**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION**

JOSE AGUSTIN RODRIGUEZ SANTANA

Petitioner,

v.

WARDEN, *in their official capacity* as Warden of the Philadelphia Federal Detention Center;

MICHAEL T. ROSE, *in his official capacity* as Field Office Director of the ICE Philadelphia Field Office of Enforcement and Removal Operations, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security;

TODD M. LYONS, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

KRISTI NOEM, *in her official capacity* as Secretary, U.S. Department of Homeland Security; and

PAMELA JO BONDI, *in her official capacity* as Attorney General of the United States;

Respondents.

Civil Action No.

PETITIONER'S WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

A # [redacted]

INTRODUCTION

1. Plaintiff-Petitioner Jose Agustin Rodriguez Santana ("Petitioner") is a citizen and national of the Dominican Republic who has resided in the U.S. for approximately 19 months. *See* Pet.'s Exh. A, Redacted Dominican ID Card; Exh. B, DHS Form I-862, Notice to Appear in Immigration Court. Petitioner was recently married to a United States citizen and has a lawful pathway to U.S. Permanent Residency.
2. Petitioner originally entered the United States without admission or inspection on July 12, 2024. *Id.* Petitioner encountered U.S. Border Patrol and was briefly detained at the IAH Secure Adult Detention Facility in Livingston, Texas, then released and issued parole under section 212(d)(5)(A) of the Immigration and Nationality Act.[1] *See* Pet.'s Exh. C, Interim Notice Authorizing Parole. Petitioner was also issued a Notice to Appear in Immigration Court on July 31, 2024, with an initial "master calendar hearing" date set for May 7, 2026, at the Philadelphia Immigration Court. *See* Pl.'s Exh. B.
3. Petitioner was also instructed to attend periodic check-ins at an ICE office during the pendency of his removal proceedings, a requirement with which he duly complied since entering the country. *See id.*; Pet.'s Exh. D, Notice of Next ICE Reporting Date.
4. Indeed, Mr. Rodriguez Santana's most recent check-in was scheduled for Monday, February 23, 2026, at the ICE ERO Office on 114 N. 8th St. in Philadelphia. *See* Pl.'s Exh.

[1] A Notice and Order of Expedited Removal dated July 14, 2024, inexplicably appears in Respondent's immigration file. Respondent was not evidently removed but rather permitted a Credible Fear Interview on July 30, 2026, where he was found credible and established a reasonable probability of torture in the Dominican Republic. Respondent was subsequently released from detention, issued a Notice to Appear in Immigration Court, and granted parole, which supersede the Order of Expedited Removal and determination of inadmissibility. A similar procedural posture is presented in *Rodriguez Dudamel v. Jamison*, No. 26-361 (E.D. Pa. Feb. 23, 2026) (granting immediate release to a petitioner who was previously removed via expedited removal, re-entered the U.S., received a reasonable fear interview and established reasonable fear of future torture, received a Notice to Appear in Immigration Court, and was ordered released on recognizance with periodic ICE check-ins, then unlawfully re-detained without bond pursuant to INA s. 1225(b)).

D.

5. On this date, Philadelphia experienced a blizzard that caused a disaster emergency declaration, city-wide shutdown of municipal services, and dangerous travel conditions.[2]

6. Petitioner nonetheless appeared for his ICE check-in at the scheduled date and time. Upon arrival, he was advised to go to the office's third floor for further processing.

7. Petitioner complied and waited for ICE to complete his check-in. He was eventually informed that, because no ICE staff were available, he should return the next day, Tuesday, February 24, 2025.

8. Petitioner duly returned to the ICE office on February 24, 2026, and was detained at approximately 1 p.m.

9. Mr. Rodriguez Santana has no criminal record in the United States or abroad. Nothing about his circumstances have changed since he was initially permitted to enter the United States in July of 2024 and granted parole under INA § 212(d)(5) on August 6, 2024.

10. Petitioner's detention pursuant to § 1225(b)(2)(A) violates the plain language of the INA and its implementing regulations. Petitioner, who has resided in the U.S. for 19 months and who was released after a brief detention upon entry, granted parole under INA § 212(d)(5), then re-detained on February 24, 2026, should not be considered to be "seeking admission" under § 1225(b)(2)(A). Rather, he should be detained pursuant 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond. Indeed, this

[2] Petitioner asks that the Court take judicial notice of weather reporting and the City of Philadelphia's public disaster emergency announcements on February 22 and 23, 2026, pursuant to Fed. R. Evid. 201(b)-(c). *See, e.g.,* City of Philadelphia, *Mayor Parker Declares Disaster Emergency as Winter Storm Begins; City Crews Responding Citywide* (Feb. 22, 2026), available at https://www.phila.gov/2026-02-22-city-of-philadelphia-provides-updates-on-activations-and-response-to-major-winter-storm/.

was long the policy of Respondent DHS, which until approximately July of 2025[3] had consistently found that individuals like Petitioner are subject to § 1226(a) and thereby eligible for bond.

11. Mr. Rodriguez Santana now seeks declaratory relief that he is subject to detention under § 1226(a) and its implementing regulations and asks that this Court order Respondents to immediately release him from custody.

CUSTODY

12. Petitioner was taken into the custody of Immigration and Customs Enforcement ("ICE") at their office at 114 North 8th St., Philadelphia, PA. A representative for ICE informed Mr. Rodriguez Santana that he would shortly be moved to the Philadelphia Federal Detention Center located at 700 Arch St., Philadelphia, Pennsylvania.[4] He is therefore in "'custody" of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION

13. This court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et. seq*.

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq*., the All Writs Act, 28 U.S.C. § 1651,

---

[3] *CBS News*, "ICE Says Many In Immigration Detention No Longer Qualify For Bond Hearings" (Jul. 15, 2025), available at: https://www.cbsnews.com/news/ice-immigration-detention- bond-hearings/ ; *The Washington Post*, "ICE declares millions of undocumented immigrants ineligible for bond hearings" (Jul. 15, 2025), available at: https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented- immigrants-bond-hearings/.

[4] At approximately 4:00 PM on February 24, 2026, Respondent received a notification of an immigration court hearing in Elizabeth, New Jersey. On information and belief, Respondent has not been relocated mere hours after his initial detention and remains within the jurisdiction of the Eastern District of Pennsylvania as of the time of filing the present Petition.

and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

15. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

16. None of the jurisdiction-stripping provisions of the INA apply to Petitioner's request that the Court review Respondents' misinterpretation of INA §§ 1225(b)(2)(A) and 1226(a), which has caused his continued unlawful detention. When considering subject matter jurisdiction, "[t]he usual 'strong presumption [is] in favor of judicial review of administrative action.'" *E.O.H.C. v. Sec'y U.S. Dep't of Homeland Sec.*, 950 F.3d 177, 184 (quoting *INS v. St. Cyr*, 533 U.S. 289, 298 (2001)). "[T]he general rule [states] the narrower construction of a jurisdiction-stripping provision is favored." *Id.* (quoting *Alli v. Decker*, 650 F.3d 1007, 1013 n.9 (3d Cir. 2011)).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

17. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

18. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested and detained by Respondents.

VENUE

19. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States acting in their official

capacity and because Petitioner is currently detained in Philadelphia, Pennsylvania.

20. Petitioner was detained midday on February 24, 2026, at the ICE ERO office at 114 North 8th St. in Philadelphia, Pennsylvania. Based on the representations of ICE to Respondent, he will be transferred to the Philadelphia Federal Detention Center by the end of the day. Accordingly, based on the representations of ICE, Petitioner remains within the jurisdiction of the Eastern District of Pennsylvania.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

21. Exhaustion is not required under 28 U.S.C. § 2241 where statutory interpretation is the sole issue presented, as it is here. "Although habeas petitioners are "ordinarily required to exhaust their administrative remedies," they "need not exhaust administrative remedies where the issue presented involves only statutory construction." *Demirel*, 2025 WL 3218243, at *3 (E.D. Pa. Nov. 18, 2025) (citing *Moscato v. Fed. Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir. 1996)); *Corona Diaz v. Olson*, 2025 WL 3022170, at *3 (N.D. Ill., 2025) ("Exhaustion is not required for habeas petitions brought under 28 U.S.C. § 2241.").

22. Administrative exhaustion is also unnecessary because it would be futile. *See Duvall v. Elwood*, 336 F.3d 228, 234 (3d Cir. 2003) ("Where exhaustion is not clearly mandated by statute, a futility exception exists"); *Ndialy v. Jamison*, no. 2:25-cv-06007 at *7 (E.D. Pa., November 19, 2025) (citing *Bradshaw v. Carlson*, 682 F.2d 1050, 1052 (3d Cir. 1981)) ("The exception is appropriate when the decisionmakers in the administrative process will almost certainly reject petitioner's requested relief).

23. It would be pointless for Petitioner to seek a custody redetermination hearing before an Immigration Judge because of the recent BIA decision holding that anyone who has entered the U.S. without inspection is now considered to be "seeking admission" and therefore

subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see, e.g., del Cid v. Bondi*, No. 25-304, 2025 WL 2985150, at *13 (W.D. Pa. Oct. 23, 2025) (noting that BIA's decision in *Yajure Hurtado* renders exhaustion futile); *Demirel v. Fed. Det. Center Philadelphia*, no. 25-5488, 2025 WL 3218243, at *4 (E.D. Pa. Nov. 18, 2025) (same); *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (same); *Morales Rodriguez v. Arnott*, no. 6:25-cv-00836-MDH at *2 (W.D. Mo., Nov. 18, 2025) (same).

24. A recent Order to Enforce Judgment vacated *Matter of Yajure Hurtado* for the class members delineated in *Maldonado Bautista v. Santacruz*, no. 5:25-cv-01873 (C.D. C.A. Feb. 18, 2026). Petitioner is likely not a member of the *Maldonado Bautista* class because he briefly encountered Border Patrol upon entry. *See id.*

25. Even if he were, Petitioner's membership in the *Maldonado Bautista* class would not change this analysis because Immigration Judges have continued to deny bond hearings to class members despite the judgement issued by the District Court. Further, upon information and belief, Immigration Judges have been instructed to deny bond based on spurious findings of flight risk, even by noncitizens with who have lived in the United States for decades and have established families and community within the country.

PARTIES

26. Petitioner, Jose Rodriguez Santana, is from the Dominican Republic and has resided in the United States since 2024. He is currently detained at the ICE facility at 114 North 8th St., Philadelphia, Pennsylvania. Upon the representations of ICE to Respondent, he will be moved to the Philadelphia Federal Detention Facility by the end of today, February 24, 2026, if he has not already been relocated.

27. Respondent Warden is sued in his or her official capacity as Warden of the Philadelphia Federal Detention Center. In his or her official capacity, Respondent Warden is Petitioner's immediate custodian.

28. Respondent Michael Rose is sued in his official capacity as Field Office Director, Philadelphia Field Office, Enforcement and Removal Operations, ICE. In his official capacity, Respondent Rose is the legal custodian of Petitioner.

29. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

30. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner's ultimate legal custodian.

31. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States. As Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

LEGAL BACKGROUND AND ARGUMENT

32. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

33. First, individuals detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody determinations made by DHS), 1236.1(d) (same).

34. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals deemed to be "seeking

admission" under § 1225(b)(2).

35. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

36. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585.

37. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

38. Following the enactment of the IIRIRA, the U.S. Department of Justice's Executive Office of Immigration Review ("EOIR") drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)[5] ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

39. Thus, in the three decades that followed, most immigrants who entered the United States without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and received bond hearings before an Immigration Judge ("IJ"), unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens

[5] Available at https://www.govinfo.gov/content/pkg/FR-1997-03-06/pdf/97-5250.pdf.

who had entered the United States—even without inspection—were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

40. For decades, long-term residents of the U.S. who entered without inspection and were subsequently apprehended by ICE in the interior of the country—including those who initially encountered border patrol and were released on recognizance under INA 212(d)(5)—have been detained pursuant to § 1226 and entitled to bond hearings before an IJ, unless barred from doing so due to their criminal history.

41. In July 2025, however, ICE began asserting that all immigrants who entered without inspection should be considered "seeking admission" and therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

42. On September 5, 2025, the BIA issued a precedential decision adopting this interpretation, departing from the INA's text, federal precedent, and existing regulations. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

43. Respondents' new legal interpretation is plainly contrary to the statutory framework and its implementing regulations. Indeed, for decades, Respondents had applied § 1226(a) to people like Petitioner. Respondents' new policies are thus not only contrary to law but are arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). They were also adopted without complying with the procedural requirements of the APA.

44. Federal district courts in the Third Circuit and across the country have rejected this interpretation and instead have consistently found that § 1226, not § 1225(b)(2), authorizes detention of noncitizens who entered without inspection and were later apprehended in the

interior of the country. *See, e.g., del Cid v. Bondi*, No. 25-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025) (finding Petitioner to be detained pursuant to §1226(a), not §1225, and ordering a bond hearing within seven days); *Cantu-Cortes v. O'Neill*, No. 25-6338, 2025 317639 (E.D. Pa. Nov. 13, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *see also Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC) (E.D. Cal. Sept. 23, 2025); *Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM (M.D. Fla. Sept. 25, 2025); and *Chafla v. Scott*, No. 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025).

45. A November 26, 2025, decision from the Southern District of New York ordering the release of a noncitizen included appendices listing 362 recent opinions on this issue, 350 of which were decided in favor of the Petitioners. *See Barco Mercado v. Francis*, 1:25-cv-06582 (S.D.N.Y. Nov. 26, 2025).[6]

46. Under *Loper Bright*, the BIA, as the appellate body in the Executive Office for Immigration Review (EOIR), a division within the the Department of Justice under the Executive Branch, is no longer afforded automatic deference by federal courts. *Loper Bright,* 603 U.S. 369 (2024) ("The views of the Executive Branch could inform the judgment of the Judiciary, but [do] not supersede it."). This Court should independently interpret the INA and give the BIA's expansive interpretation of § 1225(b)(2) no weight,

[6] Petitioner asks that this Court take judicial notice of the appendices provided by the Southern District of New York at the following link: gov.uscourts.nysd.647311.28.0.pdf.

as it conflicts with the statute, regulations, and precedent.

47. The statutory context and structure of the INA make clear that § 1226 applies to individuals who have not been admitted and entered without inspection. The Department's position that all noncitizens who entered the country without inspection are ineligible for bond under INA § 1225(b) would render portions of the INA meaningless and cannot be reconciled with 2025 amendments made pursuant to the Laken Riley Act.

48. In interpreting §§ 1225(b)(2) and 1226(a), a District Court must "interpret the words consistent with their 'ordinary meaning . . . at the time Congress enacted the statute.'" *Wis. Ctr. Ltd. v. United States*, 585 U.S. 274, 277 (2018) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)). The Court first "start[s] . . . with the statutory language." *United States v. Brow*, 62 F.4th 114, 119 (3d Cir. 2023). Statutory language "cannot be construed in a vacuum. It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Roberts v. Sea-Land Servs., Inc.*, 566 U.S. 93, 101 (2012) (quoting *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997)). With this consideration in mind, a court must determine "whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case." *Id.* at 100.

49. As written and in the context of legislative history and the overall statutory scheme, § 1225 clearly does not apply to individuals, like Petitioner, who are detained in the interior of the country long after their initial entrance.

50. The title of 8 U.S.C. § 1225 is "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." The language of 1225(b)(2)(A) makes clear that it applies only if three criteria are met. Generally, a noncitizen must be (i) an

"applicant for admission," (ii) "seeking admission," and (iii) "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. §1225(b)(2)(A).

51. "The titles, headings, and other provisions of § 1225 repeatedly refer to 'inspection,' and 'inadmissible arriving aliens,' and 'examin[ations],' which typically "occur at ports of entry, their functional equivalent, or near the border." *Soto v. Soto*, No. 25-cv-16200, 2025 WL 2976572, at *2 (D.N.J. Oct. 22, 2025). "Thus, on its face, § 1225 applies only at the borders or at other ports of entry, where individuals are "seeking admission" to the country." *Santana-Rivas v. Warden, Clinton Cty. Correctional Fac.*, 3:25-cv-01896 at *24 (M.D. Pa., Nov. 15, 2025) (citing *Del Cid v. Bondi*, No. 25-304, 2025 U.S. Dist. LEXIS 209136, at *39-40 (W.D. Pa. Oct. 23, 2025)) ("[T]he Supreme Court has tethered § 1225 to 'the Nation's borders and ports of entry,' noting that aliens detained pursuant to those provisions are typically detained during removal proceedings.").

52. Section 1226 applies "to aliens already present in the United States" and "creates a default rule for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018) (clarifying that while § 1225(b) is concerned "primarily [with those] seeking entry," and is generally imposed "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible" while § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.").

53. '[E]very clause and word of a statute' should have meaning." *See United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023). "The 'use of the present progressive, like use of the present participle, denotes an ongoing process.'" *Matter of M-*

D-C-V-, 28 I. & N. Dec. 18, 23 (B.I.A. 2020).

54. Respondents' selective reading of the statutory language ignores the clear decision by Congress to use the present progressive tense "seeking" in the phrase "seeking admission." "The use of the present progressive tense "implies affirmative action by a noncitizen is needed and is inconsistent to apply this phrase to all noncitizens already residing in the United States." *Ndialy v. Jamison*, no. 2:25-cv-06007 at 9 (E.D. Pa., November 19, 2025).

55. Collectively, the language in these sections and in the implementing regulations clearly demonstrate that 8 U.S.C. § 1225 is intended to apply to noncitizens at the border, arriving in the country, not those who are already here.

56. To this end, Respondents actively declined to designate Petitioner as an "arriving alien," the language used to define the scope of § 1225(b)(2)(A) in the implementing regulations, instead charging him as "an alien present in the United States who has not been admitted or paroled." *See* Pet.'s Exh. H; 8 C.F.R. § 235.3(c)(1) ("Except as otherwise provided in this chapter, any arriving alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings pursuant to section [1229a] shall be detained in accordance with section [1225(b)]."

57. A number of district courts in the Third Circuit have expressly rejected a recent Fifth Circuit decision finding the term "applicant for admission" to be identical to the phrase "seeking admission" in § 1225(b)(2), in support of the government's position on detention without the possibility of bond. *See Buenrostro-Mendez v. Bondi*, --F.4th--, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026); *Suarez v. Rose*, No. 26-790 at *5 (E.D. Pa. Feb 11, 2026) ("The Fifth Circuit's decision is not binding on this Court,

and because the decision is not persuasive, the Court will not adopt its reasoning. The Court will instead align itself with the reasoning used in thousands of cases around the country, the Seventh Circuit's analysis, and Judge Douglas' compelling dissent in *Buenrostro-Mendez*.") (citing cases); *Murodov v. Jamison*, No. CV 26-594, 2026 WL 413440, at *2, fn. 1 (E.D. Pa. Feb. 13, 2026); *Umarov v. Rose,* No. 26-0486, 2026 WL 445669, at *5 (E.D. Pa. Feb. 17, 2026); *Butskhrikidze v. Jamison,* No. 26-730, 2026 WL 446644, at *5 (E.D. Pa. Feb. 17, 2026); *Sanchez v. Rose*, No. CV 26-0820, 2026 WL 413437, at *2 (E.D. Pa. Feb. 13, 2026) (citing *Buenrostro-Mendez* and ultimately declining to follow its rationale); *Alekseev v. Warden,* No. 26-0462, 2026 WL 413439, at *1 (E.D. Pa. Feb. 13, 2026) (noting that *Buenrostro-Mendez* is not controlling law and declining to follow its rationale);

58. Thirty years of previous policy and practice by Respondents also support this interpretation of the INA. When statutes are ambiguous, courts can look to "the longstanding practice of the government" which "can inform [a court's] determination of what the law is." *Loper Bright*, 603 U.S. at 386 (quoting *NLRB v. Noel Canning*, 573 U.S. 513, 525 (2014)).

59. Beginning in 1997 with the implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and up until July of 2025, the Government's practice was to apply § 1226(a) to inadmissible non-citizens who were already residing in the country. *See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

60. The mandatory detention provision of § 1225(b)(2) clearly does not apply to Petitioner.

Petitioner entered the United States in July of 2024 and was subsequently detained, released, and granted parole under INA §212(d)(5). *See* Pl.'s Exh. C; *Ndialy*, 2:25-cv-06007 at *13 (finding that Petitioner's "release[] pursuant to § 1226" after he "turned himself in" at the border shows that "the longstanding practice of using § 1226 to detain noncitizen who are present within the United States favors [Petitioner's] interpretation of the INA").

61. At the time of his detention, Petitioner was already present here and seeking a lawful means of remaining, having entered without admission or inspection about a year and a half prior. As a result, he cannot be lawfully detained under section 1225(b)(2)(A) and his detention is instead clearly governed by section 1226(a).

62. The Government's interpretation of § 1225 and § 1226 would also render the Laken Riley Act superfluous and nonsensical.

63. In January of 2025, Congress passed the Laken Riley Act ("the Act"). *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). The Act amended several provisions of the INA, including § 1225 and §1226(c). 8 U.S.C. § 1226(c), "Detention of criminal aliens," carves out a statutory category of noncitizens for whom detention is mandatory, comprised of individuals who have committed certain "enumerated criminal offenses [or] terrorist activities." The Laken Riley Act added another category of those subject to mandatory detention under §1226(c). *See* 8 U.S.C. § 1226(c)(1)(E).

64. First, the new section states that the provision encompasses "any alien who— is inadmissible under [8 U.S.C. § 1182(6)(A)]," which are "alien[s] present in the United States without being admitted or paroled, or who arrive[] in the United States at any time or place other than as designated by the Attorney General." 8 U.S.C. § 1226(c)(1)(E)(i);

§ 1182(6)(A).

65. The new section then continues, stating that in order to be ineligible for bond, such noncitizens must *also* have been charged with, arrested for, convicted of, admitted having committed, or admitted committing "acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person." 8 U.S.C. § 1226(c)(1)(E)(ii).

66. In so doing, Congress outlined a *specific list* of individuals present without admission or inspection who are ineligible for bond related to criminal issues. *See* 8 U.S.C. § 1226(c)(1)(E). When Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies. *See Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.* 559, U.S. 393, 400 (2010).

67. If INA § 1225(b) applied to all noncitizens who are inadmissible under INA § 1182(6)(A) for entering the United States without being admitted or paroled, Congress's recent passage of the Laken Riley Act to require mandatory detention for noncitizens who are (1) present in the United States without being admitted or paroled and (2) implicated in an enumerated crime would be superfluous, since *all* noncitizens who had not been admitted would *already* be subject to mandatory detention under INA § 235(b). *See Corley*, 556 U.S. at 314, n.5 (explaining that seemingly conflicting statutes read in isolation can be reconciled if read in their broader context, which includes observing the anti-superfluousness canon); *see also Stone v. Immigration and Naturalization Svc.*, 514 U.S. 386, 397 (1995) ("When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.") (internal citations omitted).

68. Thus, it is clear that Congress did not mean for *all* individuals present without inspection to be subject to mandatory detention.

69. By specifically referencing inadmissibility for entry without inspection under 8 U.S.C. § 1182(6)(A) in the Laken Riley Act, Congress made clear that such individuals are otherwise covered by § 1226—and thus eligible for bond. Thus, § 1226 plainly applies to noncitizens charged as inadmissible, including those present without admission or parole.

70. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner, who entered the U.S. approximately one and a half years ago, was granted parole under INA 212(d)(5), and is no longer "seeking admission." *See, e.g., Sharapov v. O'Neill*, 2026 WL 146668 at *(E.D. Pa. Jan. 20, 2026) (finding that entry into the United States on 212(d)(5) parole "does not impact [petitioner's] right to habeas relief" under this statutory inquiry, and granting immediate relief); *Gonzalez Centeno v. Lowe*, 3:25-cv-02518 at *7 (M.D. Pa. Jan. 13, 2026) (granting immediate release of a Petitioner provided with INA 212(d)(5) parole at entry and later unlawfully detained under § 1225, and noting that "[a]s observed by the Honorable Robert D. Mariani, "every district court in the Third Circuit to consider this issue has found that detainees similarly situated . . . are not subject to the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A) and that the [r]espondents' interpretation of the INA is wrong""); *Patel v. O'Neil*, No. 3:25-CV-2185, 2025 WL 3516865, at *4, n.7 (M.D. Pa. Dec. 8, 2025) (collecting 56 cases decided on or before December 5, 2025, finding in favor of similarly-situated petitioners); *Restrepo v. Jamison*, No. 2:25-cv-6518 2026 WL 141803 at *10 (E.D. Pa. Jan. 20, 2026) (finding petitioner, a Venezuelan citizen granted 212(d)(5) parole not at a port of entry and present in the United States since 2022, to not be actively "seeking admission"

and thereby detained under § 1226(a), not § 1225(b)(2); *Moreno Ramirez v. Jamison*, No. 2:25-cv-7346, 2026 WL 196474 (E.D. Pa. Jan. 26, 2026) (same *Francois v. Noem*, No. 25-7334, 2026 WL 27565, at *3 (E.D. Pa. Jan. 5, 2026) (same); *Rios Porras v. O'Neill*, No. 25-6801, 2025 WL 3708900, at *1 (E.D. Pa. Dec. 22, 2025) (same).

71. Further, this Court should award Petitioner his attorney's fees and costs under the Equal Access to Justice Act ("EAJA"). *See Michelin v. Warden, Moshannon Valley Correctional Center*, no. 24-2990 (3d Cir. Feb. 2, 2026) (precedential decision holding that federal law authorizes EAJA fee awards for immigrants who successfully challenge their detention through habeas actions and affirming two such awards). Plaintiff qualifies for such an award, as he has a net worth of less than $2 million and satisfies the other requirements listed at 7 C.F.R. § 1.184(b)(2-6).

STATEMENT OF FACTS

72. Petitioner is a citizen of the Dominican Republic.
73. Upon information and belief, Petitioner has resided in the U.S. since 2024.
74. Upon information and belief, Petitioner has never been arrested or charged with any crime in the United States or elsewhere in the world.
75. At the time of filing this Petition, February 24, 2026, Petitioner is detained at the ICE ERO Office at 114 North 8th St., Philadelphia, PA. ICE has represented to Petitioner that he would be moved to the Philadelphia Federal Detention Center in Philadelphia, PA, today.
76. Without relief from this Court, he faces continued detention without a bond hearing.

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

77. Petitioner restates and realleges all paragraphs as if fully set forth here.

78. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

79. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

80. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

81. Petitioner's continuing detention is therefore unlawful.

COUNT II
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19
Unlawful Denial of Release on Bond

82. Petitioner restates and realleges all paragraphs as if fully set forth here.

83. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

84. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III
Violation of 8 U.S.C. § 1252(b)(2)
Unlawful Detention Under This Provision

85. Petitioner restates and re-alleges all paragraphs as if fully set forth here.

86. Title 8 U.S.C. § 1225(b) is concerned primarily with those seeking entry to the United

States and is generally imposed at the Nation's borders and ports of entry, where the Government must determine whether a noncitizen seeking to enter the country is admissible.

87. Upon information and belief, Petitioner has resided in the U.S. since 2024. He is therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

88. Because 8 U.S.C. § 1252(b) does not apply to Petitioner, Respondents' detention of him under this provision is unlawful.

COUNT IV
Violation of Fifth Amendment Right to Due Process

89. Petitioner restates and re-alleges all paragraphs as if fully set forth here.

90. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. Amend. V.

91. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

92. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Petitioner's release.

93. Petitioner's private interest in freedom from detention is profound. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("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.").

94. The risk of erroneous deprivation is exceptionally high. Petitioner has never been arrested,

charged with, or convicted for a crime in the United States or abroad and has many ties to the community, including a United States citizen wife.

95. The government's interest in detaining Petitioner without due process is minimal, and the government never has an interest in unjust detention. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.

96. Furthermore, the "fiscal and administrative burdens" of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35. Indeed, the fiscal and administrative burdens of continuing to detain Petitioner—who has no criminal record and no changed circumstances since he was initially released on recognizance into the United States but for the development of ties with the country, and who is married to a U.S. citizen—are significant and come at great taxpayer expense and substantial administrative burden.

97. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner not be transferred outside of this District;

(3) Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;

(4) Declare that Petitioner's detention is unlawful;

(5) Issue a Writ of Habeas Corpus ordering Respondents to release him from custody OR order that an Immigration Judge provide him with a bond hearing no more than three (3) days after a decision is made on the present Petition;

(6) Permanently enjoin the Government from re-detaining Petitioner under Section 1225(b)(2)(A) or 1225(b)(1);

(7) Temporarily enjoin the Government from re-detaining Petitioner under Section 1225(a) for seven days following his release;

(8) Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(9) Grant him any further relief this Court deems just and proper.

Respectfully submitted for the Petitioner,

/s/ Stephen J. Antwine
Stephen J. Antwine, Esq.
PA Bar No. 309379
Green & Spiegel, LLC
1524 Delancey Street, Floor 4
Philadelphia, PA 19102
Phone: (215) 395-8959
Fax: (401) 454-7880
santwine@gands-us.com

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). On February 24, 2026, this document was sent to the office of the U.S. Attorney for the Eastern District of Pennsylvania via the following email address: USAPAE.USAttorney@usdoj.gov.

_/S/ Stephen Antwine____
Stephen Antwine, Esq.
Green & Spiegel, LLC
1524 Delancey Street, Suite 4
Philadelphia, Pennsylvania 19101
(215) 395-8959
santwine@gands-us.com

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

Subject to the Securing the Borders IFR

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

File No: [redacted]

In the Matter of:

Respondent: JOSE AGUSTIN RODRIGUEZ-SANTANA currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Dominican Republic and a citizen of DOMINICAN REPUBLIC;
3. You entered the United States at an unknown location on or about [redacted];
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5. 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:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has 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:

900 MARKET ST, STE 504, PHILADELPHIA, PA, 19107

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

on 05/07/2026 *(Date)* at 8:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

SAO Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 07/31/2024

Houston, TX

(City and State)

Notice to Respondent

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

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

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

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

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

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

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

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

Upon information and belief, the language that the alien understands is SPANISH

Request for Prompt Hearing

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

Before: ______________________________

(Signature of Respondent)

Date: ______________

____

(Signature and Title of Immigration Officer)

Certificate of Service

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

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

The alien was provided oral notice in the ______________________ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

______________________________ ______________________________

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

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-sorns. 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.

* Non-Profit Organization
** Referral Service
*** Private Attorney

List of Pro Bono Legal Service Providers

Updated July 2024

http://www.justice.gov/eoir/list-pro-bono-legal-service-providers

Philadelphia Immigration Court

Philadelphia, Pennsylvania (page 1 of 2)	
Catholic Social Services, Archdiocese of Philadelphia* 222 N. 17th Street, Suite 901 Philadelphia, PA 19103 Tel: (215) 854-7019 Fax: (215) 854-7021 immigrationlegalservices@chs-adphila.org www.immigrationlegalservices.org • Telephone intake hours: Monday - Wednesday, 9AM-1PM at (215) 854-7018 • Online intake 24/7: www.cssimmigration.org • By appointment only, no walk-ins • We do not handle detention cases	**Jewish Family & Children's Service*** 5743 Bartlett Street Pittsburgh, PA 15217 Tel: (412) 422-7200 Tel: (412) 742-4216 (Spanish) Fax: (412) 422-1162 info@jfcspgh.org www.jfcspgh.org • No Asylum or Employment cases
Prime - Ecumenical Commitment to Refugees* P.O. Box 5 Lansdowne, PA 19050 Tel: (610) 259-4500 Fax: (610) 259-4515 primeimmigrationministries@gmail.com www.prime-immigration.org • No walk-ins • Languages: Spanish and Arabic interpreters	**HIAS (Pennsylvania)*** P.O. Box 8688 Philadelphia, PA 19101 Tel: (215) 832-0900 Tel: (833) 344-2772 (AOP Hotline for individuals granted asylum) www.hiaspa.org • Priorities include asylum, youth, interpersonal violence, naturalization, and family petitions • No walk-ins • By apointment only • Intake hours (subject to change): Wednesday 9:30AM-12:00PM; Thursday 2:00PM-4:30PM
Equal Access Legal Services* 402 Bethlehem Pike Glenside, PA 19038 Tel: (267) 888-6703 mfc@equalaccesslegal.org www.equalaccesslegal.org • No walk-ins.	**Franklin County Legal Services*** 336 Lincoln Way East, Suite B Chambersburg, PA 17201 Tel: (717) 262-2326 Fax: (717) 262-2360 • Provides representation for persons who reside in Franklin, Fulton, Juniata, Huntingdon, Perry, Cumberland, and Adams counties • Does not see walk-ins; Call or visit the website for information on how to apply. • Languages: Spanish speaking staff.

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

* Non-Profit Organization
** Referral Service
*** Private Attorney

List of Pro Bono Legal Service Providers

Updated July 2024

http://www.justice.gov/eoir/list-pro-bono-legal-service-providers

Philadelphia Immigration Court

Philadelphia, Pennsylvania (page 2 of 2)	
American Bar Association Detention and LOP Information Line** immcenter@americanbar.org www.americanbar.org/groups/public_interest/immigration/ • Pro se case assistance for detained respondents only • Dial 2150# from the detention center • To contact on behalf of a detained individual, email immcenter@americanbar.org. • The American Bar Association Commission on Immigration Detention and LOP Information Line is not available to provide free legal services for noncitizens scheduled for Credible Fear Interviews and/or Asylum Merits Interviews	**Aldea - The People's Justice Center*** 532 Walnut Street Reading, PA 19601 Tel: (484) 877-8002 Fax: (484) 930-0655 coordinator@aldeapjc.org www.aldeapjc.org • Languages: Spanish
Project Libertad* Tel: (484) 302-8551 info@projectlibertad.org www.projectlibertad.org • Children and youth only • No walk-ins • Languages: Staff speaks Spanish	**Nationalities Service Center of Philadelphia*** 1216 Arch Street, Floor 4 Philadelphia, PA 19107 Tel: (215) 893-8400 www.nscphila.org • No walk-ins • Details on consultations at nscphila.org

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of the Director, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

U.S. Department of Justice

Executive Office for Immigration Review

Change of Address/Contact Information Form
Immigration Court

Instructions: To complete this form, fill out all blanks below, including proof of service, which certifies that you will provide a copy of this form to the Department of Homeland Security (DHS). After filling in the blanks and signing both the declaration and proof of service, you must submit the form electronically, in person, or by mail. If submitting electronically, file in Respondent Portal at https://respondentaccess.eoir.justice.gov. Attorneys and fully accredited representatives submitting this form electronically must file in Case Portal at https://portal.eoir.justice.gov. If submitting by mail, follow the mailing instructions on Page 2. You must submit a separate copy of this form for each individual who has a case pending in immigration court and whom the change of information affects.

You must file this form with the immigration court within five working days of the change to your contact information, or your receipt of a charging document (e.g., a Notice to Appear) with incorrect contact information. The immigration court will send all official correspondence (e.g., notices, decisions) to the address you provide. The immigration court will only make any change(s) to your contact information in EOIR's records upon receipt of this form; the immigration court will not change your contact information based on different information on pleadings, motions, or other communications with the court.

If you fail to appear at any hearing before an immigration judge when notice of that hearing or other official correspondence was served on you or sent to the address you provided, DHS may take you into custody. In addition, the immigration court may conduct your hearing in your absence and enter an order of removal, deportation, or exclusion against you. If the court enters such an order, you may be ineligible for certain forms of relief from removal under the Immigration and Nationality Act as follows:

- If you are in *removal* proceedings: You will be subject to an order of removal for a period of ten years after the date of entry of the final order. You may also become ineligible for voluntary departure, cancellation of removal, and adjustment of status or change of status.
- If you are in *deportation* proceedings: You will be subject to an order of deportation for a period of five years after the date of the entry of the final order. You may also become ineligible for voluntary departure, suspension of deportation or voluntary departure, and adjustment of status or change of status.
- If you are in *exclusion* proceedings: Your application for admission to the United States may be considered withdrawn.

Name – Last, First, Middle, Suffix (if applicable):	A-Number:

My FORMER address and phone number were:	My CURRENT address and phone number are:
"in care of" other person (if any)	"in care of" other person (if any)
Number; Street; Apartment (if any)	Number; Street; Apartment (if any)
City, State, and ZIP code; Country (if other than U.S.)	City, State, and ZIP code; Country (if other than U.S.)
Phone Number (include country code if other than U.S.)	Phone Number (include country code if other than U.S.)
Email Address	Email Address

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person named above associated with the A-Number listed above, and that the information contained in this form is true and correct to the best of my knowledge.

SIGN HERE x ______________________ ____________

Signature Date

PROOF OF SERVICE

I, ______________________ (Name), provided a copy of this Change of Address Form on, ______________ (date) to the to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at:

____

(Indicate if electronic/email service, or in-person or mail service (provide Number and Street, City, State, ZIP Code))

By signing, I agree to provide a copy of this Change of Address Form to the Office of the Principal Legal Advisor for DHS Immigration and Customs Enforcement-ICE at the location I selected above. I understand that I can provide DHS with a copy either electronically through the DHS eService portal (register at https://eserviceregistration.ice.gov), or by mail or personal delivery.

☐ No service needed. I am an ECAS-registered user who filed through the ECAS Case Portal.

SIGN HERE x ______________________

Signature

SERVICE INSTRUCTIONS

1. Provide a copy of the completed form to the DHS ICE Office of the Principal Legal Advisor (OPLA) per the method you specified in the PROOF OF SERVICE above. Copies provided electronically can be done through DHS ICE eService Portal, located at https://eserviceregistration.ice.gov. Addresses for DHS ICE OPLA Field Locations where copies can be mailed or delivered in-person are available online at https://www.ice.gov/contact/legal. Failure to comply with these requirements may result in EOIR rejecting the filing.
2. To mail the form to the immigration court, fold the page at the dotted lines marked "Fold Here" so that the address is visible. (**Important**: Ensure the address section is visible after you fold the page.)
3. Staple, or otherwise secure, the folded form along the open end marked "Fasten Here."
4. Place appropriate postage stamp in the area marked "Place Stamp Here."
5. Write your return address in the area marked "PUT YOUR ADDRESS HERE."
6. Mail the original form to the immigration court.

Fold Here

PUT YOUR ADDRESS HERE

____

____

____

____

Place Stamp Here

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

900 Market Street
Suite 504
Philadelphia, PA 19107

Fold Here

Privacy Act Notice

The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R § 1003.15(d)(2) in order to notify EOIR's immigration court of any change(s) of address or phone number. The information you provide is mandatory. Failure to provide the requested information limits the notification you will receive and may result in adverse consequences noted above. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice EOIR–001, Records and Management Information System, and EOIR-003, Practitioner Complaint-Disciplinary Files.

Fasten Here

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: 08/06/2024
In Reference to: A # [redacted]

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, *see* 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Rodriguez-Santana, Jose Agustin		08/06/2024
Noncitizen Name	Noncitizen Signature	Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☑ In person ☐ Other: ____________

M. Crawford		08/06/2024
ICE Official Name	ICE Official Signature	Date

Continuation Page for Interim Notice Authorizing Parole

To: Rodriguez-Santana, Jose Agustin
[redacted]

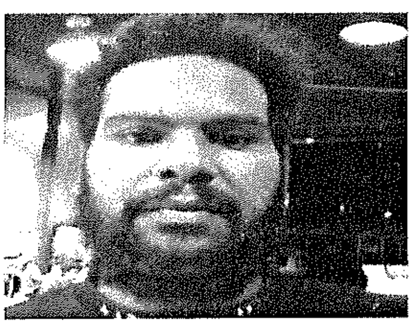
Date: 08/06/2024
File: A# [redacted]
Bond: **(Parole with Reporting Requirements)**

You have been released from service custody pending a final decision in your exclusion/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

Court Address
Office of the Immigration Judge
900 Market St. Ste 504 Philadelphia, PA 19107

You must report in person to: 114 North 8th Street, 3rd Floor Philadelphia, PA 19107 215-656-7164

On: 8/27/24 @ Time: 10:00 am



PHOTO

RIGHT INDEX

U.S. Immigration and Customs Enforcement

Servicio de Inmigración y Control de Aduanas de los EE.UU.

CART

PREGUNTAS FRECUENTS (FAQs)

1) ¿Qué es el CART?

El CART es un kiosco que los extranjeros inscritos pueden utilizar para sus visitas periódicas con ICE (Inmigración y Control de Aduanas por sus siglas en inglés) en lugar de hablar con un agente de ICE. Es muy parecido a un cajero automático donde se guía al individuo a través de indicaciones en la pantalla.

2) ¿Por qué debería utilizar CART?

El kiosco CART es fácil de utilizar, no requiere interacción con el personal de ICE, y permite a un individuo completar su visita programada en sólo unos minutos. A las personas inscritas en CART se les hará algunas preguntas y se les ofrecerá la oportunidad de hablar con un miembro del personal solo si es necesario o si se solicita.

3) ¿Quién puede utilizar CART?

Solo aquellas personas inscritas en CART por el personal de ICE pueden utilizar el kiosco CART para las visitas periódicas. La inscripción tiene lugar en la oficina de ICE.

4) ¿Quién califica para poder inscribirse en CART?

Aquellos extranjeros que hayan recibido un Orden de Supervisión (I-220B) o una Orden de Libertad bajo Palabra (I-220A) pueden ser considerados por el personal de ICE para la inscripción en CART.

5) ¿Cómo utiliza un participante el kiosco CART?

El kiosco está diseñado para su fácil utilización. Una vez el extranjero está inscrito puede acercarse hasta el kiosco y tocar la pantalla táctil para iniciar el proceso y seguir las indicaciones que se muestran en la misma.

6) ¿Es necesario que la persona inscrita en CART sepa leer o hablar inglés para utilizar el kiosco CART?

El kiosco CART ofrece instrucciones en inglés y español. En el futuro se añadirán más idiomas.

7) ¿Dónde puede una persona inscribirse en CART?

Una persona se puede inscribir en CART durante su visita periódica en una oficina de ICE que esté habilitada con un kiosco CART.

8) ¿Qué documentación se necesita para inscribirse en CART?

Los extranjeros con Órdenes de Supervisión u Orden de Libertad bajo Palabra siempre deben llevar consigo su documentación de inmigración habitual cuando se presenten en una oficina de ICE. Los agentes de ICE evaluarán a los individuos para la inscripción en CART durante su visita periódica y pueden necesitar esta documentación.

17) ¿El kiosco CART es accesible para usuarios ciegos, sordos o minusválidos?

Los kioscos CART son totalmente compatibles con todas las normativas de accesibilidad de EE. UU. El kiosco CART incluye braille, un panel de navegación e instrucciones de audio para apoyo a los clientes con minusvalías como ceguera, sordera y discapacidades físicas. Los inscritos en CART que necesiten o quieran escuchar audio cuando utilicen el kiosco deben traer sus propios auriculares y conectarlos a la toma de auriculares ubicada en el panel de navegación frontal. Hay una pantalla de instrucciones en el kiosco que mostrará a los usuarios dónde encontrar la toma de auriculares.

18) ¿Si una persona está inscrita en CART, ¿está obligada a utilizar el kiosco CART?

Una vez que una persona está inscrita en CART, se espera que utilice el kiosco CART durante sus visitas periódicas. Si una persona inscrita en CART se presenta en la ventanilla en su lugar, puede ser redirigido de nuevo al kiosco. Sin embargo, si la persona inscrita se siente incómoda usando el kiosco, puede solicitar ver a un agente de ICE y pedir ser dado de baja en CART.

19) ¿Habrá alguien presente para ayudar a los inscritos con el uso del kiosco CART?

El kiosco CART es de autoservicio y está diseñado para ser muy fácil de utilizar siguiendo las instrucciones que aparecen en pantalla. Si una persona se siente incómoda usando el kiosco, puede solicitar ver a un agente de ICE y pedir ser dado de baja en CART.

20) ¿Se dará a los inscritos en CART una fecha y un plazo para las visitas?

Cuando una persona se inscribe inicialmente para utilizar el kiosco CART, un agente de ICE proporcionará a la persona una fecha y un plazo para presentarse en el kiosco por primera vez. Una vez que un inscrito en CART comience a utilizar el kiosco, el individuo recibirá una nueva cita cada vez, ya sea a través del kiosco o de un agente de ICE.

21) ¿Pueden los inscritos en CART hacer fila cuando el centro abre, o tienen que esperar a la hora/plazo de su cita?

¡ICE no quiere que los inscritos en CART esperen en la fila más tiempo del necesario para usar el kiosco! Los inscritos en CART deben presentarse al kiosco durante el horario que se les asignó, y solo un número limitado de personas están citadas durante ese mismo horario.

Los inscritos deben llegar lo suficientemente temprano a fin de dar tiempo para hacer su gestión en caso de que haya personas en la fila delante de ellos. Por ejemplo, si un inscrito está citado entre las 2:00-4:00 PM, no debe llegar antes de las 2:00 PM y no más tarde de las 3:30 PM para asegurarse de que puede completar el proceso de información a tiempo. El kiosco no permitirá que una persona se presente antes de tiempo.

22) ¿Podrán las personas inscritas en CART seguir hablando con un agente de ICE si es necesario?

Las personas que están inscritas en CART siempre deben reportarse al kiosco. El kiosco CART dará a los inscritos la oportunidad de solicitar ver a un agente de ICE, si es necesario.

23) ¿Qué deben hacer los inscritos en CART con su recibo del kiosco CART?

Los inscritos en CART siempre deben tomar su recibo del kiosco CART, leerlo inmediatamente y seguir las instrucciones adicionales. Los inscritos deben conservar los recibos de CART archivarlos y almacenarlos lejos del calor y la luz solar.

JOSE RODRIGUEZ-SANTANA Printed: August 27, 2024 9:14:09 AM

[redacted]

Next Reporting Date: February 24, 2025 between 11:00 AM and 3:00 PM.

Participant reported on N/A. Identity verified through CART. System check show no new/derogatory information. No wants, no warrants.

For information on an Immigration court case, please go to: https://acis.eoir.justice.gov or call 800-898-7180.

Please keep this receipt with your records. Store receipt away from sunlight.

I-220R

JOSE RODRIGUEZ-SANTANA | Impreso: febrero 24, 2025 11:35 AM

[redacted]

Próxima fecha para reportarse: agosto 25, 2025 entre 11:00 AM y 03:00 PM

Participant reported on February 24, 2025. Identity verified through CART.

For information on an immigration court case, please go to: https://acis.eoir.justice.gov or call 800-898-7180

Favor de guardar este recibo con sus registros. Guarde este recibo lejos de la luz solar.

ICE