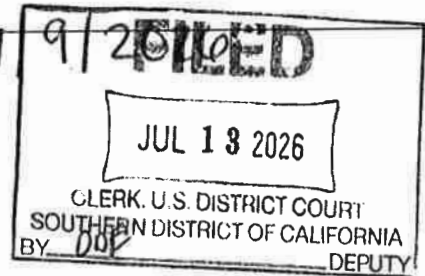


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



RE: Submission of Court Requested Evidence

Petitioner: Periyannan Sundararaju



DHS / MTC IRDF

Facility: Imperial regional detention facility

TO THE HONORABLE COURT:

Pursuant to the court's instructions during the most recent hearing, the petitioner respectfully submits the requested supporting evidence for the court's review in this matter.

These documents are provided in compliance with the court's request and are intended to supplement the record already before the court.

Please find enclosed with this cover letter you will find the following on behalf of the above – named petitioner.

- 1) Exhibit A (Form 1-360 VAWA self -petition filed with U.S Citizenship and immigration services on JULY 17, 2023
- 2) Exhibit B (USCIS issued a prima facie determination in regard to his 1-360 and petitioner filed a form 1-485,application to Adjust Status , with USCIS on this basis
- 3) Exhibit C (petitioner suffered emotional and physical abuse from his wife but nonetheless remained responsible for her well-being as she developed a substance abuse problem
- 4) Exhibit D (petitioner was granted employment authorization by USCIS

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number 		Case Type 1360 - PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
Received Date 07/17/2023	Priority Date 	Petitioner PERIYANNAN, SUNDARARAJU
Notice Date 08/22/2023	Page 1 of 2	Beneficiary PERIYANNAN, SUNDARARAJU
SUNDARARAJU PERIYANNAN 		Notice Type: Receipt Notice Filing Fee Waived Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR
We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information. Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case. Contacting the Agency (Filings for Battered Spouses, Children, or Parents) If your safe mailing address changes, and you do not have an attorney of record or representative on your case, you must submit your address change in writing, with your signature, to the Vermont Service Center. Otherwise, you may not receive notice of action(s) taken on your case. If any other changes need to be made you also must contact the Vermont Service Center in writing. Please include what changes need to be made and your signature. If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings." Nebraska Service Center U.S. Citizenship & Immigration Services P.O. Box 82521 Lincoln, NE 68501-2521 Contacting the Agency (All Other Filings) If any of the above information is incorrect or if you have any questions about the status of your case, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 or visit the USCIS website at www.uscis.gov (if you are hearing impaired, the NCSC TDD number is 1-800-767-1833). If you call us, please have your Alien Registration Number (A-Number) and/or the receipt number shown above. The receipt number is a tracking number for your case and will help with inquiries. Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office. • View your case status on our website's Case Status Online page. • You can also sign up to receive free email updates as we process your case. • During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case. • When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems. • If you do not receive an initial decision or update from us within our current processing time, contact the NCSC at 1-800-375-5283 or visit our website at www.uscis.gov for options for submitting an inquiry. Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: • A passport or national photo ID issued by your country. • A driver's license. • A military photo ID, or • A state-issued photo ID card. If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date. Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.) Please see the additional information on the back. You will be notified separately about any other cases you filed. USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online. Nebraska Service Center U.S. CITIZENSHIP & IMMIGRATION SVC P.O. Box 82521 Lincoln NE 68501-2521 USCIS Contact Center: www.uscis.gov/contactcenter		

2

I-797 | NOTICE OF ACTION

DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 07/17/2023	Priority Date [REDACTED]	Applicant PERIYANNAN, SUNDARARAJU
Notice Date 01/31/2024	Page 1 of 2	

SUNDARARAJU PERIYANNAN [REDACTED]	Notice Type: Approval Notice Class: C09P Valid from 01/31/2024 to 01/30/2029
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We have approved your application for employment authorization and advance parole based on your pending Form I-485, Application to Register Permanent Residence or Adjust Status. We will send your Employment Authorization Document (also known as an EAD card or Form I-766) to you separately. The EAD card will have an I-512 endorsement on it, which indicates that you have been approved for advance parole. Your EAD card should be produced within one to two weeks. Your EAD card will be mailed via U.S. Postal Service (USPS) Priority Mail with Delivery Confirmation to the address you designated. The time frame in which you will receive your EAD card may vary, depending on USPS delivery times. Please allow a total of 30 days from approval before inquiring with USCIS. We encourage you to use Case Status Online <https://egov.uscis.gov> to find your USPS tracking number for EAD card delivery. If you have not received your EAD card within this time frame, please visit <https://egov.uscis.gov/e-request/fair.do> for instructions on how to submit an inquiry.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected;
- Your EAD card;
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

Advanced Parole

The I-512 endorsement on your EAD card is proof that, while your Form I-485 is pending, you may travel abroad without abandoning your Form I-485. Show your unexpired EAD card with the I-512 endorsement to the ship or airline, and it can let you on board to travel in the United States. As long as your EAD card has not expired, you may use it multiple times to request parole into the United States. U.S. Customs and Border Protection (CBP) can parole you into the U.S. for up to one (1) year.

Before you leave the United States, please note the following information:

- Parole into the United States is not guaranteed. In all cases, a CBP officer must still inspect you at a port of entry to determine whether you are eligible to come into the United States according to the terms of this advance parole. Even though USCIS approved your advance parole, CBP may still refuse to parole you into the United States.
- Parole into the United States is not an "admission" into the U.S. If we deny your Form I-485, you may be subject to removal proceedings for being inadmissible to the U.S.
- Unlawful Presence. If you leave the United States after being unlawfully present in the United States, you may be barred from admission even if you obtained advance parole. If you were unlawfully present in the United States for more than 180 days but less than one year and you leave the U.S. voluntarily before the start of removal proceedings, you are inadmissible for three years; if you were unlawfully present for one year or more, you are inadmissible for ten years.

If you have concerns about how traveling abroad with your EAD card may affect your legal rights, admissibility, or waivers, you should contact an immigration attorney or an immigrant assistance organization accredited by the Board of Immigration Appeals before making foreign travel plans.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter

THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number 	USCIS Account Number	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Approval Date 07/17/2023	Priority Date	Applicant  PERIYANNAN, SUNDARARAJU
Notice Date 01/31/2024	Page 2 of 2	

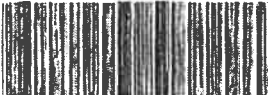
If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.
NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.
USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/51e-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



ERIE COUNTY BAR ASSOCIATION
VOLUNTEER LAWYERS PROJECT, INC.

45 Ellcott St. | Batavia, New York 14020 | (585) 524-1230 | Fax: (585) 219-4552 | www.ecbavlp.com

March 12, 2026

VIA EMAIL TO BATAVIA DUTY OFFICER: btv-dutyofficer@ice.dhs.gov

U.S. Department of Homeland Security
Immigration and Customs Enforcement
4250 Federal Drive
Batavia, New York 14020

Re: PERIYANNAN, Sundararaju
Request for Release



To whom it may concern,

I represent Mr. Periyannan in his immigration proceedings. Mr. Periyannan's next hearing is scheduled for April 21, 2026 at 1:00 PM. Mr. Periyannan is a native and citizen of India, who was first inspected and admitted into the United States on July 31, 2016 with D-2 status.

Since first arriving in the United States, Mr. Periyannan has not departed the country. He also married a U.S. citizen, Julianne Maureen Tasca, on April 26, 2021. Exhibit A, Mr. Periyannan is the beneficiary of a Form I-360 VAWA Self-Petition, filed with U.S. Citizenship and Immigration Services on July 17, 2023. Exhibit B, USCIS issued a *Prima Facie* determination in regard to his I-360 and Mr. Periyannan filed a Form I-485, Application to Adjust Status, with USCIS on this basis. Exhibit C, Mr. Periyannan suffered emotional and physical abuse from his wife but nonetheless remained responsible for her well-being as she developed a substance abuse problem.

Mr. Periyannan was granted employment authorization by USCIS. Exhibit D, Mr. Periyannan dutifully paid his taxes during his periods of employment as a chef at various Indian restaurants. Exhibit E.

Mr. Periyannan has filed a form I-589 Application for Asylum and Withholding of Removal and for protection under the Convention Against Torture. Mr. Periyannan and his family were subject to decades of abuse and harassment by Indian political parties due to his father's participation in a competing party, and his father was killed in a vehicle collision by those opposing party members. Direct abuse and harassment to Mr. Periyannan and his mother, including driving them out of multiple homes, assaults, and verbal taunts, began when Mr. Periyannan was only six years old and continuing into adulthood.

Mr. Periyannan, due to his D-2 status, was not eligible for a bond hearing; however, in initial proceedings, the Department of Homeland Security informed the Court that they were holding him pursuant to Immigration and Nationality (INA) Act section 236(a). Under this authority, the court issued a bond of \$10,000 and both parties waived appeal. DHS later filed a motion to reconsider, in which the court found that INA section 252(b) controls, and revoked bond.

We respectfully request you consider releasing Mr. Periyannan from custody. Mr. Periyannan has no criminal history and is not a flight risk, evident by his previous grant of bond

Parole Request for Sundararaju Periyannan



~~and his cooperation with re-detention after the court granted the DHS motion to reconsider.~~

Mr. Periyannan is not an enforcement and removal priority under the Civil Immigration Enforcement and Removal Priorities.

Mr. Periyannan does not fall within the enforcement priorities articulated in the April 3, 2002 memo. This memo articulates three classes of immigrant that are priorities for detention and removal: these classes are national security priorities, border security priorities, and public safety priorities. An individual falls within the national security priority if:

- 1) the individual has engaged in terrorism or terrorism-related activity.
- 2) the individual has engaged in espionage or espionage-related activity; or
- 3) the individual's arrest is otherwise necessary to protect the national security of the United States.

In this case, there is no evidence that Mr. Periyannan is in any way a national security priority. He has never been accused or arrested for any crimes related to terrorism or espionage, and there has been no allegation from the government that Mr. Periyannan is in any way a threat to national security that were raised during his bond hearing.

The April 3, 2022, memo also states that individuals considered border security priorities are detention and removal priorities. An individual is presumed to be a border security priority if:

- 1) the individual was apprehended at the border attempting to unlawfully enter the United States on or after November 1, 2020; or
- 2) the individual was not physically present in the United States before November 1, 2020.

Mr. Periyannan does not meet either category. He was physically present in the United States prior to November 1, 2020 and was not apprehended at the border, but was inspected and admitted into the United States on July 31, 2016 with D-2 status.

The final detention and removal priority is public safety. Noncitizens are presumed to be public safety priorities if they pose a threat to public safety and:

- 1) have been convicted of an aggravated felony; or
- 2) was convicted of an offense for which an element of the offense was active participation in a criminal street gang or intentionally participated in an organized criminal gang to further the illegal activity of the gang.

Mr. Periyannan has no criminal history and is a good person and was determined not be a risk to public safety during his bond hearing.

The Vive: Jericho Road Community Health Center in Buffalo NY has also submitted a letter from their Legal Services Manager attesting to their ability to offer housing, food, medical care, and social care for Mr. Periyannan pending their immigration court hearings. Exhibit F.

Parole Request for Sundararaju Periyannan



Conclusion

Mr. Periyannan is not an enforcement and removal priority. He is not a national security, border security, or public safety risk. Mr. Periyannan is being detained in the Batavia Detention Facility despite a previous grant of bond and it is unconscionable to not afford this man an opportunity to be free pending his Asylum proceedings and as his Form I-485, Application to Adjust Status, and Form I-360 VAWA Self-Petition are processed by USCIS.

The costs associated with the Government detaining Mr. Periyannan, the amount of time his applications have been pending, the merits of his asylum claim, and his previous grant of bond should make this an obvious discretionary decision.

Please do not hesitate to contact me if you have any questions or concerns about this request. I can be reached at (585) 524-1785, or at gdellaposta@ecbavlp.com.

Thank you,



Gregory Della Posta, Esq.
Attorney for Respondent
Erie County Bar Association
Volunteer Lawyers Project, Inc.



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT

Respondent Name:

PERIYANNAN, SUNDARARAJU

To:

Mietlicki, Robert Lawrence
135 Delaware Avenue
Suite 101
Buffalo, NY 14202

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/29/2025

ORDER OF THE IMMIGRATION JUDGE

☐ Respondent ☒ the Department of Homeland Security has filed a motion to reconsider.

Upon consideration of the motion, and any opposition from the non-moving party, the motion is
☒ granted ☐ denied for the following reason(s):

- ☐ The motion is numerically barred. *See* INA § 240(c)(6)(A); 8 C.F.R. § 1003.23(b)(1).
- ☐ The motion is untimely. *See* INA § 240(c)(6)(B); 8 C.F.R. § 1003.23(b)(1).
- ☐ The motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2).
- ☒ Other:

At the bond hearing on 11/6/2025, the Department of Homeland Security (DHS) advised the Court that DHS was holding Respondent pursuant to Immigration and Nationality Act (INA) § 236(a) and that DHS would be issuing a Notice to Appear. The Court expressed some concern about the fact that Respondent entered the United States as a crewman on a D-2 non-immigrant visa. The Court noted that there are certain statutes and regulations that deal differently with crewman when it comes to bond. Despite the Court's noting Respondent was a crewman, both parties agreed that INA § 236(a) gave the Court jurisdiction. As such, the Court held a bond hearing, granted Respondent's request to redetermine bond, and reduced Respondent's bond from no bond to \$10,000 to mitigate the Court's flight risk concerns. Both parties waived appeal.

In its Motion to Reconsider, DHS now reports that the Court was mistaken in setting bond as Respondent's detention is covered by INA § 252(b) and not INA § 236(a). It does not appear that DHS plans on filing a Notice to Appear. The Court was mistaken... only because the Court relied on DHS as to the Court's authority as agreed upon by both parties. The Court understands, Respondent's argument in his opposition to DHS Motion to Reconsider, in that DHS agreed it was INA § 236(a), however, the Court is obligated to make rulings that are correct under the law.

As such, the Court finds that INA § 252(b) controls in this case, not INA § 236(a). The Court grants

DHS Motion to Reconsider. And upon reconsideration, the Court finds that it does not have jurisdiction to set bond in this case.



Immigration Judge: COUNIHAN, BRIAN J 11/29/2025

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

Appeal Due: 12/29/2025

Certificate of Service

This document was served:

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

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

Respondent Name : PERIYANNAN, SUNDARARAJU | A-Number : 

Riders:

Date: 12/01/2025 By: PHAIR, DEANNA, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT

Respondent Name:

PERIYANNAN, SUNDARARAJU

To:

Mietlicki, Robert Lawrence
135 Delaware Avenue
Suite 101
Buffalo, NY 14202

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/29/2025

ORDER OF THE IMMIGRATION JUDGE

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

☒ Denied, because

The Court does not have jurisdiction to set bond as Respondent entered the United States as a D-2 crewman.

☐ Granted. It is ordered that Respondent be:

- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of \$
- ☐ other:

☒ Other:

On 11/6/2025, the Court initially set \$10,000 bond to mitigate flight after the parties agreed that Respondent was being held under Immigration and Nationality Act (INA) § 236(a). Both parties waived appeal.

On 11/29/2025, the Court granted the Department of Homeland Security's Motion to Reconsider Bond. The Court now finds that INA § 252(b) controls and that bond should remain no bond as the Court does not have jurisdiction to set bond in Respondent's case.



Immigration Judge: COUNIHAN, BRIAN J 11/29/2025

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

Appeal Due: 12/29/2025

Certificate of Service

This document was served:

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

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

Respondent Name : PERIYANNAN, SUNDARARAJU | A-Number :



Riders:

Date: 12/01/2025 By: PHAIR, DEANNA, Court Staff