicle. As TATARYN pulled out of his parking spot Officers blocked his vehicle with emergency lights activated. Once the vehicle was stopped DO Morgan approached the vehicle and conducted a brief field interview. TATARYN confirmed his identity. Officers ordered TATARYN out of his vehicle, advising him that they had a warrant for his arrest, secured him with handcuffs behind his back, and placed him in the rear passenger seat of DO Morgan's car. TATARYN stated he had Temporary Protective Status (TPS). After conducting a more thorough check into his immigration history, it was found that TATARYN only had an application for TPS and had no approved TPS status, this was confirmed with ERO command center. At this time TATARYN was moved to an adjacent parking lot, handcuffs removed from behind him, and he resecured using a belly chain and handcuffs in front (Double locked and checked for tightness). TATARYN then advised he takes medication daily. TATARYN was given his phone to call his wife and have her bring his medication to Agents in the parking lot. After receiving medical documentation and medication from his wife, TATARYN was placed in the rear passenger seat of an HSI vehicle, advised he was under arrest for being in violation of the Immigration and Nationality Act, and transported without incident to Philadelphia ERO for processing.

PERSONAL BIOGRAPHY:

Upon arrival at the ERO Philadelphia Field Office, a biographical interview was completed. The following information is a collection of information ascertained from the subject: The subject makes no claims to US citizenship. The subject claims that they are a citizen and national of Ukraine, by virtue of birth in the same. The subject claims that they last entered the United States on 05/09/2023 by DHS CBP AIRENTRY, ENTRY AT PRIMARY INSPECTION. The subject claims to be married and to have 2 children residing in the United States. The subject claims that they have never served or trained with the United States armed forces.

Signature	Title
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name TATARYN, OLEKSANDR NMN	File Number [REDACTED] Event No: [REDACTED]	Date 02/13/2026
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The subject claims to be in good overall medical condition and not under the care of any healthcare practitioner. The subject claims to have no fear of returning to Ukraine for any political or religious purposes. The subject claims that they are not a member of any criminal or terrorist organizations.

IMMIGRATION HISTORY:

**The subject is not a citizen, national, resident or arriving alien in the United States.
 **The subject is a citizen and national of Ukraine by virtue of birth in Ukraine.
 ** Approved Travel application were discovered during this officers investigation.
 ** The subject claims that they last entered the United States on 05/09/2023 by DHS CBP AIRENTRY, ENTRY AT PRIMARY INSPECTION.
 **Per this officer's investigation, the subject has no probative claims to US Citizenship acquired or derived.

CHARGES/ALLEGATION:

Based on the aforementioned analysis, this officer has concluded that the subject is in violation of the following section(s) of the Immigration & Nationality Act and as such, should be brought before an Immigration Judge or a Designated Official to answer to these allegations:

***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.

CRIMINAL HISTORY

On November 23, 2025, the Lower Southampton PD arrested the subject for DUI (OTN

Limited to CRIMES for which the subjects booking was submitted to NCIC/IAFIS/CJIS
 ****Other offenses may exist however no records were submitted with biometrics****
 *****NCIC was negative for any wants or warrants using (Name, DOB, FBI#)*****

MISCELLANEOUS NUMBERS:

FBI: LV45HXPAA

PASSPORT#: [REDACTED]

DISPOSITION:

*The subject was advised of their right to counselor notification.
 *The subject was provided with a list of free & low-cost legal services.
 *The subject was offered one free phone call.
 *The subject was served an ICE Arrest Warrant and a Notice to Appear in Immigration Court.
 *The subject will be detained without bond.

OTHER IDENTIFYING NUMBERS

ALIEN- [REDACTED]
 State Criminal Number/State Bureau Number- [REDACTED] (UNITED STATES)
 Arrival-Departure Record- [REDACTED]
 Other Biometric- [REDACTED]

Signature	Title
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