

JUDGE LEON SCHYDLOWER

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

RECEIVED

FEB 12 2026

UNITED STATES DISTRICT COURT
for theCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY CLERK

Rafael Vieyra Morales
Petitioner

EP 26CV0436

Case No.

(Supplied by Clerk of Court)

Michael Watkins, Warden of Camp Montana
East, ICE Area Field Office Director Mary De
anda ybarra, Acting ICE director Todd M. Lyons
Attorney General Pamela Bondi, Kristi Noem
Respondent
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: Rafael Vieyra Morales
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution:
(b) Address:
- (c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
☒ Being held on an immigration charge
☐ Other (explain):

Decision or Action You Are Challenging

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

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

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

(a) Name and location of the agency or court: El Paso SPC

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I am being held in immigration custody and subject to mandatory detention due to section 236(c) and the BIA decision of Yajure Hurtado, 29 I and N Dec. 216 (BIA 2025).

(d) Date of the decision or action: Detained on or about October 17, 2025.

Your Earlier Challenges of the Decision or Action

7. First appeal

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing:

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

(4) Result:

(5) Date of result:

(6) Issues raised:

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

The Immigration Courts lack jurisdiction to grant bond hearings.

8. Second appeal

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

☐ Yes ☐ No

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(a) If "Yes," provide:

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

(2) Date of filing: _____

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

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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

9. **Third appeal**

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

☐ Yes

☒ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

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

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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

10. **Motion under 28 U.S.C. § 2255**

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

☐ Yes

☒ No

If "Yes," answer the following:

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

☐ Yes

☐ No

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If "Yes," provide:

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

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

☐ Yes ☐ No

If "Yes," provide:

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

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

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 10/17/2025

(b) Date of the removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

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

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

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

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

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

(c) Date of filing: _____

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

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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

Grounds for Your Challenge in This Petition

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

GROUND ONE: My continued detention is unconstitutional under the 5th Amendment of the Constitution because I have been detained for four months, and the detention is not necessary.

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

I cannot adequately support or defend my immigration case while I am detained. I am a lawful permanent resident. I am not a danger to the community, flight risk, and I have ties to the community. I have filed my cancellation of removal for LPRs with the immigration court.

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

☐ Yes

☒ No

GROUND TWO: My continued detention is unconstitutional under the 5th Amendment of the Constitution continued.

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

The meals at Camp Montana East is not enough. I am going hungry often. I have been given food that was moldy. I suffer from moderate arthritis and a herniated disk, and I am not receiving proper & adequate care. I get no hours a day outside for recreation. My physical and mental health have deteriorated.

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

☐ Yes

☒ No

deteriorated. I have been sick four times since I have been here.

GROUND THREE: My continued detention is unconstitutional under the 5th Amendment of the Constitution continued.

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

I have not delayed my court process. I have yet to see the Immigration Judge since November 12, 2025. My court hearing has been canceled and delayed by EOIR. I am detained and waiting to see the Immigration Judge.

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

☐ Yes

☒ No

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GROUND FOUR:

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

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

☐ Yes

☒ No.

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: order my immediate release from detention, or, in the alternative, a bond hearing at which the government should bear the burden of proof by clear and convincing evidence that I should be detained.

DETAINED

File No.:

Next Hearing Date: February 24, 2026

EOIR - 1 of 7

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (DHS)

hereby submits the following evidence in the above-referenced case:

TABLE OF CONTENTS

PROPOSED EXHIBITS	PAGES
A. [REDACTED]	1-4

Dated December 19, 2025.

Respectfully submitted,

Susanna Martinez
Susanna Martinez
Assistant Chief Counsel
DHS/ICE/OPLA
11541 Montana Ave., Ste. O
El Paso, Texas 79936
(915) 856-2316

CERTIFICATE OF SERVICE

I certify that on December 19, 2025, a true and correct copy of the foregoing proposed DHS exhibits were served on the respondent's counsel via ECAS.

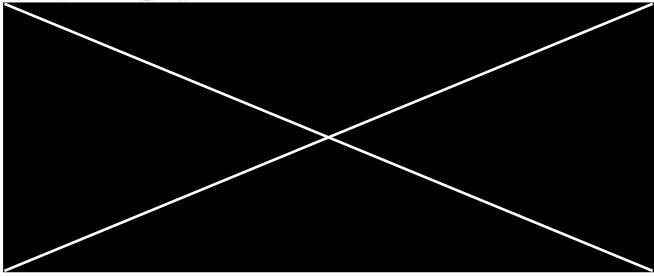
Susanna Martinez
Susanna Martinez
Assistant Chief Counsel

Uploaded on: 12/19/2025 at 10:24:27 AM (Mountain Standard Time) Base City: EPD

U.S. Department of Homeland Security

Subject ID : XXXXXXXXXX

Record of Deportable/Inadmissible Alien

Family Name (CAFS) VIEYRA MORALES, RAFAEL		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship MEXICO	Passport Number and Country of Issue XXXXXXXXXX		File Number XXXXXXXXXX	Height 69	Weight 185	Occupation LABORER	
U.S. Address 8915 MONTANA AVE EL PASO, TEXAS, 79925,				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 02/03/2023 Unknown Time, ELP, WI-Without Inspection			Passenger Boarded at	FBI Number XXXXXXXXXX		☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated	
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension CA			
Date of Birth XXXXXXXXXX	Age: 42	Date of Action 10/18/2025	Location Code RSW/ELP	At/Near See I-831		Date/Time 10/18/2025 11:25	
City, Province (State) and Country of Birth GUANAJUATO, MEXICO		AR ☒	Form: (Type and No.) ☐ Lifted ☐ Not Lifted ☐	By R 9100 CASTILLO			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry		Status When Found	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S.			
Immigration Record POSITIVE - See Narrative			Criminal Record See Narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known VIEYRA PANIAGUA, ALBERTO NATIONALITY: UNITED STATES			Mother's Present and Maiden Names, Nationality, and Address, if Known MORALES, SARA NATIONALITY: MEXICO				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed			Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative		Charge Code Word(s) See Narrative	
Name and Address of (Last) Current U.S. Employer See Narrative			Type of Employment See Narrative	Salary	Employed from/to 10/01/2025		
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: XXXXXXXXXX		Left Index fingerprint			Right Index fingerprint		
							
SCARS MARKS AND TATTOOS ----- TATTOO BACK - ARTWORK SCAR LIP, NONSPECIFIC - SCAR -----							
IMMIGRATION RECORD ----- History was expected but not provided ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges			10/18/2025 (Date/Initials) R 9100 CASTILLO Deportation Officer (Signature and Title of Immigration Officer)				
Distribution AFILE WORK FOLDER STATS			Received: (Subject and Documents) (Report of Interview) Officer: R 9100 CASTILLO on October 18, 2025 (time) Disposition: Other Examining Officer: GONZALEZ, R 9176				

Form I-213 (Rev. 08/01/07)

Uploaded on: 12/19/2025 at 10:24:27 AM (Mountain Standard Time) Base City: EPD

U.S. Department of Homeland Security

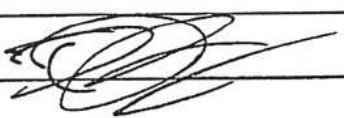
Continuation Page for Form I-213

Alien's Name VIEYRA MORALES, RAFAEL	File Number ~~XXXXXXXXXX~~ Event No: ~~XXXXXXXXXX~~	Date 10/18/2025
Subject Health Status ----- The subject claims good health. Current Criminal Charges ----- 10/18/2025 - 8 USC 1229a - ALIEN REMOVAL UNDER SECTION 212 AND 237 Current Administrative Charges ----- 10/18/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) RECORDS CHECKED ----- CIS Pos EARM Pos IAFIS Pos NCIC Neg TECS Neg NAME AND ADDRESS OF US EMPLOYER ----- UNKNOWN, UNKNOWN CARLSBAD, NEW MEXICO, 88220, UNITED STATES TYPE OF EMPLOYMENT ----- Operators, Fabricators, and Laborers AT/NEAR ----- ROSWELL, NM Record of Deportable/Excludable Alien: ----- ////////// ADDENDUM ////////// VIEYRA was encountered at EDDY COUNTY DETENTION CENTER (ECDC) pending local charges. VIEYRA is a LEGAL PERMANENT RESIDENT (IR7) and is amenable for proceedings under 212(a)(6)(A)(i). The charging document NOTICE TO APPEAR will be superseded with an Immigration Court date. VIEYRA will be detained at the El Paso Processing Center pending removal proceedings. ////////// ADDENDUM ////////// ENTRY DATA: VIEYRA Morales, Rafael illegally entered the United States (U.S.) on February 3, 2023, at approximately 0730 hours by crossing the U.S./Mexico International Boundary in El Paso, Texas. The area where VIEYRA Morales, Rafael illegally entered is approximately 2.96 miles west of the Bridge of the Paso Del Norte Port of Entry (PDN POE) in El Paso, Texas. This place has not been designated as an official port of entry into the United States, therefore; VIEYRA Morales, Rafael was not inspected and admitted or paroled into the United States by an U.S. Immigration Officer.		
Signature R 9100 CASTILLO		Title Deportation Officer

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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name VIEYRA MORALES, RAFAEL	File Number [REDACTED] Event No: [REDACTED]	Date 10/18/2025
ARREST DATA: On February 3, 2023, at approximately 0730 hours, I, Border Patrol Agent (BPA) David Fernandez, was conducting Transportation Duties in the El Paso Station area of responsibility when I observed four individuals scaling the border K1 fence. This area is known as Pump house and is north of the Rio Grande River. The individuals were seen running north then hid inside the American Canal. This is area is 2.96 miles west of the Paso Del Norte Port of Entry (PDN POE). BPA Fernandez responded to the area where they were hiding and contacted four subjects. BPA Fernandez identified himself as a United States Border Patrol Agent and questioned the subjects as to their citizenships and right to be and to remain in the United States legally. All four subjects stated they were citizens of the Mexico with no documentation that would allow them to be or remain in the U.S. lawfully. During questioning in the field VIEYRA Morales, Rafael told BPA Fernandez that has a warrant for DUI. The subjects were placed under arrest at approximately 0736 hours. The subjects were transported to the Paso Del Norte Processing Center (PDT) for processing and further disposition. I, BPA Oscar Cervantes was assigned to the Paso Del Norte Processing Border Patrol Detention Facility (PDT) when VIEYRA Morales, Rafael presented a Permanent Resident card during mobile intake. I questioned VIEYRA Morales, Rafael why would he cross illegally if he has a valid resident card to enter the United States lawfully. VIEYRA Morales, Rafael stated he has warrants and didn't want to get arrested. At PDT, VIEYRA Morales, Rafael was entered into the e3/IDENT/NGI systems using his fingerprints and biographical data. VIEYRA Morales, Rafael returned with negative immigration and positive criminal history. Record checks were requested through El Paso Sector radio communications. A Permanent Resident Identification Card: has been attached to the file. VIEYRA Morales, Rafael was read his rights per form I-214 Notice of Rights in the Spanish language by Border Patrol Agent Oscar Cervantes. VIEYRA Morales, Rafael stated that he understood and signed the form. This was witnessed by Border Patrol Agent Juan Serrano. IMMIGRATION HISTORY: None CRIMINAL HISTORY: Six Driving under the influence charges Driving under revocation Two valid Outstanding warrants (Full extradition) 10/15/2020 Sheriff Office Carlsbad (NM 0080000) DISPOSITION: AUSA Ana Arreola was presented with the facts of the case and approved prosecution for 8 USC 1325- Expedited Removal on VIEYRA Morales, Rafael. AUSA Arreola requested a motion to detain. VIEYRA Morales, Rafael was presented with Form I-867 Statement of Rights. VIEYRA Morales, Rafael verbally acknowledged that he understood the information. VIEYRA Morales, Rafael was advised of the charges against him, on Forms I-860 and, I-296. VIEYRA Morales, Rafael was processed for Expedited Removal under A# [REDACTED]		
Signature R 9100 CASTILLO 		Title Deportation Officer

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Uploaded on: 12/19/2025 at 10:24:27 AM (Mountain Standard Time) Base City: EPD

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name VIEYRA MORALES, RAFAEL	File Number [REDACTED] Event No: [REDACTED]	Date 10/18/2025
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VIEYRA Morales, Rafael is a citizen and national of Mexico with a Permanent Resident card that would allow him to be or remain in the United States.

VIEYRA Morales, Rafael was advised of his rights to speak to a Consulate Official from Mexico but he stated that he would do so at a later time.

VIEYRA Morales, Rafael indicated that he has no fear of persecution if returned to his native country of Mexico.

VIEYRA Morales, Rafael has not filed a petition to be or remain in the United States legally nor has one been filed on his behalf.

VIEYRA Morales, Rafael did not present himself to an immigration officer for inspection at any Port of Entry.

VIEYRA Morales, Rafael was booked electronically through NGI under FBI# [REDACTED]

VIEYRA Morales, Rafael is a Permanent Resident in the United States, has close family ties or roots in the United States and is likely to abscond if released.

PROPERTY:
The following property will be stored at the El Paso U.S. Border Patrol Station listed on CBP Form 6051R with the corresponding ticket number [REDACTED].

VIEYRA Morales, Rafael willfully and knowingly disposed of all remaining personal effects not inventoried.

Other Identifying Numbers

ALIEN-[REDACTED]
State Criminal Number/State Bureau Number-[REDACTED] (UNITED STATES)
State Criminal Number/State Bureau Number-[REDACTED] (UNITED STATES)

R 9176 GONZALEZ

Signature R 9100 CASTILLO	Title Deportation Officer
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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]

PINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: RAPHAEL VIEYRA MORALES

currently residing at:

8915 Montana Ave El Paso, TEXAS 799251212

(915) 225-0700

(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 MEXICO and a citizen of MEXICO;
3. You entered the United States at or near EL PASO, TEXAS, on or about February 3, 2023;
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:

8915 MONTANA AVE, EL PASO, TEXAS 79925. EOIR SPC El Paso, TX

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

on November 12, 2025 at 8:30 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

R 9176 GONZALEZ - (A) SDDO

(Signature and Title of Issuing Officer)

Date: October 18, 2025

ROSWELL, NM

This Notice to Appear Supersedes the Notice to Appear issued on February 3, 2023
(City and State)

EOIR - 1 of 3

Uploaded on: 10/28/2025 at 08:19:11 AM (Mountain Daylight Time) Base City: EPD

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 ServiceThis Notice To Appear was served on the respondent by me on Oct. 18, 2025, 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 SPANISH 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.

*Rafael Uysa
(Signature of Respondent if Personally Served)

CASTILLO - Deportation
Officer
(Signature and Title of officer)

EOIR - 2 of 3

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/opa/dhs-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.