

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

NAVJOT SINGH

Petitioner,

v.

WARDEN, BAKER CORRECTIONAL, INSTITUTION
(In his / her Official Capacity)

GARRETT RIPA, Miami Field Office Director
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT;
(In his Official Capacity)

TODD LYONS, Acting Director
ENFORCEMENT AND REMOVAL OPERATIONS
IMMIGRATION AND CUSTOMS ENFORCEMENT
(In his Official Capacity)

JOSEPH B. EDLOW, Director
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
(In his Official capacity)

MARKWAYNE MULLIN , Secretary
DEPARTMENT OF HOMELAND SECURITY
(In his official capacity)

TODD BLANCHE, Acting Attorney General
of the United States
U.S. DEPARTMENT OF JUSTICE
(In his official capacity)

Respondents.

X

} CASE NUMBER #

} Agency No.

A 

**PETITION FOR
HABEAS CORPUS**

X

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

NAVJOT SINGH v. WARDEN, BAKER CORRECTIONAL, INSTITUTION (In his / her Official Capacity) GARRETT RIPA, Miami Field Office Director DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT; (In his Official Capacity) TODD LYONS, Acting Director ENFORCEMENT AND REMOVAL OPERATIONS IMMIGRATION AND CUSTOMS ENFORCEMENT (In his Official Capacity) JOSEPH B. EDLOW, Director U.S. CITIZENSHIP AND IMMIGRATION SERVICES (In his Official capacity) MARKWAYNE MULLIN , Secretary DEPARTMENT OF HOMELAND SECURITY (In his official capacity) TODD BLANCHE, Acting Attorney General of the United States U.S. DEPARTMENT OF JUSTICE (In his official capacity) Respondents. } X CASE NUMBER # _____ Agency No. A  PETITION FOR HABEAS CORPUS	X
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I. INTRODUCTION and STATEMENT OF CASE

1. Petitioner Navjot Singh, (also hereinafter referred to as “Petitioner” or

“Plaintiff”, “Mr. SINGH”), by and through his undersigned attorneys Kai W. De Graaf (*Pro-hac vice*)¹, petitions this Court for a writ of habeas corpus to restore and to preserve his liberty interest and due process rights by issuing an order compelling the Enforcement and Removal Office of the Immigration and Customs Enforcement, Department of Homeland Security (“ERO” / “ICE”), to at once release Mr. SINGH from ICE detentive custody during such time that his Application for a “U” Visa is given full adjudication by the U.S. Citizenship and Immigration Services of the Department of Homeland Security. Petitioner Navjot Singh seeks the issuance of a writ of Habeas Corpus remedying the inappropriate continued detention of Mr. Navjot Singh, whether by ordering Mr. Navjot Singh immediately released or by ordering that Respondents provide him a bond hearing.

2. On May 5, 2026, this Court (MORALES HOWARD, Hon. Marcia DCJ), issued an Order striking petitioner’s combined habeas/mandamus action (Case #3:26-CV-00678-MMH-MCR) without prejudice to refile only his claims regarding detention by June 4, 2026, and further ordering that any

¹ Attorney De Graaf’s Motion for Special Admission was granted by this Court on April 15, 2026, where after he duly registered for and was accorded electronic filing privileges.

request for mandamus relief against the USCIS be raised in a separate action.

3. Mr. Navjot Singh is currently subject to a final order of removal in light of the fact that his appeals and any motions before the Board of Immigration Appeals and the appropriate circuit court have been exhausted. (EXHIBIT L- Court Decisions and Orders Immigration - Navjot Singh).
4. ICE-ERO (Jacksonville Sub-Office) arrested Petitioner Navjot Singh on March 17, 2026. Petitioner is currently and has been since March 17, 2026 in the custody of the local Enforcement and Removal Field Office of the Immigration and Customs Enforcement, Department of Homeland Security, 13077 Veveras Drive, Jacksonville, FL 32258, United States. PHONE: (904) 288-4600.
5. Mr. SINGH is the sole provider for his wife and his two children, both who are U.S. citizens. (EXHIBIT C- Biometric documents; EXHIBIT D- Statement of wife Narinderjit KAUR). Petitioner Navjot SINGH is the longtime hardworker at three (3) jobs and pays a mortgage on a home (EXHIBIT K - employer letter; EXHIBIT J - tax records and bills). His two children are both U.S. citizens (EXHIBIT C- Biometric documents), and, one of Petitioner's children suffers from various disabilities that require

special attention (EXHIBIT G). Furthermore, Petitioner's wife Narinderjit KAUR asserts that she fled her native India in order to ~~avoid an honor~~

~~_____~~
~~_____~~ (EXHIBIT D- Statement of Narinderjit KAUR and EXHIBIT E- Psychosocial evaluation). Should Petitioner be removed from the United States to India at this time, he will be ~~_____~~ and his wife and two children will have no support whatsoever.

6. Contemporaneously to this submission for a writ of habeas corpus, Petitioner submits a petition for a writ of mandamus seeking adjudication on his pending I-918 application for a U-visa which will allow him to stay in the United States in deferred action status and eventually seek lawful permanent residence notwithstanding his outstanding removal order.

7. As additional necessary background information, Petitioner Navjot Singh, was along with his wife robbed at gunpoint in Palatka, Florida on ~~_____~~

~~_____~~ at around ~~_____~~ (EXHIBIT A- Statement of Petitioner at ¶¶ 9-13). ~~_____~~

~~_____~~ Petitioner and his wife both cooperated with the police in their investigation of this offense. As a result of such cooperation,

Navjot SINGH (and his wife) are eligible for and accordingly have applied for a nonimmigrant U visa under 8 U.S.C. § 184(p)(6) and § 1103(a). That application, filed with U.S. Citizenship and Immigration Services' (USCIS) Vermont Service Center on November 15, 2024, has languished for a year and a half, even though the Respondent USCIS notified Mr. SINGH that he and his wife Narinderjit SINGH were determined to possess a "bona-fide" claim of eligibility and granted him "deferred action" status for purposes of removal. (EXHIBIT B).

8. That "Bona Fide Determination Notice", issued on April 23, 2025, indicated that a "U" visa could not at that time be issued on account of statutory numerical limit (EXHIBIT B). The nonimmigrant U visa provides lawful status to certain undocumented noncitizen crime victims who assist law enforcement authorities and their qualifying family members. By statute, only 10,000 U visas may be granted each fiscal year. Because there are more U visa petitioners each year than available visas, the regulations require USCIS to place all eligible U visa petitioners on a waiting list. Upon placement on this list, the U visa petitioner is protected from removal from the United States while awaiting final adjudication of the U visa petition.
9. Although the USCIS Vermont Service Center issued the "Bona Fide

Determination Notice”, giving him deferred action status with respect to Mr. SINGH’s order of removal which became final on May 25, 2021 when the Board of Immigration Appeals dismissed his appeal from the Immigration Judge order of removal of May 25, 2018 (EXHIBIT L), ICE-ERO (Jacksonville Sub-Office) arrested him on March 17, 2026 and is currently processing him for imminent removal from the United States. Consequently, although he is on the waiting list, Petitioner remains at great risk of removal. As of today, March 27, 2026, the USCIS is taking eighteen (18) months to adjudicate an I-918 Application for U-visa Status.

<https://egov.uscis.gov/processing-times/>

10. In order to maintain the status quo therefore, Petitioner further seeks an order from this Court declaring that Respondents' arrest, continued detention, and possible imminent deportation of Mr. Navjot Singh violates the Due Process Clause of the Fifth Amendment.
11. In support of this petition and complaint for declaratory and injunctive relief, Kai W. De Graaf, Esq., an attorney in good standing admitted to practice in the State of New York and in the Federal District Court for the Southern District of New York, affirms to be true under penalty of perjury,

and according to his best knowledge and belief that:

- i. Kai W. De Graaf, Esq. is authorized to represent the Petitioner Navjot SINGH and to prosecute this Petition on behalf of the Petitioner. Attorney De Graaf has been Petitioner's Immigration attorney since the year 2018 until the present time;
- ii. Kai W. De Graaf, Esq. is familiar with the facts of the case from a review of the files maintained at his offices, and through numerous conversations with the Petitioner, with members of Petitioner's family and friends and associates who are involved in this matter;
- iii. Kai W. De Graaf, Esq., affirms into evidence the copies of affidavits and other documents attached to this Petition for the purpose of presenting to the Court the exhibits relied upon in Petitioner's papers as EXHIBITS "A" through "L". References to these exhibit papers are made throughout this petition;
- iv. Kai W. De Graaf, Esq. further affirms as follows:

II. CUSTODY

12. Petitioner is in the constructive physical custody of Respondents

Department of Homeland Security (“DHS”), United States Immigration and Customs Enforcement (“ICE”), for the District of Jacksonville, Florida.

Mr. Navjot SINGH’s custody and imminent deportation is controlled by ICE. Mr. Navjot SINGH is therefore in custody of the United States as per 8 U.S.C. § 1231(a).

III. JURISDICTION

13. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.,.

Additionally, the district court does have jurisdiction to consider the instant Petition for federal habeas corpus relief under 8 U.S.C. § 1231(a), (*INS v. St. Cyr*, 121 St. Ct. 2271 (2001)), which governs detention of non-citizens who are subject to a final order of removal nad where due process and fundamental fairness concerns are raised.

14. This Court has jurisdiction under 28 United States Constitution (“Suspension Clause”); This Court may grant relief pursuant § 702 (Administrative Procedures Act), the Declaratory Judgment Act, 28 U.S.C.

§ 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and the mandamus statute, 28 U.S.C. § 1361.

15. There exists an actual and justiciable controversy between Petitioner and Respondent requiring resolution by this Court, that of the legality of his ongoing custody as well as the impropriety of the violations of established law and regulations pertaining to the adjudication of Mr. Singh's I-918 Application for a U Nonimmigrant Visa. 8 C.F.R. §214.14(d).
16. The Court may grant injunctive and declaratory relief for the constitutional violations alleged herein pursuant to 5 U.S.C. §702, which waives the sovereign immunity of the United States with respect to any action for injunctive relief under 28 U.S.C. §1331, 28 U.S.C. §2201, and/or Federal Rules of Civil Procedure 57 and 65.

IV. VENUE

17. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Florida, sub-district of Jacksonville, Florida, the judicial district in which Petitioner resided at the time of his removal from the United States. Venue is also properly in this Court pursuant to 18 U.S.C. §

1391(e) because Respondents are employees, officers, and agencies of the United States, and/or because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida,.

V. PARTIES

18. Petitioner **Navjot SINGH** is a native and citizen of India. Petitioner was taken into custody by the U.S Immigration and Customs Enforcement Department of Homeland Security (DHS) on March 17, 2026 at approximately 9:30 A.M. He is known to be held by Respondent Immigration and Customs Enforcement (Jacksonville Field Office) at the Baker Correction Institution in Sanderson, Baker County, Florida.
19. Respondent **WARDEN, BAKER CORRECTIONAL INSTITUTION**, is the current physical custodian of Petitioner Navjot Singh. The actual identity of the Warden is unknown. See: Huynh v. Warden, Baker Correctional Institution et al, No. 3:2025cv01536 - Document 18 (M.D. Fla. 2026). The Baker Correctional Institution where Petitioner Navjot Singh is being detained is located at 20706 FL-10, Sanderson, Florida 32087, Phone: (386) 719-4500.
20. Respondent **GARRETT RIPA Miami Field Office Director**, in his official

capacity as Miami Field Office Director for U.S. Immigration and Customs Enforcement is the duly appointed Field Office Director of the Office of Detention and Removal for ICE, in Miami, which in turn oversees the Jacksonville Florida sub-Office of Detention and Removal for ICE, which in turn is the local custodian for Petitioner Navjot SINGH. Respondent **GARRETT RIPA Miami Field Office Director** is the official charged with the oversight and direction of the agents of ICE in Jacksonville, Florida who took Mr. Navjot SINGH into detentive custody on or about March 17, 2026 and continue to hold him in detention at Baker Correctional Institution 20706 FL-10, Sanderson, Florida 32087, Phone: (386) 719-4500.

As the duly appointed Field Office Director for Miami, he therefore serves and will continue as a custodian for the purposes of this petition.

GARRETT RIPA Miami Field Office Director is and was responsible for ensuring the legality of ICE ERO policies as implemented within the jurisdiction of the Miami Field office, and for ensuring that officers under his supervision comply with the Constitution and laws of the United States. Although the Jacksonville ICE-ERO sub-Office (13077 Veveras Drive, Jacksonville, FL 32258, United States (904) 288-4600), is under the Field Office Director's complete control and supervision, **GARRETT RIPA**

Miami Field Office Director is headquartered in Miami, and is located at: Garrett Ripa, Miami Field Office Director U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security 865 SW 78th Avenue, Suite 101, Plantation, Florida 33324, Phone: (954) 236-4900.

21. Respondent **Todd LYONS** is sued in his official capacity as Director of U.S. Immigration and Customs Enforcement, and is the official charged with oversight and direction of ICE, its field offices, and its agents. He supervises Respondent Garrett RIPA and oversees the Miami ICE Field Office. He therefore serves as a custodian of Navjot SINGH for purposes of this petition. Director LYON's contact information is as follows: U.S. Immigration and Customs Enforcement, 500 12th St., SW, Washington, D.C. 20536; PHONE: 1 (802) 872-6199.
22. Respondent **MARKWAYNE MULLIN** is sued in his official capacity as Secretary of the Department of Homeland Security, and in that capacity bears responsibility for the administration and enforcement of all the functions, powers, and duties of all of the various components of the Department of Homeland Security, including for purposes of this petition, the Immigration and Customs Enforcement. In such capacity, Secretary **MARKWAYNE MULLIN** oversees all personnel who have and are

expected to maintain and enforce Petitioner's custody, whether physical or constructive, setting terms of parole and supervised release, and all aspects of deportation as well as the adjudication of Mr. SINGH's pending application for "U" visa application. Secretary **MARKWAYNE MULLIN** is responsible for the administration and enforcement of the immigration laws, including against Petitioner Navjot SINGH. Respondent **MARKWAYNE MULLIN** supervises those local Field Office personnel who are responsible for effecting Mr. SINGH's local arrest detention and removal from the United States. He therefore serves as Petitioner's ultimate custodian for purposes of this petition. Respondent **MARKWAYNE MULLIN** is headquartered in Washington, D.C. and can be contacted as follows: The Honorable **MARKWAYNE MULLIN**, Acting Secretary of Homeland Security, Department of Homeland Security, 2707 Martin Luther King Jr Ave SE, Washington, DC 20528-0525; PHONE: 202-282-8000.

23. **JOSEPH B. EDLOW** is sued in his official capacity as the Director of U.S. Citizenship and Immigration Services. In his official capacity he is responsible for overseeing all of the units and offices of the U.S. Citizenship and Immigration Services bureau ("USCIS") of the Department of Homeland Security, which is in turn responsible for adjudicating the Form

I-918 “U”-visa application previously submitted to USCIS by petitioner Navjot Singh and his wife. **JOSEPH B. EDLOW** is therefore responsible for deciding the merits of the underlying I-918 petition and adjusting status of the Petitioner Navjot SINGH. **JOSEPH B. EDLOW**’s contact information is as follows: **JOSEPH B. EDLOW**, Director of U.S. Citizenship and Immigration Services, 5900 Capital Gateway Dr., Camp Springs, Maryland 20588. PHONE: (800) 375-5283).

24. Respondent **Todd BLANCE** is sued in his official capacity as Attorney General of the United States and is the duly appointed, qualified, and confirmed Attorney General of the United States. Respondent **Todd BLANCHE** is the official charged with the enforcement of the laws of the United States and supervises immigration judges and the Board of Immigration Appeals, both of which come under the purview of the Executive Office for Immigration Review. He is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. §1103(g). Respondent **Todd BLANCHE** will be legally responsible for administration of any future hearing Mr. Navjot SINGH again have in Immigration Court, including the adjudication bond motions and ordering the Petitioner's release from

custody, and he is responsible for any applications, petitions and appellate review may present before the Board of Immigration Appeals. The Attorney General is headquartered in Washington, D.C. and is located at: U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001; Phone: (202) 514-2000.

V. ALLEGATIONS

A. FACTS OF CASE and PROCEDURAL BACKGROUND

25. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-24 above. Petitioner further alleges that:
26. Petitioner Navjot Singh was born on [REDACTED] in Bariar, Punjab, INDIA. (EXHIBIT C). His Immigration file number is: A [REDACTED]
27. He entered the United States on June 8, 2010 after fleeing his native country India due to serious political problems that he was having there. After entering the United States, on June 27, 2010, he had a Credible Fear Interview and was found to possess a credible fear of persecution in my native India based on his political activities and he was thereafter put into

removal proceedings on July 13, 2010 in Harlingen Texas. The Immigration Judge then transferred the venue of his case to Newark, New Jersey; and, on May 25, 2018, the Immigration Judge Alberto RIEFKOHL denied his applications for political asylum and withholding of removal and ordered Petitioner removed. He appealed to the Board of Immigration Appeals which dismissed my appeal on May 25, 2021. The U.S. Court of Appeals for the Third Circuit denied his petition for review on April 05, 2022. He then filed a motion to reopen his Immigration case at the Board of Immigration Appeals, which similarly denied his motion. He again filed another Petition for Review of that denial to the U.S. Court of Appeals for the Third Circuit. Again the Third Circuit dismissed his appeal. (EXHIBIT A- Statement of Navjot Singh at ¶1 and ¶5; EXHIBIT L Decisions and Orders).

28. On Tuesday morning March 17, 2026 at around 9:30 A.M., while riding as a passenger in a car in and around Jacksonville Florida on his way to work, Petitioner was stopped and arrested by ICE agents. The ICE officers brought Petitioner to their ICE headquarters building in Jacksonville, Florida and told Petitioner that ICE was going to send him back to India. (EXHIBIT A - Statement of Navjot Singh at ¶6).

29. Petitioner informed the ICE officers that he cannot go back on account of the new circumstances that are occurring there after [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (EXHIBIT A Statement of Navjot Singh at

¶6; EXHIBIT D- Statement of Narinderjit KAUR at §4; EXHIBIT E- Narinderjit Kaur Psychosocial Evaluation, I-589 and Credible Fear Interview transcript & Determination; EXHIBIT H - Joginder Kaur Statement §3, 15; EXHIBIT I- Joginder Kaur Medical;).

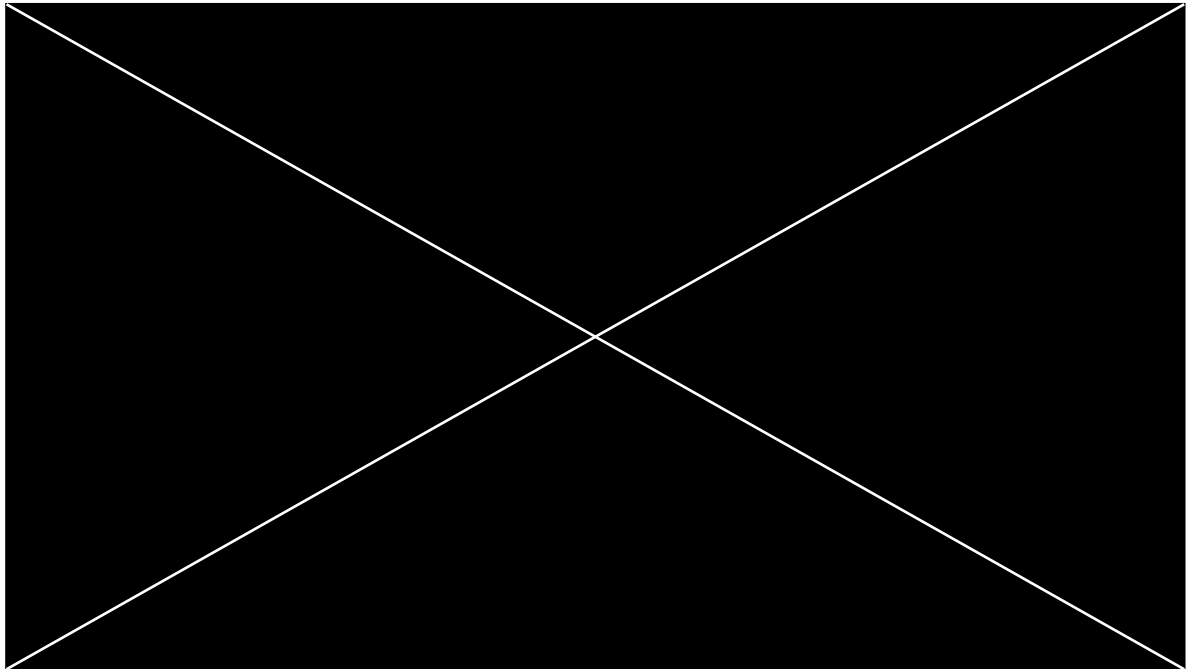
30. On [REDACTED] Petitioner and his wife Narinderjit Kaur were victims of an armed robbery that occurred while they were acting as cashiers at a gas station in Palatka, Florida. (EXHIBIT B; EXHIBIT D- Statement of Narinderjit KAUR at §§7-11).

31. They both filed form I-918 Application for a U-visa on account of a robbery on October 15, 2024 (EXHIBIT A Statement of Navjot Singh at ¶9; EXHIBIT D- Statement of Narinderjit KAUR; EXHIBIT B). As a result of I-918 filing, both Petitioner Navjot Singh and his wife were issues notices by USCIS that they were determined to possess a bonafide claim of

eligibility for the U-visa, and that any removal would be deferred.

(EXHIBIT B).

32. As to the damages suffered and endured by the trauma, Petitioner Navjot SINGH and his wife Narinderj have both suffered considerable psychological and even physical injury as a result of the robbery. Narinderjit KAUR suffered a severe shock, 



 To this day, their son F  requires special education due to severe learning disabilities EXHIBIT G- F  Medical Autism Clinical Evaluation; EXHIBIT E- Narinderjit Kaur Psychosocial; see also: EXHIBIT A Statement of Navjot Singh at ¶12; EXHIBIT D- Statement of Narinderjit KAUR at §10; EXHIBIT F- Doctor Statement and Medical Narinderjit

KAUR).

33. The United States Immigration law makes available a application process by which certain victims of crime may apply for relief, including deferred action on deportation, work authorization and ultimately, lawful permanent Residence here in the United States. Accordingly, Petitioner and his wife Narinderjit KAUR both applied to the U.S. Citizenship and Immigration Services for the “U” nonimmigrant visa, which is a special form of relief for victims of certain crimes.
34. As victims of a violent crime which nearly resulting in miscarriage for wife Narinderjit SINGH, Petitioner and his wife both cooperated with the police in their investigation of this offense. As a result of such cooperation, Navjot SINGH (and his wife) are eligible for and accordingly have applied for a nonimmigrant U visa under 8 U.S.C. § 184(p)(6) and § 1103(a). Accordingly, the parties filed their respective applications arising out of the same incident on November 15, 2024 and the application is still pending at this time (Receipt # ). The applications have been pending for eighteen (18) months. In the meantime, the U.S. Citizenship and Immigration Services (“USCIS”) has issued to both Petitioner and his wife Narinderjit individually a “Bona Fide Determination Notice”

(EXHIBIT B).

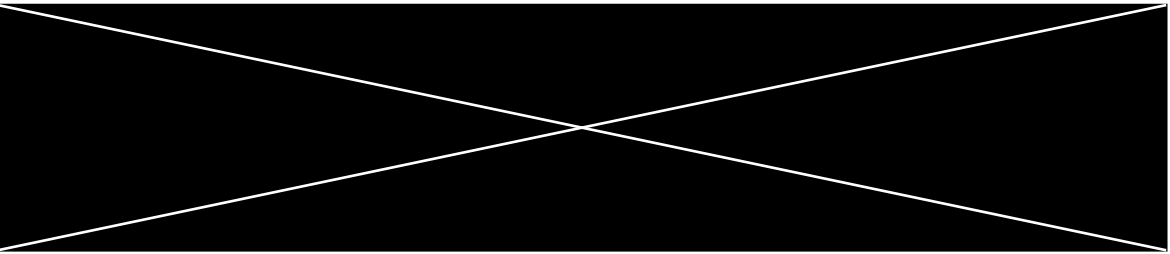
35. That “Bona Fide Determination Notice”, issued on April 23, 2025, indicated that a “U” visa could not at that time be issued on account of statutory numerical limit (EXHIBIT B).
36. Although the USCIS Vermont Service Center issued the “Bona Fide Determination Notice”, giving him deferred action status with respect to Mr. SINGH’s order of removal which became final on May 25, 2021 when the Board of Immigration Appeals dismissed his appeal from the Immigration Judge order of removal of May 25, 2018 (EXHIBIT L), ICE-ERO (Jacksonville Sub-Office) nonetheless arrested Petitioner on March 17, 2026 and is currently processing him for imminent removal from the United States. Consequently, although he is on the waiting list, Petitioner remains at great risk of removal. As of today, March 27, 2026, the USCIS is taking eighteen (18) months to adjudicate an I-918 Application for U-visa Status.
<https://egov.uscis.gov/processing-times/>
37. It should also be noted that the Petitioner’s wife Narinderjit KAUR does not have a final order of removal but is awaiting her final hearing on her application for political asylum before the Immigration Court in Orlando, Florida. As noted herein, she also has also been issued “Bona-fide

Determination Notice” declaring the validity of her U-visa eligibility claim (EXHIBIT E).

38. Mr. SINGH is the sole provider for his wife and his two children, both who are U.S. citizens. (EXHIBIT C- Biometric documents; EXHIBIT D- Statement of wife Narinderjit KAUR). Petitioner Navjot SINGH is the longtime hardworker at three (3) jobs and pays a mortgage on a home (EXHIBIT K - employer letter; EXHIBIT J - tax records and bills). His two children are both U.S. citizens (EXHIBIT C- Biometric documents), and, one of Petitioner’s children suffers from various disabilities that require special attention (EXHIBIT G). Furthermore, Petitioner’s wife Narinderjit KAUR asserts that she fled her native India in order to [REDACTED]
- [REDACTED]
- [REDACTED] Petitioner Navjot SINGH (EXHIBIT D- Statement of Narinderjit KAUR and EXHIBIT E- Psychosocial evaluation). Should Petitioner be removed from the United States to India at this time prior to the adjudication of his U-visa by Respondent Department of Homeland Security, he will be [REDACTED] and his wife and two children will have no support whatsoever if they remain in the United States.

39. Equally difficult would be for Petitioner’s wife and children to accompany

Mr. Singh to India, as they would



40. On March 17, 2026 Petitioner was arrested by officers of the Immigration and Customs Enforcement.
41. Petitioner Navjot Singh is currently and has been since March 17, 2026 in the custody of the local Enforcement and Removal Field Office of the Immigration and Customs Enforcement, Department of Homeland Security, 13077 Veveras Drive, Jacksonville, FL 32258, United States. PHONE: (904) 288-4600.

VI. LEGAL FRAMEWORK

A. The U Visa Program

42. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-41 above. Petitioner further alleges that:
43. On 2000, Congress created a new nonimmigrant visa classification, referred

to as a U visa, through the passage of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). See Pub. L. No. 106-386, § 1513(a)(2)(B), 114 Stat. 1464, 1533 (codified at 8 U.S.C. § 1101(a)(15)(U)). The nonimmigrant U visa allows undocumented noncitizens who were victims of qualifying crimes and who assisted in the detection, investigation, or prosecution of the qualifying criminal activity to apply for and receive a nonimmigrant visa. 8 U.S.C. § 1101(a)(15)(U); see also 8 C.F.R. § 214.14(a)(5). Upon issuance, the U visa provides noncitizens with up to four years of nonimmigrant status and work authorization. See 8 U.S.C. § 1184(p)(6). Additionally, by operation of law, the approval of a U visa cancels any final order of removal to which the petitioner may be subject. 8 C.F.R. § 214.14(c)(5)(i). Moreover, upon residing in the United States in U nonimmigrant status continuously for three years, noncitizens may apply for permanent residency. See 8 U.S.C. § 1255(m).

44. In creating the U visa program, Congress sought to “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute” certain serious crimes “while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.” See: VTVPA,

Pub. L. No. 106-386, Title V, § 1513(a), 114 Stat. 1464, 1533. By providing victims of crime with an avenue for gaining lawful immigration status, the U visa encourages victims to cooperate with law enforcement agencies, thus strengthening relations between law enforcement and immigrant communities.

45. Individuals are eligible for U nonimmigrant status if they: (1) are the victim of qualifying criminal activity that occurred in the United States or its territories or possessions; (2) have suffered substantial physical or mental abuse as a result; and (3) have been helpful to law enforcement in the detection, investigation, or prosecution of such criminal activity. See 8 U.S.C. §1101(a)(15)(U).

B. The Qualifying Crime Under Florida Law

46. As relevant here, an armed robbery while committing assault is a qualifying crime for a U visa. 8 U.S.C. §1101(a)(15)(U)(iii). Armed robbery is classified as a first-degree felony under Florida Statute §812.13, if the offender carries a firearm, deadly weapon, or any other weapon during the commission of the robbery. Under the Florida Unborn Victims of Violence Act Section §775.021(5)), if the victim suffers a near-miscarriage or other

bodily injury to the unborn child, the offender can be charged with a separate offense. In other words, the offender faces a separate criminal charge for the injury to the unborn child, in addition to the armed robbery and battery charges against the mother. Moreover, unlike aggravated battery, this separate charge does not require proof that the offender knew the victim was pregnant or intended to harm the unborn child. Because armed robbery is a “forcible felony”, the presence of a pregnant victim and the use of a weapon trigger significant enhancements, including sentencing as a “life felony” under Florida Statute §775.087 or a term sentence of 10-20 years - Life if a firearm is used during the commission of such an offense.

47. A “U-visa” applicant also must be admissible to the United States. 8 C.F.R. § 214.14(c)(2)(iv). If an applicant is not admissible, he is eligible for a waiver of the grounds that render him inadmissible by filing Form I-192 with supporting documentation with his U visa petition. 8 C.F.R. § 212.17(a).
48. To apply for a U visa, a petitioner must file with USCIS a Form I-918, Petition for U Nonimmigrant Status; Form I-918, Supplement B, a certification from a recognized law enforcement official confirming that the

noncitizen has cooperated in the investigation or prosecution of the criminal activity; and a signed statement by the petitioner describing the facts of the victimization. (See: EXHIBIT B). The petitioner may submit additional, supporting evidence. The principal U visa petitioner may request that a qualifying family member, such as the petitioner's spouse, be included as a derivative applicant by filing a Form I-918, Supplement A. (EXHIBIT B).

49. All U visa petitioners who reside in the State of Florida must submit their petition and all supporting documents to USCIS Vermont Service Center, which has exclusive jurisdiction over petitions for U nonimmigrant status filed by residents of Florida.

50.

[REDACTED]

[REDACTED] (EXHIBIT B - detective statement; EXHIBIT

D- Statement of Narinderjit KAUR; EXHIBIT E- Narinderjit KAUR

Psychosocial Evaluation). The harm of the trauma she actually suffered

qualifies as special sort of qualifying crime because [REDACTED]

[REDACTED]

[REDACTED]

C. The Waiting List for U Visa Status

51. By statute, USCIS may not grant more than 10,000 principal U visas in any given fiscal year. See 8 U.S.C. § 1184(p)(2)(A). The statutory cap only applies to principal applicants, not to derivative applicants. 8 U.S.C. § 1182(p)(2)(B). This cap has been reached every year since 2010.
52. As of 2020, over 156,098 petitions for U nonimmigrant status were pending before the U.S. Citizenship and Immigrations Services office of the Department of Homeland Security. As of today, March 27, 2026, the USCIS is taking eighteen (18) months to adjudicate an I-918 Application for U-visa Status. <https://egov.uscis.gov/processing-times>.
53. Respondents continue to receive, process, and review U visa petitions despite having reached the statutory cap on grants of U visas.
54. Indeed, Petitioners and their qualifying family members whom USCIS places on the U visa waiting list are granted temporary protection from removal while their petitions are pending, in the form of either deferred action if they are in the United States or parole if they are outside of the United States. 8 C.F.R. § 214.14(d)(2). Individuals placed on the wait list also may be granted employment authorization. 8 C.F.R. § 214.14(d)(2).
55. The Bona Fide Determination Notice received by Petitioner **Navjot Singh**

and his wife Narinderjit actually contains the following statement:

“At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you may be issued an employment authorization document and *may be placed in deferred action. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.*”. *Emphasis added*

56. USCIS implemented the U visa waiting list regulations with the stated goals of “assisting law enforcement . . . ; improving customer service by allowing victims to remain in the United States, giving them an opportunity to access victim services to which they may be entitled; and providing [employment authorization documents] to . . . victims so they will have a lawful means through which to support themselves and their families.” New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status; Interim Rule, 72 Fed. Reg. 53014, 53033 (Sept. 17, 2007); see also *id.* at 53027 (indicating that it was creating the waiting list process “to balance the statutorily imposed numerical cap against the dual goals of enhancing law enforcement’s ability to investigate and prosecute criminal activity and providing protection to [noncitizen] victims of crime”); *id.* (“USCIS believes that this rule’s waiting list methodology will provide a stable

mechanism through which victims cooperating with law enforcement agencies can regularize their immigration status.”). Number of Form I-918, Petition for U Nonimmigrant Status by Fiscal Year, Quarter, and Case Status: Fiscal Years 2009-2020, USCIS available at https://www.uscis.gov/sites/default/files/document/reports/I918u_visastatistics_fy2020_qtr3.pdf (last visited Jan. 27, 2021).

57. As stated herein, USCIS Vermont Service Center’s delay in adjudicating the petitioner’s case U visa application after placing is currently at eighteen (18) months, USCIS, Check Case Processing Times, <https://egov.uscis.gov/processing-times/> (date displays after choosing Form I-918 and the Vermont Service Center) (March 27, 2026). Based on the currently posted wait time, USCIS should at or around the present time finalize the adjudication of Petitioner’s I-918 Application for a U Nonimmigrant visa, a fact which makes the current situation all the more egregious because USCIS- DHS could simply adjudicate the Petitioner’s I-918 that has been pending for almost the exact amount of time that these applications are now currently pending. (18 months). Instead, ICE-DHS has chosen to deport him. (!)
58. Under 8 C.F.R. § 214.14(d)(3), during the time a petitioner for U

nonimmigrant status who was granted deferred action or parole is on the waiting list, no accrual of unlawful presence under section 212(a)(9)(B) of the INA, 8 U.S.C. 1182(a)(9)(B), will result. However, a petitioner may be removed from the waiting list, and the deferred action or parole *may be terminated at the discretion of USCIS* (emphasis added). In this case, Petitioner Navjot SINGH has received no such notice from USCIS that his deferred action status has been terminated. Rather, in contravention of a regulation that is clear on its face, ICE, rather than USCIS, has seemingly acted to terminate deferred action.

D. Post Removal Order Habeas Under 8 U.S.C. § 1231(a)

59. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-58 above. Petitioner further alleges that:
60. There exist two statutory subsections which authorize the detention of non-citizens. 8 U.S.C. § 1226(a) authorizes the detention “pending a decision on whether the alien is to be removed from the United States which permits ICE to detain an individual or release him subject to parole or a bond. If ICE elects to detain the non-citizen, then the detainee may request a bond

hearing before an Immigration Judge. 8 C.F.R. §1236.1(d)(1). The second statutory provision authorizing detention of non-citizens is 8 U.S.C. § 1231(a), which governs detention of non-citizens who are subject to a final order of removal. This section sets forth a 90-day “removal period” commencing after a removal order becomes “administratively final”. After the “removal period” has expired, detention is discretionary, but a bond hearing is not authorized if removal is “reasonably foreseeable.” 8 U.S.C. § 1231(a)(6); see also: *Zadvydas v. Davis*, 533 U.S. 678, 699, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001) (holding that detention under § 1231(a) violates due process if removal is not “reasonably foreseeable”); see also: *De La Teja v. United States*, 321 F.3d 1357, 1363 (11th Cir. 2003)

61. Under the Supreme Court’s holding in *Demore v. Kim*, 538 U.S. 510 (2003), continued detention of even criminal non-citizens becomes unreasonable usually after six months, and the Executive Branch’s implementation of § 1226(c) becomes unconstitutional unless the Government has justified its actions at a hearing inquiring into whether continued detention is consistent with the law’s purposes of preventing flight and dangers to the community. As the Supreme Court stated in *Demore*, “....when detention becomes unreasonable, the Due Process Clause demands a hearing, at which the

Government bears the burden of proving that continued detention is necessary to fulfill the purposes of the detention statute”. *Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring). “It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

62. In *Jennings v. Rodriguez*, --- S.Ct. ----, 2018 WL 1054878 (2018), the Supreme Court reversed a decision by the Ninth Circuit interpreting the Immigration and Nationality Act (“INA”) provide a custody hearing to individuals detained pending their removal cases for six months. The Court held that INA §§235(b) and 236(c) authorize detention until the conclusion of removal proceedings and individuals detained under those provisions have no statutory right to a custody hearing before an immigration judge. The Court also held that INA § 235(a) does not entitle individuals to a periodic bond hearing every six months. However, the Court remanded to the Ninth Circuit to address whether the Due Process Clause requires a

custody hearing over prolonged detention.

63. “[T]he Due Process Clause protects an alien subject to a final order of deportation.” *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001) (citing *Wong Wing v. United States*, 163 U.S. 228 (1896)). Immigrants maintain a fundamental interest in liberty, *id.* at 690, and family unity, *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (observing that “perhaps the oldest of the fundamental liberty interests recognized by” the Supreme Court is “the interest of parents in the care, custody, and control of their children”). See also: *Matthew v. Diaz*, 426 U.S. 67, 77 (1976) (“There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.”) Immigrants are also entitled to procedural due process, namely, “the opportunity to be heard 'at a meaningful time and in a meaningful manner.’” *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

VII. VIOLATIONS AND CLAIMS FOR RELIEF

COUNT ONE

8 U.S.C. 1231

64. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-63 above.
65. As shown herein, there exists such a Due Process violation in the continued detention of **Navjot SINGH** where here, although not considered prolonged, his arrest and two-month (at the time of this filing) detention was made at a time when he was already given deferred action by the U.S. Department of Homeland Security. It is simply contradictory — and hardly reasonable— for the Department of Homeland Security to grant **Navjot Singh** deferred action on the one hand and then arrest and detain and deport Petitioner **Navjot Singh** on the one hand. Petitioner **Navjot Singh** asserts that his continued detention is unreasonable under the particular circumstances of his case. “[R]easonableness . . . is a fact-dependent inquiry requiring an assessment of all of the circumstances of any given case.” *Diop*, 656 F.3d at 234. The Due Process clause of our federal Constitution does not permit ICE to continue detaining **Navjot Singh** for an

unreasonable amount of time, which of course includes the time he was given deferred action status.

66. Petitioner thus prays that this Court will grant him a writ of habeas corpus so that he can be released from custody and go back to residence with and care for his wife and two children.

VIII.. PRAYER FOR RELIEF

WHEREFORE, Mr. NAVJOT SINGH requests that this Court enter judgment in his favor and:

- a. Assume jurisdiction over this matter;
- b. Declare that Respondent's violations of Mr. Navjot Singh's constitutional, statutory, and regulatory rights render his impending removal without first adjudicating his pending I-918 application for a U-visa unlawful under the Due Process Clause of the Fifth Amendment;
- d. Issue a Writ of Habeas Corpus remedying the inappropriate continued detention of Mr. Navjot Singh, whether by ordering Mr. Navjot Singh immediately released or by ordering that Respondent's provide him a bond

hearing;

e. Order such other relief as this Court may deem just and proper.

DATED: At Ada, Michigan
May 20, 2026

Respectfully submitted,

/S/ KAI W. DE GRAAF
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LIST OF EXHIBITS SUBMITTED IN SUPPORT OF PETITION

EXHIBIT A- STATEMENT OF NAVJOT SINGH

EXHIBIT B - NAVJOT SINGH I-918 BONAFIDE DETERMINATION NOTICE

EXHIBIT C- BIOMETRIC DOCUMENTS FAMILY OF NAVJOT SINGH

EXHIBIT D- STATEMENT OF NARINDERJIT KAUR IN SUPPORT OF PETITION

EXHIBIT E- NARINDERJIT PSYCHOSOCIAL I-589 AND CFI INTERVIEW

EXHIBIT F- DOCTOR STATEMENT AND MEDICAL NARINDERJIT

EXHIBIT G- F  MEDICAL AUTISM CLINICAL EVALUATION

EXHIBIT H- JOGINDER KAUR STATEMENT AND SUPPORTING

EXHIBIT I- JOGINDER KAUR MEDICAL REPORTS AND DOCTORS STATEMENT

EXHIBIT J- TAXES AND BILLS HOUSEHOLD SINGH

EXHIBIT K- NAVJOT SINGH EMPLOYER LETTER

EXHIBIT L- COURT DECISIONS AND ORDERS IMMIGRATION - NAVJOT SINGH