

JS 44 (Rev. 03/24)

**CIVIL COVER SHEET**

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

**I. (a) PLAINTIFFS**

Uriel Hugo Sanchez Torres

(b) County of Residence of First Listed Plaintiff Marion  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marandas Garcia Law Group LLC, 16771 Boones Ferry Rd., Ste. 100, Lake Oswego, OR 97035. 503-607-0444

**DEFENDANTS**

Drew Bostock et al

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney William Narus  
U.S. Attorney General Pamela Bondi**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

| CONTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | TORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>LABOR</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability                   | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>INTELLECTUAL PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395if)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                                                                      | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education                                                                                                                                                                                                   | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input checked="" type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 2241, 2243Brief description of cause:  
Petition for Writ of Habeas Corpus**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/04/2025

s/ Caroline K. Medeiros

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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Attorneys for Petitioner

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**Portland Division**

SANCHEZ TORRES, Uriel Hugo,

Petitioner,

v.

DREW BOSTOCK, Seattle Field Office  
Director, Immigration and Customs  
Enforcement and Removal Operations  
("ICE/ERO"), TODD LYONS, Acting  
Director of Immigration and Customs  
Enforcement ("ICE"), U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT, KRISTI  
NOEM, Secretary of the Department of  
Homeland Security ("DHS"), U.S.  
DEPARTMENT OF HOMELAND  
SECURITY, and PAMELA BONDI, Attorney  
General of the United States.

Respondents.

Case No. 25-957

Agency No. 

**PETITION FOR WRIT OF HABEAS  
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

## INTRODUCTION

1. Petitioner Uriel Hugo Sanchez Torres (“Mr. Sanchez Torres” or “Petitioner”), a longtime Oregon resident and U visa petitioner, respectfully files this petition for writ of habeas corpus under 28 U.S.C. § 2241 to prevent his imminent detention and deportation by ICE. Mr. Sanchez Torres has been on an Order of Supervision since February 3, 2021, after release from ICE custody at the Northwest Detention Center in Tacoma, Washington. On February 2, 2021, USCIS granted Mr. Sanchez Torres deferred action based on his pending U visa application. He has remained compliant with all ICE supervision requirements.

2. Mr. Sanchez Torres has no new arrests since 2019. He is rehabilitated, gainfully employed, and supports his family. Despite this, on June 2, 2025, Mr. Sanchez Torres received a message through the SmartLINK app, which is used by ICE as part of their Intensive Supervision Appearance Program (“ISAP”). The app is a way for ICE to track and communicate with individuals participating in ISAP who have been released from ICE custody. The message states that his ICE officer has requested he report to the office for a “case review,” raising the threat of detention and removal.

3. Respondents seek to detain Mr. Sanchez Torres, transfer him away from the district of his family and community, and deport him. Respondents do so based not on his personal circumstances or facts, but on Respondents’ interpretation of President Trump’s whim.

4. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Mr. Sanchez Torres asks this Court to find that Respondents’ attempts to detain, transfer, and deport him are arbitrary and capricious and in violation of the law, and to issue an order preventing his detention, transfer out of this district, and deportation.

///

### **JURISDICTION**

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

6. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

8. Venue is proper because Petitioner resides within this judicial district, where he is subject to Respondents' post-removal order reporting requirements and therefore is in their constructive custody. Venue is further proper because a substantial part of the events or omissions giving rise to his claims occurred in this District, where Petitioner reports to Defendant U.S. Immigration and Customs Enforcement in order to comply with his Order of Supervision. 28 U.S.C. § 1391(e).

9. For these same reasons, divisional venue is proper under Local Rule 3-2.

### **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

12. Petitioner is “in custody” for the purpose of § 2241 because he is subject to Respondents’ post-removal order reporting requirements. “[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] is met where the Government restricts a petitioner’s freedom of action or movement,” including through an immigration order of supervision. *See Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), *citing Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also, e.g., Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same). Moreover, the Ninth Circuit has held that a person subject to a final removal order, as Petitioner is here, is “in custody” for the purposes of the habeas statute. *See Veltmann-Barragan v. Holder*, 717 F.3d 1086, 1088 (9th Cir. 2013) (quoting *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th Cir. 1995)); *see also, e.g., Rosales v. Bureau of Immigr. And Customs Enf’t*, 426 F.3d 733, 735 (5th Cir. 2005).

### PARTIES

13. Petitioner is the recipient of U-nonimmigrant deferred action. He is a resident of Gervais, Oregon, and is present within the state of Oregon as of the time of the filing of this petition. He is subject to an Order of Supervision and thus he is in the constructive custody, and under the direct control, of Respondents and their agents. He is currently under the threat of deportation based on a final removal order.

14. Respondent Drew Bostock is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Bostock is a legal custodian of Petitioner.

15. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner.

17. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice, which includes the Executive Office for Immigration Review (“EOIR”). EOIR includes, among other components, the immigration courts located in various offices throughout the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

21. The validity of Petitioner's prior removal order is not currently the subject of any judicial proceeding.

LEGAL FRAMEWORK  
**The U-Visa Program**

22. On October 28, 2000, Congress created the U Visa program. *See* Victims of Trafficking and Violence Prevention Act of 2000 (VTVPA), Pub. L. No. 106-386, Title V, § 1513, 114 Stat. 1464, 1533 (2000); Immigration and Nationality Act (INA) § 101(a)(15)(U).

23. Concerned that “[i]mmigrant women and children are often targeted to be victims of crimes committed against them in the United States” and that “[a]ll women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes[.]” Congress acted to establish the U Visa program in order 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 § 1513(a), 114 Stat. 1533.

24. The U Visa program creates a mechanism for noncitizen victims of serious crime to safely engage law enforcement and, likewise, for law enforcement to engage immigrant communities to deter, prevent, and prosecute criminal activity for the betterment of United States.

25. The U Visa was created to strengthen the ability of law enforcement agencies to investigate and prosecute serious crimes and trafficking in persons, while offering protections to victims of such crimes without the immediate risk of being removed from the country. By providing victims of crime with an avenue for regularization of their immigrant status, the U Visa encourages victims to work and cooperate with law enforcement agencies. Congress also

aimed to strengthen relations between law enforcement and immigrant communities by increasing cooperation and removing some of the fear of deportation held by many undocumented migrants. *See, e.g., U and T Visa Law Enforcement Resource Guide*, DEPARTMENT OF HOMELAND SECURITY (January 4, 2016) [https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide\\_1.4.16.pdf](https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf).

26. A noncitizen is eligible for status under the U Visa program if (1) she suffered substantial physical or mental abuse as a result of having been a victim of one of the enumerated crimes; (2) she possesses or possessed information concerning the criminal activity; (3) she has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting the criminal activity; and (4) the criminal activity violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States. *See* INA § 101(a)(15)(U).

27. The administrative processing to accord U nonimmigrant status to eligible petitioners and derivatives family members is tightly prescribed and regulated.

28. First, a petitioner must obtain a certification from a law enforcement official that he was the victim of a crime, the crime is a recognized crime under the U Visa program, and that he was, is or likely to be helpful in the investigation, or prosecution of the criminal activity. The USCIS has prescribed that law enforcement officials make this certification on a particular form, USCIS Form I-918 Supplement B, U Nonimmigrant Status Certification. *See* 8 C.F.R. § 214.14(a)(12).

29. Second, on submission, the USCIS makes a completeness check to verify that all required initial evidence is present. The petition must include Form I-918, Petition for U Nonimmigrant Status; Form I-918, Supplement B, U Nonimmigrant Status Certification; Form I-192, Application for Advance Permission to Enter as Nonimmigrant, if there are any inadmissibility issues; a personal statement describing the criminal activity of which the applicant was a victim; and evidence to establish each eligibility requirement.

30. Third, USCIS either adjudicates the petition by granting U-nonimmigrant status or, in most cases, places the petitioner on the wait-list status for an adjudication. *See* 8 C.F.R. § 214.14(d)(2). A statutory cap limits the grant of U Visas to 10,000 per fiscal year. INA § 214(p)(2)(A). *See* INA § 214(p)(2)(A); 8 C.F.R. § 214.14(d)(1). The statutory cap only applies to principal applicants and does not apply to derivative applicants. INA § 214(p)(2)(B). A wait list was created by regulation to provide deferred action to an eligible petitioner whenever the statutory cap is reached within a given fiscal year. *See* New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status, 72 Fed. Reg. 53014, 53027 (Sept. 29, 1995) (codified at 8 C.F.R. § 214.14(d)(2)).

### **Removal Protections for U-Visa Applicants**

31. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be removed from the United States. Among these are removal proceedings, described in section 240 of the INA. *See* 8 U.S.C. § 1229a.

32. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

33. On December 2, 2021, ICE issued ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*. Consistent with the statutory provisions

establishing the U Visa program, ICE Directive 11005.3 directs that “applying a victim-centered approach minimizes any chilling effect that civil immigration enforcement actions may have on the willingness and ability of noncitizen crime victims to contact law enforcement, participate in investigations and prosecutions, pursue justice, and seek benefits.”

34. Under ICE Directive 11005.3, “[e]xcept where exceptional circumstances exist, or if USCIS has administratively closed a case for failure of the applicant to prosecute the application, a noncitizen with a pending victim-based application or petition who is subject to an administratively final removal order should generally be issued a stay of removal.”

35. On January 31, 2025, however, ICE Acting Director Caleb Vitello issued a policy directive (ICE Directive 11005.4) providing interim guidance on civil immigration enforcement actions involving current or potential beneficiaries of victim-based immigration benefits. The guidance rescinds and supersedes ICE Directive 11005.3 without providing a reasoned explanation or following required administrative procedures.

#### **Custody Protections for U-Visa Applicants**

36. Immigration officers may arrest an individual without a warrant if they have reason to believe that that noncitizen is in the United States in violation of the immigration laws and is likely to escape before they can obtain a warrant. 8 U.S.C. § 1357(a)(2). Where an immigration officer makes such an arrest, the noncitizen must “be taken without unnecessary delay for examination before an officer of the Service having authority to examine [noncitizens] as to their right to enter or remain in the United States.” *Id.*

37. Within 48 hours of an immigration arrest (or within a reasonable time in the case of emergency or extraordinary circumstances), an immigration official must make an initial custody determination to decide whether the noncitizen should remain in custody or be released.

8 C.F.R. § 287.3(d). This decision is recorded in the Form I-286, “Notice of Custody Determination.” These procedures are essential to protect the arrested person’s Fourth Amendment rights. *See Gonzalez v. United States Immigr. & Customs Enft*, 975 F.3d 788, 824 (9th Cir. 2020) (holding that individuals arrested and placed in immigration detention are constitutionally entitled to a prompt probable cause determination by a neutral officer to justify their continued detention).

### **FACTUAL BACKGROUND**

38. Petitioner is a native and citizen of Mexico. He last entered the United States in approximately April 2001.

39. Petitioner applied for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”) on March 27, 2020. An Immigration Judge (“IJ”) denied Mr. Sanchez Torres’ applications for relief.

40. Petitioner timely appealed the IJ’s decision to the Board of Immigration Appeals (“BIA”). The BIA dismissed his appeal. He then filed a Petition for Review before U.S. Court of Appeals for the Ninth Circuit. His Petition for Review was denied by the Ninth Circuit on October 15, 2021, and the mandate issued on December 7, 2021.

41. The validity of Petitioner’s prior removal order is not currently the subject of any judicial proceeding.

42. Mr. Sanchez Torres was a victim of domestic violence and felonious assault at the hands of his father when he was 17 years old. He suffered substantial physical and mental abuse as a result of being a victim of this crime. He was helpful to the Gervais Police Department in the investigation and the Marion County District Attorney in the prosecution of the crime. A waiver of inadmissibility is in the public interest.

43. The Gervais Police Department signed the U visa certification, and Mr. Sanchez Torres filed his application for U nonimmigrant status on June 23, 2020.

44. If ultimately approved, the validity period in U visa status is four years. After an individual has held U visa status for three years, the individual may apply for adjustment of status to that of a U.S. lawful permanent resident.

45. On February 2, 2021, USCIS determined that “the evidence submitted with your petition appears to demonstrate that you have established the eligibility requirements for U nonimmigrant status.” Mr. Sanchez Torres’ petition was placed on a waiting list and he was placed in deferred action, “an act of administrative convenience to the government which gives some cases lower priority for removal.”

46. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (“EO”) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing the most formal framework for mass deportation proposed to date. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures “that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal.”

47. On January 31, 2025, ICE Acting Director Caleb Vitello issued an internal e-mail to all ICE Employees entitled “Issuance of Interim Policy Guidance Regarding Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based

Immigration Benefits.” The e-mail cites the Executive Order entitled “Protecting the American People Against Invasion” and purports to rescind ICE Directive 11005.3, which affords prosecutorial discretion for victims of crimes with a pending U visa.

48. On information and belief, Respondents have adopted a blanket policy to detain and immediately remove individuals, irrespective of any protected victim status.

49. On information and belief, Respondents have adopted a blanket policy to detain and immediately remove individuals who have administratively final orders of removal yet have lawful pathways or status in the United States.

50. Petitioner has a final order of removal. Based on information and belief, the Respondents consider Petitioner to be a categorical target for detention and removal, notwithstanding the issuance of deferred action as a bona fide U nonimmigrant petitioner and any other particularized facts.

51. On Wednesday, June 4, 2025, Petitioner must report to U.S. Immigration and Customs Enforcement to comply with his Order of Supervision. On information and belief, Respondents will apply their blanket, categorical policy to him, disregard his grant of deferred action based on his particular circumstances, take him into physical custody, remove him from the district, and transfer him to the ICE Northwest Processing Center in Tacoma, Washington to then remove him.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

**Arbitrary & Capricious**

**Violation of Agency Directive 11005.13**

52. Petitioner restates and realleges all paragraphs as if fully set forth here.

53. Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

54. An action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

55. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

56. By deciding to detain, transfer, and deport Petitioner despite his status as a bona fide applicant for a victim-based immigration benefit and his existing stay of removal, Respondents violated the APA.

57. By choosing to categorically detain, transfer, and deport the Respondent, a known beneficiary of a victim-based immigration benefit, Respondents act arbitrarily and capriciously in violation of the APA. There have been no changes to the facts that create “exceptional circumstances” to justify his removal.

**COUNT TWO**  
**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**  
**Arbitrary & Capricious**  
**Unlawful Revocation of Agency Directive 11005.13**

58. Petitioner restates and realleges all paragraphs as if fully set forth here.

59. Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). Courts may provide judicial review of “executive

agency action for procedural correctness.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009). An agency must provide “reasoned explanation for its action” and “may not depart from a prior policy *sub silentio* or simply disregard rules that are still on the books.” *Id.* at 515.

60. Here, the agency’s decision to rescind ICE Directive 11005.13 is arbitrary and capricious and the rescission cannot be applied to Petitioner. ICE Directive 11005.13’s respect for noncitizen crime victims rests on solid policy reasoning, including the strong legal protections laid out by Congress and the need to “encourage noncitizen victims to seek assistance and report crimes committed against them despite their undocumented status,” which in turn “strengthens” the possible law enforcement response to criminal activity. *See* ICE Directive 11005.13(1). The ICE memo attempting to rescind the guidance does not even purport to provide a “reasoned explanation” for abandoning this strategy. Because the purported rescission of the directive is arbitrary and capricious, it would violate the APA to rely on such rescission to justify Petitioner’s detention and removal.

**COUNT THREE**  
**Violation of Fifth Amendment Right to Due Process**  
**Procedural Due Process**

61. The allegations in the above paragraphs are realleged and incorporated herein.

62. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Flores*, 507 U.S. at 306.

63. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

64. Here, Petitioner reasonably believes Respondents will detain and deport him in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. USCIS has placed Mr. Sanchez Torres in deferred action and stated that he should be considered a low priority for removal. Detaining and removing Petitioner when no circumstances have changed to make him a flight risk or a danger to the community would violate due process.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to:
  - a. Release Petitioner from custody;
  - b. Not transfer Petitioner from the district without the court's approval;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: June 4, 2025.

*/s/ Caroline K. Medeiros*

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