IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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| Erika RODRIGUEZ-ACURIO,<br><br>Petitioner,<br><br>v.<br><br>Judith ALMODOVAR, Acting Director of the New York City Field Office of Immigration and Customs Enforcement; Kristi Noem, Secretary of the Department of Homeland Security; Pamela Bondi, Attorney General,<br><br>Respondents. | ) | Case No.: 25-cv-6065 |

**PETITIONER'S RESPONSE TO ORDER**

On November 8, 2025, this Court directed the parties to provide all available information and documentation regarding Petitioner's attendance at ICE check-ins on or subsequent to October 21, 2021. The Court also directed the parties to provide positions on whether Petitioner has been "inspected" within the meaning of the immigration laws.

Based on conversations with Petitioner's family, we now clarify that Petitioner only attended a single ICE check-in, on October 21, 2021. The statement in the Verified Petition that "[i]n keeping 'with the terms and conditions of [her] release,' Petitioner 'reported for . . . every appointment as directed,'" Dkt. No. 1 at ¶ 8 (quoting interim parole notice) (second and third alterations in Verified Petition), was meant to emphasize that Petitioner never failed to attend ICE check-ins when instructed to do so, and was not intended to imply that she was instructed to do so multiple times. The family has clarified that subsequent to the October 21, 2021 check-in, Petitioner did not receive any notice from ICE instructing her to return. She did, however, attend

a USCIS fingerprinting appointment on October 30, 2024. *See infra*, Exh. A. And she was later granted employment authorization. *See infra*, Exh. B.

Regarding inspection, it is Petitioner's position that she was necessarily inspected at some point prior to her parole on September 14, 2021, and that the inspection most likely occurred in the period of time between September 4, 2021 and September 6, 2021.

The Immigration and Nationality Act ("INA") and its implementing regulations do not define the term "inspection." The Board of Immigration Appeals ("BIA") has consistently held that even the most cursory of examinations may qualify as an "inspection." *See Matter of Quilantan*, 25 I&N Dec. 285, 293 (BIA 2010) ("[A]n alien who physically presents herself for questioning and makes no knowing false claim to citizenship is 'inspected,' even though she volunteers no information and is asked no questions by the immigration authorities." (citing *Matter of Areguillin*, 17 I&N Dec. 308 (BIA 1980))). The Form I-860, Notice and Order of Expedited Removal, issued in Petitioner's case on November 6, 2021, indicates that it is "[b]ased upon . . . evidence presented during inspection or examination." Dkt. No. 18-1.

It is Petitioner's position that a grant of parole necessarily presupposes an inspection, and that parole cannot be granted in the absence of any inspection. A variety of statutes and regulations reflect this understanding. For instance, INA § 245(a), 8 U.S.C § 1255(a), permits the adjustment to permanent resident status of an applicant who, *inter alia*, "was inspected and admitted or paroled." The parole regulation uses the term "inspection" only once, and when it does so it refers to "*further* inspection" in the course of parole termination, which implies that some prior inspection must have occurred prior to parole being granted. 8 C.F.R. § 212.5(e)(2)(i) (emphasis added). The parole statute indicates that all parolees are applicants for admission, *see* INA § 212(d)(5), 8 U.S.C. § 1182(d)(5) ("[W]hen the purposes of [] parole shall . . . have been served[,]

the alien shall forthwith return or be returned to the custody from which he was paroled[,] and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission."), and the statute makes "inspection" of such persons mandatory, INA § 235(a)(3), 8 U.S.C. § 1225(a)(3) ("All aliens (including alien crewmen) who are applicants for admission . . . shall be inspected.").

Respectfully submitted,

/s/ Cassandra Esteban Brusi
*Attorney for Petitioner*

Dated: November 10, 2025
Brooklyn, New York

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**Table of Exhibits**

**Exh. A:** Application Support Center Appointment Notice (issued Oct. 7, 2024)

**Exh. B:** Employment Authorization Document (valid from Jun. 5, 2025)