UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Jeferson Alejandro PARADA MARTINEZ Petitioner, v. JEFFREY CRAWFORD, Warden, Farmville Detention Center; JOSEPH SIMON, Director of Washington Field Office, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, in their official capacities, Respondents.	Case No. ______________ **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner, Jeferson Alejandro Parada Martinez (Mr. Parada), is an 18-year-old citizen of El Salvador who is currently being detained by the U.S. Department of Homeland Security (DHS) at the Farmville Detention Center in Farmville, Virginia. *Exh A.* Mr. Parada is seeking release from Immigration and Customs Enforcement (ICE) custody or a subsequent bond hearing before an Immigration Judge. Mr. Parada has been detained since October 16, 2025. *Exh. B.*

2. On October 16, 2025, ICE issued a Notice to Appear (NTA) for an initial hearing on November 10, 2025 before the Immigration Judge at the Annandale Immigration Court. *Id.* The immigration court has since initiated removal proceedings and scheduled Mr. Parada for an individual hearing on January 6, 2026. *Id.*

3. On December 4, 2025, the Immigration Judge denied Respondent's request for bond redetermination for lack of jurisdiction. *Exh C.*

4. Respondents' position is that Mr. Parada is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Mr. Parada argues that he is detained under 8 U.S.C. § 1226(a) rather than under § 1225(b)(2). Mr. Parada further contends that his ongoing detention violates his due process rights and he requests that this Court order that he be granted a subsequent bond hearing by an Immigration Judge pursuant to 8 U.S.C. § 1226(a). Accordingly, to vindicate Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

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 also grant relief pursuant to the All Writs Act, 28 U.S.C. § 1651.

8. This Court has jurisdiction to compel agency action under the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706;

VENUE

9. Venue is proper because Mr. Parada is detained at the Farmville Detention Center in Farmville, Virginia, which is within the jurisdiction of this District. 28 U.S.C. § 1391(e); *Rumsfeld v. Padilla*, 542 U.S. 426, 434, 447 (2004).

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents "forthwith," unless Mr. Parada is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause 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. A district court may grant a writ of habeas corpus to any person who demonstrates he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

ORDER TO SHOW CAUSE

13. Under the All Writs Act, 28 U.S.C. § 1651, an Order prohibiting Respondents from transferring Mr. Parada from the district is necessary until the resolution of his case with this Court.

14. The Farmville Detention Center is the closest ICE facility to Mr. Parada's family, who resides in Sterling, Virginia. An Order prohibiting Respondents from transferring Mr. Parada from the district is necessary to prevent further separation from Mr. Parada and his family and to protect Mr. Parada from the undue financial burden of having to pay for his travel to return to Sterling, Virginia from an out-of-state

detention center. Not only is it in the public interest to keep Mr. Parada close to his family and counsel while preparing for what seems to be an inevitable subsequent bond hearing in light of the substantial weight of authority in favor of granting this petition, but it would be cumbersome for him to face the financial and arduous task of traveling potentially cross-country and without a REAL ID identification allowing him to board an airplane.

15. Accordingly, Mr. Parada asks for an order precluding his transfer from this district pending resolution of this petition.

PARTIES

16. Mr. Parada is a an 18-year-old citizen and national of El Salvador who entered the United States for the first and only time without inspection on or about July 1, 2019 at or near Roma, Texas. Mr. Parada is currently detained at the Farmville Detention Center. *Exh. A*. He is in the custody, and under the direct control, of Respondents and their agents.

17. Respondent Jeffrey Crawford is the Warden of Farmville Detention Center and has immediate physical custody of Mr. Parada pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Mr. Parada. Respondent Crawford is a legal custodian of Mr. Parada.

18. Respondent Joseph Simon is sued in his official capacity as the Director of the Washington Field Office of U.S. Immigration and Customs Enforcement. Respondent Simon is a legal custodian of Mr. Parada and has authority to release him.

19. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is

responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Mr. Parada's custody and continued detention. Respondent Noem is a legal custodian of Petitioner.

20. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases (including bond redetermination hearings) and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals.

STATEMENT OF FACTS

21. Mr. Parada is an 18-year-old citizen of El Salvador who has resided continuously in the United States since his first and only entry on July 1, 2019 through Roma, Texas.

22. DHS apprehended Mr. Parada shortly after entering the United States illegally and issued a Warrant for Arrest of Alien pursuant to 8 U.S.C. § 1226(a). *Exh. D*. DHS then issued Mr. Parada a Notice to Appear, dated July 4, 2019. *Id*. DHS also issued Mr. Parada a Notice of Custody Determination and released Mr. Parada on his own recognizance pursuant to 8 U.S.C. § 1226(a). *Id.*

23. The Immigration Court then instituted Mr. Parada's removal proceedings, however, the Immigration Judge dismissed Mr. Parada's removal proceedings without prejudice on November 20, 2024 pursuant to a joint request by the parties and a grant of prosecutorial discretion by DHS. *Exh. E.* The dismissal was in part because on October 15, 2024, U.S. Citizenship and Immigration Services (USCIS) found that Mr.

Parada met the requirements of a Special Immigrant Juvenile (SIJ) under 8 U.S.C. § 1101(a)(27)(j) and granted his Form I-360 Petition for Amerasian, Widower or Special Immigrant. *Exh. F.* In doing so, USCIS also granted Mr. Parada deferred action in an exercise of favorable discretion for a period of four (4) years. *Id.*

24. The basis for Mr. Parada's SIJ classification was an order from the Loudoun County Juvenile and Domestic Relations Court finding that Mr. Parada is an unmarried child under the age of 21 who cannot reunify with his father due to abandonment and neglect, and that it is not in Mr. Parada's best interest to return to El Salvador.

25. Mr. Parada currently maintains SIJ status and deferred action. Mr. Parada's priority date is July 3, 2024. According to the U.S. Department of State visa bulletin for December 2025, Mr. Parada's category – fourth preference employment-based – will become current and allow Mr. Parada to apply for adjustment of status to lawful permanent resident in approximately three (3) to four (4) years. *Exh. G.*

26. On October 16, 2025, DHS assumed custody of Mr. Parada from the Loudoun County Jail, where he had been detained pending the resolution of his criminal offenses. On October 14, 2025, all of Mr. Parada's charges were *nolle prosequi* dismissed.

27. Upon taking Mr. Parada into custody, DHS also issued Mr. Parada a new Notice to Appear, dated October 16, 2025, scheduling him for an initial hearing on November 10, 2025 before the Immigration Judge at the Annandale Immigration Court. *Exh. B.* The immigration court subsequently initiated new removal proceedings and Mr. Parada is now scheduled for a final hearing on January 6, 2026 regarding the merits of his I-589 Application for Asylum and for Withholding of Removal. *Id.*

28. On November 26, 2025, Mr. Parada filed a request for a bond hearing before the Immigration Judge On December 4, 2025, the Immigration Judge denied Mr. Parada's request for a bond redetermination finding that the immigration court lacked jurisdiction under current precedent by the Board of Immigration Appeals. *Exh. C.*

29. Mr. Parada is seeking release from Immigration and Customs Enforcement (ICE) custody at the Farmville Detention Center or a subsequent bond hearing before an Immigration Judge. *Exh. A*. Mr. Parada is an 11th-grade student at [redacted] in Sterling, Virginia. He lives with his older brother, younger sister and stepfather, who is a lawful permanent resident of the United States. Earlier this year, Mr. Parada's mother tragically passed away at the age of 40 due to a workplace accident. Mr. Parada currently has no criminal convictions anywhere in the world.

LEGAL FRAMEWORK

Principles of Immigration Detention

30. The Due Process Clause of the Fifth Amendment provides Mr. Parada with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

31. To guarantee against arbitrary detention and to guarantee the right to liberty, due process requires "adequate procedural protections" that ensure the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint."

Zadvydas, 533 U.S. at 690 (internal quotation marks omitted).

32. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.; Demore v. Kim*, 538 U.S. 510, 522, 528 (2003).

Government's Burden to Justify Immigration Detention

33. Due process requires certain minimal procedures within the civil detention context. In 1976, in *Mathews v. Eldridge,* the Court set forth the now well-worn factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976).

34. Under the *Mathews* test, courts must weigh (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

35. First, commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

36. Second, the risk of error is great where the government is represented by trained attorneys and detained noncitizens are often unrepresented and frequently lack English proficiency. *See Santosky v. Kramer*, 455 U.S. 745, 762-63 (1982) (requiring clear and convincing evidence at parental termination proceedings because "numerous factors combine to magnify the risk of erroneous factfinding"

including that "parents subject to termination proceedings are often poor, uneducated, or members of minority groups" and "[t]he State's attorney usually will be expert on the issues contested").

37. The third and final *Mathews* factor requires courts to weigh the private interests at stake and the risk of erroneous deprivation of those interests against the federal respondents interests in persisting with continued detention and the burdens of substitute procedures.

Seeking Release from Immigration Detention

38. An immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of a noncitizen. 8 U.S.C. § 1229a ("The usual removal process involves an evidentiary hearing before an immigration judge, and at that hearing an alien may attempt to show that he or she should not be removed."). These proceedings are initiated by serving the noncitizen with a Form I-862 "notice to appear" in immigration court. 8 U.S.C. § 1229(a)(1).

39. Once detained, it is the noncitizen's burden to prove that he or she is not a danger to the community or a flight risk in order to be released. *Miranda v. Garland*, 34 F.4th 338, 442 (4th Cir. 2022); 8 C.F.R. § 236.1(c)(8); 8 C.F.R. § 1236.1(c)(8); *In re Guerra*, 24 I&N Dec. 37, 38 (BIA 2006).

40. Even though DHS may detain a noncitizen during removal proceedings, the INA and the regulations adopted to implement its authority afford aliens three opportunities to seek release from detention. *Miranda v. Garland*, 34 F.4th 338, 442 (4th Cir. 2022). The first opportunity is with an immigration officer. 8 U.S.C. § 1225(a). An immigration officer is authorized to release the noncitizen

if the officer is satisfied that the alien is not a danger to the community or a flight risk. *Id.*; 8 C.F.R. § 236.1(c)(8). If the immigration officer decides to release an alien, the officer may set a bond or place conditions on the alien's release. *Id.* If an immigration officer denies bond, sets bond at an amount the noncitizen believes is too high or sets alternative conditions to bond the noncitizen contends are unreasonable, a noncitizen may appeal the officer's bond determination to an immigration judge, giving the noncitizen a second opportunity at release. *See* 8 C.F.R. §§ 236.1(d)(1), 1003.19(a), 1236.1(d)(1). If a detainee is not satisfied with the IJ's decision, the detainee may appeal to the Board of Immigration Appeals.

Mandatory Detention versus Discretionary Detention

41. The Immigration and Nationality Act (INA) provides for discretionary detention for noncitizens in regular, non-expedited removal proceedings. *See* 8 U.S.C. § 1226(a), (c). Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, while noncitizens who have committed certain crimes are subject to mandatory detention. *See id.* § 1226(c).

42. The INA also provides for mandatory detention for noncitizens whose immigration cases are completed under 8 U.S.C. § 1231(a)(6).

43. Mandatory detention is also required under 8 U.S.C. § 1225 which enumerates the procedures allowing the government to mandatorily detain certain "applicants for admission." Under § 1225, an "applicant for admission" is a noncitizen "present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. § 1225(a)(1).

44. Therein, 8 U.S.C. § 1225(b)(1) authorizes expedited removal for certain

"applicants for admission" in two categories. First, noncitizens "arriving in the United States" that are determined by an immigration officer to be inadmissible due to misrepresentation or failure to meet documents requirements. *Id.* at § 1225(b)(1)(A)(i); *see also id.* at § 1182(a)(6)(C), (a)(7).

45. Second, noncitizens that (a) are inadmissible because of misrepresentation or failure to meet documents requirements; (b) have not "been admitted or paroled into the United States"; (c) have not "affirmatively shown, to the satisfaction of an immigration officer, that [they have] been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility"; and (d) have been designated by the Attorney General for expedited removal. *Id.* at § 1225(b)(1)(A)(iii).

46. These two categories of noncitizens subject to § 1225(b)(1) are subject to mandatory detention "until certain proceedings have concluded." *Jennings*, 583 U.S. at 297. Individuals that fall into § 1225(b)(1) are "normally ordered removed 'without further hearing or review' pursuant to an expedited removal process" unless claiming asylum or a fear of persecution. *Jennings,* 53 U.S. at 287 (first quoting § 1225(b)(1)(A)(i); then citing § 1225(b)(1)(A)(ii)).

47. Separately, under 8 U.S.C. § 1225(b)(2), a noncitizen who is considered an "applicant for admission" shall be detained for a proceedings under 8 U.S.C. § 1229(a) if the examining immigration officer determines that the noncitizen seeking admission is not clearly and beyond a doubt entitled to be admitted.

48. The INA also provides for discretionary detention authority under 8 U.S.C. § 1226 which sets forth "the default rule" for detaining and removal aliens

"already present in the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). Under § 1226(a), the "default rule," *id.*, a noncitizen "may be arrested and detained" "[o]n a warrant issued by the Attorney General" if their removal proceedings are pending. 8 U.S.C. § 1226(a). The provision "distinguishes between two different categories" of noncitizens. *Jennings*, 583 U.S. Indeed, "[t]here is a statutory distinction between noncitizens who are detained upon arrival into the United States and those who are detained after they have already entered the country, legally or otherwise." *Hasan v. Crawford*, -- F. Supp. 3d – 2025 WL 2682255 (E.D. Va. 2025) (quoting *Abreu v. Crawford*, 2025 WL 51475, at *3 (E.D. Va. Jan. 8, 2025).

49. Detention pursuant to § 1226(a) is not mandatory. If the noncitizen was not charged with, arrested for, or convicted of certain criminal offenses enumerated in § 1226(c), the government has discretion to release them on "bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or ... conditional parole." *Id.* at § 1226(a)(2)(A)–(B).

50. The detention provisions at 8 U.S.C. § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104—208, Div. C, §§ 302-03, 110 Stat. 309-546, 3009-582 to 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

51. For decades, DHS has applied § 1226(a) and its discretionary release and review of detention. Indeed, Mr. Parada's initial warrant for arrest and release on recognizance in 2019 under 8 U.S.C. § 1226(a) is evidence of this. However,

on July 8, 2025, ICE, "in coordination with" DOJ announced a new policy with a new interpretation and understanding of the statutory framework, thereby rejecting decades of practice.

52. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to the mandatory detention provision under 8 U.S.C. § 1225(b)(2)(A), regardless of when a person was apprehended. Thus, the policy affects those who have resided in the United States for months, years, or even decades. *See also* Rodney S. Scott, Customs and Border Protection, *Detention of Applicants for Admission* (July 10, 2025); *see also* Diane J. Sabatino, Customs and Border Protection, *Detention of Applicants for Admission* (July 15, 2025).

Recent Agency Interpretation of 8 U.S.C. § 1225 and § 1226

53. On September 5, 2025, the Board of Immigration Appeals (BIA) held that, based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). As a result, noncitizens like Mr. Parada, have been denied release on bond because Immigration Judges have found they lack jurisdiction to consider the request.

[1] https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission

54. Since *Yajure Hurtado*, this Court has held in recent habeas cases in this District[2] that the Government's new and more expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect on the basis that this reading of the statute would render 1226(c) inoperable or moot.

EXHAUSTION

55. Since Petitioner raises serious constitutional claims, administrative exhaustion is excused absent a clear expression from Congress – and the INA does not require or mandate exhaustion of administrative remedies. *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (explaining that "where Congress had not clearly required exhaustion, sound judicial discretion governs") (quoting *McCarthy v. Madigan,* 503. U.S. 140, 144 (1992)); *see Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) (providing that "[e]xhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question'"); *Aguilar v. Lewis*, 50 F. Supp. 2d 539, 541 (E.D. Va. 1999) (clarifying that "there is no

[2] *See, e.g., Hasan v. Crawford*, -- F. Supp. 3d --, 2025 WL 2682255 (E.D. Va. 2025)(Brinkema, J.); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D. Va. Sep. 29, 2025) (Trenga, J.); *Quispe-Ardiles v. Noem*, 2025 WL 2783800 (E.D. Va. Sep. 30, 2025) (Nachmanoff, J); *Vargas Nunez v. Lyons*, 1:25-cv-1574, Dkt. 10 (E.D. Va. Oct. 1, 2025) (Brinkema, J.); *Diaz Gonzalez v. Lyons*, 1:25-cv-1583, Dkt. 8 (E.D. Va. Oct. 1, 2025) (same); *Gomez Alonzo v. Lyons*, 1:25-cv-1587, Dkt. 16 (E.D. Va. Oct. 1, 2025) (same); *Perez Bibiano v. Lyons*, 1:25-cv-1590, Dkt. 8 (E.D. Va. Oct. 2, 2025) (same); *Ortiz Ventura v. Noem*, 1:25-cv-1429, Dkt. 16 (E.D. Va. Oct. 2, 2025) (Nachmanoff, J.); *Lopez-Sanabria v. Bondi*, 1:25-cv-1511, Dkt. 9 (E.D. Va. Oct. 3, 2025) (same); *Guerra Leon v. Noem*, 1:25-cv-1634, Dkt. 12 (E.D. Va. Oct. 8, 2025) (Brinkema, J.); *Maldonado Merlos v. Noem*, 1:25-cv-1645, Dkt. 11 (E.D. Va. Oct. 9, 2025) (same); *Alfaro v. Lyons*, 1:25-cv-1569, Dkt. 11 (E.D. Va. Oct. 11, 2025) (Trenga, J.); *Singh v. Lyons*,1:25-cv-1606, Dkt. 6 (E.D. Va. Oct. 14, 2025) (same); *Teyim v. Perry*, 1:25-cv-1615, Dkt. 9 (E.D. Va. Oct. 15, 2025) (Nachmanoff, J.); *Reyes-Alvarez v. Crawford*, 1:25-cv-2148 (E.D. Va. Dec. 2, 2025)

federal statute that imposes an exhaustion requirement on aliens taken into custody pending their removal").

56. Nevertheless, the Court should find administrative exhaustion would be futile. Mr. Parada has already requested a bond redetermination, which was denied for lack of jurisdiction under *Yajure Hurtado* in which the BIA adopted DHS' interpretation of the INA as mandating detention without bond for millions of noncitizens who reside in the U.S. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA decision held that immigration judges lack jurisdiction to hold bond hearings or grant bond to all individuals charged with entering the country without inspection. *Id.* A subsequent bond hearing in Mr. Parada's case before an immigration judge would therefore be futile, absent a grant of this petition.

57. BIA decisions are binding on immigration judges, and *Yajure Hurtado* thus precludes an IJ from finding jurisdiction over noncitizens like Mr. Parada to hold a custody redetermination hearing. Therefore, judicial intervention enjoining Respondents from preventing Mr. Parada from having a bond hearing pursuant to the holding in *Yajure Hurtado* is necessary to enable Mr. Parada to avail himself of his administrative remedies.

58. Therefore, the Court should consider the merits of the Petition.

CLAIM FOR RELIEF

COUNT 1: Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Bond Hearings

59. Petitioner herein incorporates all allegations and facts set forth in the paragraphs above.

60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to

noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

61. Nonetheless, the Immigration Judges at the immigration court are now applying § 1225(b)(2) to individuals like Mr. Parada during bond hearings, despite being apprehended and issued a Notice to Appear years after the initial entry.

62. The application of § 1225(b)(2) to Mr. Parada violates the Immigration and Nationality Act. Moreover, DHS previously detained Mr. Parada but released him pursuant to 8 U.S.C. § 1226(a), as expressly stated in his 2019 documents. *Exh. D.*

63. The statutory language is clear, and where "a statute's language is plain, the sole function of the courts is to enforce it according to its terms." *Owner–Operator Indep. Drivers v. United Van Lines*, 556 F.3d 690, 693 (8th Cir. 2009). Moreover, courts do not defer to agency interpretation when the text is unambiguous. As the Supreme Court recently confirmed, "[c]ourts, not agencies, will decide 'all relevant questions of law' arising on review of agency action." *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244, 2247 (2024).

64. Under its new and expanded interpretation, DHS contends that mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is the appropriate detention authority for noncitizens, such as Mr. Parada, who have not been admitted or paroled. *See, e.g., Hasan v. Crawford, -- F. Supp. 3d --, 2025 WL 2682255* (E.D. Va. 2025).

65. However, DHS's new position violates the plain meaning of 8 U.S.C. §

1225(b)(2)(A), which courts have identified to apply to an individual deemed 1) an "applicant for admission" who is 2) actively "seeking admission" and 3) whom an examining immigration officer determines "is not clearly and beyond a doubt entitled to be admitted." *See Lopez Benitez v. Francis*, -- F. Supp. 3d. --, 2025 WL 2371588 (S.D.N.Y. 2025) (citation omitted). Equating the terms "applicant for admission" and "seeking admission" to mean the same thing violates the rule against superfluity. *See TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001). Specifically, "seeking admission" is the present, active tense. It should not apply to someone who has already entered the United States and been present for years and years without encountering immigration. *Lopez Benitez,* 2025 WL 2371588; *see also Lepe v. Andrews*, -- F. Supp. 3d --, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Hernandez Marcelo v. Trump*, -- F. Supp. 3d --, 2025 WL 2741230 (S.D. Ia. Sept. 10, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025).

66. DHS's new and expanded interpretation also renders superfluous the provisions of § 1226 that apply to certain categories of inadmissible aliens, such as §§ 1226(c)(1)(A), (D), and (E). For example, § 1226(c)(1)(A) provides that the "Attorney General shall take into custody any alien who is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of the title," such as crimes or moral turpitude and offenses relating to controlled substances. This mandatory detention under § 1226(c) would be unnecessary if all persons who have not been admitted into the United States were already subject to § 1225(b)(2)'s mandatory detention provision.

67. Similarly, DHS's new and expanded interpretation of 8 U.S.C. § 1225(b)(2)(A) runs afoul to the Laken Riley Act, Public Law No. 119-1 (Jan. 29, 2025), which expanded the definition of mandatory detention under 8 U.S.C. § 1226(c)(1). Specifically, the Laken Riley Act broadens the scope of 8 U.S.C. § 1226(c)(1) to require mandatory detention for a noncitizen who is "(E)(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title; and (ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person." 8 U.S.C. § 1226(c)(1)(E)(i)-(ii). But, if those who entered without inspection are indeed "applicants for admission," then the Laken Riley Act is superfluous and redundant. Instead, the express language of the Laken Riley Act creating a new category of mandatory detention under 8 U.S.C. § 1226(c) for noncitizens who are inadmissible for entering without inspection or admission is evidence that bond is an available remedy to noncitizens who were not apprehended at the border, and thus, that those individuals are subject to 8 U.S.C. § 1226(a) and not § 1225(b)(5).

COUNT 2: Violation of Substantive Due Process of Law Under the Fifth Amendment

68. Mr. Parada's prolonged detention violates his right to substantive due process of law afforded him through the Fifth Amendment to the United States Constitution.

69. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of life, liberty, or property, without due process of law[.]" U.S. CONST. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis,* 533 U.S. 678, 690 (2001). This precious right to be free from arbitrary detention extends to noncitizens present in the United States – even those with final orders of removal. *Id.* at 493 (holding the guarantee of substantive due process "applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"); *see Zavala v. Ridge,* 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Zadvydas* for this principle). "Government detention violates that Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections or, in certain special and 'narrow' nonpunitive 'circumstances' where a special justification . . . outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Zadvydas*, 533 U.S. at 690 (emphasis in original) (internal citations omitted).

70. Evidence about immigration detention and the adjudication of removal cases provide further support for the due process right to a bond hearing in cases of prolonged detention.

71. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: "the circumstances of their detention are similar, so

far as we can tell, to those in many prisons and jails." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting); *accord Chavez-Alvarez*, 783 F.3d at 478; *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo*, 825 F.3d at 1218, 1221. "And in some cases[,] the conditions of their confinement are inappropriately poor." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting) (citing Dept. of Homeland Security (DHS), Office of Inspector General (OIG), DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities (2017) (reporting instances of invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

72. These conditions and obstacles only further underscore the serious due process concerns that prolonged immigration detention pose for noncitizens like Mr. Parada and reflect the need for a decision before a neutral decisionmaker regarding continued detention. Detention without a bond hearing thus violates Mr. Parada's substantive due process and liberty rights.

COUNT 3: Violation of Procedural Due Process Under the Fifth Amendment

73. Mr. Parada's prolonged detention violates his Fifth Amendment right to procedural due process. The *Mathews* factors apply here to determine if Mr. Parada's procedural due process rights as a civil detainee have been violated by the Government's continued custodial detention under 8 U.S.C. § 1225(b)(2). *Mathews v. Eldridge*, 424 U.S. 319 (1976). The *Mathews* factors are as follows:

> First, the private interest that will be affected by the official action;
>
> [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and
>
> [Third], the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.
>
> 424 U.S. at 335.

74. In the instant action, all three *Mathews* factors resoundingly fall in favor of Mr. Parada's claim. First, Mr. Parada has an inherent and an acute private interest in bodily freedom. Second, the Government is sidestepping bond proceedings completely – the very cornerstone of removal proceedings which Congress created to allow a noncitizen to be released should they not present a flight risk or danger or the community, or be subject to mandatory detention under 8 U.S.C. § 1226(c). Respondents are effectively rendering themselves prosecutor and adjudicator by removing Immigration Judges from the equation and precluding them from exercising their longstanding authority to determine a noncitizen's eligibility for bond. As to the existence and value of any substitute procedure available to avoid or cure the grave risk of erroneous deprivation of Mr. Parada's liberty interest posed by alleging detention under 8 U.S.C. § 1225(b)(2), there is none. Absent interference by this Court, the only decision makers to release Mr. Parada are DHS, or the Immigration Judge. But, DHS's blanket rule is now that Mr. Parada is subject to mandatory detention, and under *Yajure Hurtado*, Immigration Judges no longer have the authority to grant bond. Lastly, there is no governmental interest in continuing to hold Mr. Parada in custody arbitrarily without an opportunity to seek bond. Mr. Parada does not pose a flight or public safety risk such that he should not be released on

bond. Moreover, any additional cost of promptly scheduling a bond hearing before an IJ far outweighs the cost to detain an individual for weeks, months, or more than a year throughout the pendency of their removal proceedings, including appeals.

75. In sum, the Respondents can neither show that the continued detention of petitioner following his detention is reasonably related to the original purpose and the *Mathews* tests are satisfied.

COUNT 4: Violation of the Administrative Procedure Act Unlawful Denial of Bond

76. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

77. Nonetheless, the Immigration Judges have a policy and practice of applying 8 U.S.C. § 1225(b)(2) to individuals like Mr. Parada, who are in removal proceedings pursuant to an apprehension that occurred years after entry to the U.S..

78. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Preclude Mr. Parada's transfer out of this jurisdiction pending resolution of this matter;
3. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
4. Declare that Mr. Parada's detention violates the INA;
5. Declare that Mr. Parada's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
6. Declare that Respondents' conduct violates the Administrative Procedures Act, 5 U.S.C. §§ 702 and 706, as arbitrary, capricious, and not in accordance with law;
7. Issue a Writ of Habeas Corpus ordering the Respondents to release Mr. Parada from custody;
8. In the alternative, order Respondents to provide Mr. Parada an individualized bond hearing before an impartial immigration judge within 7 days, at which the government bears the burden to justify continued detention by clear and convincing evidence;
9. Issue an Order prohibiting the Respondents from transferring Petitioner from the district prior to the resolution of this case;
10. Declare that Mr. Parada's continued detention is unconstitutional and unlawful, as it is not reasonably related to any valid purpose of immigration detention and violates the Fifth Amendment guarantee of due process;
11. Declare that Respondents' conduct violates the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706, as arbitrary, capricious, and not in accordance with law;
12. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Ashley Ham Pong, Esq.
Counsel for Petitioner
VSB #: 100734
Montagut & Sobral PC
5693 Columbia Pike, Ste 201
Falls Church, VA 22041
P: 703-820-0550
F: 703-820-0310
E: ahampong@montagutsobral.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Jeferson Alejandro PARADA MARTINEZ

Petitioner,

v.

JEFFREY CRAWFORD, Warden, Farmville Detention Center; JOSEPH SIMON, Director of Washington Field Office, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No. ________________

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

PETITIONER'S EXHIBIT INDEX IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

A. Immigration and Customs Enforcement Online Detainee Locator (results showing Mr. Parada in custody at Farmville Detention Center)

B. Notice to Appear, dated October 16, 2025

C. Order of the Immigration Judge's (denying bond on 12/04/2025 for lack of jurisdiction)

D. U.S. Department of Homeland Security Documents dated July 4, 2019:

- Warrant for Arrest of Alien
- Notice to Appear
- Notice of Custody Determination
- Order of Release on Recognizance

E. Order of the Immigration Judge (dismissing proceedings without prejudice on 11/20/2024 pursuant to joint request by the parties)

F. I-797 Notice of Action (approval of I-360 Petition for Amerasian, Widower, or Special Immigrant Juvenile)

G. Department of State December 2025 visa bulletin

Respectfully submitted,

Ashley Ham Pong, Esq.
Counsel for Petitioner
VSB #: 100734
Montagut & Sobral PC
5693 Columbia Pike, Ste 201
Falls Church, VA 22041
P: 703-820-0550
F: 703-820-0310
E: ahampong@montagutsobral.com

TAB A

Search Results: 1

JEFERSON ALEJANDRO PARADA-MARTINEZ

Country of Birth : El Salvador
A-Number [redacted]
Status : In ICE Custody
State: VA
Current Detention Facility: Abyon | Farmville Detention Center
** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

- Status of a Case
- About the Detainee Locator
- Brochure
- ICE ERO Field Offices
- ICE Detention Facilities
- Privacy Notice

External Links

- Bureau of Prisons Inmate Locator

TAB B

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

DOB:

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No [redacted]

In the Matter of:

Respondent: JEFERSON ALEJANDRO PARADA-MARTINEZ currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR;
3. You entered the United States at or near Roma, TX, on or about July 1, 2019;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7619 LITTLE RIVER TPK, 4TH FL ANNANDALE, VIRGINIA 22003. FARMVILLE DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on November 10, 2025 *(Date)* at 1:30 pm *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

L 7313 CROSBY - SDDO
(Signature and Title of Issuing Officer)

Date: October 16, 2025

Chantilly, VA
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: ______________________ *(Signature of Respondent)*

Date: ______________

______________________ *(Signature and Title of Immigration Officer)*

Certificate of Service

This Notice To Appear was served on the respondent by me on October 16, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # ________ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refuser to Sign

(Signature of Respondent if Personally Served)

S 11450 SKILES - Deportation Officer

(Signature and Title of officer)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
PARADA-MARTINEZ, JEFERSON ALEJANDRO	[redacted]	10/16/2025

THE SERVICE ALLEGES THAT YOU:

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
L 7313 CROSBY for	SDDO

4 of 4 Pages

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

LEAD FILE: [redacted]
IN REMOVAL PROCEEDINGS
DATE: Dec 4, 2025
EAD Clock:

TO: Montagut & Sobral, PC
Sobral, David Antonio
5693 Columbia Pike
Suite 201
Falls Church, VA 22041

RE: [redacted] PARADA MARTINEZ, JEFERSON ALEJANDRO

Notice of Internet-Based Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.
URL: HTTPS://EOIR.WEBEX.COM/MEET/IJ.ERIN.GOVER

Date: Jan 6, 2026
Time: 08:30 A.M. ET
Court Address: 7619 LITTLE RIVER TPK., 4TH FL, ANNANDALE, VA 22003

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at https://respondentaccess.eoir.justice.gov/en/ or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at https://www.justice.gov/eoir/eoir-immigration-court-listing.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call **1-800-898-7180** (toll-free) or **304-625-2050**.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [ ] Noncitizen | [ ] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: ____12/04/2025____ BY: COURT STAFF __________LL__________
Attachments: [ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਔਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੰਨੇ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পেজের কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

TAB C

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

Respondent Name:
PARADA MARTINEZ, JEFERSON ALEJANDRO

To:
Sobral, David Antonio
5693 Columbia Pike
Suite 201
Falls Church, VA 22041

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
12/04/2025

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
Court lacks jurisdiction based on BIA precedent.

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: Barnes, John 12/04/2025

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

Appeal Due: 01/05/2026

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 : PARADA MARTINEZ, JEFERSON ALEJANDRO | A-Number : [redacted]
Riders:
Date: 12/04/2025 By: Livanis, Larissa, Court Staff

TAB D

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID:365919715 File No: [redacted]

DOB: Event No [redacted]

In the Matter of:

Respondent: JEFERSON ALEJANDRO PARADA-MARTINEZ currently residing at:

[redacted] [redacted]

(Number, street, city and ZIP code) (Area code and phone number)

☐ 1. You are an arriving alien.

☒ 2. You are an alien present in the United States who has not been admitted or paroled.

☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR ;
3. You entered into the United States at or near ROMA, TEXAS, on or about July 1, 2019;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1901 South Bell St. Suite 200 Arlington VA US 22202

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set *(Date)* at a time to be set *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

ROBERT MOSES ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: July 04, 2019

COTULLA, TEXAS

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07) N

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before: ______________________ *(Signature of Respondent)*

Date: ______________

____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 04, 2019, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- [x] in person
- [ ] by certified mail, returned receipt requested
- [ ] by regular mail
- [ ] Attached is a credible fear worksheet.
- [x] Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Parent Signature

JIMP
(Signature of Respondent if Personally Served)

EZEQUIEL A. RAMIREZ BORDER PATROL AGENT
(Signature and Title of officer)

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [redacted]
Event [redacted]

FINS #:

Date: July 04, 2019

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
JEFERSON ALEJANDRO PARADA-MARTINEZ
(Full name of alien)

an alien who entered the United States at or near ROMA, TEXAS (Port) on July 01, 2019 (Date) is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of Designated Immigration Officer)

ROBERT MOSES
(Print name of Designated Immigration Officer)

ACTING PATROL AGENT IN CHARGE
(Title)

Certificate of Service

Served by me at COTULLA, TEXAS on July 04, 2019 at 05:35 PM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

EZEQUIEL A. RAMIREZ
(Signature of officer serving warrant)

BORDER PATROL AGENT
(Title of officer serving warrant)

DEPARTMENT OF HOMELAND SECURITY

NOTICE OF CUSTODY DETERMINATION

Alien's Name: JEFERSON ALEJANDRO PARADA-MARTINEZ

A-File Number: [redacted]

Date: 07/04/2019

Event ID: [redacted]

Subject ID: [redacted]

FIN:

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
  - ☐ Under bond in the amount of $
  - ☒ On your own recognizance.
  - ☐ Under other conditions. [Additional document(s) will be provided.]

ROBERT MOSES
Name and Signature of Authorized Officer

07/04/2019 1837
Date and Time of Custody Determination

ACTING PATROL AGENT IN CHARGE
Title

COTULLA, TEXAS
Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
  - ☒ I **do** request an immigration judge review of this custody determination.
  - ☐ I **do not** request an immigration judge review of this custody determination.

JIMP Parent Signature
Signature of Alien

07/04/2019
Date

The contents of this notice were read to JEFERSON ALEJANDRO PARADA-MARTINEZ (Name of Alien) in the SPANISH (Name of Language) language.

EZEQUIEL A. RAMIREZ
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

BORDER PATROL AGENT
Title

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [redacted]
Date: July 04, 2019
Event No: [redacted]

Name: JEFERSON ALEJANDRO PARADA-MARTINEZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~writing~~) (person) to DUTY DEPORTATION OFFICER (Name and Title of Case Officer)
at 2675 PROSPERITY AVENUE, C-LEVEL, FAIRFAX, VA 22031, 703-285-6200 (Location of DHS Office) on AUGUST 5, 2019 (Day of each ~~XXXX~~ month) at 08:00 AM (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.
☒ You must not violate any local, State, or Federal laws or ordinances.
☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.
☒ Other: THAT YOU DO NOT COMMIT CRIMES WHILE ON THIS ORDER OF RELEASE ON RECOGNIZANCE.

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

(Signature of DHS Official)

ROBERT MOSES
ACTING PATROL AGENT IN CHARGE
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

EZEQUIEL A. RAMIREZ
(Signature of Immigration Officer Serving Order)

Parent Signature
JIMP
(Signature of Alien)

7/4/19
(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.
☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order) (Date)

TAB E

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

Respondent Name:
PARADA-MARTINEZ, JEFERSON ALEJANDRO

To:
Sobral, David Antonio
5693 Columbia Pike
Suite 201
Falls Church, VA 22041

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security

Date:
11/20/2024

ORDER ON MOTION TO DISMISS

☐ The Respondent ☐ the Department of Homeland Security ☑ the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is ☐ opposed ☑ unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

☑ Granted without prejudice
☐ Denied

Further explanation:

IT IS SO ORDERED.

J Pope

Immigration Judge: Pope, Jason 11/20/2024

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : PARADA-MARTINEZ, JEFERSON ALEJANDRO | A-Number [redacted]
Riders:
Date: 11/20/2024 By: Martinez, Libia, Court Staff

TAB G

Visa Bulletin

Number 9, Volume XI | Washington, D.C.

Immigrant Numbers for December 2025

A. Statutory Numbers for Preference Immigrant Visas

This bulletin summarizes the availability of immigrant numbers during December for "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. **Procedures for determining dates.** Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by November 3rd. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. The fiscal year 2026 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa issuances will exceed the per-country limit. These provisions apply at present to the following

oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

Family-Sponsored Preferences

First: **(F1)** Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.
B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: **(F3)** Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: **(F4)** Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. Final Action Dates for Family-Sponsored Preference Class

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08NOV16	08NOV16	08NOV16	01MAR06	22JAN13
F2A	01FEB24	01FEB24	01FEB24	01FEB23	01FEB24
F2B	01DEC16	01DEC16	01DEC16	15MAY08	08OCT12
F3	08SEP11	08SEP11	08SEP11	01MAY01	01NOV04
F4	08JAN08	08JAN08	01NOV06	08APR01	15JUL06

For December, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 01FEB23. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO, with priority dates beginning 01FEB23 and earlier than 01FEB24. All F2A numbers provided for MEXICO are exempt from the per-country limit.

B. Dates for Filing Family-Sponsored Visa Applications

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

A "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01SEP17	01SEP17	01SEP17	01MAR07	22APR15
F2A	22NOV25	22NOV25	22NOV25	22NOV25	22NOV25
F2B	08MAR17	08MAR17	08MAR17	15MAY09	01OCT13
F3	22JUL12	22JUL12	22JUL12	01JUL01	01NOV05
F4	01MAR09	01MAR09	15DEC06	30APR01	01JAN08

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

Employment-Based Preferences

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, of which 32% are reserved as follows: 20% reserved for qualified immigrants who invest in a rural area; 10% reserved for qualified immigrants who invest in a high unemployment area; and 2% reserved for qualified immigrants who invest in infrastructure projects. The remaining 68% are unreserved and are allotted for all other qualified immigrants.

A. Final Action Dates for Employment-Based Preference Cases

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Employment-Based	**All Chargeability Areas Except Those Listed**	**CHINA-mainland born**	**INDIA**	**MEXICO**	**PHILIPPINES**
1st	C	22JAN23	15MAR22	C	C
2nd	01FEB24	01JUN21	15MAY13	01FEB24	01FEB24
3rd	15APR23	01APR21	22SEP13	15APR23	15APR23
Other Workers	01AUG21	08DEC17	22SEP13	01AUG21	01AUG21
4th	01SEP20	01SEP20	01SEP20	01SEP20	01SEP20
Certain Religious Workers	01SEP20	01SEP20	01SEP20	01SEP20	01SEP20
5th Unreserved *(including C5, T5, I5, R5, NU, RU)*	C	15JUL16	01JUL21	C	C
5th Set Aside: Rural (20%) *(including NR, RR)*	C	C	C	C	C
5th Set Aside: High Unemployment (10%) *(including NH, RH)*	C	C	C	C	C

5th Set Aside: Infrastructure (2%) *(including RI)*	C	C	C	C	C

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2026 this reduction will be limited to approximately 150.

B. Dates for Filing of Employment-Based Visa Applications

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	15MAY23	15APR23	C	C
2nd	15JUL24	01DEC21	01DEC13	15JUL24	15JUL24
3rd	01JUL23	01JAN22	15AUG14	01JUL23	01JUL23
Other Workers	01DEC21	01OCT18	15AUG14	01DEC21	01DEC21
4th	15FEB21	15FEB21	15FEB21	15FEB21	15FEB21

Certain Religious Workers	15FEB21	15FEB21	15FEB21	15FEB21	15FEB21
5th Unreserved *(including C5, T5, I5, R5, NU, RU)*	C	22JUL16	01APR22	C	C
5th Set Aside: Rural (20%) *(including NR, RR)*	C	C	C	C	C
5th Set Aside: High Unemployment (10%) *(including NH, RH)*	C	C	C	C	C
5th Set Aside: Infrastructure (2%) *(including RI)*	C	C	C	C	C

B. Diversity Immigrant (DV) Category for the Month of December

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. Visa numbers made available to NACARA applicants in FY 2025 will result in reduction of the DV-2026 annual limit to approximately 54,850. Section 5104 of the National Defense Authorization Act (NDAA) for Fiscal Year 2024 amended the NACARA's provisions on the DV program such that the number of visas made available under the NDAA each fiscal year will be deducted from the 55,000 DVs annually allocated. These amendments will further reduce the DV-2026 annual limit to approximately 52,000. DVs are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For December, immigrant numbers in the DV category are available to qualified DV-2026 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately			
AFRICA	17,500	Except:	Algeria Egypt	17,250 16,000
ASIA	10,000	Except:	Nepal	6,000

EUROPE	7,750	
NORTH AMERICA (BAHAMAS)	20	
OCEANIA	1,100	
SOUTH AMERICA, and the CARIBBEAN	1,850	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2026 program ends as of September 30, 2026. DVs may not be issued to DV-2026 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2026 principals are only entitled to derivative DV status until September 30, 2026. DV availability through the end of FY-2026 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. Diversity (DV) Immigrant Category Rank Cut-Offs Which Will Apply in January

For January, immigrant numbers in the DV category are available to qualified DV-2026 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately			
AFRICA	35,000	Except:	Algeria Egypt	20,000 16,000
ASIA	15,000	Except:	Nepal	6,000
EUROPE	8,500			
NORTH AMERICA (BAHAMAS)	20			
OCEANIA	1,100			
SOUTH AMERICA, and the CARIBBEAN	1,850			

D. Extension of the Employment Fourth Preference Certain Religious Workers (SR) Category

H.R. 5371, signed on November 12, 2025, extends the Employment Fourth Preference Certain Religious Workers (SR) category until January 30, 2026. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight January 29, 2026. Visas issued prior to that date will be valid only until January 29, 2026, and all individuals seeking admission in the non-minister special immigrant category must be admitted (repeat admitted) into the United States no later than midnight January 29, 2026.

As indicated in item D of the November 2025 *Visa Bulletin*, the extension resulted in this category immediately becoming available in November, subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability. For December, the applicable SR final action date will be 01SEP20 for all countries.

E. U.S. Government Employee Special Immigrant Visas (SIVs)

The National Defense Authorization Act (NDAA) for Fiscal Year 2024, signed into law on December 22, 2023, may affect certain current and former employees of the U.S. Government abroad, as well as certain surviving spouses and children of deceased employees of the U.S. government abroad, applying for SIVs or adjustment of status, as described in section 101(a)(27)(D) of the INA. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs. Applicants should contact the consular section at which they filed their Form DS-1884 for further information on the impact of that law on their case.

For the latest information on visa processing at U.S. embassies and consulates, please visit the Bureau of Consular Affairs website at travel.state.gov.

Department of State Publication 9514
CA/VO: November 3, 2025