UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Barrington Clive CAMPBELL,

Petitioner,

v.

Judith ALMODOVAR, New York Field Office Director, U.S. Immigration and Customs Enforcement; Todd LYONS, Acting Director U.S. Immigration and Customs Enforcement; Kristi NOEM, Secretary of Homeland Security,

Respondents.

No. 25 cv 9509 (JLR)

RESPONDENTS' MEMORANDUM OF LAW IN OPPOSITION TO THE PETITION FOR WRIT OF HABEAS CORPUS

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TABLE OF CONTENTS

PRELIMINARY STATEMENT 1

FACTUAL BACKGROUND 2

I. Petitioner's Initial Presentation at the Border, Parole, and Immigration Proceedings 2

II. Petitioner's Subsequent Detention 3

III. Petitioner's Habeas Petition 4

ARGUMENT 4

THE HABEAS PETITION SHOULD BE DENIED 4

Petitioner's Mandatory Detention Is Proper 4

I. Petitioner's Parole Was Not Revoked 5

II. Petitioner's Detention Does Not Violate His Due Process Rights 5

CONCLUSION 12

TABLE OF AUTHORITIES

Page(s)

Cases

Ascencio-Rodriguez v. Holder,
595 F.3d 105 (2d Cir. 2010) 7

Chupina v. Holder,
570 F.3d 99 (2d Cir. 2009) 11

D.A.V.V. v. Warden, Irwin County Detention Center,
No. 20 Civ. 159, 2020 WL 13240240 (M.D. Ga. Dec. 7, 2020) 10

Gonzales Garcia v. Rosen,
513 F. Supp. 3d 329 (W.D.N.Y. 2021) 10

Guzman v. Tippy,
130 F.3d 64 (2d Cir. 1997) 10

Jennings v. Rodriguez,
583 U.S. 281 (2018) 4, 9, 11, 12

Landon v. Plasencia,
459 U.S. 21 (1982) 6, 11

Leng May Ma v. Barber,
357 U.S. 185 (1958) 6, 9

Matter of Q. Li,
29 I. & N. Dec. 66 (BIA 2025) 12

Mendez Ramirez v. Decker,
612 F. Supp. 3d 200 (S.D.N.Y. 2020) 9, 10

Poonjani v. Shanahan,
319 F. Supp. 3d 644 (S.D.N.Y. 2018) 10

Sahin v. Bondi,
No. 23-8043, 2025 WL 2618924 (2d Cir. Sept. 11, 2025) 5

Salim v. Tryon,
No. 13 Civ. 6659 (JTC), 2014 WL 1664413 (W.D.N.Y. Apr. 25, 2014) 10

Shaughnessy v. United States ex rel. Mezei,
345 U.S. 206 (1953) 6, 7, 10, 11

DHS v. Thuraissigiam,
591 U.S. 103 (2020) 6, 9, 11

United States ex rel. Kordic v. Esperdy,
386 F.2d 232 (2d Cir. 1967) 6, 8

United States v. Balde,
943 F.3d 73 (2d Cir. 2019) 8

United States v. Flores-Montano,
541 U.S. 149 (2004) 6

Zadvydas v. Davis,
533 U.S. 678 (2001) 6, 10

Statutes and Regulations

8 U.S.C. § 1101(a)(47)(B) 11

8 U.S.C. § 1101(b)(4) 8

8 U.S.C. § 1158(a) 8

8 U.S.C. § 1182(a)(7) 8

8 U.S.C. § 1182(a)(7)(A)(i)(I) 2

8 U.S.C. § 1182(d)(5) 12

8 U.S.C. § 1182(d)(5)(A) ..... passim

8 U.S.C. § 1225(b) 11

8 U.S.C. § 1225(b)(2)(A) ..... passim

8 U.S.C. § 1226 11

8 U.S.C. § 1226(a) 11

8 U.S.C. § 1229a 8

8 U.S.C. § 1229a(a)(1) 8

8 U.S.C. § 1229a(b)(4)(A) 8

8 U.S.C. § 1229a(b)(4)(B) 8

8 U.S.C. § 1229a(c)(5) 9
8 U.S.C. § 1229a(c)(6) 9
8 U.S.C. § 1231(b)(3) 8
8 U.S.C. § 1252 9
28 U.S.C. § 1254(1) 9
8 C.F.R. § 212.5(e)(2)(i) 5, 8
8 C.F.R. § 244.1 3
8 C.F.R. § 1003.29 8
8 C.F.R. § 212.5(b) 9, 11
8 C.F.R. § 212.5(e)(1)(ii) 3, 5
8 C.F.R. § 1003.1(b) 9
8 C.F.R. § 1240.7(a) 8

The Government respectfully submits this memorandum of law in opposition to the petition for a writ of habeas corpus filed by petitioner Barrington Clive Campbell ("Petitioner") on November 13, 2025. Dkt. No. 1.

PRELIMINARY STATEMENT

U.S. Immigration and Customs Enforcement ("ICE") has charged Petitioner, a citizen of Jamaica, as removable because he is an inadmissible "arriving alien" not in possession of a valid entry document. His detention pending removal proceedings is mandated by 8 U.S.C. § 1225(b)(2)(A), subject to release on discretionary parole. Petitioner presented at a port of entry in August 2021, after which he was paroled into the United States. That parole expired on August 2, 2022. A notice to appear was served on Petitioner on September 15, 2025, charging him as inadmissible under Immigration and Nationality Act ("INA") § 212(a)(7)(B)(i)(I)-(II), 8 U.S.C. § 1182(a)(7)(A)(i)(I). On November 13, 2025, Petitioner was arrested by ICE. He remains detained pending his removal proceedings.

Petitioner filed this habeas action challenging his immigration detention as violative of his Fifth Amendment due process rights. As ultimate relief, he seeks (among other things) an injunction barring his transfer "out of the jurisdiction of this Court during the pendency of these proceedings,"[1] as well as immediate release.

The petition should be denied. Given that Petitioner is an arriving alien and his parole expired more than three years ago, Petitioner's detention in November 2025 was lawful and comports with due process.

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[1] The Court has already ordered that "Petitioner shall not be transferred, except to a facility within this District, the Eastern District of New York, or the District of New Jersey, absent further order of this Court," and that "Petitioner shall not be removed from the United States unless and until the Court orders otherwise." ECF No. 3. Petitioner is currently being housed at the Metropolitan Detention Center in Brooklyn, New York.

FACTUAL BACKGROUND

I. Petitioner's Initial Presentation at the Border, Parole, and Immigration Proceedings

On August 4, 2021, U.S. Customs and Border Protection ("CBP") encountered Petitioner, a native and citizen of Jamaica, at the San Ysidro, California port of entry, at which time he applied for admission into the United States. *See* Declaration of Supervisory Detention and Deportation Officer Lige Hampton ("Hampton Decl.") ¶¶ 3-4. Petitioner did not possess a valid nonimmigrant visa, border crossing identification card, or a passport valid for a minimum of six months from the date of the expiration of his admission into the United States. *Id.* ¶ 4. On that same day, CBP personally served Petitioner with a Notice to Appear ("NTA"), charging him as inadmissible under INA § 212(a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien present in the United States who did not possess valid entry documents. *Id.* ¶ 5. However, that NTA was not filed with the Executive Office for Immigration Review ("EOIR"), *id.*, and thus removal proceedings were not commenced against Petitioner.

After processing on August 4, 2021, Petitioner was conditionally paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A). *Id.* ¶ 6. CBP records indicate that Petitioner's parole was time-limited and expired on August 2, 2022. *Id.*; *see also* Petition, ECF No. 1 ("Pet.") ¶ 25 & Ex. B (indicating an "Admit Until Date" of August 2, 2022); "I-94 Expiration Dates," *located at* [redacted] (last visited November 24, 2025) (explaining that the "Admit Until Date" on an individual's I-94 "is the date that the traveler's immigrant status expires"). On August 1, 2022, Petitioner filed an application for relief with the United States Citizenship and Immigration Services ("USCIS"). Hampton Decl. ¶ 7; *see also* Pet. ¶ 26 (alleging that Petitioner filed a Form I-589 seeking asylum, withholding of removal, and protection under the Convention Against Torture).

On August 18, 2025, the New York City Police Department arrested Campbell for assault with intent to cause injury to an officer, fireman, EMT, nurse, or crossing guard, in violation of New York Penal Law § 120.05(3). Hampton Decl. ¶ 8. The charges were subsequently dismissed. *Id.*

II. Petitioner's Subsequent Detention

On September 15, 2025, USCIS served Petitioner by mail with a new NTA, charging him as inadmissible under INA § 212(a)(7)(A)(i)(I)-(II), 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien present in the United States who is not in possession of a passport valid for a minimum of six months from the date of the expiration of the initial period of the alien's admission or contemplated initial period of stay authorizing the alien to return to the county from which the alien came or to proceed to and enter some other country during such period or an alien not in possession of a valid nonimmigrant visa or bordering crossing identification card at the time of application for admission. *Id.* ¶ 9; *see also* Pet., Ex. E. On the same date, USCIS filed the NTA with the EOIR, New York Broadway Immigration Court in New York, New York, thereby commencing removal proceedings against Petitioner. *Id.* Under the applicable regulation, this NTA "constitute[d] written notice" of the termination of Petitioner's parole, which had expired on August 2, 2022. *See* 8 C.F.R. §§ 212.5(e)(1)(ii), (e)(2)(i); *see also* 8 C.F.R. § 244.1 (defining the term "charging document" to include a notice to appear).

Petitioner was scheduled for an initial master calendar hearing before an Immigration Judge on October 15, 2025. *Id.* ¶ 10. On September 29, 2025, the Immigration Judge issued a new hearing notice, rescheduling Campbell for a master calendar hearing on March 3, 2027. *Id.*

On October 22, 2025, ICE mailed Petitioner a G-56 Form, Call in Letter directing him to report to the 201 Varick St. New York Field Office on November 13, 2025. *Id.* ¶ 11. On November 13, 2025, Petitioner reported to the Varick Street ICE office. *Id.* ¶ 12. On that day, ICE took him

into custody pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and served him with a Form I-200, Warrant for Arrest. *Id.* During processing, ICE also presented Petitioner with a form entitled "Important Information About Section 236(a) Initial Detention Decisions." *Id.* ¶ 13. This form was given to Petitioner in error, because Petitioner was not detained or processed for detention pursuant to INA § 236(a), but rather INA § 235(b)(2)(A). *Id.*

After processing on November 13, Petitioner was transported in the ordinary course from 201 Varick St., New York to Delaney Hall Detention Facility in Newark, New Jersey for further processing. *Id.* ¶ 14. That evening, he was transported from Delaney Hall to the NYC holding room located at 26 Federal Plaza, New York. *Id.* The next day, November 14, 2025, Petitioner was transferred to the Metropolitan Detention Center, located in Brooklyn, New York, where he remains detained pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), pending removal proceedings. *Id.* ¶ 15. The Immigration Court rescheduled Petitioner's initial master calendar hearing for December 2, 2025. *Id.* ¶ 16.

III. Petitioner's Habeas Petition

Petitioner filed his habeas petition in this Court on November 13, 2025. *See* Pet. Petitioner asserts that his November 2025 detention violates his procedural and substantive due process rights under the Fifth Amendment. Pet. ¶¶ 47-59.

ARGUMENT

THE HABEAS PETITION SHOULD BE DENIED

Petitioner's Mandatory Detention Is Proper

Because Petitioner is indisputably an arriving alien and his parole status expired on August 2, 2022, Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) for the duration of his removal proceedings is mandatory, subject only to the possibility of further release on discretionary parole by ICE under 8 U.S.C. § 1182(d)(5)(A). *See Jennings v. Rodriguez*, 583 U.S. 281, 298-301 (2018).

Having been placed in removal proceedings to pursue applications for relief, Petitioner has been afforded all of the process that he is due, and his continued detention is authorized by law and comports with his limited due process rights under the Constitution as an arriving alien.

I. Petitioner's Parole Was Not Revoked

As an initial matter, Petitioner asserts several times that his parole was revoked or terminated, *see, e.g.*, Pet. ¶¶ 6, 8, 10, 34, and that "DHS's own regulations, including 8 C.F.R. § 212.5(e)(2)(i), which require written notice to the noncitizen when parole is terminated," were violated. Pet. ¶ 8. However, Petitioner cites the incorrect regulation. Because Petitioner's parole was time-limited on its face and expired on August 2, 2022 (as explained above), his parole automatically terminated, and no written notice was required before his detention in November 2025. *See* 8 C.F.R. § 212.5(e)(1)(ii). Rather, the NTA that was served by mail on Petitioner on September 15, 2025, charging him as inadmissible under INA § 212(a)(7)(B)(i)(I)-(II), 8 U.S.C. § 1182(a)(7)(A)(i)(I), constituted the required "written notice of termination of parole." 8 C.F.R. § 212.5(e)(2)(i). *See* Hampton Decl. ¶ 9; Pet., Ex. E. Thus, given the expiration of Petitioner's time-limited parole under 8 U.S.C. § 1182(d)(5)(A), he was provided with all of the process delineated in the applicable DHS regulations.

II. Petitioner's Detention Does Not Violate His Due Process Rights

Petitioner's detention does not violate his due process rights. Because, as discussed above, ICE complied with the applicable regulations in terminating Petitioner's time-limited parole, which had long since expired, his procedural due process claim fails. *See, e.g.*, *Sahin v. Bondi*, No. 23-8043, 2025 WL 2618924 (2d Cir. Sept. 11, 2025) (summary order) (rejecting petitioner's procedural due process claim on the ground that the immigration judge complied with the relevant regulations). Given the government's broad general authority over the admission of aliens and the

specific procedures that Congress has implemented, to which Respondents adhered here, there is no basis for this Court to conclude that Petitioner had a separate due process right to some unspecified, alternative pre-detention notice and opportunity to be heard, an individualized assessment (as would be provided, for example, in a bond hearing), or a showing by ICE that "less restrictive alternatives are inadequate." *E.g.*, Pet. ¶¶ 49-51, 59.

The Supreme Court "has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (citing cases). Because arriving aliens have not been admitted to the United States, their constitutional rights are truncated: "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned." *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953); *see also DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (under the Due Process Clause, arriving aliens have "only those rights regarding admission that Congress has provided by statute"). Here, "the procedure authorized by Congress" in § 1225(b) and related provisions expressly excludes the possibility of a bond hearing. *Mezei*, 345 U.S. at 212.

The broad scope of the political branches' authority over immigration is "at its zenith at the international border." *United States v. Flores-Montano*, 541 U.S. 149, 152-53 (2004). Accordingly, "certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographical borders." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). That includes arriving aliens, who are "treated, for constitutional purposes, as if stopped at the border," *id.*, even if they are paroled into the United States for a limited purpose, *see United States ex rel. Kordic v. Esperdy*, 386 F.2d 232, 235 (2d Cir. 1967) ("A 'parolee,' even though physically in the country, is not regarded as having 'entered' and thus has not acquired the full

protection of the Constitution."); *see also Leng May Ma v. Barber*, 357 U.S. 185, 190 (1958); *Ascencio-Rodriguez v. Holder*, 595 F.3d 105, 108 n.3 (2d Cir. 2010) ("It is well established that aliens detained at the border are not entitled to the same protections as those who have been admitted into the United States. . . . Providing aliens at the border with more limited procedural protections than persons 'admitted' to the United States is not only rooted in precedent, it is also essential to the effective administration of our immigration laws.").

Among other things, aliens seeking admission may be detained without a bond hearing pending admission or removal. In *Mezei*, the Supreme Court held that an alien's detention at the border without a hearing to effectuate his exclusion from the United States did not violate due process. *Mezei*, 345 U.S. at 206. Mezei arrived at Ellis Island seeking admission into the United States; although he had resided in the United States previously, he had since been "permanently excluded from the United States on security grounds." *Id.* at 207. His home country would not accept him, and he had been detained for more than a year and a half to effectuate his exclusion when he filed a habeas petition seeking release into the United States. *Id.* at 207-08.

The Supreme Court held that Mezei's detention did not "deprive[ ] him of any statutory or constitutional right." *Id.* at 215. The Court reiterated that "the power to expel or exclude aliens" is a "fundamental sovereign attribute exercised by the Government's political departments" that is "largely immune from judicial control." *Id.* at 210. The Court recognized that "once passed through our gates, even illegally," aliens "may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law." *Id.* at 212. But "an alien on the threshold of initial entry stands on a different footing" than an alien within the United States. *Id.* For aliens seeking admission, "[w]hatever the procedure authorized by Congress is, it is due process." *Id.*

The procedure Congress has established for arriving aliens like Petitioner does not include the provision of bond hearings.[2] Generally, if immigration officials determine that an alien such as Petitioner is inadmissible because he cannot produce valid entry documents at a port of entry, 8 U.S.C. § 1182(a)(7), "the officer shall order the alien removed from the United States without further hearing or review," 8 U.S.C. § 1225(b)(1)(A)(i). Under two circumstances, DHS may place an arriving alien into removal proceedings: first, where an alien claims a fear of persecution and an asylum officer determines that the alien has a credible fear of persecution. 8 U.S.C. § 1225(b)(1)(B)(ii). And second, as relevant here, "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Under those circumstances, "the alien shall be detained for a proceeding under section 1229a of this title." *Id.* That is, in removal proceedings before an immigration judge, which afford the alien a host of procedural protections.[3] *See* 8 U.S.C. § 1229a.

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[2] Petitioner remains an applicant for admission, notwithstanding his prior, time-limited release on parole. *See, e.g.*, *United States v. Balde*, 943 F.3d 73, 84 (2d Cir. 2019) ("Parole does not change parolees' immigration status: they remain 'at the border' for the purposes of immigration law and are treated as applicants for admission into the country."); *Kordic*, 386 F.2d at 235 ("A 'parolee,' even though physically in the country, is not regarded as having 'entered' and thus has not acquired the full protection of the Constitution."). Indeed, the applicable DHS regulation provides that Petitioner has been "restored to the status that he . . . had at the time of parole"—on August 4, 2021. 8 C.F.R. § 212.5(e)(2)(i).

[3] During removal proceedings, aliens may apply for various forms of relief or protection from removal, such as asylum, withholding of removal, and protection under the Convention Against Torture. *See* 8 U.S.C. § 1158(a); 8 U.S.C. § 1231(b)(3). As discussed above, Petitioner has already applied for such protection. The decision whether to order such an alien removed is made by an immigration judge (not an immigration officer). 8 U.S.C. § 1101(b)(4); 8 U.S.C. § 1229a(a)(1). Aliens may obtain continuances during their proceedings for good cause. 8 C.F.R. § 1003.29. They have a right to counsel of their choice at no expense to the government, 8 U.S.C. § 1229a(b)(4)(A); the right to testify; and the right to "examine the evidence against [them]," "to present evidence," and "to cross-examine witnesses presented by the Government," 8 U.S.C. § 1229a(b)(4)(B); *see* 8 C.F.R. §§ 1240.7(a), 1240.46(c). Aliens ordered removed may ask the

But aliens detained under 8 U.S.C. § 1225(b)(2)(A) generally cannot be released from custody during their removal proceedings. The statute mandates detention during the pendency of removal proceedings, and the exclusive means of release for an arriving alien such as Petitioner is the Department of Homeland Security's ("DHS's") discretionary parole authority. *See Jennings*, 583 U.S. at 298-301; 8 U.S.C. § 1182(d)(5)(A) (parole may be granted for "urgent humanitarian reasons" or "significant public benefit"); 8 C.F.R. §§ 212.5(b), 235.3(c) (elaborating on instances where parole may be appropriate). Here, Petitioner was released on parole pursuant to 8 U.S.C. § 1182(d)(5)(A) on August 4, 2021, but that parole, by its own terms, expired on August 2, 2022. *See* Hampton Decl. ¶ 6; Pet. ¶ 25 & Ex. B. Further release of Petitioner on parole pending the resolution of his removal proceedings has not been authorized by the Secretary of DHS, and thus he remains detained. Notwithstanding his prior, time-limited release on parole, Petitioner is still considered to be on the threshold of initial entry. *See, e.g.*, *Barber*, 357 U.S. at 190.[4]

Notably, the Supreme Court's decisions in *Thuraissigiam* and *Mezei* foreclose the relief that Petitioner seeks: "[w]hatever the procedure authorized by Congress is, it is due process as far

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immigration judge to reconsider that determination. 8 U.S.C. § 1229a(c)(6). They are also informed that they have a right to appeal, 8 U.S.C. § 1229a(c)(5), and they may file an appeal with the Board of Immigration Appeals ("BIA"), 8 C.F.R. §§ 1003.1(b), 1003.38(a). If an alien appeals and the BIA enters a final removal order, the alien may file a petition for review in a court of appeals, 8 U.S.C. § 1252, and thereafter seek review in the Supreme Court, 28 U.S.C. § 1254(1).

[4] This is because the longstanding "entry fiction" doctrine treats aliens seeking admission at the border as if they have not yet entered the country, even if physically present on U.S. soil. *See, e.g.*, *DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (explaining that an alien who "is detained shortly after unlawful entry" is not treated, for due process purposes, as having "effected an entry" into the United States, but is instead treated as "on the threshold," just like "an alien detained after arriving at a port of entry"); *Barber*, 357 U.S. at 188 ("For over a half century this Court has held that the detention of an alien in custody pending determination of his admissibility does not legally constitute an entry though the alien is physically within the United States."); *Mendez Ramirez v. Decker*, 612 F. Supp. 3d 200, 219 (S.D.N.Y. 2020) ("[Petitioner] is considered to be 'at the threshold of initial entry' for immigration purposes pursuant to the so-called 'entry fiction' by which 'aliens who have been denied admission to the United States yet are present within its borders are 'treated, for constitutional purposes, as if stopped at the border.'"") (citations omitted).

as an alien denied entry is concerned." *Mezei*, 345 U.S. at 212; *cf. Guzman v. Tippy*, 130 F.3d 64, 66 (2d Cir. 1997) (the rights of excluded aliens "are determined by the procedures established by Congress and not by the due process protections of the Fifth Amendment"). Indeed, as Judge Sullivan correctly recognized in a similar case decided after *Jennings*, involving an arriving alien, "because the immigration statutes at issue here do not authorize a bond hearing, *Mezei* dictates that due process does not require one here." *Poonjani v. Shanahan*, 319 F. Supp. 3d 644, 649 (S.D.N.Y. 2018). Other judges have held the same. *See, e.g.*, *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d 329, 333-36 (W.D.N.Y. 2021) (applying *Mezei* and *Thuraissigiam* and holding that an applicant for admission is not entitled to procedural protections beyond those provided by statute); *D.A.V.V. v. Warden, Irwin County Detention Center*, No. 20 Civ. 159, 2020 WL 13240240, at *4-6 (M.D. Ga. Dec. 7, 2020) ("Applying this rule in *Thuraissigiam*, which squares with longstanding Supreme Court precedent, this Court similarly holds that arriving aliens' procedural due process rights entitle them only to the relief provided by the INA."); *Mendez Ramirez*, 612 F. Supp. at 220-21 (Woods, J.) (following *Mezei*, holding constitutional due process rights for alien deemed at threshold of entry extended no further than the process outlined by statute); *Salim v. Tryon*, No. 13 Civ. 6659 (JTC), 2014 WL 1664413, at *2 (W.D.N.Y. Apr. 25, 2014) ("The Due Process Clause provides an inadmissible alien no procedural protection beyond the procedure explicitly authorized by Congress, nor any right to be free from detention pending removal proceedings.").

Moreover, more than a century of precedent from the Supreme Court confirms that applicants for admission are treated differently under the law for due process purposes than other categories of detained aliens. *See, e.g.*, *Zadvydas*, 533 U.S. at 693 ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law."). Congress has decided to treat arriving aliens differently, in order

to effectuate their exclusion from the United States while considering whether to admit them, by holding them in detention during those ongoing proceedings. Unlike admitted aliens placed in removal proceedings and detained under 8 U.S.C. § 1226[5], arriving aliens were not living in the United States and are "request[ing] a privilege," *Landon*, 459 U.S. at 32, and therefore "stand[ ] on a different footing," *Mezei*, 345 U.S. at 212-13; *see also Thuraissigiam*, 591 U.S. at 140 ("an alien who is detained shortly after unlawful entry cannot be said to have 'effected an entry'"). Their lack of entitlement to a bond hearing thus flows logically from their lack of admission to the United States in the first place. Further, arriving aliens are not foreclosed from any and all possibility of release during their proceedings: they may secure release through discretionary parole. *See* 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. §§ 212.5(b), 235.3(c). An alien can also agree to his removal, thus bringing his detention during removal proceedings to an end and ordinarily returning him to freedom (albeit abroad). And unlike the detention at issue in *Mezei*, detention under § 1225(b) is inherently temporary and has a discernable endpoint: the conclusion of removal proceedings. *See Jennings*, 583 U.S. at 297 (when proceedings end for applicants for admission placed in removal proceedings, "detention under § 1225(b) must end as well").[6]

The constitutional due process rights of applicants for admission are limited to the process that Congress chooses to provide. In § 1225(b) and related provisions, Congress has afforded applicants for admission a variety of protections, but has excluded the possibility of bond hearings.

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[5] Petitioner does not claim that his detention may be governed by 8 U.S.C. § 1226(a) as opposed to 8 U.S.C. § 1225(b). Nor could he, as Petitioner is indisputably an arriving alien, and as such, his detention falls squarely within the ambit of § 1225(b).

[6] The conclusion of removal proceedings is when the proceedings are administratively final. *See, e.g.*, *Chupina v. Holder*, 570 F.3d 99, 103 (2d Cir. 2009) ("An order of removal is 'final' upon the earlier of the BIA's affirmance of the immigration judge's order of removal or the expiration of the time to appeal the immigration judge's order of removal to the BIA." (citing 8 U.S.C. § 1101(a)(47)(B))).

See Jennings, 583 U.S. at 297 ("[N]either § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings."). Consequently, Petitioner does not have due process rights beyond what he has already been afforded and will be provided in immigration proceedings, and so the Court should therefore deny Petitioner's due process claims challenging his detention.[7]

CONCLUSION

For the foregoing reasons, the Court should deny the petition for a writ of habeas corpus.

Dated: New York, New York
November 24, 2025

Respectfully submitted,

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[7] In support of his due process claims, Petitioner cites a number of cases in which district courts have "held that ICE may not summarily re-detain people it previously released on parole or supervision under the guise of mandatory detention, without any individualized assessment." Pet. ¶¶ 9, 41. However, none of the cited cases involved the detention of a petitioner whose parole pursuant to 8 U.S.C. § 1182(d)(5) had already expired, and whose parole status was thereafter terminated in accordance with the procedures set forth in the applicable regulations. Thus, these cases are inapposite.

The petition also cites *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), as the basis upon which Respondents purportedly rest their detention of Petitioner. *E.g.*, Pet. ¶¶ 7, 9. However, *Matter of Q. Li* simply explains and confirms the operation of the applicable statutes and detention authorities, as explained above.

Certificate of Compliance

Pursuant to Local Civil Rule 7.1(c), the above-named counsel hereby certifies that this memorandum complies with the word-count limitation of this Court's Local Civil Rules. As measured by the word processing system used to prepare it, this memorandum contains 4,121 words.