

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

JORGE ALEXANDER REYES
BENITEZ,

Petitioner,

v.

WARDEN, FOLKSTON D RAY ICE
PROCESSING CENTER, in his
official capacity, KRISTI NOEM, in
her official capacity as Secretary of
Homeland Security, TODD M.
LYONS, in his official capacity as
Senior Official Performing the Duties
of the Director of U.S. Immigration
and Customs Enforcement, PAMELA
BONDI, in her official capacity as
Attorney General of the United States,

Respondent.

Civil Action No.

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Jorge Alexander Reyes Benitez petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to compel his release from custody, as his current civil immigration detention violates the Due Process Clause of the United States Constitution and the Administrative Procedure Act.

JURISDICTION AND VENUE


1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*

2. This court has subject matter jurisdiction under 28 U.S.C. §§ 2241 and 1331, and Article I, section 9, clause 2 of the United States Constitution.

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, and the INA, 8 U.S.C. § 1252(e)(2). This Court also has remedial authority under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

4. Venue is proper in the United States District Court for the Southern District of Georgia, Waycross Division, because Respondent—Petitioner’s immediate physical custodian—is in this District and Division and Petitioner is currently detained in this District and Division.

PARTIES AND BACKGROUND

5. **Petitioner Jorge Alexander Reyes Benitez** (A ) is a native of El Salvador, who entered the United States as an unaccompanied minor in April 2021. He was released from ORR custody to his father, who then trafficked him. He also received an eligibility letter from the Office on Trafficking in Persons (OTIP) dated July 19, 2024, which states that OTIP “determined that [Petitioner] w[as] subjected to a severe form of trafficking in persons. In accordance with 22

U.S.C. § 7105(b)(1)(G), this Eligibility Letter confirms that [Petitioner is] eligible to apply for benefits and services to the same extent as a refugee. This letter does not confer immigration status.” *See* Exhibit 1. Petitioner also applied for T nonimmigrant visa status in February 2025, which remains pending. *See* Exhibit 2.

6. Petitioner has no criminal history, convictions, or arrests, and no removal order. Prior to being detained by ICE, Petitioner resided with family in Silver Spring, Maryland, where he was receiving case management services from International Rescue Committee and legal services from the University of Maryland SAFE Center for Human Trafficking Survivors.

7. Petitioner was detained by ICE on or about January 31, 2026. His notice to appear (“NTA”) was filed with the immigration court on February 7, 2026. *See* Exhibit 3. According to his NTA, DHS alleged that Petitioner was “an alien present in the United States who has not been admitted or paroled.” *See id.*

8. Since his initial detention, Petitioner has been transferred to Folkston D Ray ICE Processing Facility, within this District and Division, where he is currently located. Thus, Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because Petitioner is arrested and detained by Respondents.

9. **Respondent Warden of Folkston D Ray ICE Processing Center** is the Warden of the Folkston D Ray ICE Processing Center, where Petitioner is being held. Respondent Warden is a immediate legal custodian of Petitioner, and

he is sued in his official capacity.

10. **Respondent Todd M. Lyons** is Senior Official Performing the Duties of Director of United States Immigration and Customs Enforcement (“ICE”). ICE is the federal agency responsible for custody decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. As acting director of ICE, Respondent Lyons has authority over its actions, including Petitioner’s detention. He is sued in his official capacity.

11. **Respondent Kristi Noem** is the Secretary of the United States Department of Homeland Security (“DHS”). DHS is the federal agency that has authority over the actions of ICE. As Secretary of DHS, Respondent Noem has authority over its actions, including Petitioner’s detention. She is sued in her official capacity.

12. **Respondent Pamela Bondi** is the Attorney General of the United States and the senior official of the U.S. Department of Justice. She is sued in her official capacity. In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Bondi is responsible for decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. Therefore,

she is also Petitioner's legal custodian.

LEGAL FRAMEWORK

13. District courts have the power to grant writs of habeas corpus. 28 U.S.C. § 2241(a). The Constitution guarantees that the writ of habeas corpus is available to every individual detained within the United States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const. Art. I, § 9, cl. 2); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (“The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.”).

14. A district court's power includes jurisdiction to hear habeas challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Indeed, noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

15. Despite the allegations in the NTA, Respondents will, on information and belief, take the position that Petitioner must be mandatorily detained under the INA as set forth in *Matter of Yajure Hurtado*, in which the BIA concluded ICE could treat undocumented immigrants already present in the United States as arriving aliens subject to mandatory detention under 8 U.S.C. § 1225.

16. Reliance on *Hurtado* would make Petitioner ineligible for bond. In *Hurtado*, the BIA concluded that noncitizens “who have been residing in the United States for years without lawful status” are considered “applicants for admission” and are thus subject to the mandatory detention provision in INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A) “for the duration of the immigration proceedings[.]” *Hurtado*, 29 I&N Dec. at 220.

17. But section 1225(b)(2) does not apply to Petitioner as he is not a recent arrival nor is he seeking admission. His continued detention under section 1225(b)(2) is therefore unlawful. Instead, as a noncitizen who previously entered the United States, section 1226(a) governs his detention.

18. Under section 1225(b)(2), “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.” 8 U.S.C. § 1225(b)(2) (emphasis added). By contrast, a noncitizen arrested on a warrant issued by the Attorney General “*may*” be detained but is also eligible for release on bond. 8 U.S.C § 1226(a) (emphasis supplied). “Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of ‘aliens already in the country.’” *Palma v. Trump*, 2025 WL 2624385, at *2 (D. Neb. Sept. 11, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018)). As the Court in *Palma* noted, “[t]he BIA’s decision in *Hurtado*

represents a stark departure from that approach.” *Palma*, 2025 WL 2624385, at *2.

19. Indeed, federal courts in Georgia have reached the same conclusion. *J.A.M. v. Streeval*, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025). *See also Villa Consolidated Cases*, No. 5:25-cv-89 (S.D. Ga.).

20. Moreover, Respondents admit that Petitioner is subject to section 1226, because (1) the NTA charged him as someone “present in the United States who has not been admitted or paroled” and (2) his initial custody determination in 2021 was made under INA section 236 (section 1226). *See Ex. 3* at 2, 5; *see also Ardon-Quiroz v. Assistant Field Dir.*, 2025 WL 3451645, at *6 (S.D. Fla. Dec. 1, 2025) (such classification on NTA places petitioner “squarely within section 1226”); *Perez v. Berg*, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025) (“The Court notes that the government itself charged Petitioner as an alien present in the United States who has not been admitted or paroled rather than an arriving alien.”) (quotations omitted).

21. Furthermore, while Petitioner believes that he is a member of the “Bond Eligible Class” certified in *Maldonado Bautista v. Santacruz*, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), Petitioner is cognizant of the Court’s conclusions in *C.C.M. v. Warden, Stewart Det. Ctr.*, regarding the effect of that decision on Petitioner’s specific circumstances here. 2026 WL 67145, at *1 n.1

(M.D. Ga. Jan. 8, 2026). Notwithstanding, Petitioner raises the argument that he is entitled to relief as a “Bond Eligible” class member under *Maldonado Bautista* for purposes of preserving the issue. And regardless of its effect, the overwhelming weight of authority concludes that Petitioner is entitled to statutory process under section 1226(a).

22. Finally, the BIA’s controlling authority on the IJ is not dispositive. *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 179 (S.D.N.Y. 2009) (“While the Immigration and Nationality Act ... precludes review of the ‘Attorney General’s discretionary judgment’ with regard to ‘detention or release of any alien or the grant, revocation, or denial of bond or parole,’ 8 U.S.C. § 1226(e), the United States Supreme Court rejected the contention that § 1226(e) deprives courts of jurisdiction to consider challenges to the interpretation of the mandatory detention statute.”) (citing *Demore v. Kim*, 538 U.S. 510, 517, 123 S.Ct. 1708, 155 L.Ed.2d 724 (2003)). Courts have independent judgment in determining whether an agency has acted within its statutory authority. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412, 144 S.Ct. 2244, 219 L.Ed.2d 832 (2024).

23. As other courts have concluded since *Hurtado*, “[t]he text of Sections 1225 and 1226, together with binding Supreme Court precedent interpreting those provisions [...] confirm that [the petitioner] is subject to Section 1226(a)’s discretionary detention scheme.” *Sampiao v. Hyde*, 2025 WL 2607924,

at *8 (D. Mass. Sept. 9, 2025) (granting habeas relief to a noncitizen who was arbitrarily detained following three years of release on an order of recognizance).

24. Here, Petitioner entered the United States in 2021, has received a determination from OTIP that he was “subjected to a severe form of trafficking in persons,” *See* Ex. 1, and has sought T nonimmigrant status, which remains pending. *See* Ex. 2. To determine that he is *seeking admission* after living in the United States is nonsensical, contrary to the plain meaning of the statutes, and the Court should disregard the *Hurtado* decision as contrary to the INA and federal law.

25. As such, under section 1226(a), this Court has the authority to review Petitioner’s request for habeas relief and release from immigration detention.

26. Because Petitioner is detained subject to section 1226(a), not section 1225(b)(2), the Court should, in the event it is raised by Respondents, find that he is not required to first seek a bond hearing or await further determination by the Board of Immigration Appeals (“BIA”). Because BIA has adopted a policy that deprives Petitioner of jurisdiction to seek a bond from immigration detention, further review of the IJ’s decision invoking *Hurtado* will be futile. *Vazquez v. Feeley*, 2025 WL 2676082, at *10 (D. Nev. Sept. 17, 2025) (“Because, as discussed below, this Court finds the BIA has adopted a policy [in *Hurtado*] that

likely violates federal law, awaiting the BIA's decision regarding Petitioner is futile.”).

COUNT I

Violation of Fifth Amendment Right to Due Process (against all Respondents)

27. Petitioner re-incorporates and re-alleges paragraphs 1-26 above as if fully set forth herein.

28. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. While certain constitutional protections do not extend outside the “geographic borders” of the United States, “legal circumstances change” as soon as a noncitizen “enters the country.” *Id.*; see also *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) (“[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.”) (quoting *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (per curiam)).

29. To determine whether civil detention violates a detainee's due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts consider (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest, including

the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *See id.* at 335.

30. Here, all three factors favor Petitioner. He has a significant private interest at stake. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (freedom from physical detention is “the most elemental of liberty interests”); *see also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”). Petitioner is experiencing all the deprivations that come with physical detention, including separation from his family and community. Next, there is a large risk of the erroneous deprivation of Petitioner’s liberty interest through the procedures used in the immigration court proceedings. There are also alternative procedures, such as a cash bond, and other measures that might mitigate against the risk of flight. Finally, to the extent there is any government interest in detention, it is minimal compared with Petitioner’s liberty interest.

31. Here, Respondents have chosen to detain Petitioner under the wrong statute and in an arbitrary manner, not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. Indeed, to detain Petitioner who has no criminal history or arrests and is the victim of a severe form of trafficking violates the constitutional guardrails of

the Due Process clause.

32. Because section 1225 does not apply and because Respondents' detention of Petitioner violates the Fifth Amendment, the Court should order his immediate release from detention, or in the alternative, require Respondents to provide him with a bond hearing.

COUNT II

Violation of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A) (against all Respondents)

33. Petitioner re-incorporates and re-alleges paragraphs 1-26 above as if fully set forth herein.

34. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

35. Congress has made it clear that mandatory detention under 8 U.S.C. § 1225(b) applies to "applicant[s] for admission" who are determined to be "seeking admission." By contrast, Congress permits other noncitizens who are arrested on a warrant issued by the Attorney General to be detained (using the language "may") but those noncitizens are also eligible for release on bond. 8 U.S.C § 1226(a).

36. Courts have interpreted section 1225 to apply to arriving noncitizens, while section 1226 applies to noncitizens already in the United States.

37. Petitioner entered the United States in 2021, after which he received a determination from OTIP that he was “subjected to a severe form of trafficking in persons.” *See* Ex. 1. He has also sought T nonimmigrant status, which remains pending. *See* Ex. 2.

38. The government contends Petitioner is an applicant for admission to which section 1225 applies.

39. Respondents’ determination that Petitioner is “seeking admission” under section 1225(b)(2) was arbitrary, capricious, an abuse of discretion, and not otherwise in accordance with law. 5 U.S.C. § 706(2)(A). Indeed, “ICE, like any agency, ‘has the duty to follow its own federal regulations.’” *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017) (quoting *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003)).

40. Because Petitioner is not subject to mandatory detention, Respondents’ determination is unlawful.

PRAYER FOR RELIEF

Petitioner Jorge Alexander Reyes Benitez respectfully requests that the Court:

- A. Retain jurisdiction over this action;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days pursuant to 28 U.S.C. § 2243;
- C. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- D. Declare that Petitioner's detention violates the Administrative Procedure Act;
- E. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody or in the alternative provide a bond hearing under 8 U.S.C. § 1226(a);
- F. Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the Court's approval;
- G. Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- H. Grant all other relief that the Court deems just and proper.

Dated: January 29, 2026

Respectfully Submitted,

/s/ James M. Slater

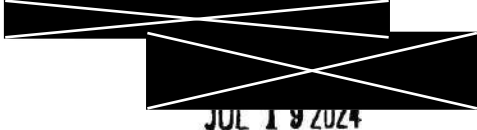
James M. Slater (Ga. Bar No. 169869)
Slater Legal PLLC
2296 Henderson Mill Rd NE #116
Atlanta, Georgia 30345
james@slater.legal
Tel. (404) 458-7283

*Attorneys for Petitioner Jorge Alexander
Reyes Benitez*



ADMINISTRATION FOR CHILDREN & FAMILIES

Office on Trafficking in Persons | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/endtrafficking



Jorge Alexander Reyes Benitez
c/o Farah Khan
Kids in Need of Defense (KIND)
One South Street Suite 1100
Baltimore, MD 21202

ELIGIBILITY LETTER

Dear Jorge Alexander Reyes Benitez:

We have determined that you were subjected to a severe form of trafficking in persons. In accordance with 22 U.S.C. § 7105(b)(1)(G), this Eligibility Letter confirms that you are eligible to apply for benefits and services to the same extent as a refugee. This letter does not confer immigration status.

You can start applying for benefits and services on **July 24, 2024**.

If you wish to apply for benefits and services, it is important that you seek assistance as soon as possible because some of the benefits are time-limited and may expire. When you access benefits, bring the original copy of this letter to the benefit-issuing agency.

See the attached packet for further information on accessing benefits and services, descriptions of the benefits and services you are eligible for, and information about the comprehensive case management services that are available to support you in this process. The National Human Trafficking Hotline at 1-888-373-7888 is also available 24 hours a day, 7 days a week to connect you with available services in your area.

Sincerely,

Katherine Chon
Director
Office on Trafficking in Persons

This letter serves as official notice from the U.S. Department of Health and Human Services (HHS) that the individual listed in this letter is eligible and in need of a non-work Social Security Number (SSN Card), as HHS determined that this individual is a victim of a severe form of trafficking in persons (VSFT) under 22 U.S.C. § 7105(b)(1)(G). Reference the SSA POMS RM 10211.075H to confirm that an HHS Eligibility or Interim Assistance Letter is sufficient to establish the identity and age of a foreign national minor VSFT applying for a non-work SSN.

Benefit-issuing agencies: To instantly verify this letter online, visit shepherd.otip.acf.hhs.gov and select Verify an HHS letter.
Questions? Call HHS at 1-866-401-5510 during regular business hours.

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [Redacted]
Event [Redacted]
Date: April 18, 2021
FINS #: 1 [Redacted]

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
JORGE ALEXANDER REYES-BENITEZ

(Full name of alien)

an alien who entered the United States at or near HIDALGO, TEXAS on April 17, 2021 is within the country in violation of the immigration laws and is

(Port)

(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(b)(6)(b)(7)(c)

[Redacted Signature]

ACTING PATROL AGENT IN CHARGE

(Title)

Certificate of Service

Served by me at DONNA, TEXAS on April 18, 2021 at 01:27 PM
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

[Redacted Signature]

(Signature of officer serving warrant)

BORDER PATROL AGENT

(Title of officer serving warrant)

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID [REDACTED]

FINS [REDACTED]

File No: [REDACTED]

In the Matter of:

JORGE ALEXANDER REYES-BENITEZ

Respondent: _____ currently residing at:

(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 EL SALVADOR and a citizen of EL SALVADOR;
3. You arrived in the United States at or near HIDALGO, TX, on or about April 17, 2021;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

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

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

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

on a date to be set a _____
(Date)

charge(s) set forth above.

Date: April 18, 2021

[REDACTED SIGNATURE]

from the United States based on the

PATROL AGENT IN CHARGE
Sign in ink)

(City and State)

(b)(6)(b)(7)(c)

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) (Sign in ink)

Date:

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

Certificate of Service

This Notice To Appear was served on the respondent by me on April 18, 2021, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail with receipt # requested by regular mail
Attached is a hearing worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear.

(Signature of Respo)

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

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

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: JORGE ALEXANDER REYES-BENITEZ

A-File Number: [REDACTED]

Date: 04/18/2021

Event ID: [REDACTED]

Subject ID: [REDACTED]

FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

Detained by the Department of Homeland Security.

Released (check all that apply):

Under bond in the amount of \$ _____

On your own recognizance.

_____. [Additional document(s) will be provided.]

Authorized Officer

04/18/2021 1625

Date and Time of Custody Determination

CHARGE

DONNA, TEXAS

Office Location/Address

You may request a review of this custody determination by an immigration judge.

I acknowledge receipt of this notification, and

I do request an immigration judge review of this custody determination.

I do not request an immigration judge review of this custody determination.

Signature

[REDACTED SIGNATURE]

04/18/2021

Date

The contents of this notice were read to JORGE ALEXANDER REYES-BENITEZ in the SPANISH language.
(Name of Alien) (Name of Language)

[REDACTED]

Name or Number of Interpreter (if applicable)

Border Patrol Agent

Title

(b)(6)(b)(7)(c)