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

MAIEMURZHON IMAMOV,

Petitioner,

v.

J.L. JAMISON, in his official capacity as Warden, FDC Philadelphia, *et al.*,

Respondents.

Case No. 26-cv-2204

RESPONSE IN OPPOSITION TO PETITION
<u>FOR WRIT OF HABEAS CORPUS</u>

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INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(2)(A). But Petitioner is not detained under § 1225(b)(2)(A). He is detained under 8 U.S.C. § 1225(b)(1) because he was initially processed for **expedited removal** when he attempted to enter the United States without authorization. That Petitioner is no longer in expedited removal under 8 U.S.C. § 1225 and is now in standard removal proceedings under 8 U.S.C. § 1229a does not change the statutory basis for his detention.[1]

DHS processed Petitioner for expedited removal pursuant to 8 U.S.C. § 1225(b)(1) after he entered the United States without inspection in December 2022. *See* Ex. A, Form I-860, Notice and Order of Expedited Removal (Jan. 2, 2023); ECF No. 1-3 at Ex. B (Form I-213, Record of Deportable/Inadmissible Alien (Dec. 30, 2022)). After Petitioner claimed a fear of return to his home country, DHS placed him into standard removal proceedings under 8 U.S.C. § 1229a and paroled him into the United States pursuant to 8 U.S.C. § 1182(d)(5) to facilitate this process. *See* ECF No. 1 (Pet.) ¶ 19; ECF No. 1-3 at Ex. A (Interim Notice Authorizing Parole (Jan. 27, 2023)).

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[1] That said, multiple district courts in this jurisdiction have rejected this argument. *See, e.g.*, *Villarreal Torres v. Jamison*, No. 26-cv-2000, 2026 WL 937929, at *1 (E.D. Pa. Apr. 7, 2026) (Wolson, J.); *see also Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.); *Seminario-Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026) (Kearney, J.); *Vazquez-Diaz v. Rose*, No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.); *Vargas Quejada v. Jamison*, 26-cv-914 (E.D. Pa. Feb. 17, 2026 (McHugh, J.); *Nawab Ali v. Jamison*, No. 26-cv-729 (E.D. Pa. Feb. 19, 2026) (Quiñones Alejandro, J.); *Zavala Ulloa v. Jamison*, No. 26-cv-823 (E.D. Pa. Feb. 20, 2026) (Marston, J.); *Green v. Jamison*, No. 26-cv-773 (E.D. Pa. Feb. 26 2026) (Scott, J.).

Petitioner's parole has since automatically terminated and Petitioner has now returned to his detention status at the time of his parole—that is, mandatory detention under § 1225(b)(1)—during the remainder of his removal proceedings under § 1229a. *See* ECF No. 1-3 at Ex. A. Petitioner's detention thus comports with the INA, the bond regulations, and the Constitution, so the Court should deny the petition for a writ of habeas corpus.

BACKGROUND

I. Detention Framework Under the Immigration and Nationality Act

The INA provides a statutory scheme for the civil detention of aliens pending a decision during removal proceedings as well as once a final order of removal has been entered. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. The time and circumstances of entry, as well as the stage of the removal process, determines where an alien falls within this scheme and whether detention of the alien is discretionary or mandatory.

A. Applicants for Admission and Expedited Removal

An applicant for admission to the United States is defined as "[a]n 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." 8 U.S.C. § 1225(a)(1). As explained by the Supreme Court, "an alien who tries to enter the country illegally is treated as an 'applicant for admission,' and an alien who is detained shortly after unlawful entry cannot be said to have 'effected an entry' into the United States." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020). Put differently, an "alien who arrives at a 'port of entry,' *i.e.*, a place where the alien may lawfully enter, must apply for admission. An alien [] who is caught trying to enter at some other spot is treated the same way." *Id.* at 108. Such applicants for admission, "even those paroled elsewhere in the country for years pending removal—are 'treated' for due process purposes 'as if stopped at the border.'" *Id.* at 139 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215

(1953)). Pursuant to § 1225, immigration officials have discretion to place aliens arriving in the United States in either expedited removal proceedings under 8 U.S.C. § 1225(b)(1) or standard removal proceedings under 8 U.S.C. § 1229a. Under either approach, § 1225 authorizes detention of such individuals "throughout the completion of applicable proceedings and not just until the moment those proceedings begin." *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018).

In 1996, Congress amended § 1225(b) to add "expedited removal" procedures for certain applicants for admission. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104208, Tit. III, § 302(a), 110 Stat. 3009-579 (1996); *see also Thuraissigiam*, 591 U.S. at 109-11 (describing the expedited removal process). Section 1225(b)(1) now provides that an applicant for admission is subject to expedited removal if the applicant is: (i) inadmissible because he or she lacks valid documents or is inadmissible due to fraud; (ii) has not "been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility"; or (iii) is among those whom the Secretary of DHS has designated for expedited removal. For these individuals, once an immigration officer determines that they are inadmissible, the officer must "order the alien removed from the United States without further hearing." 8 U.S.C. § 1225(b)(1)(A)(i); *Thuraissigiam*, 591 U.S. at 109.

B. Credible Fear Determinations

If, however, the alien expresses a fear of persecution or torture in their home country, an asylum officer must determine whether the alien has a credible fear. *See* 8 U.S.C. §§ 1225(b)(1)(A)(ii) & (B); 8 C.F.R. §§ 208.30, 235.3(b)(4). If an asylum officer makes a positive finding of credible fear, the individual is placed into removal proceedings to pursue asylum under 8 U.S.C. § 1229a. *Id.*

As explained by the Supreme Court, "[a]n alien subject to expedited removal thus has an opportunity at three levels to obtain an asylum hearing, and the applicant will obtain one unless the asylum officer, a supervisor, and an immigration judge all find that the applicant has not asserted a credible fear." *Thuraissigiam*, 591 U.S. at 110-11 ("As a practical matter, then, the great majority of asylum seekers who fall within the category subject to expedited removal do not receive expedited removal and are instead afforded the same procedural rights as other aliens."). An individual subject to expedited removal under § 1225(b)(1), however, including an individual undergoing further review of their asylum claim, "is not entitled to immediate release" regardless of whether their asylum claim is reviewed fully or in an expedited manner. *Id.* at 111; *Jennings*, 583 U.S. at 302. Rather, § 1225(b)(1)(B)(iii)(IV) provides for mandatory detention of individuals during the credible fear review process and until removal from the United States. ("Any alien subject to the procedures under this clause *shall be detained* pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed." (emphasis added)).

C. Parole for Applicants for Admission

While an applicant for admission is not entitled to release or a bond hearing by statute or regulation, the Secretary, acting through Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), has discretion to release applicants for admission from custody on humanitarian parole. *See* 8 U.S.C. § 1182(d)(5). Such a parole is done "temporarily under such conditions as [the Secretary] may prescribe [and] only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

Parole is not an "admission" to the United States. 8 U.S.C. §§ 1101(a)(13)(B), 1182(d)(5)(A). As noted above, "aliens who arrive at ports of entry—*even those paroled elsewhere in the country for years pending removal*—are 'treated' for due process purposes 'as if stopped at the border.'" *Thuraissigiam*, 591 U.S. at 139 (quoting *Mezei*, 345 U.S. at 215) (emphasis added); *see also Leng May Ma v. Barber*, 357 U.S. 185, 188-90 (1958). In other words, an applicant for admission paroled into the United States "remain[s] constructively detained at the border, *i.e.*, legally unadmitted, while their status is being resolved by immigration officials." *Ibragimov v. Gonzales*, 476 F.3d 125, 134 (2d Cir. 2007); *see also Duarte v. Mayorkas*, 27 F.4th 1044, 1059 (5th Cir. 2022) ("[A] paroled alien is legally equivalent to an alien that is held in custody at the border while their application for admission is processed.").

ICE may terminate a parole under § 1182(d)(5)(A) when, "in the opinion of the Secretary of Homeland Security, "the purposes of such parole . . . have been served." 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i). When a Notice to Appear (NTA)—the charging document that initiates proceedings—is served on the parolee, this serves as written notice of termination of parole. *See Matter of Arambula-Bravo*, 28 I&N Dec. 388, 395 (BIA 2021) ("A charging document presumptively terminates parole because an intent to remove a noncitizen necessarily reflects a determination that the continued presence of that individual is no longer warranted."). No pre-termination hearing is required. *See Ofosu v. McElroy*, 98 F.3d 694, 700 (2d Cir. 1996) (explaining that parole "may be ended without hearings or special forms."); *Ahrens v. Rojas*, 292 F.2d 406, 410 (5th Cir. 1961) ("Neither the statute nor the regulation provides for a hearing on revocation of parole."). Further, at the expiration of the time for which parole was authorized, "[p]arole shall be automatically terminated without written notice." 8 C.F.R. § 212.5(e)(1)(ii).

D. Return to Custody After Parole Expiration or Termination

After parole expires or is terminated, "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." 8 U.S.C. § 1182(d)(5)(A) (emphasis added); 8 C.F.R. § 212.5(e)(2)(i) (explaining that after automatic termination, the alien "shall be restored to the status that he or she had at the time of parole"). Once parole is terminated, "[a]ny further inspection or hearing shall be conducted under section 235 [8 U.S.C. § 1225] or 240 [8 U.S.C. § 1229a] of the Act." 8 C.F.R. § 212.5(e)(2)(i); *see Ahrens,* 292 F.2d at 410 (noting that after parole termination, "the plaintiff's status was the same as if he had been stopped at the border."). The grant of parole and its termination is committed to the broad discretion of the Secretary. *See Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (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 v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (same).

II. Factual and Procedural History

Petitioner, a native and citizen of Russia, entered the United States without inspection on December 30, 2022. Pet. ¶ 13. Given his time, manner, and place of entry, CBP determined that Petitioner was inadmissible to the United States and thereafter placed him into expedited removal proceedings under § 1225(b)(1). *Id.* ¶ 15. After Petitioner claimed a fear of return to his home country, DHS referred Petitioner to USCIS for completion of a credible fear interview. *See id.* ¶¶ 16-17.

After that interview, USCIS rendered a positive finding of credible fear and placed Petitioner into removal proceedings under § 1229a. *Id.* ¶¶ 17-19. On January 27, 2023, ICE exercised its discretion to parole Petitioner from its custody under § 1182(d)(5); that parole was valid for one year. *See* ECF No. 1-3 at Ex. A (stating parole authorization "is valid for one year beginning from the date on this notice and will automatically terminate . . . at the end of the one-year period"). ICE recently detained Petitioner under § 1225(b)(1) pending completion of his removal proceedings. *See* Ex. B, Form I-213, Record of Deportable/Inadmissible Alien (Apr. 3, 2026).

LEGAL STANDARD

A writ of habeas corpus is an "extraordinary remedy." *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner "carries the burden of proof"); *see also* 28 U.S.C. § 2241.

Judicial review of immigration matters, including detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm.* (*AADC*), 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has "underscore[d] the limited scope of inquiry into immigration legislation," and "has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens." *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79-82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."); *Jennings*, 583 U.S.

at 286 ("Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made.").

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See U.S. v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) ("This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power").

ARGUMENT

As discussed below, Petitioner's detention is authorized by statute, regulation, and comports with the Constitution and the Administrative Procedure Act. So the Court should deny the petition for a writ of habeas corpus.

I. Petitioner's Detention is Authorized by 8 U.S.C. § 1225(b)(1)

Petitioner's argument that his detention violates the INA is without merit because ICE's current detention of Petitioner is authorized and, indeed, mandated by statute. Petitioner attempted to enter the United States without inspection in 2022 and was intercepted but not inspected, admitted, or paroled by an immigration officer at the time of that entry. *See* Ex. A. Petitioner was therefore an "applicant for admission" and was accordingly processed for expedited removal under § 1225(b)(1). *See id.* (Notice and Order of Expedited Removal citing INA § 235(b)(1)).

A. Petitioner Was Properly Processed for Expedited Removal

The regulations at 8 C.F.R. § 235.3(b)(2)(i) set forth a process that must be applied before removing an alien under the expedited removal process. This process involves two separate steps: (i) completion of a Form I-860, Notice and Order of Expedited Removal, which advises the alien of the charges against him; and (ii) a contemporaneously executed Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act, during which the alien will be given the opportunity to respond to the charges in the Form I-860. 8 C.F.R. § 235.3(b)(2)(i).

Here, the CBP officer who initially processed Petitioner completed a Form I-860, Notice and Order of Expedited Removal and a Form I-867A, Record of Sworn Statement, as required by 8 C.F.R. § 235.3(b)(2)(i). *See* Ex. A; ECF No. 1-3 at Ex. C (Form I-867A (Jan. 2, 2023)). The sworn statement memorializes the Russian interview between Petitioner and the same CBP officer. *See* ECF No. 1-3 at Ex. C. Petitioner initialed each page of the sworn statement and signed the last page as required by 8 C.F.R. § 235.3(b)(2)(i), acknowledging that the statement is "a full, true and correct record of [his] interrogation." *See id.* Thus, by completing a record of proceeding as required under 8 C.F.R. § 235.3(b)(2)(i), DHS properly initiated initial expedited removal processing.

Petitioner was not removed following this initial expedited removal processing because he expressed a fear of return to his home country during his interview. *See* ECF No. 1-3 at Ex. B-004 ("IMAMOV stated that he has a fear of returning to RUSSIA"). The fact that Petitioner is no longer in expedited removal proceedings does not preclude continued detention under § 1225(b)(1). To the contrary, when Petitioner claimed a fear of returning to his home country, he triggered the § 1225(b)(1)(B) process, which includes a referral to USCIS for a credible fear interview and further (full removal) proceedings under § 1229a to consider Petitioner's application for asylum. 8 U.S.C. § 1225(b)(1)(B); ECF No. 1-3 at Ex. B-004. Until his removal proceedings under § 1229a are complete, which includes adjudication of his application for asylum, or until he withdraws his application for admission pursuant to 8 U.S.C. § 1225(a)(4), Petitioner remains in this process. And Congress has mandated that anyone going through this process "shall be detained pending a final determination of credible fear and persecution and, if found not to have such a fear, until removed." 8 U.S.C. § 1225(b)(1)(B)(ii); *see also id.* § 1225(b)(1)(B)(iii)(IV); *Jennings*, 538 U.S. at 297, 302 (explaining that § 1225(b) "mandate[s] detention of applicants for admission until proceedings have concluded.").

B. Petitioner's Release on Parole Does Not Preclude Detention Under 8 U.S.C. § 1225(b)(1)

Importantly, ICE's release of Petitioner on parole under 8 U.S.C. § 1182(d)(5) does not preclude detention under § 1225(b)(1)(B)(ii). Petitioner may try to argue that he is not subject to mandatory detention under § 1225(b)(1) because he has been paroled into the United States. *See* § 1225(b)(1)(A)(iii)(II) (applying the expedited removal provisions to certain other aliens "who have not been admitted or paroled into the United States"). But the Court should reject this argument because the Secretary of Homeland Security's 2004 Expedited Removal Designation makes clear that this language applies only to certain categories of aliens who were admitted or paroled into the United States *following inspection by an immigration officer at a designated port-of-entry*. *See* Designating Aliens for Expedited Removal, 69 Fed. Reg. 48,877 (Aug. 11, 2004) (emphasis added); *see also* 8 U.S.C. § 1225(b)(1)(A)(iii)(I) (allowing the Secretary to designate certain aliens for expedited removal and clarifying that this designation "shall be in the sole and unreviewable discretion" of the DHS Secretary).

In this case, Petitioner entered the United States without inspection and is charged as being present in the United States without admission or parole. *See* Ex. C, Notice to Appear

(Aug. 14, 2025). After this unlawful entry, DHS made the discretionary decision to parole Petitioner from its custody under § 1182(d)(5)(A). *See* ECF No. 1-3 at Ex. A. Importantly, this parole did not occur following inspection by an immigration officer at a designated port of entry. So Petitioner remains subject to the expedited removal provisions at § 1225(b)(1) and, in turn, mandatory detention.

ICE's release of Petitioner on parole pursuant to 8 U.S.C. § 1182(d)(5) does not convert DHS's detention authority from § 1225(b)(1) to § 1226 because, as noted above, parole "shall not be regarded as an admission of the alien." *Id.* § 1182(d)(5)(A). Congress was explicit: "when the purposes of such parole 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." *Id.* (emphasis added). Petitioner therefore remains subject to the same detention authority—§ 1225(b)(1)—until his claim for asylum is fully adjudicated and he is either granted asylum or removed. *Woodley v. Rokosky*, Case No. 26-cv-150 (D.N.J. Feb. 2, 2026) (denying habeas petition and finding detention lawful under § 1225(b)(1) for alien initially processed for expedited removal, notwithstanding prior grant of parole under § 1182(d)(5)); *Faqirzada v. Rokosky*, No. 25-cv-16639 (D.N.J. Jan. 8, 2026) (same). *But see Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (granting habeas petition and finding that termination of parole under § 1182(d)(5) forecloses mandatory detention under § 1225(b)).

That Petitioner is properly detained under § 1225(b)(1) receives further support from the Attorney General's decision in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019). In *M-S-*, the Attorney General overruled as wrongly decided an earlier Board of Immigration Appeals (BIA) case, *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005), in which the BIA held that aliens transferred to full proceedings after establishing a credible fear were eligible for bond. 27 I& N Dec. at 513-14. The Attorney General explained that, by its plain language, applicants for admission transferred to full removal proceedings after establishing a credible fear remain ineligible for bond. *Id.* at 515. Instead, an individual in this category of applicants for admission "must be detained until his removal proceedings conclude, unless he is granted parole." *Id.* at 509. Petitioner's prior release does not change the fact that he remains subject to detention pursuant to § 1225(b)(1)(B)(ii).

C. No Written Notice Is Required Before Revoking Parole

If Petitioner argues that ICE improperly revoked his parole without first providing notice of such revocation, the Court should reject that argument. The regulations make clear that no written notice is 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 written 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 revoking parole); *Vasquez Diaz v. Rose,* No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.) (same).

The Interim Notice Authorizing Parole issued to Petitioner confirms the above regulatory scheme. The parole document states:

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

ECF No. 1-3 at Ex. A (emphasis added). Petitioner signed this document, thus placing him on notice of the terms of his parole, including the terms of its revocation. *Id.* So no notice is required when, as here, the time for which parole was authorized has expired. The automatic termination of Petitioner's parole was thus lawful.

The Court also lacks jurisdiction to review a parole revocation decision under 8 U.S.C. § 1252(a)(2)(B) because it is plainly a discretionary "decision or action." *Samirah*, 335 F.3d at 549 (authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of discretion barred from review by § 1252(a)(2)(B)(ii)), *Hassan*, 593 F.3d at 789 (same); *see also In re Ntreh*, 401 F. App'x 686, 688 (3d Cir. 2010) ("It is also doubtful that the District Court had jurisdiction to review ICE's discretionary denial of parole."); *Naul v. Gonzales*, No. 05-cv-4627, 2007 WL 1217987, at *3 (D.N.J. Apr. 23, 2007) (Greenaway, J.) (holding that denial of parole under § 1182(d)(5)(A) is a discretionary decision that is unreviewable under § 1252(a)(2)(B)(ii)). And to the extent Petitioner is alleging that revocation of parole requires a case-by-case analysis, the Court should reject that 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. *See Doe v. Noem*, 152 F.4th 272, 286 (1st Cir. 2025) (concluding that "the statutory text . . . reflects a deliberate choice on the part of Congress to require the Secretary to implement a case-by-case approach to granting parole, but not to end such grants").

D. Petitioner Is Not Detained Under 8 U.S.C. § 1225(b)(2)

Petitioner claims that DHS is detaining him under § 1225(b)(2) pursuant to the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and DHS's new policy. *See, e.g.*, Pet. ¶ 34. That is incorrect and contrary to the facts and procedural history of Petitioner's case. As discussed above, Petitioner was processed for expedited removal upon entry into the United States and was subsequently found to have a credible fear of return to his home country, thus bringing him within the mandatory detention authority of § 1225(b)(1). So Petitioner is detained under § 1225(b)(1), not § 1225(b)(2). Because Petitioner is properly detained under § 1225(b)(1) and not eligible for a bond hearing, the Court should deny his petition for a writ of habeas corpus.

II. Petitioner's Detention is Constitutional

Petitioner's arguments that his detention violates due process also lack merit. The Supreme Court has long recognized that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Further, applicants for admission like Petitioner lack any constitutional due process rights with respect to admission aside from the rights provided by statute: "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned," *Mezei*, 345 U.S. at 212, and, "it is not within the province of any court, unless expressly authorized by law, to review [that] determination." *United States ex. rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950); *see also Thuraissigiam*, 591 U.S. at 140 ("[T]he Due Process Clause provides nothing more.").

The Supreme Court reaffirmed "[its] century-old rule regarding the due process rights of an alien seeking initial entry" in *Thuraissigiam*, explaining that an individual who illegally crosses the border—like Petitioner—is an applicant for admission and "has only those rights regarding admission that Congress has provided by statute." 591 U.S. at 139-40. The Court explained that "[w]hile aliens who have established connections in this country have due process rights in deportation proceedings, the Court held long ago that Congress is entitled to set the conditions for an alien's lawful entry into this country and that, as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause." *Id.* at 107.

"When an alien arrives at a port of entry—for example, an international airport—the alien is on U.S. soil, but the alien is not considered to have entered the country." *Id.* at 139. The same "threshold" rule applies to individuals who are apprehended after trying "to enter the country illegally" since by statute, such individuals are also defined as applicants for admission. *Id.* at 139-40. And all applicants for admission, "even those paroled elsewhere in the country for years pending removal," "have no entitlement to procedural rights other than those afforded by statute." *Id.* at 107, 139. And the statute provides no more procedural protections than allowing an applicant for admission to seek relief from removal if he fears return to his home country, and to seek parole from the agency. *Id.* During that process, however, applicants for admission may be detained without a bond hearing pending admission or removal without running afoul of the Constitution. *Demore*, 538 U.S. at 531.

Petitioner's recent detention pending his removal proceedings thus does not violate Due Process. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). To be sure, the U.S. Court of Appeals for 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)). But Petitioner was detained on April 3, 2026 (Ex. B at 2)—less than a week ago—and his detention is thus nowhere near that point.

CONCLUSION

The Court should deny the petition for a writ of habeas corpus.

Dated: April 8, 2026

Respectfully submitted,

DAVID METCALF
United States Attorney

GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Susan R. Becker
SUSAN R. BECKER
Assistant United States Attorney
Deputy Chief, Civil Division

/s/ Gregory B. in den Berken
GREGORY B. IN DEN BERKEN
Assistant United States Attorney
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Phone: (215) 861-8505
Email: gregory.indenberken@usdoj.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on April 8, 2026, a true and correct copy of this Response in Opposition to Petition for Writ of Habeas Corpus was filed electronically via the Court's CM/ECF system and served via CM/ECF on all counsel of record.

/s/ Gregory B. in den Berken
GREGORY B. IN DEN BERKEN

EXHIBIT A

U .S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: [redacted]

File No: [redacted]

Date: January 02, 2023

In the Matter of: MAIEMURZHON IMAMOV

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are not a citizen or national of the United States;

2. You are a native of RUSSIA and a citizen of RUSSIA ;

3. On December 30, 2022, you illegally entered the United States at/near Tecate, CA, and you were not inspected by an Immigration Officer.

4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

LINO G. MESCIA
BORDER PATROL AGENT
Name and title of immigration officer (Print)

LINO G MESCIA
Date: 2023.01.02 19:25:47 -08:00
0961787591.CBP
Signature of immigration officer

ORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Name and title of immigration officer (Print)

Signature of immigration officer

Name and title of supervisor (Print)

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on ____________________
(Date)

Signature of immigration officer

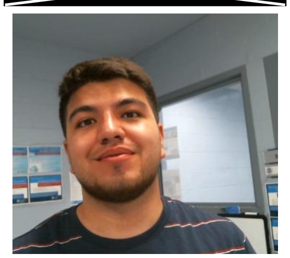
EXHIBIT A

U.S. Department of Homeland Security Subject ID : [redacted] **Record of Deportable/Inadmissible Alien**

Family Name (CAPS) / First / Middle	IMAMOV, MAIEMURZHON
Country of Citizenship	RUSSIA
Passport Number and Country of Issue	[redacted]
U.S. Address	[redacted] 19116, UNITED STATES
Date, Place, Time, and Manner of Last Entry	Unknown Date Unknown Time,
Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence	
	[redacted] Age: 21
Date of Action	04/03/2026
Location Code	PHI/PHI
City, Province (State) and Country of Birth	RUSSIA
AR	☒
Form : (Type and No.) Lifted ☐ Not Lifted ☐	
NIV Issuing Post and NIV Number	
Social Security Account Name	
Date Visa Issued	
Social Security Number	
Sex	M
Hair	BLK
Eyes	BRO
Cmplxn	FAR
Height	64
Weight	170
Occupation	UNR
Scars and Marks	None Indicated - none
F.B.I. Number	[redacted]
☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated	Single
Method of Location/Apprehension	NCA
At/Near	See I-831
Date/Hour	04/03/2026 12:52
By	J 7102 HOLZMAN
Status at Entry	
Status When Found	
Length of Time Illegally in U.S.	
Immigration Record	NEGATIVE
Criminal Record	
Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate)	
Number and Nationality of Minor Children	None
Father's Name, Nationality, and Address, if Known	IMMOMOV, SAIDZHON NATIONALITY: RUSSIA
Mother's Present and Maiden Names, Nationality, and Address, if Known	AZIMOUA, MANZURA NATIONALITY: RUSSIA
Monies Due/Property in U.S. Not in Immediate Possession	None Claimed
Fingerprinted? ☒ Yes ☐ No	Yes
Systems Checks	See Narrative
Charge Code Words(s)	See Narrative
Name and Address of (Last)(Current) U.S. Employer	
Type of Employment	Unemployed or Retired
Salary	Hr
Employed from/to	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

[redacted] **Left Index fingerprint** **Right Index fingerprint**



FAMILY INFORMATION
\-------------------
Father:IMMOMOV, SAIDZHON is a citizen of RUSSIA.
Mother:AZIMOUA, MANZURA is a citizen of RUSSIA.
Spouse:Subject is not married.
Child:Subject does not have children or dependents.

SUBJECT HEALTH STATUS
\---------------------
The subject claims good health. ...(CONTINUED ON I-831)

J 7102 HOLZMAN
Deportation Officer

Alien has been advised of communication privileges ______________ (Date/Initials) (Signature and Title of Immigration Officer)

Distribution:

File

Received: (Subject and Documents) (Report of Interview)

Officer: J 7102 HOLZMAN

on: April 3, 2026 (time)

Disposition: Other

Examining Officer: DEMURGUIONDO, ASD8132

U.S. Department of Homeland Security **Continuation Page for Form** I-213

Alien's Name	File Number	Date
IMAMOV, MAIEMURZHON	[redacted]	04/03/2026

CURRENT CRIMINAL CHARGES

04/03/2026 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212

RECORDS CHECKED

CIS checked on 04/03/2026 with Positive result.

ARRESTED AT/NEAR
[redacted] PHILADELPHIA, PENNSYLVANIA, 19107, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:
-------------------[redacted]--------
Imamov, Maiemurzhon [redacted] is subject to President Donald Trump's Executive Order, titled "Protecting [redacted] People Against Invasion," signed on January 20, 2025

Subject's alienage and removability established through the following means:

1. Check of ICE related indices.
2. Field Interview
3. Biometric fingerprint match

ENCOUNTER

On April 3, 2026, Immigration and Customs Enforcement (ICE) and Rem [redacted] ons Philadelphia, PA (ERO-PHI) officers encountered Imamov, Maiemurzhon [redacted], herein referred to as subject, at 114 N 8th Street, Philadelphia, PA 19107 [redacted] eporting to Philadelphia ICE/ERO for his scheduled report date. Officers established positive identification through an interview and prior immigration photo. A review of subject's case shows his scheduled immigration court date was vacated and rescheduled for December 14, 2026. Subject was taken into custody and given a new court date while detained. Subject also has pending I-589. Officers identified themselves and advised the subject he was going to be taken into custody and detained by ICE ERO. Subject was taken into the Philadelphia Field Office detention area for further processing.

IMMIGRATION HISTORY

On December 30, 2022, IMAMOV, MAIEMURZHON, was initially encountered by Border Patrol Agent S. Lone During this encounter, IMAMOV was questioned about his citizenship and nationality, and whether he was in possession of any legal documents allowing him to enter or remain in the United States legally. IMAMOV stated that he is a citizen and national of RUSSIA, without proper immigration documents allowing him to enter or remain in the United States legally. Border Patrol Agent Lone, at approximately 10:16 AM, arrested IMAMOV approximately 1.2 miles East of Tecate, California, Port of Entry and approximately 100 yards north of the United States\Mexico International Boundary. IMAMOV was transported to the San Diego Sector for further processing and disposition.

At the station, as a routine step in processing, IMAMOV `S biographical and biometric information were entered into the Department of Homeland Security processing systems. The following numbers are associated with IMAMOV:

A#: [redacted]
FIN
FBI

Signature	Title
J 7102 HOLZMAN	Deportation Officer

Form I-831 Continuation Page (Rev. 08/01/07)

U.S. Department of Homeland Security — Continuation Page for Form I-213

Alien's Name	File Number	Date
IMAMOV, MAIEMURZHON	[redacted]	04/03/2026

IMMIGRATION VIOLATION

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.

HEALTH AND HUMANITARIAN

Subject claims to be in good health and does not take medication.
Subject claims that he is not married and has no children.
Subject has not served in the U.S. Military.
Subject claims fear of returning to Russia.
Consular notification is man
Subject claims to reside at [redacted]

MISCELLANEOUS

Subject served I-200 and detained in ICE custody. I-830 completed and uploaded to documents.

OTHER IDENTIFYING NUMBERS
------ --------
ALIEN-[redacted]

Signature	Title
J 7102 HOLZMAN	Deportation Officer

EXHIBIT C

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

DOB: [redacted]
Event[redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: MAIRMURZHON IMAMOV currently residing at:

[redacted] Philadelphia, PENNSYLVANIA 19116 [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 a native of RUSSIA and a citizen of RUSSIA ;
2. On December 30, 2022, you illegally entered the United States at/near Tecate, CA, and you were not inspected by an Immigration Officer.
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
4. You are not a citizen or national of the United States;

See Continuation Page Made a Part Hereof

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:

See Continuation Page Made a Part Hereof

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

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

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

900 MARKET STREET, SUITE 504 PHILADELPHIA, PA 19107.

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

on March 17, 2026 *(Date)* at 8:30 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

[illegible]
(Signature and Title of Issuing Officer)

Date: August 14, 2025

[illegible]
(City and State)

EOIR — 1 of 4

Notice to Respondent

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

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

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

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

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

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

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

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

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

Upon information and belief, the language that the alien understand is RUSSIAN

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 August 14, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

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

☐ Attached is a credible fear worksheet.

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

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

____
(Signature of Respondent if Personally Served)

____
(Signature and Title of officer)

Privacy Act Statement

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

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

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

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
IMAMOV, MAIEMURZHON	[redacted]	08/14/2025

THE SERVICE ALLEGES THAT YOU:

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5. You were not then admitted or paroled after inspection by an Immigration Officer.ORAt that time you arrived at a time or place other than as designated by the Attorney General.

6. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

7. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

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

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.

Signature	Title
AOP SIDD	SDDO

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EOIR — 4 of 4