

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

G.B.T.,

*Petitioner,*

v.

JOHN RIFE, in his official capacity as  
Acting Field Office Director of the  
Philadelphia Field Office of U.S.  
Immigration and Customs Enforcement,  
Enforcement and Removal Operations;

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

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

TODD LYONS, in his official capacity as  
Acting Director and Senior Official  
Performing the Duties of the Director of  
U.S. Immigration and Customs  
Enforcement;

*Respondents.*

**VERIFIED PETITION FOR A WRIT  
OF HABEAS CORPUS AND  
COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

Case No. 26-cv-1842

**INTRODUCTION**

1. This case seeks vacatur of a policy of the Philadelphia Immigration and Customs Enforcement (ICE) Field Office that shackles noncitizens with electronic GPS ankle monitors and intensive supervision appearance requirements without individualized review of their cases. This case asks the Court to set aside that unlawful policy and to release Petitioner G.B.T.<sup>1</sup> from electronic surveillance and reporting requirements imposed in violation of an immigration judge's order.

---

<sup>1</sup> Petitioner will separately file motion for leave to proceed under pseudonym using Petitioner's initials, "G-B-T-."

2. Respondents adopted the Philadelphia ICE surveillance policy after a June 2025 memorandum from the ICE Acting Assistant Director instructed ICE agents to “escalate [noncitizens’] supervision level to GPS ankle monitors . . . and increase reporting requirements” for individuals not being arrested “whenever possible.” *See* Ex. 1, Helland Memo; *see also* Douglas MacMillan & Aaron Schaffer, *ICE Moves to Shackle Some 180,000 Immigrants with GPS Ankle Monitors*, Wash. Post (July 24, 2025), <https://perma.cc/YU83-ZMQ7>.

3. The Philadelphia ICE Field Office implemented that instruction by adopting a policy that flouts immigration judges’ orders to release noncitizens from detention on payment of bond without further conditions and instead imposes continued custody via GPS-enabled ankle monitoring and onerous reporting requirements.

4. By statute, regulation, and longstanding practice, ICE is supposed to make an initial decision on whether to detain a noncitizen when placing him in removal proceedings. Upon motion by the noncitizen, an immigration judge (IJ) in the Department of Justice (DOJ) then reviews that decision. The IJ has final authority to decide whether to order release from custody and, if so, to set conditions on release.

5. The Immigration and Nationality Act (INA) unambiguously divides immigration powers between the Department of Homeland Security (DHS) and its sub-agencies and the Department of Justice and its sub-agencies. In this case, the INA unambiguously vested a DOJ IJ with jurisdiction to decide whether Petitioner should be released from ICE custody and to set the conditions for his release from custody.

6. After Petitioner was detained in immigration custody for approximately three

months, he, received a bond hearing.<sup>2</sup> After a full custody proceeding, the IJ found that Petitioner was not a danger to the community and that any flight risk would be addressed by payment on a \$7,000 bond alone. *See* Ex. 2, Bond Order. That bond amount was the *only* condition of his release pursuant to the IJ's order. The government did not appeal the IJ's bond decision.

7. Yet when Petitioner posted bond and was released from immigration detention to reunite with his family in Philadelphia, Pennsylvania, ICE unlawfully and unilaterally subjected him to a new form of custody that constitutes a continuing restraint on his liberty—an ankle monitor with 24/7 GPS tracking and onerous reporting conditions under their Intensive Supervision Appearance Program (ISAP).

8. ICE's unilateral decision to place Petitioner in another form of custody carried out the Philadelphia ICE surveillance policy. The policy reverses the Field Office's previous practice of conducting individualized review of a noncitizen's case before applying ankle monitoring. It mandates increased surveillance and carceral supervision conditions without consideration of a noncitizens' compliance history or other individualized analysis, even in direct violation of immigration and federal court orders. *Id.*

9. After the Philadelphia ICE surveillance policy was adopted, there was a 167.5% increase in use of ankle monitors by the Philadelphia ICE Field Office compared with the previous fiscal year. The policy caused the number of people on ankle monitors imposed by the Philadelphia ICE Field Office to nearly triple.

---

<sup>2</sup> As explained *infra*, Petitioner only received a bond hearing after District Judge Stephanie Haines granted his Writ of Habeas Corpus and ordered that the government provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226. Text Order, ECF No. 20, *G-B-T- v. Oddo*, No. 3:25-cv-00477-SLH-KAP (W.D. Pa. Jan. 20, 2026).

10. Petitioner is one of those people. In Petitioner’s custody proceedings, the IJ neither authorized nor ordered 24/7 GPS monitoring through an ankle monitor or ISAP as a condition of release.

11. Courts throughout the country have ordered release of habeas petitioners placed on ankle monitors under ICE field office surveillance policies. *See N-N- v. McShane*, --- F. Supp. 3d ---, No. CV 25-5494, 2025 WL 3143594, at \*4 (E.D. Pa. Nov. 10, 2025) (“[T]he regulations do not permit ICE to impose additional release conditions without utilizing the administrative appeal process.”); *Montes Aguillon v. Bondi*, No. EP-26-CV-71-KC, 2026 WL 531899 (W.D. Tex. Feb. 25, 2026); *Gonzalez Mojica v. Lyons*, 25-cv-13783, 2026 WL 266502, at \*2 (D. Mass. Feb. 2, 2026) (stating that ICE’s imposition of additional conditions on petitioner constituted action “outside of the framework established by its own regulations”); *Khabazha v. United States Immigr. & Customs Enf’t*, 25-cv-5279, 2025 WL 3281514, at \*2 (S.D.N.Y. Nov. 25, 2025) (ordering release of petitioner previously released on bond from ankle monitor and reporting requirements); *Batz Barreno v. Baltasar*. --- F. Supp. 3d. ---, 2026 WL 120253, at \*2 (D. Colo. Jan. 15, 2026) (releasing petitioner from custody, “including removal of the ankle monitor and release from any conditions not specifically and explicitly imposed in writing by the IJ . . .”).

12. Now subjected to the Philadelphia ICE surveillance policy, Petitioner is in a digital cage. He is forced to wear an intrusive and painful ankle monitor weighing six ounces. His every move is subject to 24/7 GPS monitoring by ICE. His travel is restricted. And he is psychologically tormented with the constant barrage of reporting requirements and the threat of re-detention, exacerbating his pre-existing mental health conditions, including his Post-traumatic Stress Disorder (PTSD) (F43.10) with panic attacks. Petitioner also fits the diagnostic criteria for either Obsessive-Compulsive Disorder (F42.2) or Obsessive-Compulsive Personality Disorder (F60.5).

13. The Philadelphia ICE surveillance policy is arbitrary and capricious and contrary to law under the Administrative Procedure Act (APA). Its application to Petitioner violates the Due Process Clause of the Fifth Amendment of the United States Constitution and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, and a non-statutory right against ultra vires agency action. Accordingly, Petitioner respectfully asks this Court to set aside the policy and order his immediate release from his unlawful continuing custody.

### **JURISDICTION & VENUE**

14. Petitioner is currently in federal immigration custody and seeks habeas corpus relief for ongoing violations of the U.S. Constitution, the APA, federal statutes, and applicable regulations. The case arises under the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., the regulations implementing the INA, the APA, 5 U.S.C. §§ 551-559 et seq.; and 5 U.S.C. § 552 et. seq. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9 cl. 2 of the U.S. Constitution (Suspension Clause); and 28 U.S.C. § 1331 (federal question jurisdiction).

15. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their custody. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

16. As the subject of ongoing governmental supervision through ISAP, Petitioner remains in government custody, infringing upon his “liberty to do those things which in this country free men are entitled to do,” as fundamentally protected by the Due Process Clause. *See Jones v. Cunningham*, 371 U.S. 236, 243 (1963); *Justices of Boston Mun. Ct. v. Lydon*, 466 U.S. 294, 300–01 (1984) (holding that petitioner released on recognizance subject to conditions such as appearance as ordered by court “in custody” for habeas purposes); *Romero v. Sec’y, U.S. Department of Homeland Security*, 20 F.4th 1374, 1379 (11th Cir. 2021) (the “in custody” requirement of 28 U.S.C. § 2241 “should be construed ‘very liberally’” and habeas petitioners

“need only show that they are subject to a significant restraint on their liberty that is not shared by the general public.” (quoting *Howard v. Warden*, 776 F. 3d 772, 775 (11th Cir. 2015))).

17. ISAP GPS monitoring imposes “custody” for habeas purposes. *See, e.g., N-N-*, 2025 WL 3143594, at \*3 (finding the assertion that use of an ankle monitor did not constitute custody “not [] persuasive in the slightest”); *Orellana v. Moniz*, 787 F. Supp. 3d, 61, 68 (D. Mass. 2025) (finding that additional conditions of release imposed by ICE satisfied “in custody” requirement for § 2241 habeas release); *Campbell v. Almodovar*, 1:25-cv-09509, 2025 WL 3626099, at \*1 (S.D.N.Y. Dec. 10, 2025) (“[E]lectronic monitoring and mandatory reporting amount to custody for habeas purposes. . .”).

18. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Respondents’ adoption of a policy to impose electronic surveillance on noncitizens “whenever possible,” including in violation of an IJ’s order, is a final agency action subject to review under the APA. The government has waived its sovereign immunity pursuant to 5 U.S.C. § 702.

19. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is in the custody of the Philadelphia ICE Field Office, in Philadelphia, Pennsylvania, within the jurisdiction of the Eastern District of Pennsylvania. In addition, a substantial part of the events giving rise to this action occurred and continues to occur within this district.

20. Petitioner’s previous § 2241 habeas petition in the Western District of Pennsylvania arose from his unlawful mandatory detention at the Moshannon Valley Processing Center. *See*

Text Order, ECF No. 20, No. 3:25-cv-00477-SLH-KAP (granting habeas petition and ordering the government hold a bond hearing). Following his release from immigration custody after a habeas-ordered bond hearing, he returned to Philadelphia. Three days later, the Philadelphia ICE Field Office imposed a new form of custody on him, in violation of the IJ order that released him from detention: an ankle monitor and onerous supervision. Because this is a new form of custody and Petitioner's immediate custodian is John Rife, the Acting Field Office Director of the Philadelphia Field Office, venue is proper in the Eastern District of Pennsylvania.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21. Exhaustion is not required in this case because no alternative forum exists in which Petitioner can obtain relief on the claims presented here, nor is there any statutory requirement that Petitioner exhaust remedies before seeking habeas relief under 28 U.S.C. § 2241. *See Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000) (“[T]here is no statutory exhaustion requirement attached to § 2241[.]”). Petitioner's claims—that his ongoing custody by Respondents outside the scope of his bond order is unlawful and unconstitutional—are not subject to any statutory requirements of administrative exhaustion, and thus, exhaustion is not a jurisdictional prerequisite. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992).

22. Exhaustion is also not required before seeking judicial review of an agency decision when otherwise not required by the APA. *See Darby v. Cisneros*, 509 U.S. 137, 154 (1993) (holding that courts do not have the authority to require a plaintiff to exhaust available administrative remedies before seeking judicial review under the APA, where neither the relevant statute nor agency rules specifically mandate exhaustion as a prerequisite to judicial review); *Jie Fang v. Dir. U.S. Immigr. & Cust. Enfor.*, 935 F.3d 172, 181 (3d Cir. 2019) (reaffirming *Darby*).

23. With regard to prudential considerations, the Third Circuit has held that exhaustion is not required where the administrative remedy would be futile, there is a likelihood of irreparable

injury absent immediate judicial relief, or the administrative remedy would not serve the requirement's underlying policy goals. *Brown v. Warden Canaan USP*, 763 F. App'x 296, 297 (3d Cir. 2019); *see also Cerverizzo v. Yost*, 380 F. App'x 115, 116 (3d Cir. 2010) (“[W]e have held that the administrative exhaustion requirement in this context may be excused if an attempt to obtain relief would be futile or where the purposes of exhaustion would not be served.” (citing *Woodall v. Fed. Bureau of Prisons*, 432 F.3d 235, 236 n. 2 (3d Cir. 2005)); *Lyons v. U.S. Marshals*, 840 F.2d 202, 205 (3d Cir. 1988) (explaining, even when exhaustion is required by law rather than judicial discretion, that “[e]xhaustion is not required if administrative remedies would be futile, if the actions of the agency clearly and unambiguously violate statutory or constitutional rights, or if the administrative procedure is clearly shown to be inadequate to prevent irreparable injury”); *Carling v. Peters*, No. Civ. A. 00-CV-2958, 2000 WL 1022959, at \*2 (E.D. Pa. July 10, 2000) (excusing a prisoner’s failure to exhaust because he “would suffer irreparable injury if he is compelled to wait until an administrative petition is ruled upon”).

24. Here, administrative exhaustion is excused where pursuing administrative remedies would be futile, unavailable, and unreasonable. Courts have routinely found that constitutional challenges in the immigration context, like Petitioner’s claims, are exempt from exhaustion requirements. *See Sewak v. Immigration & Naturalization Serv.*, 900 F.2d 667, 670 (3d Cir. 1990) (“[T]he exhaustion of administrative remedies is not always required when the petitioner advances a due process claim.”) (citing *Vargas v. United States Dep't of Immigration & Naturalization*, 831 F.2d 906, 908 (9th Cir. 1987)).

25. Further, the ongoing deprivation of Petitioner’s liberty interest ultimately weighs against requiring administrative exhaustion. *See McCarthy*, 503 U.S. at 147 (finding that exhaustion might not be required if petitioner challenged an ongoing deprivation of her liberty

interest). The Supreme Court has recognized that courts should not require exhaustion where there is an unreasonable or indefinite timeframe for administrative action. Exhaustion is thus not appropriate where plaintiff “may suffer irreparable harm if unable to secure immediate judicial consideration of his claim.” *Id.* at 147. Petitioner has a constitutionally protected liberty interest in his freedom from government custody. *Zadvydas*, 533 U.S. at 690. And his unlawful, indefinite custody by Respondents constitutes irreparable harm. *See Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37, 53 (D.D.C. 2002) (“The deprivation of one’s physical liberty for almost four years and continuing into the future is an undeniably substantial and irreparable harm.”).

26. In any event, here, Petitioner has already exhausted all administrative remedies available to him. Petitioner does not challenge the IJ’s decision regarding the bond order but rather challenges ICE’s imposition of an alternative form of custody and additional conditions of release outside the scope of the IJ’s order. Here, the administrative process—the bond adjudication that Petitioner seeks to uphold—has already been exhausted. After ICE made an initial custody determination, Petitioner requested a redetermination of that decision from the IJ via a bond hearing. *See* 8 C.F.R. § 1003.19(a), (c), (f); § 1236.1(d). Following that administrative process, Petitioner was ordered released on a \$7,000 bond. And in defiance of that bond order, ICE applied additional conditions of Petitioner’s release, the agency action he now challenges.

27. Accordingly, Petitioner has exhausted his administrative remedies to the extent required by law and his only remedy is by way of this judicial action.

### **PARTIES**

28. Petitioner is a 30-year-old citizen and national of Nicaragua who currently lives in the Philadelphia area with his United States citizen aunt. On January 27, 2026, an IJ found that Petitioner is not dangerous and that any risk of flight from immigration proceedings would be

mitigated by payment of a \$7,000 bond alone. As is set forth *supra* at ¶ 61, this bond hearing was ordered pursuant to the decision in *G-B-T- v. Oddo*, No. 3:25-cv-00477-SLH-KAP (W.D. Pa. Jan. 20, 2026). But on February 2, 2026, the Philadelphia ICE Field Office unilaterally enrolled Petitioner in ISAP, applying an ankle monitor with 24/7 GPS monitoring and other onerous reporting requirements and conditions without notice or motion to the immigration court.

29. Respondent John Rife is ICE's Acting Field Office Director for the Philadelphia Field Office of ICE Enforcement and Removal Operations. As Field Office Director, Respondent Rife oversees ICE's enforcement and removal operations in the Philadelphia Area of Responsibility. Petitioner is currently detained within this area of responsibility and, as such, Respondent Rife is a legal custodian of Petitioner. Upon information and belief, Respondent Rife is responsible for the decision to apply the ankle monitor and other ISAP conditions to Petitioner. He is sued in his official capacity.

30. Respondent, Kristi Noem, is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, she is responsible for overseeing ICE's day-to-day operations, leading approximately 20,000 ICE employees, including Respondent Lyons. Secretary Noem is the ultimate legal custodian of Petitioner.

31. Respondent Pamela Bondi is the Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Petitioner's removal and bond proceedings, including the standards used in those proceedings, and as such, she is Petitioner's legal custodian. She is sued in her official capacity.

32. Respondent Todd Lyons is sued in his official capacity as Acting Director, U.S.

Immigration and Customs Enforcement, and as such is the legal custodian of Petitioner.

### **RELEVANT BACKGROUND AND LEGAL FRAMEWORK**

#### **Statutory and Regulatory Background on Immigration Custody Proceedings**

33. 8 U.S.C. § 1226(a) authorizes *both* ICE and the Attorney General to detain or release noncitizens who are not subject to mandatory detention during the pendency of removal proceedings. *See* 8 U.S.C. § 1226(a)(1), (2) (the Attorney General “may continue to detain the arrested alien” pending removal proceedings or it “may release the alien” on bond in the amount of at least \$1500, or on “conditional parole”). “The implementing regulations for 8 U.S.C. § 1226(a) create a two-level administrative review over conditions of supervised release initially set by ‘any officer authorized to issue a warrant of arrest.’” *Moreira Da Silva v. LaForge*, 25-cv-17095, 2026 WL 45165, at \*4 (D.N.J. Jan. 7, 2026) (citing 8 C.F.R. §§ 236.1(c)(8) and 1236.1(c)(8)). The first level of review is before an IJ and the second level of review is before the Board of Immigration Appeals (BIA).

34. If ICE, as part of the initial custody determination, decides to release the non-citizen and impose conditions on that release, 8 C.F.R. § 1236.1(d)(1) provides that the noncitizen may “request amelioration of the conditions under which he or she may be released” within seven days.

35. The authority to release a noncitizen on supervision is not concurrent. While ICE is authorized to make initial decisions about who to arrest, place into removal proceedings, and detain, the Attorney General, acting through the Executive Office of Immigration Review (EOIR), reviews those initial determinations. EOIR consists of the immigration courts, and the BIA, the highest immigration administrative appeals body at DOJ. *See* 8 C.F.R. § 1003.0.

36. “This regulatory framework is sequential and must be read altogether to avoid surplusage.” *N-N-*, 2025 WL 3143594, at \*3. The process begins with ICE. After a noncitizen has been placed into removal proceedings, ICE may “arrest[] and take[] [him] into custody.” 8 C.F.R.

§ 236.1(b)(1). ICE may also release noncitizens and set conditions of release, except for those subject to mandatory detention. 8 C.F.R. § 236.1(c)(8).

37. ICE’s initial custody determination is not final if the noncitizen seeks de novo review with an IJ of ICE’s initial custody or bond determination under 8 U.S.C. § 1226(a). *See* 8 C.F.R. §§ 1003.19(a) (“Custody and bond determinations made by [ICE] pursuant to 8 CFR part 1236 may be reviewed by an Immigration Judge pursuant to 8 CFR part 1236.”); 8 C.F.R. § 1236.1(d)(1) (describing how “[a]fter an initial custody determination by the district director [ICE] . . . the immigration judge is authorized to exercise the authority in section 236 of the Act. . . to detain the alien in custody, release the alien, and determine the amount of bond, if any, under which the respondent may be released. . .”). This shifts jurisdiction over custody decisions from the arresting agency to the immigration court. *Id.*; *see also Nielsen v. Preap*, 586 U.S. 392, 397–98 (2019) (describing how the Secretary of Homeland Security has discretion to detain or release a noncitizen and if that noncitizen is detained, he or she may seek review of his detention first with ICE, and then by an IJ); *Johnson v. Guzman Chavez*, 594 U.S. 523, 527–28 (2021) (after the initial detention determination, a petitioner may request a bond hearing before an IJ, who has the authority to redetermine “the alien’s detention conditions.”).

38. The IJ will then schedule a “custody redetermination hearing” to review ICE’s decision, consider evidence by both parties, with ICE represented by government counsel, and then issue a decision about whether to release a noncitizen on bond. Like ICE, IJs also have the authority to impose conditions on a noncitizen’s release other than a cash bond. *See Matter of Garcia-Garcia*, 25 I&N Dec. 93, 96 (BIA 2009) (holding that IJs have authority to impose, modify, or remove conditions when releasing an individual).

39. The IJ’s decision must be entered on a form at the time the decision is made, and

both the noncitizen and ICE must be informed of the decision orally or in writing. 8 C.F.R. § 1003.19(f).

40. The regulations governing custody redetermination hearings provide for only two circumstances in which an IJ's bond order may be modified: (1) the noncitizen or ICE may appeal the IJ's custody redetermination to the BIA, see 8 C.F.R. § 1003.19(f); and (2) a noncitizen whom an IJ orders must remain in detention may later request a new custody re-determination hearing upon a showing of materially changed circumstances, *see id.* § 1003.19(e); *see also N-N-*, 2025 WL 3143594, at \*3 (“If either party is dissatisfied with the immigration judge’s custody determination, there are two methods of recourse: (a) appeal . . . or (b) . . . request a subsequent bond redetermination upon a showing that their ‘circumstances have changed materially . . . .’ ”); *Moreira Da Silva*, 2026 WL 45165, at \*4 (finding that ICE violates its own regulations when instead of appealing, it defies the court order and imposes conditions that were not previously ordered).

### **The Philadelphia ICE Surveillance Policy**

41. The Philadelphia ICE surveillance policy instructs ICE officials to enroll noncitizen’s in its onerous surveillance scheme, with no individualized consideration, in violation of court orders and ICE’s own rules governing alternatives to detention.

42. ICE’s Alternatives to Detention (ATD) program is “a [noncitizen] compliance tool overseen by [Enforcement and Removal Operations].” U.S. Immigr. & Customs Enf’t, *Enforcement and Removal Operations Statistics*, (updated May 30, 2025), <https://perma.cc/MXZ3-RMUG>. Electronic monitoring first became a part of ICE’s ATD program in 2004. The largest

program within ICE’s ATD programs is the Intensive Supervision Appearance Program, which is administered by contractor BI through its case specialists.<sup>3</sup>

43. ICE guidelines outline how officials must consider individualized factors when determining the “level of supervision and technology participants are assigned” in ATD programming, including “current immigration status, criminal history, compliance history, community or family ties, caregiver or provider status, and other humanitarian or medical conditions.” U.S. Immigr. & Customs Enf’t, *Enforcement and Removal Operations Statistics*, (updated May 30, 2025), <https://perma.cc/MXZ3-RMUG>; see also U.S. Immigration and Customs Enforcement, *Alternatives to Detention at 1* (updated February 27, 2025), <https://perma.cc/W84B-2DAM> (a noncitizen enrolled in ATD “receives an individualized determination as to their level of supervision. ERO may transition [a noncitizen]’s supervision level by considering certain factors. . . . [such as] criminal history, compliance history, community or family ties, caregiver concerns, and other humanitarian or medical concerns.”).

44. Under ISAP, individuals may also be required to comply with periodic home and/or office visits. See ISAP Intensive Supervision Appearance Program Participant Handbook, ISAP, <https://perma.cc/6VC5-EGTZ> (last accessed March 16, 2026). ICE Enforcement and Removal

---

<sup>3</sup> BI Incorporated operates ISAP under a contract with the Department of Homeland Security and Immigration and Customs Enforcement. See ISAP Intensive Supervision Appearance Program Participant Handbook, ISAP, <https://perma.cc/6VC5-EGTZ> (last accessed March 18, 2026). BI, a former cattle tracking service, is the subsidiary of private prison company GEO Group, Inc. (GEO). ISAP’s reliance on GPS monitoring and other forms of surveillance are a significant revenue source for GEO. Each ATD participant generates approximately \$3.70 in daily revenue for the private prison company. See Pedro Camacho, “Private Prison Giant to Ramp Up Production of Ankle Monitors After ICE Announced Plan to Shackle 180,000 Immigrants: Report” *Latin Times* (Aug. 2, 2025) <https://perma.cc/7YCC-CU3E>. In the first six months of 2025, GEO reported a net income of \$48.6 million and stands to further increase profits in light of Philadelphia ICE’s new surveillance policy. See Paul Mozur, Adam Satariano & Aaron Krolik, “This Company’s Surveillance Tech Makes Immigrants ‘Easy Pickings’ for Trump”, *N.Y. Times* (Apr. 15, 2025), <https://perma.cc/TP4N-2Q9M>

Operations (ERO) determines the intensity of the supervision and monitoring technology. *See* ICE, “Alternatives to Detention: ISAP Transition” (updated Feb. 27, 2024), <https://perma.cc/NG9S-SQGA>.

45. ICE’s “ATD Handbook, published in 2017, outlines . . . policies and procedures, which ATD headquarters officials stated they consider the program’s standard operating procedure.” U.S. Gov’t Accountability Off., GAO-22-104529, *Alternatives to Detention: ICE Needs to Better Assess Program Performance and Improve Contract Oversight* 27 (June 22, 2022), <https://perma.cc/G348-VYC7>..

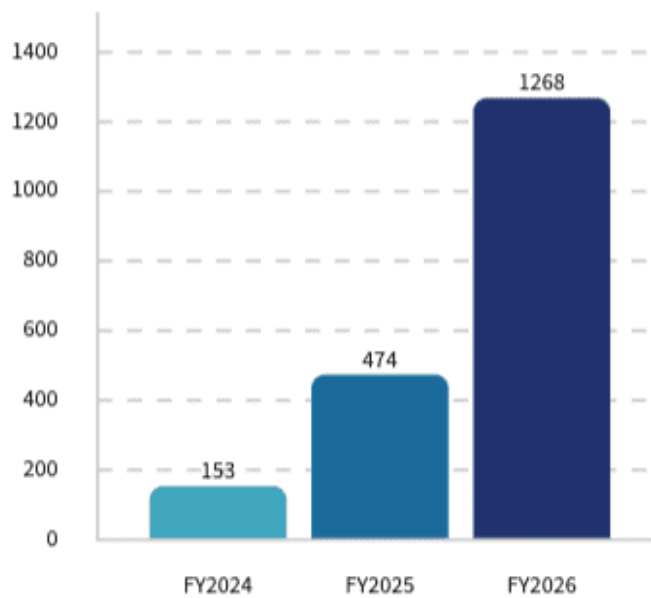
46. The ICE ATD handbook explicitly states that “[t]he ATD Program may be appropriate for a[] [noncitizen] who is released pursuant to: . . . a bond (**unless the immigration judge or Board of Immigration Appeals determined custody and did not include ATD as a provision**)” (citation modified) (emphasis added). *See* ICE 2017 Handbook: <https://perma.cc/FDV5-W78V>.

47. The Helland Memo, issued June 9, 2025, directs ICE Field Offices to expand the number of individuals subjected to ISAP. Ex. 1. The Philadelphia ICE surveillance policy instructs ICE officials to monitor with GPS-enabled ankle monitors “whenever possible” and to “escalate their supervision level to GPS ankle monitors . . . and increase reporting requirements” for individuals not being arrested. *Id.*

48. Since the implementation of the Philadelphia ICE surveillance policy in June 2025, in the Philadelphia Field Office Area of Responsibility (AOR), ICE has nearly tripled its application of ankle monitors on noncitizens. According to ICE’s data, in FY2025, the Philadelphia Field Office monitored 474 noncitizens on ankle monitors. U.S. Immigr. & Customs Enf’t, *Detention Management Statistics*, “FY 2025-2026 ICE Statistics” (last accessed March 19,

2026) <https://perma.cc/HCS5-J4F5>. In the one year following the implementation of the Philadelphia ICE surveillance policy, that number has reached a record-high of 1,268 noncitizens on ankle monitors, a 167.5% increase in use of ankle monitors by the Philadelphia ICE Field Office. *Id.*

**ICE ATD Population on GPS Ankle Monitors in the Philadelphia Field Office AOR**



49. Under the Helland Memo, the only group not given ankle monitors are pregnant people, who instead are required to wear BI-created smartwatches called “VeriWatch” that are markedly “not less restrictive than the ankle monitor,” “can’t be removed by the person wearing it,” and cause dangerous medical complications, among other harms.<sup>4</sup>

<sup>4</sup> Johana Bhuiyan, *ICE is using smartwatches to track pregnant women, even during labor: ‘She was so afraid they would take her baby’* Wash. Post (Dec. 10, 2025), <https://perma.cc/E97J-GBH7>.

50. On information and belief, the Philadelphia ICE Field Office interprets the Helland Memo to override the ISAP handbook and ICE guidelines that mandate individualized consideration of the need for surveillance and intensive supervision.

51. Lilah Thompson, the Chief of the Defender Association of Philadelphia's Community Defense Unit, and a local immigration practitioner in Philadelphia reports that "[b]eginning in late summer/early fall of 2025, ICE began imposing ankle monitors on almost every client of ours who was released from custody." *See* Ex. 3 at ¶ 11, Declaration of Lilah Thompson. Ms. Thompson reports that the Philadelphia ICE office imposes ankle monitors on individuals following release on bond and habeas. *Id.* at ¶ 7.

## **STATEMENT OF FACTS**

### **Petitioner's Immigration History**

52. Petitioner is a 30-year-old national and citizen of Nicaragua. *See* Ex. 4, Petr. Decl. Petitioner was born and raised in Nicaragua. *Id.* Petitioner fled Nicaragua after suffering torture, sexual abuse, and starvation at the hands of Nicaraguan officials in retaliation for engaging in peaceful protests against the ruling Sandinista regime.

53. DHS detained Petitioner on the day he entered the United states to apply for asylum in September 2022. After determining that he was not a danger and that any flight risk could be mitigated, DHS released him on parole two days later. As a condition of his release, ICE ordered Petitioner to report to its field office within 60 days and comply with virtual reporting requirements. At this time, ICE did not place Petitioner in immigration removal proceedings.

54. Petitioner moved to Philadelphia to reside with his United states citizen aunt. He attended his first ICE check-in on October 21, 2022 in Philadelphia, PA. ICE ordered him to return on an annual basis.

55. Around this time, ICE removed Petitioner from virtual reporting requirements. His only requirement for reporting was annual check-in appointments at the Philadelphia ICE Office.

56. Shortly after arriving in the United States, Petitioner's aunt began treatment for breast and skin cancer. Petitioner became her primary caretaker as she recovered from cancer surgery and underwent chemotherapy.

57. On July 18, 2023, Petitioner timely filed his I-589 Application for Asylum, Withholding of Removal, and Relief application for asylum with U.S. Citizenship and Immigration Services. He completed biometrics and later applied for employment authorization. After obtaining employment authorization, he found work in the local restaurant industry.

58. Petitioner attended annual ICE check-ins on October 23, 2023; October 24, 2024; and October 24, 2025 while waiting for his asylum interview.

#### **Petitioner's Detention, Bond Proceedings, and Release from Immigration Detention**

59. On October 24, 2025, Petitioner attended his fourth routine ICE check-in appointment, three years after arriving in the United States, expecting to check in at the kiosk and return home. However, after checking in at the kiosk, ICE sent Petitioner to the third floor where officers arrested him despite no changed circumstances. On that same date, the DHS filed a Notice to Appear with the Immigration Court, placing Petitioner in immigration removal proceedings.

60. On November 11, 2025, Petitioner retained *pro bono* immigration counsel, originally through the Nationalities Service Center and now through the Defender Association of Philadelphia's new Community Defense Unit.

61. On January 27, 2026, Respondents held a bond hearing for Petitioner that had been ordered by a federal court upon grant of a habeas corpus petition. *See G-B-T- v. Oddo*, No. 3:25-cv-00477-SLH-KAP (W.D. Pa. Jan. 20, 2026), ECF No. 20.

62. Petitioner and DHS counsel both submitted evidence in support of their positions. The IJ found that Petitioner was not a danger to the community and that any flight risk could be mitigated by the payment of a \$7,000 bond. Ex. 2. The IJ did not impose any additional conditions for his release. *Id.*

63. DHS released Petitioner on January 30, 2026 pursuant to the payment of bond. His United States citizen aunt picked him up from the Moshannon Valley Processing Center on that same date.

64. Upon release, DHS gave Petitioner a DHS Call-In Letter, instructing him to come to the ICE Office at 1015 Chestnut Street, Philadelphia, PA 19107.

65. On February 2, 2026, Petitioner and his attorney attended this appointment, where DHS placed Petitioner in the “Pre-Order” supervision plan and ordered him to comply with office visits, ISAP case management, ISAP court tracking, and ISAP home visits, in addition to wearing an ankle monitor. *See* Ex. 5, ISAP Paperwork.

66. DHS instructed Petitioner that he must fully comply with the following restrictions and requirements:

- Petitioner must wear the ankle monitor 24/7. Ex. 5.<sup>5</sup> The ankle monitor may omit messages. Ex. 4 at ¶ 18. Petitioner finds the ankle monitor physically uncomfortable as it rubs against his skin and he has gained weight since his initial detention and it is tight. *Id.* at ¶ 16.
- Petitioner must charge the battery of the ankle monitor regularly. *Id.* at ¶ 17; Ex. 5. To charge the ankle monitor, Petitioner must stop whatever he is doing and attach the battery. Ex. 4 at ¶ 17. This usually takes 30 minutes to an hour and he is not able to do anything else except wait for it to charge. *Id.*

---

<sup>5</sup> A Guardian Investigation found that “BI’s ankle monitors can overheat, have shocked people, and at times are put on too tightly by Immigration and Customs Enforcement (Ice).” *See* Johana Bhuiyan, *Poor tech, opaque rules, exhausted staff: inside the private company surveilling US immigrants*, The Guardian (Mar. 7, 2022) <https://perma.cc/7VAE-MW8T> (last accessed Aug. 29, 2025).

- Petitioner must attend office visits every eight weeks. Ex. 5. There is no scheduled end date for Petitioner’s reporting. *Id.*
- Petitioner must be alert as the ISAP agents may request verification of his location “24 hours a day, seven days a week.” *Id.*
- Petitioner may not change his address or phone number without “ICE approval.” *Id.*
- Petitioner must be subjected to in-person home visits every eight weeks. *Id.* There is not a specific time for the home visits; rather, Petitioner must be home and available the entire day. *Id.*
- Petitioner’s movement is restricted to a geographic area of Pennsylvania, New Jersey, and Delaware. Ex. 4 at ¶ 18. He must secure advance permission to travel outside of those states and/or to move addresses within those states. *Id.*

67. DHS ordered Petitioner to return to the BI Incorporated office on February 18, 2026 at 9:30 am for another in person appointment. *See* Ex. 6 at ¶¶ 3–4, Declaration from Edison Josue Lopez. Petitioner and the paralegal working on his case, Edison Lopez, attended this appointment. *Id.* at ¶ 4. During the appointment, the case worker asked Petitioner many personal questions. *Id.* The caseworker asked Petitioner about his address, who he lives with, whether he has his own room, if he feels safe, whether he plans to move, whether he has experienced trauma in the past, and about his financial situation. *Id.* at ¶ 5.

68. The paralegal asked the caseworker how long Petitioner needs to wear the ankle monitor. *Id.* at ¶ 7. The paralegal then asked the caseworker why Petitioner needs to wear the ankle monitor and when ICE can remove the monitor. *Id.* The officer’s response to all these questions was “this was ICE’s decision” and that the officers “do not know.” *Id.*

69. The government had until February 26, 2026 to file an appeal of the IJ’s bond decision. The government did not appeal the decision.

### **Petitioner's Ongoing Supervision Under the Philadelphia ICE Field Office**

70. In detention, Petitioner underwent an extensive psychological evaluation (total of six hours). He was diagnosed with PTSD with panic attacks and found to meet the diagnostic criteria for [REDACTED]

71. When ICE shackled Petitioner with the ankle monitor, Petitioner describes how it “reminds [him] of being in immigration detention.” Ex. 4 at ¶ 19. It “makes [him] feel unsafe and insecure.” *Id.* He describes constantly being worried “about the possibility of being sent back to detention.” *Id.* Because of Petitioner’s pre-existing mental health disorders, the ankle monitor has triggered increased [REDACTED] symptoms. *Id.* Petitioner describes how he is unable to properly clean the area of the ankle monitor, which gives him anxiety. *Id.*

72. The ankle monitor is also physically uncomfortable to wear. *Id.* at ¶ 16. It is large and rubs against his leg. *Id.* It causes Petitioner to sweat and feel itchy in the area of the monitor. *Id.* The ankle monitor also has a flashing light, which makes it difficult for Petitioner to sleep through the night. *Id.* at ¶ 17.

73. Petitioner also describes feeling shame and stigma due to the ankle monitor. *Id.* at ¶ 15. People notice the ankle monitor and change their demeanor towards him and “immediately assume that [he is] a danger to them or the community.” *Id.* at ¶ 14. He began wearing longer pants to try to conceal the ankle monitor whenever possible. *Id.* His former boss also noticed the ankle monitor and changed his demeanor towards Petitioner. *Id.* at ¶ 15.

74. Lastly, Petitioner describes how the ankle monitor’s geographic restrictions have caused him additional emotional distress. *Id.* at ¶ 18. He is restricted from leaving Pennsylvania, New Jersey, or Delaware. *Id.* If he gets close to the geographic boundary, the ankle monitor plays an audio message. *Id.* This prevents him from seeing his family in South Carolina, Maryland,

Florida, Missouri and New York. *Id.* If there is an emergency with a family member, he cannot go see them. “Being forced to remain in this geographic boundary makes [him] feel like a criminal.” *Id.*

## **CLAIMS FOR RELIEF ON HABEAS**

### **COUNT ONE:**

#### **VIOLATION OF THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION Procedural Due Process**

75. Petitioner realleges all paragraphs above as if fully set forth here.

76. “Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty” under case law interpreting the Due Process Clause. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* at 333 (citation modified).

77. Under *Mathews v. Eldridge*, courts must balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the Government’s interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail. *Id.* at 333.

78. The first factor, the private interest at issue, favors Petitioner. “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 [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690 (emphasis added).

79. Here, the private interest at stake is Petitioner’s freedom from the government’s ongoing surveillance through ankle monitoring, which has significantly and severely interfered

with his quality of life by inflicting constant physical pain and discomfort, causing daily psychological distress, aggravating his pre-existing mental health conditions, and subjecting him to social stigma and ridicule. In light of the government's new policy encouraging blanket application of ankle monitors, Petitioner faces the prospect of having this infringement on his liberty interest continue indefinitely.

80. The second factor, the risk of erroneous deprivation of liberty, favors Petitioner. In fact, here, an "erroneous deprivation" of Petitioner's liberty interest is not merely at risk, it has been realized and may continue indefinitely because the process available to him to challenge the conditions of his custody has already occurred during his custody hearing before the IJ. When the government defies an IJ's order that restrains it from imposing surveillance, the risk of erroneous deprivation of liberty is not just high—it is certain. The value of requiring ICE to follow an IJ's reasoned order is also certain because it guarantees that any restrictions on liberty were justified by findings obtained at a hearing before a neutral decision-maker at which both parties were able to present evidence and arguments.

81. The third factor, the government's interest, also favors Petitioner. During Petitioner's bond hearing, the government was represented by counsel who presented evidence and the government's position concerning Petitioner's conditions of release. Following the custody re-determination by the IJ, the government had the opportunity to appeal, and chose not to do so. If the government is permitted to defy an IJ's order by placing additional restraints on liberty that are not made on the basis of individualized evidence, a noncitizen's only recourse will be to seek relief in a habeas corpus petition before the federal courts. The resultant glut of increased legal filings will impose greatly heavier administrative and fiscal burdens on the government than would simply requiring an ICE trial attorney to seek reporting or surveillance conditions at the original

bond hearing before an IJ.

82. For these reasons, the imposition of electronic surveillance on Petitioner in defiance of an IJ's order violates the procedural due process doctrine of the Fifth Amendment.

**COUNT TWO:**

**VIOLATION OF THE ACCARDI DOCTRINE**

83. Petitioner realleges all paragraphs above as if fully set forth here.

84. Respondents violated the *Accardi* doctrine in failing to follow its regulations, 8 C.F.R. § 1003.19(a), requiring compliance with an IJ bond order. *See N-N-*, 2025 WL 3143594, at \*4 (finding that ICE violated the *Accardi* doctrine when it failed to follow its own regulations by imposing an ankle monitor on a petitioner after his release solely on a monetary bond).

85. In *Accardi* a noncitizen challenged his deportation, and the Supreme Court held that agencies are bound to follow their own rules that affect the fundamental rights of individuals. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (holding that the Board of Immigration Appeals must follow its own regulations in its exercise of discretion); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

86. “[W]hen an agency promulgates a regulation protecting fundamental statutory or constitutional rights of parties appearing before it, the agency must comply with that regulation. Failure to comply will merit invalidation of the challenged agency action without regard to whether the alleged violation has substantially prejudiced the complaining party.” *Leslie v. Att’y Gen.*, 611 F.3d 171, 180 (3d Cir. 2010) (finding that the government’s failure to implement its regulation requiring IJ’s to advise noncitizens of their right to counsel violated noncitizens’ right to counsel

and undermined the structure of the hearing such that it automatically invalidated the agency action); *Aquino v. Att’y Gen.*, 53 F.4th 761, 766 (3d Cir. 2022) (“So to clarify *Leslie*, we hold that for a regulation to protect a fundamental right, a violation must be a structural error that necessarily makes proceedings fundamentally unfair.”).

87. Here, the regulations ensure that individuals have sufficient process when the government imposes a restraint on their liberty, such as physical detention or an ankle monitor. Failing to comply with the regulation erodes the procedural protections for noncitizens built into the system itself and erases any process that previously existed to challenge the imposition of a restraint on one’s liberty. Imposing an ankle monitor or other conditions of release not set by the immigration judge at a bond hearing violates DHS’ own regulations. *See N-N-*, 2025 WL 3143594, at \*3–4 (finding an *Accardi* violation when ICE violated its regulations and imposed an ankle monitor that was not ordered by the IJ); *Gonzalez Mojica v. Lyons*, 25-cv-13783, 2026 WL 266502, at \*2 (D. Mass Feb. 2, 2026) (“In setting these new conditions [GPS monitoring], it [ICE] acted outside of the framework established by its own regulations.”).

88. The remedy for an *Accardi* violation is to set aside the agency action and enjoin the agency to follow its rules. *Accardi*, 347 U.S. at 268 (“If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing”).

89. Here, Respondents have promulgated agency rules that require ICE to obey an IJ’s order following a custody re-determination at a bond hearing. *See* 8 C.F.R. § 1003.19(a) (“Custody and bond determinations made by [ICE] pursuant to 8 C.F.R. part 1236 may be reviewed by an Immigration Judge pursuant to 8 C.F.R. part 1236.”); *Id.* § 1236.1(d)(1). (“[T]he immigration judge is authorized to exercise the authority in section 236 of the Act . . . to detain the alien in custody, release the alien, and determine the amount of bond, if any, under which

the respondent may be released[.]”). These rules protect the fundamental right to liberty of a noncitizen in removal proceedings. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U. S. 71, 80 (1992)). Allowing the government to bypass the bond order of an IJ and apply conditions outside those ordered after a full custody hearing “undermines the structure of the hearing and necessarily prejudices the outcome.” *Aquino*, 53 F.4th at 766.

90. Regardless, ICE’s failure to follow its rules is prejudicial to Petitioner where the rule implicates his fundamental liberty interest and due process rights. *See Leslie*, 611 F.3d at 182; *see also Delgado-Corea v. INS*, 804 F.2d 261, 263 (4th Cir. 1986) (holding that “violation of a regulation can serve to invalidate a deportation order when the regulation serves a purpose to benefit the [noncitizen]” and the violation affected “interests of the [noncitizen] which were protected by the regulation” (internal quotations and citation omitted)). If ICE were to follow its rules and obey the IJ’s order—requiring release with only the condition of payment of a \$7,000 bond—it would be required to discontinue Petitioner’s enrollment in ISAP and release him from the ankle monitor.

91. Here, binding regulations require ICE to obey the IJ’s bond hearing custody order. *See* 8 C.F.R. §§ 1003.0, 1003.10, 1003.19(a) 1236.1(d)(1); *see also N-N-*, 2025 WL 3143594, at \*4 (applying *Accardi* to invalidate ICE’s ankle monitor and ISAP enrollment for noncitizen whom an IJ ordered released on monetary bond without any other custody conditions, following a full bond hearing).

92. Petitioner has shown that by forcibly attaching an ankle monitor to his body and enrolling him in ISAP despite the IJ’s order that he be released from custody upon payment of a

monetary bond, ICE has violated federal regulation.

93. Under the *Accardi* doctrine, Petitioner has a right to set aside ICE’s decision to impose electronic surveillance on him and to enjoin ICE from defying the IJ’s order by imposing additional restraints on his liberty beyond the IJ’s order. *N-N-*, 2025 WL 3143594, at \*4.

**COUNT THREE:**

**VIOLATION OF THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION  
Substantive Due Process**

94. Petitioner realleges all paragraphs above as if fully set forth here.

95. “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 [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690. Under the substantive due process doctrine, restraints on liberty associated with civil detention are only permissible if they serve a “legitimate governmental purpose.” *Schall v. Martin*, 467 U.S. 253, 269 (1984). Civil detention “imposed for the purpose of punishment” violates due process. *Id.* In addition, to satisfy substantive due process, the “confinement” must take “place pursuant to proper procedures and evidentiary standards. *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997).

96. ISAP “relies on the use of electronic ankle monitors, biometric voice recognition and image recognition software, unannounced home visits, employer verification, and in-person reporting to supervise participants.” *Mathon v. Searls*, 623 F. Supp. 3d 203, 217 (W.D.N.Y. 2022). The program can be understood as “a form of supervised parole.” *Nken v. Napolitano*, 607 F. Supp. 2d 149, 151 (D.D.C. 2009).

97. Petitioner’s ankle monitor constitutes a “significant restraint on [his] liberty,” where his movements and daily activities are restricted and subject to 24/7 surveillance. *Romero*, 20 F.4th at 1379.

98. Respondents' imposition of electronic surveillance on Petitioner serves no legitimate nonpunitive objective. An IJ has already determined that Petitioner is not a danger to the community and that the only condition necessary to ensure his future appearance in immigration court is payment of a cash bond. No new circumstances since have made Petitioner a danger to the community and that any flight risk has already been mitigated by the payment of a monetary bond.

99. Because Respondents have no legitimate nonpunitive objective in imposing electronic surveillance on Petitioner in defiance of an IJ's order, they violate the substantive due process clause doctrine of the Fifth Amendment.

**COUNT FOUR:**

**ULTRA VIRES ACTION**

100. Petitioner realleges all paragraphs above as if fully set forth here.

101. The INA and implementing regulations establish a clear procedural sequence for federal agencies to make custody decisions in immigration cases. DHS first makes a decision whether to detain a noncitizen. If DHS decides to detain the noncitizen, the noncitizen may seek review of that decision by an EOIR IJ at a bond hearing. At the bond hearing, the noncitizen and DHS may proffer evidence and argument. The EOIR IJ is the decision maker. If either party is dissatisfied with the IJ's decision, either party may appeal the decision to the EOIR BIA.

102. The Supreme Court has held that after the initial detention determination, a petitioner may request a bond hearing before an IJ, who has the authority to determine "the alien's detention conditions." *See Johnson*, 594 U.S. at 527–28; *see also Huanga v. Decker*, 599 F. Supp. 3d 131, 138 (S.D.N.Y. 2022) ("Section 1226(a) gives the Attorney General the choice to 'continue to detain the arrested alien,' or 'release the alien on (A) bond of at least \$1,500 with security

approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole.’ The Attorney General has delegated this authority to immigration judges.”).

103. In Petitioner’s case, although an IJ determined that Petitioner is not a danger to the community and that any flight risk could be mitigated by the payment of a \$7,000 bond, and ordered him released with no additional conditions, ICE is unlawfully subjecting him to an alternative form of custody through the ankle monitor and other onerous conditions.

104. Petitioner received a bond hearing because he is eligible for release on bond and conditions. *See* 8 U.S.C. § 1226(a). The IJ ordered that he be released from custody upon payment of a monetary bond, and attached no other conditions to his release. DHS declined to appeal the IJ’s order. DHS then unilaterally imposed new custody conditions on Petitioner.

105. There is no statute, constitutional provision, or other source of law that authorizes this action or the new Philadelphia ICE Surveillance policy regarding broad implementation of ankle monitors. And the policy is contrary to law and constitutional right, as set forth above.

106. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents’ ultra vires actions.

**COUNT FIVE:**

**VIOLATION OF ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A), (B)  
Contrary to Law and Constitutional Right**

***Philadelphia ICE Surveillance Policy***

107. Petitioner realleges all paragraphs above as if fully set forth here.

108. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . not in accordance with law” or “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

109. The APA’s reference to “law” in the phrase “not in accordance with law,” “means, of course, any law, and not merely those laws that the agency itself is charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

110. The IJ’s authority to set conditions of release derives from the INA § 236, codified at 8 U.S.C. § 1226(a). *See* 8 CFR § 1236.1(d)(1) (“[T]he immigration judge is authorized to exercise the authority in section 236 of the Act[.]”). ICE’s failure to comply with that authority is therefore a violation of the INA.

111. The Philadelphia ICE surveillance policy requires the agency to violate 8 C.F.R. § 1003.19(a), under which “[c]ustody and bond determinations made by [ICE] pursuant to 8 CFR part 1236 may be reviewed by an Immigration Judge pursuant to 8 CFR part 1236.”

112. The Philadelphia ICE surveillance policy also violates substantive and procedural due process under the Fifth Amendment’s Due Process Clause, as described in Counts One and Three. *See N-N-*, 2025 WL 3143594, at \*4 (“[T]he regulations do not permit ICE to impose additional release conditions without utilizing the administrative appeal process.”); *see also Torres-Jurado v. Biden*, 2023 WL 7130898, at \*4 (S.D.N.Y. Oct. 29, 2023) (finding violation of procedural due process where ICE failed to follow regulations for revocation of an order of supervision); *Gonzalez Mojica*, 2026 WL 266502, at \*1 (“[T]here is nothing in the procedural scheme that authorizes ICE to impose additional conditions following the immigration judge’s decision.”).

113. ICE’s policy is not in accordance with law because it is contrary to the INA, its implementing regulations, and the Due Process Clause of the Constitution’s Fifth Amendment.

114. The appropriate remedy for the APA violations raised in this case (Claims Five through Seven) is vacatur of the ICE surveillance policy. *See* 5 U.S.C. § 706(2) (“The reviewing

court shall . . . set aside agency action . . . found to be” unlawful); *Steel v. Mine Safety and Health Admin.*, 925 F.3d 1279, 1287 (D.C. Cir. 2019) (“The ordinary practice is to vacate unlawful agency action.”); *PJM Power Providers Grp. v. FERC*, 88 F.4th 250, 268 n.102 (3d Cir. 2023) (applying the “fact-sensitive” test accounting for “the gravity of the order's flaws” and “the disruptive consequences that may result,” as articulated in *Allied–Signal, Inc. v. U.S. Nuclear Regulatory Comm'n*, 988 F.2d 146, 151 (D.C. Cir. 1993)); *see also Corner Post, Inc. v. Bd. of Governors of Fed. Rsrv. Sys.*, 603 U.S. 799, 838 (2024) (Kavanaugh, J., concurring) (pointing to the legislative history of the APA and noting that at the time the APA was enacted, “set aside” was used in other statutes to refer to vacatur such that “in the APA, Congress did in fact ... authorize vacatur.”).

115. “Ordinarily, reviewing courts have applied that provision by vacating invalid agency action and remanding the matter to the agency for further review.” *Comité de Apoyo a los Trabajadores Agrícolas v. Perez*, 774 F.3d 173, 191 (3d Cir. 2014) (citing *Abington Mem. Hosp. v. Heckler*, 750 F.2d 242, 244 (3d Cir. 1984)). Thus, district courts routinely order vacatur or issue stays of federal agency action as the remedy in an APA case where, as here, the agency action itself is causing harm to the complaining party. *See, e.g., Miot v. Trump*, 2026 WL 266416 (D.D.C. Feb. 2, 2026); *A.C.R. v. Noem*, 2025 WL 3228840 at \*18, n.25 (E.D.N.Y. Nov. 19, 2025); *National TPS Alliance v. Noem*, 798 F. Supp. 3d 1008, 1038–39 (N.D. Cal. 2025).

### **COUNT SIX:**

#### **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A) Arbitrary and Capricious**

##### ***Philadelphia ICE Surveillance Policy***

116. Petitioner realleges all paragraphs above as if fully set forth here.

117. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious.” 5 U.S.C. § 706(2)(A).

118. The Philadelphia ICE surveillance policy, instructing officials to ignore an IJ's order and unilaterally impose additional restraints on liberty not contained in the order, is arbitrary and capricious because it violates statute, regulation, and the Constitution, as described above in Counts One, Two, and Three.

119. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

120. The Philadelphia ICE surveillance policy also "failed to consider important aspects of the problem" before the agency, rendering it arbitrary and capricious in multiple respects. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

121. First, the Philadelphia ICE surveillance policy fails to address the serious constitutional and democratic concerns arising from a practice where a federal agency acts in violation of a clear federal statute that carefully circumscribes the agency's scope of authority.

122. Second, the Philadelphia ICE surveillance policy fails to address the serious constitutional concerns arising from a practice of ignoring the orders of a neutral decisionmaker, including harms to the liberty interests of people adjudicated to not need surveillance in order to guarantee court appearance and harms caused to the rule of law by agency action that fails to follow reasoned decision-making.

123. Third, the Philadelphia ICE surveillance policy ignores the increased administrative burden on the government caused by subjecting people to unnecessary electronic surveillance and reporting, including financial costs to the government from contracts for services with private companies that run surveillance programs and personnel costs spent on processing unnecessary requests for surveillance.

124. Fourth, the Philadelphia ICE surveillance policy fails to consider reasonable alternatives, such as ICE leadership issuing internal directives that agency employees follow IJ custody orders, and that agency employees follow statutory and regulatory procedures to appeal IJ custody orders if the agency wishes to maintain custody by imposing electronic surveillance. This alternative would achieve ICE's interests in imposing surveillance on people likely to abscond and save it the unnecessary expense of imposing surveillance on those who do not need it in order to guarantee court appearance.

125. Fifth, the Philadelphia ICE surveillance policy departs from previous agency practice wherein the agency considered an individual's individualized circumstances prior to determining his or her ATD requirements, if any. *See* Immigration and Customs Enforcement, *Alternatives to Detention* at 1 (updated February 27, 2025), <https://perma.cc/W84B-2DAM> (“Each [noncitizen] enrolled in ATD-ISAP receives an individualized determination as to their level of supervision. ERO may transition [a noncitizen]'s supervision level by considering certain factors. Factors considered in both initial placement and changes to supervision level, as relevant, include criminal history, compliance history, community or family ties, caregiver concerns, and other humanitarian or medical concerns.”). The new Philadelphia ICE surveillance policy, described in the Helland Memo, departs from longstanding procedures and instead, instructs officials to impose ankle monitors “whenever possible.” Ex. 1.

126. Finally, the Philadelphia ICE surveillance policy fails to consider the substantial reliance interests of people subject to unwarranted surveillance, who might have raised arguments against its imposition at a bond hearing had they been given notice.

127. For these and other reasons, the Philadelphia ICE surveillance policy is arbitrary and capricious.

**COUNT SEVEN:**

**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(C)  
In Excess of Statutory Authority**

***Philadelphia ICE Surveillance Policy***

128. Petitioner realleges all paragraphs above as if fully set forth here.

129. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

130. “An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute.” *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (citation modified).

131. No statute authorizes ICE to unilaterally overrule an IJ’s bond hearing custody order, whereas clear statute and regulation render an IJ’s bond hearing order binding on ICE. *See* 8 U.S.C. §§ 1103(a), (g); 8 U.S.C. § 1226(a) (granting the Attorney General authority to set the conditions for release of noncitizens).

132. The Philadelphia ICE surveillance policy is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- a) Assume jurisdiction over this matter;
- b) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from the supervision of ISAP/BI Incorporated and remove the ankle monitor and other supervision requirements;

- c) Set aside defendants' decision to place Petitioner on electronic surveillance, supervision requirements, and any other restraint on liberty that goes beyond the IJ's custody redetermination;
- d) Enjoin defendants from imposing electronic surveillance and supervision requirements in the future absent a showing of changed circumstances that make Petitioner a flight risk;
- e) Declare unlawful-and vacate defendants' policy and practice of imposing electronic monitoring and surveillance without individualized consideration;
- f) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g) Grant any further relief this Court deems just and proper.

Dated: March 20, 2026

Respectfully submitted,

/s/ Sarah E. Decker

Sarah E. Decker\*  
ROBERT & ETHEL KENNEDY HUMAN  
RIGHTS CENTER  
1300 19th Street NW, Suite 750  
Washington, DC 20036  
Tel.: (908) 967-3245  
[decker@kennedyhumanrights.org](mailto:decker@kennedyhumanrights.org)

/s/ Mikaela Wolf-Sorokin

Mikaela Wolf-Sorokin (PA ID 335725)  
DEFENDER ASSOCIATION OF  
PHILADELPHIA  
1441 Sansom Street  
Philadelphia, PA 19102  
Tel.: (267) 765-6789  
[MLWolfSorokin@philadefender.org](mailto:MLWolfSorokin@philadefender.org)

/s/ Sarah T. Gillman

/s/ Anthony Enriquez

Sarah T. Gillman\*  
Anthony Enriquez\*  
ROBERT & ETHEL KENNEDY HUMAN  
RIGHTS CENTER  
88 Pine Street, 8th Floor, Suite 801  
New York, New York 10005  
Tel.: (646) 289-5593  
[gillman@kennedyhumanrights.org](mailto:gillman@kennedyhumanrights.org)  
[enriquez@kennedyhumanrights.org](mailto:enriquez@kennedyhumanrights.org)

\* *Pro hac vice applications forthcoming*  
*Pro Bono Counsel for Petitioner*

**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition and Complaint for Injunctive and Declaratory Relief. On the basis of those discussions, I hereby verify that the statements made in this Complaint and Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: March 20, 2026

*/s/ Mikaela Wolf-Sorokin*  
Mikaela Wolf-Sorokin (PA ID 335725)  
DEFENDER ASSOCIATION OF  
PHILADELPHIA  
1441 Sansom Street  
Philadelphia, PA 19102  
Tel.: 267-765-6789  
[MLWolfSorokin@philadefender.org](mailto:MLWolfSorokin@philadefender.org)

*Pro Bono Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief and all attachments using the CM/ECF system. I will furthermore serve a copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania at the following email addresses.

[desiree.wilkins@usdoj.gov](mailto:desiree.wilkins@usdoj.gov)

[anthony.stjoseph@usdoj.gov](mailto:anthony.stjoseph@usdoj.gov)

[susan.becker@usdoj.gov](mailto:susan.becker@usdoj.gov)

[gregory.david@usdoj.gov](mailto:gregory.david@usdoj.gov)

DATED: March 20, 2026

*/s/ Mikaela Wolf-Sorokin*  
Mikaela Wolf-Sorokin (PA ID 335725)  
DEFENDER ASSOCIATION OF  
PHILADELPHIA  
1441 Sansom Street  
Philadelphia, PA 19102  
Tel.: 267-765-6789  
[MLWolfSorokin@philadefender.org](mailto:MLWolfSorokin@philadefender.org)

*Pro Bono Counsel for Petitioner*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
G.B.T.
(b) County of Residence of First Listed Plaintiff Philadelphia
(c) Attorneys (Firm Name, Address, and Telephone Number)
Mikaela Wolf-Sorokin, Defender Ass'n of Phila, 1441 Sansom St, Phila, PA 19102, 267-765-6789

DEFENDANTS
John E. Rife et al.
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
AUSA - EDPA

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Section 2241, 5 USC Sections 551-559, 701-706
Brief description of cause:
Violation of the INA, APA, Fifth Amendment Due Process Clause

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE 03/20/2026 SIGNATURE OF ATTORNEY OF RECORD /s/Mikaela Wolf-Sorokin

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- I. **(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- I. **(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.
  - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
  - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
  - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
  - PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia

RELATED CASE IF ANY: Case Number: Judge:

- 1. Does this case involve property included in an earlier numbered suit? Yes
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes
If yes, attach an explanation.

I certify that, to the best of my knowledge and belief, the within case is / is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. Cases Seeking Systemic Relief \*see certification below\*
16. All Other Federal Question Cases. (Please specify): APA Claim

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. All Other Diversity Cases: (Please specify)

I certify that, to the best of my knowledge and belief, that the remedy sought in this case does / does not have implications beyond the parties before the court and does / does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

[X] Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

[ ] None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

**Exhibit List**

<b>1</b>	Helland Memo
<b>2</b>	Bond Order for Petitioner
<b>3</b>	Declaration of Lilah R. Thompson
<b>4</b>	Declaration of Petitioner, G.B.T.
<b>5</b>	ISAP paperwork
<b>6</b>	Declaration of Edison Josue Lopez

# Exhibit

# 1

**From:** [REDACTED]  
**Subject:** Increase of In-Person Check-Ins at Contractor Offices for ATD Participants  
**Date:** Monday, June 9, 2025 4:43:01 PM  
**Attachments:** [REDACTED]

Graphical user interface, text Description automatically generated



**To:** All ERO Personnel

**Subject:** Increase of In-Person Check-Ins at Contractor Offices for ATD Participants

**BLUF:** Please see below for changes to reporting requirements for aliens assigned to the ATD program.

**Details:**

- Post-order aliens in the ATD program, currently assigned to virtual check-ins, will now move to in-person check-ins.
- If the alien is not being arrested at the time of reporting, escalate their supervision level to GPS ankle monitors whenever possible and increase reporting requirements, regardless of case type (i.e., pre-order or post-order).
- Do not release any aliens on Order of Release on Recognizance (OREC) or Order of Supervision (OSUP) without technology.
- All pregnant females should be placed on wrist-worn technology.
- Local BI contractor offices can provide detailed reports to Field Offices of upcoming check-ins.

Questions related to this message can be directed to Unit Chief [REDACTED]

[REDACTED] Helland  
[REDACTED]  
[REDACTED]

This message was sent in concurrence with AD Field Operations.

This message expires one year from the date it was sent, pursuant to ERO [Policy](#).



**NOTICE:** This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

# Exhibit

# 2



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
ELIZABETH IMMIGRATION COURT**

Respondent Name:

B [REDACTED] - T [REDACTED], G [REDACTED]

To:

Wolf-Sorokin, Mikaela  
1441 Sansom Street  
Philadelphia, PA 19102

A-Number:

[REDACTED] 233

Riders:

In Custody Redetermination Proceedings

Date:

01/27/2026

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
  - released from custody under bond of \$ 7,000.00
  - other:

Other:



Immigration Judge: Addicott, Jacob 01/27/2026

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 02/26/2026

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : BA [REDACTED]-T [REDACTED], G [REDACTED] | A-Number : [REDACTED] 233

Riders:

Date: 01/28/2026 By: Lopez, Cathleen, Court Staff

**Declaration of Lilah R. Thompson**

I, Lilah R. Thompson, do hereby declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.
2. I am the Chief of the Community Defense Unit at the Defender Association of Philadelphia. Our unit provides *pro bono* representation to noncitizens detained by Immigration and Customs Enforcement (ICE) in Pennsylvania. Previously, I served as Supervising Attorney of the detained removal defense program at the Nationalities Service Center, a nonprofit legal service and refugee resettlement agency in Philadelphia, Pennsylvania. I have provided and supervised *pro bono* representation of individuals in removal proceedings before the Executive Office for Immigration Review (EOIR), with a focus on individuals in immigration detention, since 2020.
3. Since February of 2020, I have represented clients detained in the custody of ICE at York County Prison in York, Pennsylvania, Pike County Correctional Facility in Lords Valley, Pennsylvania, Clinton County Correctional Facility in McElhattan, Pennsylvania as well as facilities in Florida, Georgia, Texas, and Massachusetts.
4. I have been supervising the attorneys in our program in their representation of clients detained in these facilities since December 2021.
5. I have represented over 25 clients in custody proceedings before the immigration courts, and supervised at least a dozen more bond hearings. Prior to January 2025, I never had ICE impose an ankle monitor or additional supervision on a client released on a monetary bond after an order from an immigration judge, except on one occasion during a habeas-ordered bond hearing, where an immigration judge specifically ordered ankle monitoring given the client's inability to pay a high bond due to his lack of financial resources.
6. Prior to January 2025, the only clients or individuals I encountered who were subject to ankle monitors or supervision through the Intensive Supervision Appearance Program (ISAP) were individuals given alternatives to detention (ATD) by ICE. These individuals were released by ICE at the border instead of being detained or otherwise released by ICE from detention on orders of supervision or release on recognizance. ICE used to release individuals on ATD or on a monetary bond, separate and apart from an immigration judge ordering release. They no longer do that.
7. Since approximately May 2025, there has been an increase in ICE imposing ankle monitors on our clients in three primary situations:
  - a. (1) after an immigration judge orders the person released on a monetary bond, including where the judge's bond order does not include imposition of an ankle monitor or any additional conditions;

- b. (2) after an individual is ordered released by a District Court Judge following a successful habeas petition, even when the District Court Judge did not order additional conditions; and
  - c. (3) when an individual attends an ICE check-in and is not detained.
8. We have numerous examples of the imposition of ankle monitors on clients in each of the above situations.

**ICE imposes ankle monitors on clients released on monetary bond by immigration judges.**

9. My staff provide representation to detained noncitizens with ties to Philadelphia and the surrounding counties. I supervise each of our attorneys in their representation of individuals in removal proceedings and other matters. We have numerous examples of clients who ICE imposed ankle monitors on and/or other onerous supervision through ISAP after their release on monetary bonds. We have not had a single case where the immigration judge ordered these conditions.
10. For example, on April 22, 2025, an immigration judge found that our client NRV was not a danger and that any flight risk could be mitigated by the payment of a \$7,500 bond. ICE released him from the Moshannon Valley Processing Center with an ankle monitor. When he arrived at the ICE-controlled supervision office (referred to here as ISAP) for a required check-in appointment, officers removed the ankle monitor, but imposed onerous supervision through a phone application that tracked his location through biometric check-in appointments. This client is illiterate but was told that his compliance with the phone application program was required, unless he wished to instead wear an ankle monitor.
11. Beginning in late summer/early fall of 2025, ICE began imposing ankle monitors on almost every client of ours who was released from custody.
12. For example, on August 5, 2025, an immigration judge found that our client N-N- was not a danger and that any flight risk could be mitigated by the payment of a \$3,000 bond. The immigration judge did not impose any additional conditions on his release. On August 7, 2025, ICE released N-N- on bond. On August 11, 2025, ICE imposed an ankle monitor and onerous supervision requirements. The ankle monitor and supervision requirements were only removed after we filed a habeas petition and a District Judge ordered their removal. *See N-N- v. McShane*, --- F. Supp. 3d ---, No. CV 25-5494, 2025 WL 3143594 (E.D. Pa. Nov. 10, 2025).
13. On January 27, 2025, an immigration judge found that our client, G-B-T- was not a danger and that any flight risk could be mitigated by the payment of a \$7,000 bond. The immigration judge did not impose additional conditions and DHS released G-B-T- on January 30, 2026 upon the payment of the bond. However, on February 2, 2026, DHS imposed an ankle monitor and other onerous supervision requirements that were not ordered.

**ICE imposes ankle monitors on clients released through habeas.**

14. We also provide representation to noncitizens in petitions for habeas corpus. In many of our recent petitions, after a District Court Judge orders immediate release, DHS imposes an ankle monitor and onerous conditions.
15. For example, we represented petitioner in *Ndiaye v. Jamison et al.*, No. 25-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025) in his petition for habeas corpus. After Judge Sanchez ordered his immediate release on November 19, 2025, DHS ordered Mr. Ndiaye to go to ISAP, and then imposed an ankle monitor on him on December 8, 2025. This has happened in other similar cases as well.
16. In another example, we represented petitioner YBC in his petition for habeas corpus, filing his petition in EDPA on January 7, 2026. After Judge Schmehl ordered YBC's immediate release on January 16, 2026, YBC was fitted with an ankle monitor and surveillance on approximately January 29, 2026.

**ICE imposes ankle monitors on clients at ICE check-ins.**

17. We also provide representation for our clients at ICE check-ins, accompanying them as they meet with ICE every three to six months, or every year. In addition to check-ins now being more frequent (every three to six months instead of every year), ICE often detains individuals at these check-ins, or imposes new supervision requirements on them. Our attorneys accompany all our existing clients to their ICE check-ins, so we keep track of what happens to our clients at these check-ins. In our experience, if ICE determines it will not detain a person at their regularly-scheduled ICE check-in, ICE instead orders that person to go to the Intensive Supervision Appearance Program (ISAP) office for imposition of an ankle monitor. This happens regardless of previous compliance with the person's release requirements or prior ICE check-ins.
18. For example, on Friday, November 28, 2025, I accompanied our client JCVM to his ICE check-in appointment. At the appointment, instead of detaining JCVM, who was with his minor child and suffers from post-traumatic stress disorder, ICE ordered him to report to the ISAP office at 1015 Chestnut Street, in Philadelphia, the following Monday, where he was shackled with an ankle monitor and placed on phone supervision.
19. In addition to this happening to our clients, our attorneys have witnessed this happening to individuals at their ICE check-ins. This is a noticeable increase from our previous interactions and observations at the Philadelphia ICE Field Office.

**Other practitioners report similar experiences with the ICE office.**

20. In addition to my role as the Chief of the Community Defense Unit, I also serve on numerous committees addressing immigration issues including the American Immigration Lawyers Association and several national detention accountability groups. Through these committees

and groups, I have heard reports from non-profit attorneys and private practitioners across the region confirming that the experiences of our clients are not unique.

21. In addition to these conditions being overly onerous, it is incredibly dehumanizing and stigmatizing to our clients to have to wear these ankle monitors and be constantly surveilled by ICE.

I, Lilah R. Thompson, hereby swear that the above statements are true and correct to the best of my knowledge subject to the penalty of perjury pursuant to 28 U.S.C. § 1746.

Dated: 03/13/2026

/s/ Lilah Thompson  
Lilah R. Thompson

# Exhibit

4

**Declaration of G [REDACTED] B [REDACTED] T [REDACTED]**

I, G [REDACTED] V [REDACTED] B [REDACTED] T [REDACTED], do hereby declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind do declare to the facts stated herein.

**Background**

2. My name is G [REDACTED] V [REDACTED] B [REDACTED] T [REDACTED] I was born on [REDACTED] 1995, in [REDACTED] Nicaragua.
3. In Nicaragua, I was involved with the Blue and White Movement which organized peaceful protests of the government's regime. As a result of my activism, I was kicked out of school, beaten, arbitrarily arrested, detained and tortured. I fled to the United States in 2022 because of my participation in peaceful protests and my political beliefs.
4. After I arrived in the United States, immigration officials detained me at the Texas border for a few days before I was released and reunited with my aunt and uncle in Philadelphia. Soon after my arrival, I learned that both my aunt and uncle were suffering from significant health problems. Before my arrival, my uncle had an open-heart surgery. Also, my aunt had been diagnosed with cancer and was receiving treatment.
5. I helped take care of my aunt and uncle. I supported my aunt as she underwent chemotherapy and took on a lot of household chores including cooking, cleaning and laundry to better support them.

**Detained by ICE**

6. As part of my condition for my release from the border, I attended annual ICE check-in appointments. I attended check-in appointments on October 21, 2022, October 23, 2023, October 24, 2024, and October 24, 2025.
7. I never missed any of my ICE check-in appointments. On October 24, 2025, I attended my annual check-in with ICE. However, at this appointment, the officers detained me. They told me that they were detaining me because the previous President let too many people into the United States.
8. ICE detained me at the Federal Detention Center for approximately eight days and then transported me to the Moshannon Valley Processing Center. Being in immigration detention was one of the worst experiences of my life. While I was at Moshannon, I was relentlessly bullied by other detainees. I suffer from an obsessive disorder, so I washed my clothes everyday and followed my own hygiene routine to make me feel comfortable. I kept my distance from groups because I did not want to touch things that other people had touched. Because of the way I kept to myself, people at Moshannon would call me "maricon" which means faggot.

9. Being in Moshannon reminded me of being a political prisoner in Nicaragua. I began suffering from extreme anxiety and depression. My right leg would start moving involuntarily while I slept. My hair started to fall out. I lost weight because of the poor diet and inadequate sleep. Additionally, my anxiety around hygiene practices made me scared to eat the food. At night, I would have dreams about dead people and other horrible nightmares from when I was in prison in Nicaragua.

### **ICE put an ankle monitor on me when I was released**

10. On January 30, 2026, after 98 days of being in detention, I was released from detention on bond. When I was released, the ICE officials gave me a piece of paper saying that I needed to appear at an office in Philadelphia within 48 hours of my release.
11. I was very nervous because the paper said that I had to appear within 48 hours, but my lawyer told me the office was closed on the weekend. I was worried that if I did not go that weekend, ICE would detain me again. My lawyer emailed the office to let them know that we would be coming first thing on Monday morning.
12. I went to the office with my attorney as instructed on February 2, 2026. I waited for almost five hours before being seen by one of the ISAP workers. They took my fingerprints, made me download an app onto my phone and put the ankle monitor on my leg. They also showed me how to charge the ankle monitor and went over the rules for wearing the ankle monitor.
13. I immediately felt horrible when they put the ankle monitor on me. I had been free for just three days when they decided to impose these conditions on me. I did not understand. The bond was paid, and the judge did not tell me that I had to wear an ankle monitor.
14. Wearing the ankle monitor has been incredibly difficult. It limits my ability to do the things I want to do. Simply going out in public has made me incredibly self-conscious. I try to hide the ankle monitor as best as I can. Whenever I'm out in public, I can see people when they notice the ankle monitor and change their demeanor towards me. People immediately assume that I am a danger to them or the community. This has happened many times and it has made me feel ashamed. I now always wear longer pants and try to cover it as best as I can.
15. I believe the ankle monitor has impacted my ability to secure employment. After being released from detention, I went to my old job to pick up my W2 so I could file my taxes. I started talking with my old supervisor and I could immediately tell he noticed the ankle monitor. He wasn't mean or disrespectful towards me, but I could tell his demeanor had changed because of the ankle monitor. I am embarrassed and ashamed to look for work with the ankle monitor on my leg.
16. The ankle monitor is physically uncomfortable to wear. The ankle monitor is large and rubs

against my leg all day which causes me discomfort. Even though its winter time, the ankle monitor causes me to sweat. It makes me sweaty and itchy in the area around the monitor. This has made my obsessive disorder symptoms much more difficult to manage. I am constantly checking the monitor to make sure that it is charged. I am constantly readjusting the ankle monitor throughout the day because of the sweating and discomfort on my leg. It makes me very uncomfortable with how sweaty my leg gets and since I can't keep my leg completely clean. Also, it is difficult to sleep at night with the ankle monitor on my leg since it feels heavy on my leg.

17. The ankle monitor is loud and disruptive. Even though I have it covered up, it makes a loud beeping sound when the battery is low. I must constantly carry the charger with me in case the monitor dies while I'm out in public. If it does die, I must stop whatever I am doing to charge it. This usually takes 30 minutes to an hour and I cannot do anything else except wait for it to charge. The ankle monitor also has a flashing light which makes it difficult to sleep through the night without waking up.
18. Wearing the ankle monitor also limits my ability to move freely. As part of the conditions of the ankle monitor, I am geographically restricted from leaving Pennsylvania, New Jersey or Delaware. If I ever get close to leaving this boundary, the ankle monitor plays an audio message indicating that I am approaching the geographic boundary. I have family in South Carolina, Maryland, Florida, Missouri and New York. I am not able to see my family or close friends like I once could. If there is ever an emergency with my family in these other states, I cannot go to them to help. Being forced to remain in this geographic boundary makes me feel like a criminal.
19. Being forced to wear the ankle monitor has also flared up my obsessive-compulsive disorder symptoms. I am unable to properly clean the area of the ankle monitor which gives me anxiety. Having the ankle monitor also reminds me of being in immigration detention. While I know the purpose of the ankle monitor is to track my movements, it makes me feel unsafe and insecure. I am constantly looking over my shoulder and I worry about the possibility of being sent back to detention.
20. I feel like ICE violated my rights because I was arbitrarily detained. They detained me for no reason other than the last President "let too many people into the country". I have never committed any crime and I have done everything in my power to care for myself and my family. All I want is to be able to provide for myself and my family. Having gone through this experience has made me fearful of law enforcement but specifically ICE. I do not trust ICE after what I went through. I am constantly fearful that they will detain me for no reason again.

I, G [REDACTED] B [REDACTED] T [REDACTED] swear that the foregoing is true and correct to the best of my knowledge and belief. I swear that this statement was read to me in my native language of Spanish on the date set forth below through a Spanish interpreter.

Date: February 24, 2026

/s/ G [REDACTED] B [REDACTED] T [REDACTED]  
G [REDACTED] B [REDACTED] T [REDACTED]

# Exhibit

# 5

## Intensive Supervision Appearance Program BI SmartLINK® Agreement

Participants required to be monitored with location or curfew verification, will be monitored using the BI SmartLINK® Application.

AGREEMENT
1. I agree to only install the SmartLINK application on a mobile device I own and use for this program.
2. I agree if I am required to submit to a random Check-In or Self Report as part of my supervision program that I must: <ul style="list-style-type: none"> <li>a. Keep my mobile device charged and powered on at all times which I could receive a notification to conduct a random Check-In or Self Report.</li> <li>b. Ensure that my mobile device allows the SmartLINK app to provide my location information.</li> <li>c. Ensure that my mobile device accepts "Push Notifications" for SmartLINK events, scheduled appointments, or activities.</li> <li>d. I agree to be in a cellular data coverage area or connected to a Wi-Fi hotspot with Internet connectivity at the time of my Check-In or other required event. If I do not have coverage at the time of my Check-In or other event, I will move to an area of coverage as soon as possible.</li> </ul>
3. I understand that the SmartLINK application reports the status of my cellular data coverage, Wi-Fi connectivity, and location services and will notify my case specialist when these services are disabled.
4. I understand that my identity is confirmed using biometric technology and I agree that I will not attempt to circumvent or take any action designed to circumvent the reliability of the biometrics technology.
5. I acknowledge that it is my responsibility to inform my case specialist immediately if I replace, lose, or damage the mobile device upon which the SmartLINK application is installed.
6. I understand that the SmartLINK application requires cellular data or Wi-Fi coverage in order to function correctly and that standard data charges may apply. I agree to maintain my cellular data and Wi-Fi service accounts in good standing and will notify my case specialist immediately in the event of a service disruption.
7. I agree to NOT override my mobile device's operating system by any means.
8. I agree to NOT install updates for my mobile device's operating system unless otherwise instructed by my case specialist.
9. I agree to install SmartLINK updates as soon as they become available.
10. I agree to inform my case specialist immediately if my email address changes.
11. I agree to NOT to drive a motor vehicle or operate machinery when using the SmartLINK application.
12. I agree to stay within the area designated by ERO, and agree to seek permission to leave this area. I will contact my ISAP Case Specialist with any questions.

## Intensive Supervision Appearance Program BI SmartLINK® Agreement

### ACKNOWLEDGEMENT OF REVIEW

My signature below acknowledges that I have received a copy of the rules and authorized schedule and that they have been explained to me. I also acknowledge that translation services were available upon request. I understand that I must comply with these rules until I have completed the Electronic Monitoring Program, or until otherwise notified by my Intensive Supervision Case Specialist. I also understand that any violation of these rules will constitute a violation that could result in termination of my participation in this program and return to detention.

Participant Name: G [REDACTED] E [REDACTED] T [REDACTED]

Alien Number: [REDACTED] 233

Participant Signature: G [REDACTED] E [REDACTED] T [REDACTED]

Date: 2/2/2026 at 14:18

Case Specialist Signature: Pool Sosa-Velapatio

Date: 2/2/2026 at 14:18

## Intensive Supervision Appearance Program GPS Agreement

Participants required to be monitored with GPS technology, will be monitored using a BI GPS tracking device.

AGREEMENT
1. While in the Electronic Monitoring Program, I agree to wear a non-removable ankle bracelet, which will be attached by my Case Specialist, and place the Beacon in my residence.
2. I understand that entrance into the Electronic Monitoring Program requires electrical services at my residence.
3. I agree that it is my responsibility to maintain electrical service at my residence during my time in the Electronic Monitoring Program.
4. I agree to keep the GPS tracking device charged as required. I understand and agree to the care and maintenance requirements of the GPS tracking device.
5. I agree not to remove or tamper with the GPS tracking device or the Beacon except as needed in an emergency or with prior approval from my Case Specialist.
6. I agree to allow authorized personnel to inspect and maintain the GPS tracking device and Beacon during office visits and at my residence.
7. I understand that I must strictly adhere to my approved schedule.
8. I understand that all schedule change requests must be made at least 24 hours in advance by calling +1 2678578070 and leaving a message. Calls will be returned during office hours only. Office hours are Monday - Friday, 08:00 a.m. - 5:00 p.m. All change requests must be approved in advance by my Case Specialist.
9. In the event of an emergency (for example, medical), I have been given the number of an emergency hotline. The number is +1 2678578070. I understand this number is never to be used for non-emergency situations or to request a schedule change.
10. I understand that I may be held responsible for the Electronic Monitoring GPS equipment and I may be required to reimburse the cost of replacement or repair to BI Incorporated for any lost and/or damaged equipment.
11. I agree to stay within the area designated by ERO, and agree to seek permission to leave this area. I will contact my ISAP Case Specialist with any questions.

ACKNOWLEDGEMENT OF REVIEW	
<b>My signature below acknowledges that I have received a copy of the rules and authorized schedule and that they have been explained to me. I also acknowledge that translation services were available upon request. I understand that I must comply with these rules until I have completed the Electronic Monitoring Program, or until otherwise notified by my Intensive Supervision Case Specialist. I also understand that any violation of these rules will constitute a violation that could result in termination of my participation in this program and return to detention.</b>	
Participant Name: G [REDACTED] B [REDACTED] T [REDACTED]	
Alien Number [REDACTED] 233	
Participant Signature: G [REDACTED] B [REDACTED] T [REDACTED]	Date: 2/2/2026 at 14:21
Case Specialist Signature: <i>Pool Sosa-Velapatino</i>	Date: 2/2/2026 at 14:21

## Intensive Supervision Appearance Program Acknowledgment of Office & Business Rules

### REQUIRED INFORMATION

Participant Name: G [REDACTED] B [REDACTED] T [REDACTED]

Alien Number [REDACTED] 233

Case Specialist: Pool Sosa-Velapatio

ISAP Office: BI ISAP Philadelphia

### RULES

1. No loitering is allowed in the ISAP building/property.
2. Provide guest information as requested by ISAP staff.
3. Additional guests are not allowed unless needed for assistance. No guest under the age of 18 is allowed.
4. Be aware that the building/property is being monitored.
5. Be aware that criminal acts in the ISAP building/property could result in prosecution.  
This includes but is not limited to: graffiti, littering, loitering, public intoxication, alcoholic beverages on premises
6. All guests should be seated in the ISAP lobby or designated location when visiting ISAP.

### SIGNATURES

Participant Signature: G [REDACTED] B [REDACTED] T [REDACTED]

Date: 2/2/2026 at 14:19

Case Specialist Signature: Pool Sosa-Velapatio

Date: 2/2/2026 at 14:19



## Individual Service Plan

**Report Date:** 02/02/2026

**Created By:** Pool Sosa-Velapatio

**ISAP Office:** BI ISAP Philadelphia

**Enrollment Date:** 9/5/2022

**Participant Name:** G [REDACTED] B [REDACTED] -T [REDACTED]

**Alien #:** [REDACTED] 233

**Assigned Case Specialist:** Pool Sosa-Velapatio

### Personal Information

**Primary Address:** [REDACTED] Philadelphia, PA

**Home Phone:** [REDACTED]

**Mobile Phone:**

### Supervision Plan

**Legal Stage:** Pre-Order

**Service Plan:** Office Visits Every Eight Weeks, ISAP Case Management, ISAP Court Tracking, ISAP Home Visits Every 8 Weeks

**Technology:** BI LOC8 XT for ISAP

**Frequency of Reporting:** Face to Face 02/16/2026 - no end; Occurs every 8 Weeks on Monday at 09:30

You are required to report to the ISAP office according to the schedule listed above unless you obtain the consent of your ISAP Case Specialist. If you are enrolled on Electronic Monitoring, you will comply with the rules and expectations of Electronic Monitoring. If you are enrolled on GPS, you will not attempt to tamper with or remove the GPS unit for any reason. If you are enrolled on Telephonic Reporting or SmartLINK, you will complete the phone calls or check-ins as required and immediately report any changes related to the telephone number that you provided for these calls or check-ins. You will abide by a weekly schedule, and will notify your Case Specialist of any changes a minimum of 24 hours in advance. You understand that Home Visits may be completed within times that your schedule indicates you are home. You must also comply with all program rules as well as any additional requirements listed in your ERO Order of Recognizance or Order of Supervision.

### Translation Plan

**Languages Spoken:** Spanish

**English Spoken Proficiency:** Interpreter Required

**Transportation Plan**

**Type: Public Transportation**

**Comment: You will take the train or bus in order to get to your appointments.**

**Type: Other (specify)**

**Comment: You will take an Uber in order to get to your appointments.**

**Employment**

**Personal Contacts**

Name: [REDACTED]  
Relationship: Extended Family  
Address:  
Phone: [REDACTED]  
Lives with Participant: False  
Last Verified On: 02/02/2026

Name: [REDACTED]  
Relationship: Extended Family  
Address:  
Phone: + [REDACTED]  
Lives with Participant: False  
Last Verified On:

Name [REDACTED]  
Relationship: Extended Family  
Address:  
Phone: + [REDACTED]  
Lives with Participant: False  
Last Verified On:

**Legal Plan**

Plan: -You are currently in the Pre-Order legal stage -You will attend your court hearing as scheduled and report the results of that hearing to ISAP immediately afterward. -You will inform ISAP if there are any changes in your legal representation or status. -If you are ever in need of legal referrals you may obtain a list from the ISAP office. -You will notify ISAP immediately or as soon as possible should you have contact with law enforcement for any reason. -You will check the automated court system together with your Case Specialist at every office visit to verify future court hearings

Attorney Name:  
Attorney Address:  
Attorney Phone:

**Criminal Activity**

No known criminal activity

**Departure Plan**

Departure Date:

Departure Plan Comment: -You are currently in the Pre-Order legal stage -In the event you receive an order of removal, we have discussed the following: You will think about some of the things you will need to do if you receive your final order and discuss this with your Case Specialist at the next office visit

Additional Travelers:

Additional Travelers Comment:

Travel Method:

**Travel Document**

**Document Status:** Instructed to Visit Consulate

**Issuing Country:**

**Document Type:**

**Document Number:**

**Submitted By:**

**Submitted On:**

**Expiration Date:**

**Plan:** -You will visit consulate to apply for your passport by 12/20/2026 -The consulate is located at 1628 John F Kennedy Blvd #2200, Philadelphia, PA 19103 -You will need to bring BC with you. -Your mode of transportation planned is car. -Other Instructions: Make an appointment.

**Community Referrals**

**Notes:** null -You and the Case Specialist agreed that no community referrals are needed at this time. -The Case Specialist will continue to assess you at each visit for any needed services. -You have been made aware of the community referrals available and agree to alert staff if a referral would be helpf...

G [REDACTED] B [REDACTED] T [REDACTED]  
Participant

*2/2/2026 at 14:20*  
Date

*Pool Sosa-Velapatino*  
Case Specialist

*2/2/2026 at 14:20*  
Date

## Intensive Supervision Appearance Program Program Rules Agreement

### AGREEMENT

On this date 02/02/2026, this contract is agreed to by C [REDACTED] B [REDACTED] T [REDACTED] and BI Incorporated. This contract defines the mutual responsibilities of each party in the ISAP program. Participant, your signature below signifies understanding and agreement with all of the following supervision requirements and ISAP rules. Failure to abide by these rules may result in ICE altering your release conditions which may include increased case management, increased technology assignment, or detention.

### PARTICIPANT RIGHTS

1. The right to expect that your lifestyle, religious preference, values, cultural heritage and practices will be honored regardless of race, color, religion, national origin, age, sex, economic status, political affiliation, sexual orientation, or physical disability.
2. The right to be treated with respect in regard to personal matters with sensitive concern shown when these matters are shared with other staff and Immigration and Customs Enforcement (ICE).
3. The right to confidentiality with the exception of information requested by ICE or that you have authorized ISAP to release.
4. The right to seek and receive medical care and medical treatments outside of your geographic area. If you need emergency care, and cannot wait to speak with your Case Specialist, please provide confirmation from your medical provider following your return.

### PARTICIPANT RESPONSIBILITIES

1. Comply with all ICE, Court requirements, and Orders of Release.
2. Comply with all ISAP requirements set forth in the ISAP Participant Handbook.
3. If required to participate in Electronic Monitoring (EM), comply with the rules and regulations as set forth in the Participant Agreement EM Forms.
4. Do not use illegal drugs of any kind or drink excessively while participating in the ISAP Program.
5. Do not possess any illegal weapons including but not limited to rifles, shotguns, pistols, or any other illegal knives, etc.
6. Follow all United States laws and do not commit any criminal acts. Report any contacts with law enforcement to your Case Specialist within 24 hours.
7. Cooperate with ISAP staff and answer all questions accurately and completely.
8. Provide or authorize release of any information requested by ISAP staff.
9. If allowed to work pursuant to US Immigration Law, provide all employment information to your Case Specialist.
10. Comply with your weekly schedule and/or conditions of your schedule imposed by ICE. You may be requested at any time while in the ISAP program to verify your location 24 hours a days, seven days a week.
11. Update your Case Specialist of any potential changes in your living arrangements, including a change of address, telephone number, or minor dependent living arrangements. *NOTE:* Changing your address and/or phone number requires ICE approval.
12. Respect and recognize the confidentiality interests of every other Participant in BI Incorporated programs by not sharing any information about other Participants with anyone.
13. Comply with all required and scheduled appointments with ISAP and as directed by ICE.
14. Be on time for all court, ERO, and ISAP appointments.

## Intensive Supervision Appearance Program Program Rules Agreement

### PARTICIPANT RESPONSIBILITIES

15. Allow authorized personnel to enter your residence for all required home visits.
16. Carry your ISAP identification card with you at all times (you may be charged a fee if the card is lost).
17. Do not smoke in any ISAP facility.

### CHECK-IN FACILITY POLICIES

1. **Office Hours:** Check-In office hours are Monday-Friday 8 AM to 5 PM. Special holiday hours will be posted in advance.
2. No inappropriate paraphernalia or clothing may be worn or displayed while in an ISAP facility.
3. While on ISAP property, Participant's possessions or vehicles are subject to search.
4. No weapons of any kind are allowed in any ISAP facility. Weapons brought into a facility will result in notification to ICE, a written incident report, and if deemed necessary, termination from the program and the police being contacted.
5. Participant will not engage in any fighting or aggressive behavior with any staff member, family member, or any other individual at the ISAP office.
6. BI ISAP Office Emergency Number: +1 2678578070
7. ICE Office: +1 2156567164

### GRIEVANCE PROCEDURE

Participants dissatisfied with any portion of the program, supervision plan, or program sanctions have the option of filing a grievance. The grievance will be forwarded to the ISAP Program Manager, who will discuss and if possible, resolve the grievance within three working days. If the grievance is not resolved or you are not comfortable with reporting the grievance to the ISAP Program Manager, you may notify ICE.

### PROGRAM MATERIALS

I acknowledge receiving the following resources in an effort to make my time spent on the ISAP Program productive and successful: local community resource service listings, list of local pro-bono legal service providers, and an ISAP Participant Handbook. Know Your Rights is available to all ISAP Participants online via <https://youtu.be/-bdLbk6n2b8>

### ACKNOWLEDGEMENT OF REVIEW

**I give my consent to participate in the program and agree to the above terms. I have attended a comprehensive Orientation on 02/02/2026. I have read and understand all of the above conditions and referenced documents, including the ISAP Participant Handbook, and agree to pursue and achieve the objectives of the contract. I understand and agree that if circumstances change, I may request a review of this contract. I will make every reasonable effort to achieve my stated objectives and realize that my failure to do so may be cause for termination from the ISAP Program.**

Participant Name: G. [REDACTED] B. [REDACTED] T. [REDACTED]	Alien Number: [REDACTED] 233
Participant Signature: G. [REDACTED] B. [REDACTED] T. [REDACTED]	Date: 2/2/2026 at 14:19
Case Specialist Signature: Pool Sosa-Velapatino	Date: 2/2/2026 at 14:19

# Exhibit

6

**Declaration of Edison Josue Lopez**

I, Edison Josue Lopez, do hereby declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.
2. I am the Unit Coordinator for the Community Defense Unit at the Defender Association of Philadelphia.
3. On February 17, 2026, Mikaela Wolf-Sorokin, the lawyer representing G [REDACTED] B [REDACTED] T [REDACTED] assigned me to his case and asked me to accompany Mr. B [REDACTED] T [REDACTED] to an appointment at the Intensive Supervision Appearance Program (ISAP) office on February 18, 2026. Mr. B [REDACTED] T [REDACTED] was nervous to attend this appointment alone.
4. On February 18, 2025, I met Mr. B [REDACTED] T [REDACTED] at the ISAP office at 1015 Chestnut Street in Philadelphia, Pennsylvania at approximately 8:45AM. We entered the office, Mr. B [REDACTED] T [REDACTED] presented his ISAP card at the front desk and the secretary told us to sit down in the waiting room. We waited for a few minutes before we were called back into the office.
5. At approximately 9AM, an officer asked us to come to his office for Mr. B [REDACTED] T [REDACTED]'s appointment. During the appointment, the officer asked Mr. B [REDACTED] T [REDACTED] a series of questions. The officer asked Mr. B [REDACTED] T [REDACTED] if he has kids anywhere in the world, if he has any family in the United States, if he has any plans to move, if he has his own room or shares a room, if he is concerned about his safety, if he has experienced any traumatic events, if he is receiving financial support and if he needs any social service referrals. Mr. B [REDACTED] T [REDACTED] answered all of the officer's questions.
6. The officer asked Mr. B [REDACTED] T [REDACTED] if he has any questions. Mr. B [REDACTED] T [REDACTED] asked the officer about the documents that ICE confiscated from him and if he could get those documents back. The officer informed Mr. B [REDACTED] T [REDACTED] that he would need to ask his attorney to reach out to ICE regarding these documents. Mr. B [REDACTED] T [REDACTED] also commented about how uncomfortable the ankle monitor was, but the officer did not loosen the ankle monitor or make any adjustments to the ankle monitor.
7. At the end of the check-in, I asked the officer a few questions about Mr. B [REDACTED] T [REDACTED]'s ankle monitor. I asked how long Mr. B [REDACTED] T [REDACTED] needs to keep the ankle monitor on, why Mr. B [REDACTED] T [REDACTED] needs the ankle monitor and when can ISAP remove the ankle monitor. The officer's response to all my questions was this was ICE's decision and that they do not know.
8. The officer scheduled Mr. B [REDACTED] T [REDACTED] for a home visit on March 27, 2026 and instructed Mr. B [REDACTED] T [REDACTED] to remain home that day. Mr. B [REDACTED] T [REDACTED] understood, and we exited the check-in office.

I, Edison Josue Lopez, hereby swear that the above statements are true and correct to the best of my knowledge subject to the penalty of perjury pursuant to 28 USC § 1746.

Dated: 02/25/2026

/s/Edison Josue Lopez  
Edison Josue Lopez