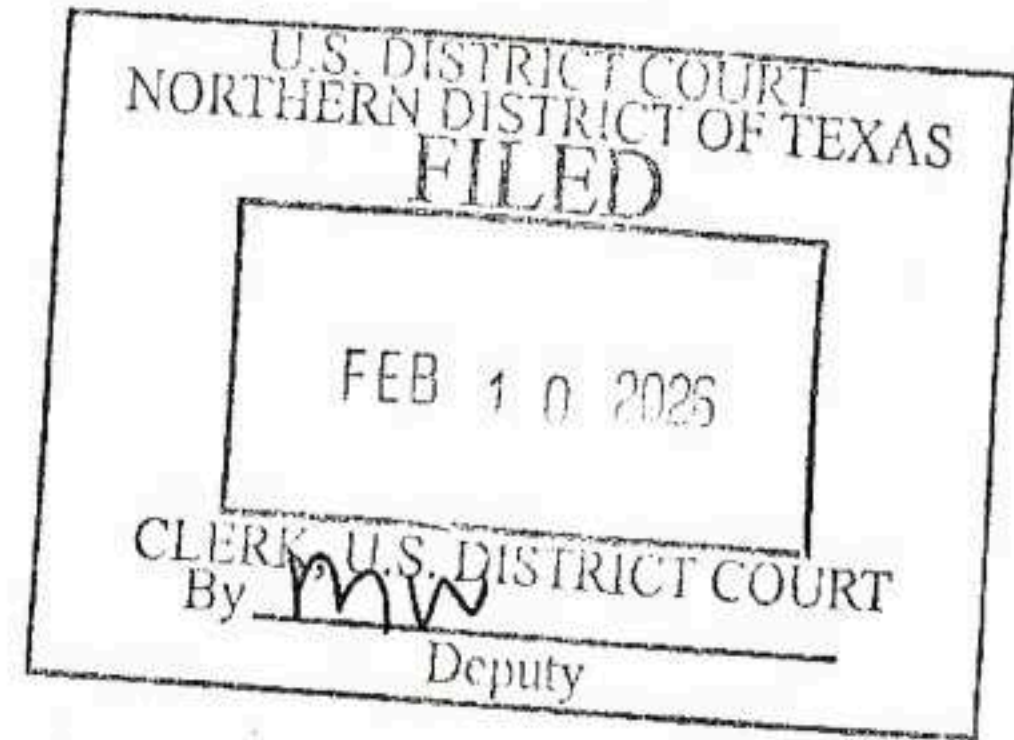


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

YANIER JESUS SANCHEZ ESCALANTE,
Petitioner,

v.

WARDEN, PRAIRIELAND DETENTION CENTER;
ICE FIELD OFFICE DIRECTOR, DALLAS;
SECRETARY, DEPARTMENT OF HOMELAND SECURITY,
Respondents.



4-26CV-138-P

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241. Petitioner is currently detained within the Northern District of Texas at Prairieland Detention Center, Alvarado, Texas.

II. PETITIONER INFORMATION

Name: Yanier Jesus Sanchez Escalante
A-Number: A [REDACTED]
Current Custody: Prairieland Detention Center
Address: 1209 Sunflower Ln, Alvarado, TX 76009
Detained Since: November 5, 2025
Criminal History: None

III. FACTUAL BACKGROUND

Petitioner is detained by U.S. Immigration and Customs Enforcement (ICE) under a removal order. However, Petitioner filed a timely appeal before the Board of Immigration Appeals (BIA), which is currently pending.

Because the appeal is pending, Petitioner's removal order is not administratively final, and ICE cannot lawfully execute removal.

Petitioner has remained in continuous detention since November 5, 2025, without a meaningful bond hearing or individualized determination of flight risk or danger to the community.

Petitioner has no criminal history, a fixed address in Dallas, Texas, and strong community ties.

IV. LEGAL GROUNDS

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

Prolonged detention without an individualized bond hearing during the pendency of appellate review constitutes unlawful detention.

ICE lacks authority to detain Petitioner indefinitely where removal is not reasonably foreseeable due to ongoing judicial review.

V. RELIEF REQUESTED

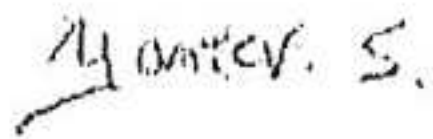
Petitioner respectfully requests that this Court:

1. Order an immediate individualized bond hearing before an Immigration Judge; or
2. Order Petitioner's release under reasonable conditions of supervision; and
3. Grant any other relief the Court deems just and proper.

VI. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02-05-2026



Yanier Jesus Sanchez Escalante
Petitioner, Pro Se

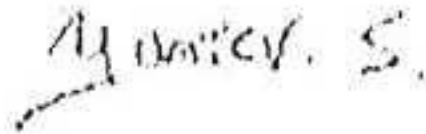
DECLARATION OF YANIER JESUS SANCHEZ ESCALANTE

I, Yanier Jesus Sanchez Escalante, declare under penalty of perjury as follows:

1. I am the Petitioner in this habeas corpus action.
2. I am currently detained at Prairieland Detention Center in Alvarado, Texas.
3. I have been continuously detained since November 5, 2025.
4. I have no criminal convictions or criminal history.
5. I have a pending appeal before the Board of Immigration Appeals (BIA), and my removal order is not final.
6. I have not received a meaningful bond hearing during my detention.
7. My prolonged detention has caused severe emotional distress and hardship.
8. I am not a danger to the community and not a flight risk.
9. I respectfully request release or a bond hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02-05-2026



Yanier Jesus Sanchez Escalante

Yanier Jesus Sanchez Escalante

A# 

CERTIFICATE OF SERVICE

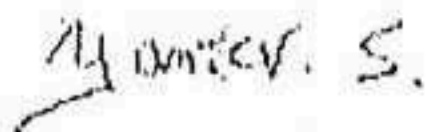
I hereby certify that on this 5th day of February, 2026, I served a true and correct copy of this Petition for Writ of Habeas Corpus upon the following by U.S. Mail:


Office of the United States Attorney
Northern District of Texas
Attn: Civil Process Clerk
819 Taylor Street, Suite 300
Fort Worth, TX 76102

Warden / Facility Director
Alvarado Detention Facility / Prairieland Detention Center
1209 Sunflower Ln
Alvarado, TX 76009-2810

ICE Enforcement and Removal Operations (ERO)
Dallas Field Office
1820 E. Airport Fwy, Suite 100
Irving, TX 75062

Respectfully submitted,



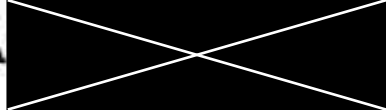
Yanier Jesus Sanchez Escalante
Petitioner, Pro Se
A-Number: A# 

Date: February 5, 2026

APPEAL BEFORE THE BOARD OF IMMIGRATION APPEALS (BIA)

BEFORE THE BOARD OF IMMIGRATION APPEALS

U.S. Department of Justice
5107 Leesburg Pike
Falls Church, VA 22041

Re: *Appeal from Immigration Judge's ORAL Decision*
Respondent: Yanier Jesús Sánchez Escalante
A-Number: A 

Dear Members of the Board of Immigration Appeals:

Respectfully submitted is the Notice of Appeal (Form EOIR-26), together with the accompanying supporting documents, on behalf of Yanier Jesús Sánchez Escalante, who is currently detained, appealing from the ORAL decision issued by the Immigration Judge during the individual merits hearing held on December 10, 2025.

At that hearing, the Immigration Judge orally rendered the decision in open court, ordering Respondent's removal and denying asylum, withholding of removal, and protection under the Convention Against Torture (CAT). To date, no written decision and no official hearing transcript have been issued or served on Respondent.

Accordingly, this appeal and the accompanying submissions are presented based solely on the Immigration Judge's oral decision as announced in open court. Respondent respectfully reserves the right to submit a supplemental or amended filing upon receipt of the written decision and/or the hearing transcript.

The appeal is grounded on substantial errors of law and fact committed by the Immigration Judge, including, but not limited to:

1. Erroneously concluding that Respondent failed to identify and explain his transit through third countries, despite detailed and consistent testimony in the record;
2. Improperly applying an incorrect legal standard by suggesting that Respondent was required to seek asylum in transit countries, absent any finding of firm resettlement or a valid third-country agreement; and
3. Failing to properly analyze Respondent's well-founded fear of future persecution and risk of torture, particularly in light of Respondent's profile as a former member of the Venezuelan National Guard, a military deserter, and a perceived political dissident, under the applicable legal standards.

The following documents are enclosed with this submission:

1. Form EOIR-26 – Notice of Appeal
2. Form EOIR-26A – Fee Waiver Request
3. Proof of Service / Certificate of Service upon DHS

4. Brief in Support of Appeal
5. Sworn Declaration in Support of Application for Asylum
6. Country Conditions Analysis
7. News And Human Rights Evidenc
8. Identity Documents
9. Automated Case Information

This submission further certifies that a true and complete copy of the foregoing has been properly served on the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of the Chief Counsel, in accordance with applicable service requirements.

For the foregoing reasons, Respondent respectfully requests that this Honorable Board accept and consider this appeal and review the merits of the case under the correct legal standards.

Thank you for your consideration.

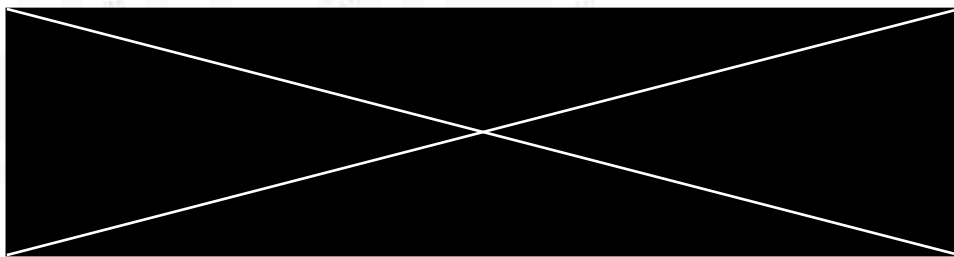
Respectfully submitted,

Yanier J. Sánchez Escalante

Yanier Jesús Sánchez Escalante

A-Number: A 

Respondent (Detained)



U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

**Notice of Appeal from a Decision of an
Immigration Judge**

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Yanier Jesus Sanchez Escalante

A 

For Official Use Only

! WARNING: Names and "A" Numbers of **everyone** appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at ALVARADO, TEXAS IMMIGRATION COURT (Location, City, State)

5. **What decision are you appealing?**

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated December 10, 2025.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

Respondent appeals the Immigration Judge's ORAL decision dated December 10, 2025, ordering removal and denying asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

The Immigration Judge erred as a matter of law and fact by concluding that Respondent failed to identify and explain his transit through other countries, despite Respondent's detailed testimony regarding the dates, duration, and circumstances of each country of transit. The Immigration Judge further erred by improperly suggesting that Respondent was required to seek asylum in transit countries, contrary to U.S. asylum law and absent any finding of firm resettlement or a valid third-country agreement.

The Immigration Judge also failed to properly analyze Respondent's well-founded fear of future persecution and likelihood of torture as a former Venezuelan military deserter perceived as politically disloyal, applying an impermissibly heightened standard and minimizing record evidence. Respondent is detained and has not yet received the written decision or hearing transcript.

Respondent respectfully reserves the right to supplement or amend this appeal upon receipt of the written decision and hearing transcript. Brief to follow.

(Attach additional sheets if necessary)

! WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? Yes No

8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? Yes No

9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives? Yes No
(There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation)

! WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. **Print Name:** Yanier Jesus Sanchez Escalante

11. **Sign Here:** Yanier J. S. decembre 26, 2025

Signature of Person Appealing
(or attorney or representative)

Date

Case 3:26-cv-00358-S-BT Document 1 Filed 02/10/26 Page 9 of 17 PageID 9

<p>12. Mailing Address of Respondent(s)/Applicant(s)</p> <p>Yanier Jesus Sanchez Escalante (Name)</p> <div style="background-color: black; width: 100%; height: 100%; position: relative;"> X </div> <p>(Telephone Number)</p>	<p>Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)</p> <p>(Name)</p> <p>(Street Address)</p> <p>(Suite or Room Number)</p> <p>(City, State, Zip Code)</p> <p>(Telephone Number)</p>
--	--

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13. **PROOF OF SERVICE (You Must Complete This)**

I Yanier Jesus Sanchez Escalante mailed or delivered a copy of this Notice of Appeal
(Name)

on decembre 26, 2025 to Assistant Chief Counsel DHS – ICE
(Date) (Opposing Party)

at 16800 Greenspoint Park Dr., Suite 210 Houston, TX 77060
(Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

SIGN HERE

X Yanier J. S.
Signature

NOTE: If you are the Respondent or Applicant, the “Opposing Party” is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- | | |
|---|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Read all of the General Instructions. <input checked="" type="checkbox"/> Provided all of the requested information. <input checked="" type="checkbox"/> Completed this form in English. <input checked="" type="checkbox"/> Provided a certified English translation for all non-English attachments. <input checked="" type="checkbox"/> Signed the form. | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Served a copy of this form and all attachments on the opposing party, if applicable. <input checked="" type="checkbox"/> Completed and signed the Proof of Service <input checked="" type="checkbox"/> Attached the required fee payment receipt, fee, or Fee Waiver Request. <input type="checkbox"/> If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant. |
|---|---|

NAME AND ALIEN ("A") NUMBER

Answer all items in English. (Type or Print)

If more than one respondent is included in your application, motion, or appeal, only the lead respondent need file this form.

Yanier Jesus Sanchez Escalante

A

Name (Last, First, Middle)

Alien ("A") Number

AFFIDAVIT IN SUPPORT OF FEE WAIVER REQUEST.

(This affidavit is to be signed by the respondent, not the respondent's attorney or representative of record.)

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person above and that I am unable to pay the filing fee. I believe that my application/motion/appeal is valid and not frivolous, and I declare that the following information is true and correct to the best of my knowledge.

Yanier Jesus Sanchez Escalante

(Print name of respondent filing the form)

Yanier J. S.

(Signature of respondent filing the form)

12/26/2025

(Date signed)

The Immigration Judge may grant your fee waiver request for an EOIR application or motion filed with the Immigration Court if you show that you are unable to pay the filing fee. The Board of Immigration Appeals (BIA) may grant your fee waiver request for an appeal or motion filed with the BIA if you show that you are unable to pay the filing fee. If this fee waiver request does not establish your inability to pay the required fee, your application, motion, application, or appeal will not be deemed properly filed. 8 C.F.R. §§ 1003.8 and 1003.24(d). You must answer all questions on the form even if the answer is "\$0.00".

1. Estimate your average monthly amount of money received from each of the following sources. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the average monthly rate. Use gross amounts, that is, amounts before any deductions for taxes and other state/federal payroll withholdings.

Income Sources	Monthly Average
Employment, including self-employment	\$
Income from real property (such as rental income)	\$
Interest from checking and/or saving account(s)	\$
All other income, including but not limited to these and other sources: alimony, child support, interest, dividends, social security, annuities, unemployment, public assistance, etc.	\$
1.A.: TOTAL AVERAGE MONTHLY INCOME	\$

2. Estimate your average monthly expenses. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

Expense Sources	Monthly Average
Rent or home-mortgage payment(s) (include lot rented for mobile home)	\$
Utilities (electricity, heating fuel, water, sewer, telephone, internet, etc.)	\$
Installment payments or outstanding debits (credit card(s), store credit card(s), vehicle payment, personal loan(s), etc., but not including rent or home-mortgage payments)	\$
Living expenses (food, clothing, transportation, child care, tuition, etc.)	\$
All other expenses, including but not limited to these and other sources: alimony, child support, insurance, medical, health, any state or federal taxes, attorney fees, etc.	\$
2.B: TOTAL AVERAGE MONTHLY EXPENSES	\$

3. Calculate ability to pay filing fee (total income minus total expenses):

TOTAL AVERAGE MONTHLY INCOME (1.A):	\$
TOTAL AVERAGE MONTHLY EXPENSES (2.B):	\$
TOTAL:	\$

4. Provide any other information that will help explain why you cannot pay the filing fees for your appeal, motion, or application. Include your name and "A" number on all pages of any additional document(s) or additional pages.

I am currently detained by ICE. I have no income, no employment, and no access to financial resources. I am unable to pay the filing fee for Form EOIR-26.

Attorney or Representative (if any):

(If an attorney or representative is submitting this form, the attorney or representative must complete, sign, and date below.)

I hereby attest that I have reviewed the details provided herein and I am satisfied that this fee waiver request is made in good faith.

Signature of Attorney or Representative	Print Name	EOIR ID Number	Date

Paperwork Reduction Act Notice: Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is one (1) hour. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Privacy Act Notice: The information on this form is requested to determine if you have established eligibility for the fee waiver you are seeking. The legal right to ask for this information is located at 8 C.F.R. § 1003.8(a)(3). EOIR may provide this information to other Government agencies. Failure to provide this information may result in denial of your request.

Yanier Jesús Sánchez Escalante

A 

PROOF OF SERVICE / CERTIFICATE OF SERVICE

On December 26, 2025, I, Yanier Jesus Sanchez Escalante, served a true and correct copy of the Notice of Appeal (Form EOIR-26), together with all supporting documents and any attached pages, on the Department of Homeland Security (DHS) by first-class mail, addressed as follows:

DEPARTMENT OF HOMELAND SECURITY (DHS)
U.S. Immigration and Customs Enforcement (ICE)
Office of the Chief Counsel
16800 Greenspoint Park Dr., Suite 210
Houston, TX 77060

I declare under penalty of perjury that the foregoing is true and correct.

Yanier J. S.

Yanier Jesús Sánchez Escalante

A 


Date: December 26, 2025

BEFORE THE BOARD OF IMMIGRATION APPEALS
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

BRIEF IN SUPPORT OF APPEAL

In the Matter of:
Yanier Jesús Sánchez Escalante
A-Number: A [REDACTED]

I. INTRODUCTION

Respondent respectfully submits this brief in support of his appeal from the Immigration Judge's ORAL decision issued on December 10, 2025, ordering removal and denying asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

Respondent is currently detained and has not yet received the Immigration Judge's written decision or the hearing transcript. Accordingly, this brief is based on the oral decision issued in open court. Respondent respectfully reserves the right to submit a supplemental or amended brief upon receipt of the written decision or transcript.

The Immigration Judge committed reversible errors of law and fact by:

- (1) concluding that Respondent failed to identify and explain his transit through other countries;
- (2) improperly suggesting that Respondent was required to seek asylum in transit countries; and
- (3) failing to properly analyze Respondent's well-founded fear of future persecution and likelihood of torture as a former military deserter.

II. STATEMENT OF FACTS (FROM THE RECORD)

Respondent is a native and citizen of Venezuela and [REDACTED]

[REDACTED]

Respondent later resided in Chile under a temporary and reversible immigration status, never obtaining permanent residence, asylum, or any form of durable legal protection. During this period, he faced discrimination, insecurity, and heightened risk due to his [REDACTED]

[REDACTED]

In July 2022, Respondent again fled, transiting briefly through Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala, and Mexico. His stays were short, strictly for transit, and dictated by survival. He lacked stability, safety, resources, and the practical ability to initiate or sustain asylum proceedings in those countries.

Respondent entered the United States on September 13, 2022, and timely sought protection.

III. STANDARD OF REVIEW

Questions of law are reviewed de novo. Factual findings that are unsupported by the record, based on speculation, or resulting from application of an incorrect legal standard constitute clear error and require remand.

IV. ARGUMENT

A. The Immigration Judge Erred in Concluding That Respondent Failed to Identify or Explain His Transit

The record directly contradicts this finding. Respondent provided a detailed, chronological explanation of each country of transit, including dates, duration, and the temporary nature of his presence. The Immigration Judge failed to meaningfully consider this testimony, constituting clear factual error.

B. The Immigration Judge Applied an Improper Legal Standard Regarding Transit Countries

U.S. asylum law does not require an applicant to seek asylum in every country of transit. Absent a finding of firm resettlement under 8 C.F.R. § 1208.15, transit alone does not bar eligibility. By penalizing Respondent for not applying elsewhere, the Immigration Judge imposed a legally unsupported requirement.

C. Chile Was Not a Safe or Durable Alternative

Respondent's status in Chile was temporary, precarious, and reversible. He never obtained permanent residence or asylum. His credible testimony regarding discrimination and risk as [REDACTED] precludes any finding of firm resettlement. The Immigration Judge misapplied the law and improperly weighed the evidence.

D. The Immigration Judge Failed to Properly Analyze Future Persecution

Respondent's fear is real, current, and individualized. [REDACTED] he would be identified upon return and [REDACTED]. The Immigration Judge improperly minimized this risk and required an impermissibly high level of certainty.

E. Respondent Is Entitled to CAT Protection

It is more likely than not that Respondent would be tortured by, or with the acquiescence of, Venezuelan government officials. The feared harm would be intentional, punitive, and inflicted by state actors. No internal relocation or state protection exists.

V. KEY RECORD CITATIONS (READY TO INSERT IN THE BRIEF)

Puedes copiar y pegar literalmente estas citas dentro del Brief como record citations:

Pattern of repression

“The sources examined confirm a systematic pattern of political persecution in Venezuela, including arbitrary detention, torture, prolonged isolation, enforced disappearances, and exemplary punishment, without judicial independence or minimum due process guarantees.”

Respondent’s differentiated profile

“This analysis is particularly relevant to Respondent’s case because he is a former member of the Venezuelan National Guard, a military deserter, and a person perceived as a ‘traitor’ or ‘enemy of the State.’”

Risk upon return

“Respondent’s return would entail a real risk of arbitrary detention and mistreatment under state custody.”

Deportation and retaliation example

“This example demonstrates that [REDACTED] is not an abstract risk, but a real and documented danger.”

Transit / no obligation to seek asylum elsewhere

“This evidence confirms that Respondent’s transit was strictly for survival and that it was not reasonable to require him to seek asylum in each transit country without stability, resources, or effective access to protection.”

VI. PREJUDICE

The errors were prejudicial and outcome-determinative. Proper application of the law would have resulted in relief.

VII. CONCLUSION

Respondent respectfully requests that the Board:

1. Vacate the Immigration Judge’s decision;
2. Remand for proceedings under the correct legal standards;
or, in the alternative, grant asylum, withholding of removal, or CAT protection.

Respectfully submitted,

Yanier J. Sánchez Escalante

Yanier Jesús Sánchez Escalante
A-Number: A [REDACTED]
Respondent (Detained)



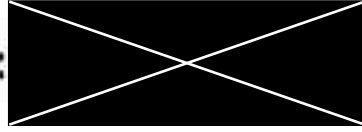
Court Closures Today December 26, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > SANCHEZ-ESCALANTE, YANIER JESUS (243-138-877)



Automated Case Information

Name: SANCHEZ-ESCALANTE, YANIER JESUS | A-Number:  | Docket Date: 11/18/2022

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

December 10, 2025

COURT ADDRESS

1209 SUNFLOWER LANE
ALVARADO, TX 76009

BIA Case Information

An appeal is due by January 9, 2026.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

16800 GREENSPPOINT PRK DR, 2 FL
HOUSTON, TX 77060

PHONE NUMBER

(281) 765-5900

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