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

AIS GANGUEV, Petitioner, v. J.L. JAMISON, *et al.*, Respondents.	Case No. 2:26-cv-1976

RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

As the Court is aware,[1] immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*[2] cases**: individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g.*, *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);

[1] The factual and legal issues presented in this habeas petition do not differ in a material way from those considered and decided by this Court. This matter is most like *Otabek Murodov v. J.L. Jamison, et al.*, No. 26-cv-594 (E.D. Pa. Feb. 13, 2026).

[2] "*Hurtado*" refers to the Board of Immigration Appeals' decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025).

- ***Q. Li*[3] cases:** individuals who entered the United States without inspection, were encountered near the border, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases (like this one)**: individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505 (E.D. Pa. Jan. 26, 2026); *Murodov v. Jamison*, No. 26-cv-594, 2026 WL 413440 (E.D. Pa. Feb. 13, 2026).
- **Expedited Removal cases**: individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). And while there are certain legal and factual distinctions among those cases, the fundamental point of departure between the government's position and the position advanced by petitioners and adopted in more than 200 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

> In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

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[3] "*Q. Li*" refers to the Board of Immigration Appeals' decision in *Matter of Q. Li,* 29 I&N Dec. 66 (BIA 2025).

Although petitioners in these cases are indisputably "applicants for admission," *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer "seeking admission." Courts have reasoned that "seeking admission" should be given meaning beyond "applicant for admission" to avoid surplusage and have read the term to require active and ongoing efforts to be admitted at or near the border. *See, e.g.*, *Kashranov v. Jamison*, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9.

By contrast, the government contends that "applicants for admission" are necessarily "seeking admission" until they have been admitted or until their removal proceedings are complete. Furthermore, in the cases of individuals paroled into the United States under 8 U.S.C. § 1182(d)(5), the government contends that the language of the statute makes clear that, following the period of parole, the individual returns to the custody from which he was paroled at the border. While the government's position has been rejected by this Court (and all Courts in this district) and the vast majority of district courts to have considered it, two courts of appeals to have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals, and have agreed with the government. *See Avila v. Bondi, et al.*, --- F.4th ---, 2026 WL 819258, at *3 (8th Cir. Mar. 25, 2026) (concluding that "the structure of § 1225(b)(2)(A) does not indicate that 'seeking admission' is a separate requirement for detention under the statute."); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026) ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'"); *but see Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1061–62 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not

likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

This case involves an "arriving alien" who the government has detained under 8 U.S.C. § 1225(b)(2)(A). Petitioner applied for admission to the United States at or near the San Ysidro Port of Entry on November 8, 2023. *See* ECF No. 1, Pet. ¶ 17. At the time of his application for admission, he did not possess valid entry documents, such as an unexpired immigrant visa, reentry permit, or border crossing card, and thus, Customs and Border Protection (CBP) deemed him inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), and CBP issued a Notice to Appear (NTA) charging him as removable under that provision. *See* NTA (Jan. 9, 2024), attached as Ex. A. Upon information and belief, Petitioner's discretionary parole expired one year after he arrived in the United States, on or about November 8, 2024.[4] And on March 25, 2026, the government detained him under 8 U.S.C. § 1225(b)(2)(A). Pet. ¶ 19. At the time the habeas petition was filed, Petitioner was detained within the Eastern District of Pennsylvania.

Thus, the case turns principally on the threshold question of statutory interpretation discussed above—whether Petitioner is an "applicant for admission" who is "seeking admission" within the meaning of § 1225(b)(2)(A) following expiration of his period of parole.[5] The government expands on that argument below, addresses the

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[4] The government has not been able to locate Petitioner's I-94 and thus relies on USCIS Policy Guidance, which states that discretionary parole pursuant to INA § 212(d)(5) is typically granted for no more than one year from the time of entry into the United States. *Humanitarian or Significant Public Benefit for Aliens Outside the United States*, USCIS, (Dec. 15, 2025), https://www.uscis.gov/ humanitarian/ humanitarian_parole.

[5] In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), 1252(g), and the Third Circuit's decision in *Khalil v. President, United States of America*, 164 F.4th 259 (3d Cir. 2026).

particular context of Petitioner's status as an "arriving alien" whose parole has expired, and addresses Petitioner's separate argument alleging a violation of due process.

II. ARGUMENT

The Court should deny the petition because (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(A); (2) neither a grant of discretionary parole nor its later expiration or termination changes Petitioner's legal status as an inadmissible arriving alien subject to mandatory detention; and (3) Petitioner's detention is in accord with constitutional due process requirements.

A. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2).

i. Petitioner is an "applicant for admission" "seeking admission."

An individual who "arrives in the United States," or is "present" in this country but "has not been admitted," is an "applicant for admission" under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 166 F.4th at 499. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) "serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)") (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is "not clearly and beyond doubt entitled to be admitted" to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). *See also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* "[a]n alien present in the United States who has not been admitted *or* who arrives in the United States") (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as "applicant[s] for admission," regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner)

desires to remain in the United States, the applicant is necessarily "seeking admission" within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 166 F.4th at 503 ("[A]n 'applicant for admission' is necessarily someone who is 'seeking admission.'"); *id.* at 502 ("When a person applies for something, they are necessarily seeking it."); *see also Avila*, 2026 WL 819258, at *2-5. Otherwise, the alien must "withdraw the application for admission and depart immediately from the United States." 8 U.S.C. § 1225(a)(4).

An alien continues to be "seeking admission" while in immigration removal proceedings to determine whether he can "be admitted to the United States." *See* 8 U.S.C. § 1229a(3). This is particularly true for inadmissible arriving aliens like Petitioner, who are necessarily "seeking admission" by virtue of their arrival at a port-of-entry and application to enter the United States. *See* 8 C.F.R. § 1001.1(q). This is why inadmissible arriving aliens like Petitioner, even after their entry to the United States, are not permitted to request voluntary departure and instead must withdraw their application for admission should they wish to depart the United States. *See* 8 U.S.C. § 1229c(a)(4).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an "applicant for admission" be actively "seeking admission" at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).[6] But, as noted, a divided Fifth and Eighth Circuit

[6] The government is pursuing appeals in the Third Circuit related to both the statutory and constitutional due-process claims. The matters on appeal are *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150 (3d Cir.), which are now consolidated for all purposes. The government's consolidated opening brief was filed on March 20, 2026. The Third Circuit granted the government's motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.

Court of Appeals panel have each agreed with the government. *See Buenrostro-Mendez*, 166 F.4th at 502 ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'"); *Avila*, 2026 WL 819258, at *3 ("while an alien remains an 'applicant for admission' so long as he is 'present in the United States [and] has not been admitted,' 8 U.S.C. § 1225(a)(1), he is also 'presently seeking admission' during this time[.]"). Both the Fifth and Eighth Circuits concluded that an "applicant for admission" is "necessarily someone who is 'seeking admission.'" *Buenrostro-Mendez*, 166 F.4th at 503; *see also Avila*, 2026 WL 819258 at *3-4; *but see Castañon-Nava*, 161 F.4th at 1061–62. Thus, Petitioner, who is indisputably an "applicant for admission," is also "seeking admission" and covered by § 1225(b)(2)(A), particularly where, as discussed below, the terms of his parole expired, and he has returned to his custody status at the time of entry.

ii. Applicants for admission, including arriving aliens, must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.

Pursuant to 8 U.S.C. § 1225(b)(2)(A), "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings]." 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 ("Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens."). The regulations further make clear that § 1225(b) is the proper detention authority for arriving aliens, like Petitioner, who are placed into removal proceedings under § 1229(a) of the Act rather than processed for expedited removal. *See* 8 C.F.R. § 235.3(c) ("[A]ny arriving alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings. . . *shall*

be detained in accordance with [§ 1225(b)] of the Act) (emphasis added); *but see Murodov v. J.L. Jamison, et al.,* No., 2:26-cv-00594 (E.D. Pa. Feb. 13, 2026) (finding an arriving alien is not subject to mandatory detention under § 1225(b)(2) because that section includes no reference to arriving aliens); *Alekseev v. Warden, et al.,* No. 2:26-cv-00462 (E.D. Pa. Feb. 13, 2026) (same).

Thus, Petitioner, by virtue of his manner of entry into the United States, remains an applicant for admission seeking admission, as he has not clearly and beyond doubt established that he is entitled to be admitted to the United States following his application at a port-of-entry. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

B. Neither a grant of discretionary parole nor a later expiration or revocation of parole changes Petitioner's legal status as an inadmissible arriving alien.

Under the INA and its implementing regulations, Petitioner was—and remains—an inadmissible arriving alien seeking admission to the United States. Specifically:

> Arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry[ ] .... An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the [INA], and even after any such parole is terminated or revoked....

8 C.F.R. § 1001.1(q); *see also* 8 U.S.C. § 1225(a)(1) ("An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival ...) shall be deemed for purposes of this chapter an applicant for admission.").

As an "arriving alien"—which constitutes a distinct category of "applicants for admission" within the category considered by the Board of Immigration Appeals in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025)—Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), as discussed above. *See* 8 C.F.R. § 235.3(c)(1). Custody regulations expressly exclude arriving aliens from receiving a bond hearing,

even if they have been paroled into the country. Specifically, 8 C.F.R. § 1003.19(h)(2)(i) provides that an immigration judge "may not redetermine conditions of custody" (*i.e.*, set bond) "with respect to . . . (B) Arriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the Act." Here, Petitioner applied for admission into the United States at a port of entry. *See* Pet. ¶ 18. "Thus, by definition, he is an arriving alien." *Contreras v. Oddo*, 2025 WL 2104428, *4 (W.D. Pa. July 28, 2025).[7]

"[A]pplicants for admission may be temporarily released on parole 'in a case-by-case basis for urgent humanitarian reasons or significant public benefit.'" *Contreas,* 2025 WL 2104428 at *5 (quoting 8 U.S.C. § 1182(d)(5)(A)) (citing *Pierre*, 350 F.Supp.3d at 330 ("Decisions under § 1182 are purely discretionary.")); 8 C.F.R. § 212.5(b) (setting forth general considerations for parole from custody)). However,

> **parole of such alien shall not be regarded as an admission of the alien** and when the purposes of such parole shall, in the opinion of the Secretary of [DHS], have been served **the alien shall forthwith return or be returned to the custody from which he was paroled** and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

Contreas, 2025 WL 2104428 at *5 (emphasis added) (quoting 8 U.S.C. § 1182(d)(5)(A) and citing *Chi Thon Ngo v. INS*, 192 F.3d 390, 392 n.1 (3d Cir. 1999) ("When parole is revoked, the alien reverts to the status of an applicant for admission.")). "In short, the decision to grant and revoke parole to an inadmissible arriving alien is discretionary." *Id*. And, at the conclusion of parole, § 1182(d)(5)(A) provides that the alien must be "returned to the custody from which he was paroled." 8 U.S.C. § 1182(d)(5)(A).

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[7] Judge Kenney of this Court rejected a similar government argument relying on the "arriving alien" distinction but did so by placing great weight on the government's reclassification of the petitioner in a superseding Notice to Appear as an "alien present in the United States" who had "arrived in the United States" one year before. *See Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026).

Here, therefore, although Petitioner may previously have been paroled into the United States, a later decision to terminate or revoke that parole "is left to the discretion of the Executive Branch." *Id.* And, upon the expiration, termination, or revocation of his parole, Petitioner is returned to the custody from which he was paroled—the mandatory detention required for inadmissible arriving aliens under 8 U.S.C. § 1225(b)(2)(A). In other words, following expiration or termination of parole, Petitioner is returned to his status at the time of entry, *i.e.,* an "applicant for admission," "seeking admission," who is "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). *But see, e.g., Piurbeev v. Rose*, No. 26-cv-910 (E.D. Pa. Feb. 23, 2026) (Hodge, J.) (rejecting argument that an arriving alien is still "seeking admission" once paroled into the United States); *Olimov v. Jamison*, No. 26-cv-532 (E.D. Pa. Mar. 3, 2026) (Wolson, J.) (same); *Lotero Cano v. Jamison*, No. 26-cv-1140 (E.D. Pa. Mar. 3, 2026) (Scott, J.) (same).

C. Written notice is not required prior to terminating parole under § 1182(d)(5)(A).

Written notice is not required prior to terminating a prior discretionary parole decision under § 1182(d)(5)(A). *See* 8 C.F.R. § 212.5(e)(1)(ii) (explaining that parole *shall be automatically terminated without written notice* . . . at the expiration of the time for which parole was authorized . . . in accordance with 8 C.F.R. § 212.5(e)(2), *except that no written notice shall be required*) (emphasis added). Only when termination of parole is not automatic under § 212.5(e)(1)—in other words, when an alien has not departed the United States or the period of parole has not expired—is notice required under § 212.5(e)(2). *But see Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (finding notice required prior to terminating parole); *Vasquez Diaz v. Rose,* No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.) (same).

Here, upon information and belief, Petitioner's parole expired automatically at the conclusion of his period of authorized parole, *i.e.,* on or about May 4, 2023.

Petitioner is no longer in an authorized period of parole, thus returning him to custody status under 8 U.S.C. § 1225(b)(2)(A).

Furthermore, the Court lacks jurisdiction to review a parole revocation decision under 8 U.S.C. § 1252(a)(2)(B), since it is plainly a discretionary "decision or action." *Samirah* 335 F.3d at 549 (holding DHS's authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan*, 593 F.3d at 789 (same). Moreover, to the extent Petitioner is alleging that revocation of parole requires a case-by-case analysis, the Court should reject this argument. While 8 U.S.C. § 1182(d)(5)(A) requires that *grants* of parole be made on a case-by-case basis, it contains no parallel language with respect to terminations, and the language of § 1182(d)(5)(A) makes clear that such a determination is left entirely to the "opinion" of the DHS Secretary.

D. Petitioner's detention meets constitutional due process requirements.

Congress broadly crafted "applicants for admission" to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.").

The Supreme Court has repeatedly recognized this profound interest. Petitioner's mandatory detention pursuant to §1225(b) will only last the duration of his removal proceedings. *Demore,* 538 U.S. at 512 ("[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings,* the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings"); *see also Jennings,* 583 U.S. at 304. In light of Congress's interest in regulating immigration, including by keeping specified persons

in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See generally Demore*, 538 U.S. at 531.

Petitioner's recent detention pending his removal proceedings does not violate the Due Process Clause. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a "constitutionally permissible part of that process." *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness of his detention under *German Santos*.

III. CONCLUSION

For the foregoing reasons, respondents respectfully request that the petition for writ of habeas corpus be denied, without a hearing, on the briefs.[8]

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ *Susan R. Becker* for
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ *Mansi G. Shah*
MANSI G. SHAH
Assistant United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Phone: (215) 861-8318
Email: Mansi.Shah@usdoj.gov

Counsel for Respondents

Dated: April 1, 2026

[8] The Court should decide the issues raised in the petition without a hearing, as it has done in similar cases. *See Murodov,* No. 25-594 (E.D. Pa. Feb. 13, 2026).

CERTIFICATE OF SERVICE

I certify that, on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: April 1, 2026

/s/ Mansi G. Shah
MANSI G. SHAH
Assistant United States Attorney

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No: [redacted]

In the Matter of:

Respondent: Ganguev, Ais currently residing at:

[redacted]

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

☒ You are an arriving alien.

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

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

The Department of Homeland Security alleges that you:

1) You are not a citizen or national of the United States;
2) You are a native of RUSSIA and citizen of RUSSIA ;
3) You applied for admission at San Ysidro Port of Entry, CA on 11/08/2023;
4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;

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

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

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☒ Section 235(b)(1) order was vacated pursuant to: ☒ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

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

915 2ND AVENUE, SUITE 613 SEATTLE, WA 98174

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

on 02/13/2026 *(Date)* at 9:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

[signature]

(Signature and Title of Issuing Officer)

Date: 01/09/2024

Houston, Tx

(City and State)

EOIR - 1 of 2

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

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

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

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

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

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

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

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

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

Request for Prompt Hearing

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

Before: _____

_____
(Signature of Respondent)

Date: _____

_____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 1/17/24, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt #_____requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

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

A. Torres
(Signature of Respondent if Personally Served)

(Signature and Title of Officer)

EOIR – 2 of 2