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10 Lovejeet Singh

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 LOVEJEET SINGH

Case No.

14 Petitioner,

15 v.

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

16 Ernesto SANTACRUZ JR., Acting
17 Director, Los Angeles Field Office,
18 Immigration and Customs Enforcement,
19 Enforcement and Removal Operations;
20 Todd LYONS, Acting Director,
21 Immigration and Customs Enforcement;
22 Kristi NOEM, Secretary, U.S.
23 Department of Homeland Security; U.S.
24 DEPARTMENT OF HOMELAND
25 SECURITY; Pamela BONDI, U.S.
26 Attorney General; Fereti SEMAIA,
27 Warden of Adelanto ICE Processing
28 Center,

PETITIONER'S DHS NO:

A 

Respondents.

INTRODUCTION

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2 1. Petitioner, Lovejeet Singh (DHS No. A [REDACTED]), is a twenty-year-
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4 old citizen and national of India who is currently in the physical custody of
5 Respondents at the Adelanto ICE Processing Center in Adelanto, California.
6 Petitioner entered the United States as a vulnerable older teenager and has since
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8 obtained Special Immigrant Juvenile (SIJ) predicate findings from a California
9 state court, and now has a pending Form I-360 SIJ petition with U.S. Citizenship
10 and Immigration Services (USCIS), placing him on a Congressionally created path
11 toward lawful permanent residence.
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13 2. Petitioner was born on [REDACTED] in India. *See* Exhibit A (Birth
14 Certificate with Certified English Translation). On January 28, 2024, at the age of
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16 eighteen, Petitioner entered the United States at or near Tecate, California, without
17 inspection. Petitioner was charged as subject to removal under § 212(a)(6)(A)(i)
18 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. §
19 1182(a)(6)(A)(i). *See* Exhibit B (Record of Deportable/Inadmissible Alien;
20 Warrant for Arrest of Alien; Notice to Appear). On January 29, 2024, the
21 Department of Homeland Security (DHS) released Petitioner on his own
22 recognizance “[i]n accordance with section 236 of the Immigration and Nationality
23 Act,” codified at 8 U.S.C. § 1226. *See* Exhibit C (Notice of Custody Determination;
24 Order of Release on Recognizance).
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1 3. In February 2024, Petitioner enrolled in the Intensive Supervision
2 Appearance Program (ISAP), which required office visits every four weeks,
3 SmartLINK check-ins, and home visits, and he complied with all program rules
4 and his Order of Recognizance. *See* Exhibit J (ISAP Individual Service Plan, dated
5 Feb. 12, 2024)
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7 4. After his release, Petitioner promptly pursued protection in the
8 immigration system. On or around May 23, 2024, Petitioner filed an I-589
9 Application for Asylum, Withholding of Removal, and Protection under the
10 Convention Against Torture with the Immigration Court in Santa Ana, California.
11 Petitioner's Individual In-Person Hearing on the merits of his I-589 application
12 was originally scheduled for October 14, 2026, at 1:00 p.m. Pacific Time but the
13 court has since changed the hearing with a pending hearing date still to be decided.
14 *See* Exhibit D (Notice of Individual Hearing, dated December 2, 2025). On or
15 around March 21, 2025, Petitioner's aunt, Ms. Manjit Kaur, filed a Petition for
16 Appointment of Guardian and a Petition for Special Immigrant Juvenile Findings
17 in the Superior Court of California, County of San Bernardino. On June 10, 2025,
18 the state court issued orders appointing Ms. Kaur as Petitioner's legal guardian and
19 making the requisite SIJ predicate findings that reunification with one or both
20 parents is not viable and that it is not in his best interest to return to India. *See*
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1 Exhibit E (Orders for Appointing Guardian and Special Immigrant Juvenile
2 Findings, dated June 10, 2025).

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4 5. Relying on those state-court SIJ findings, Petitioner filed Form I-360,
5 Petition for Special Immigrant Juvenile, with USCIS in July 2025. The I-360
6 remains pending, with a receipt date and priority date of August 1, 2025, placing
7 Petitioner within the class of SIJ applicants whom Congress intended to remain
8 physically present in the United States so they can ultimately apply for adjustment
9 of status when a visa becomes available. *See* Exhibit F (Receipt Notice for Form
10 I-360); *See also* Exhibit K (Petitioner's SIJS Sworn Declaration). Petitioner thus
11 stands in the very posture Congress contemplated for abused, abandoned, or
12 neglected youth: under a state-court SIJ order, with a pending I-360 before USCIS,
13 and awaiting the opportunity to pursue lawful permanent residence.
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17 6. The only adverse incident in nearly two years of community residence
18 is a single California Highway Patrol "Notice to Appear." On May 11, 2025,
19 Petitioner was cited for allegedly driving the wrong way in violation of California
20 Vehicle Code § 21651(b), and the citation form notes "misdemeanor" and
21 "booking required." *See* Exhibit G (Traffic Ticket and Towing Documents, dated
22 May 11, 2025). In practice, however, the officer exercised cite-and-release:
23 Petitioner was not taken into criminal custody, was not booked into jail, and was
24 simply given a citation and a fingerprint notification form, along with a tow and
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1 same-day release of his vehicle. *See* Exhibit G. There has been no accident, no
2 injuries, no allegation of alcohol or other aggravating conduct, and no conviction
3 arising from this incident. This isolated, pending traffic-misdemeanor citation does
4 not demonstrate that Petitioner is a danger to the community, especially when
5 weighed against his otherwise spotless record and his consistent compliance with
6 all supervision requirements.
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9 7. Petitioner continued to comply fully with ISAP after the May 11, 2025
10 citation, completing SmartLINK check-ins and remaining at his verified San
11 Bernardino address until ICE abruptly re-detained him at an ISAP appointment on
12 December 4, 2025. *See* Exhibit J. On December 4, 2025, notwithstanding
13 Petitioner's long-standing compliance and steadily improving equities, DHS
14 arrested him during his regularly scheduled in-person isapcheck-in at the San
15 Bernardino ISAP office. ISAP check-ins are routine reporting requirements under
16 ICE's "alternative to detention" program for non-detained immigrants. Petitioner
17 was first detained at the San Bernardino Detention Center in San Bernardino,
18 California, and then transferred to the Adelanto ICE Processing Center in
19 Adelanto, California. *See* Exhibit H (ICE's Online Detainee Locator System
20 Search Result). The fact that Petitioner was taken into custody only when he
21 voluntarily appeared for a scheduled ISAP check-in further confirms that he is not
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1 a flight risk and that his conduct has remained stable and compliant throughout his
2 time in the community.

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4 8. DHS re-detained Petitioner pursuant to a new 2025 DHS policy and the
5 Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N.
6 Dec. 216 (BIA 2025), under which noncitizens charged under 8 U.S.C. §
7 1182(a)(6)(A)(i) are treated as "applicants for admission" subject to mandatory
8 detention under 8 U.S.C. § 1225(b)(2)(A) and categorically denied individualized
9 bond hearings. Petitioner's current detention rests entirely on that novel statutory
10 reinterpretation, not on any material change in his own conduct. From the outset
11 of his case, ICE and DHS treated Petitioner as detained under 8 U.S.C. § 1226,
12 released him on his own recognizance, and supervised him for nearly two years
13 without incident; only now, after he has obtained SIJ findings and filed his I-360,
14 has DHS sought to reclassify him into the § 1225(b)(2)(A) framework and strip
15 him of any opportunity to seek bond.

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17 9. This new interpretation is contrary to the plain language and structure
18 of the INA and to decades of agency practice applying § 1226(a)—not §
19 1225(b)(2)(A)—to noncitizens like Petitioner who long ago entered the United
20 States, live in the interior, and are charged as "present in the United States without
21 admission or parole." It is also fundamentally at odds with Congress's design for
22 SIJ beneficiaries and SIJ applicants, who must remain physically present in the
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1 United States to pursue adjustment of status and who cannot regain or pursue SII-
2 based status through consular processing abroad. By abruptly re-detaining
3 Petitioner without any individualized finding of danger or flight risk, and by
4 categorically denying him access to a bond hearing, Respondents are detaining him
5 arbitrarily and ultra vires, in violation of the INA and the Due Process Clause.
6

7 10. Accordingly, Petitioner seeks a writ of habeas corpus ordering his
8 immediate release from ICE custody or, at a minimum, requiring Respondents to
9 provide him with a prompt, constitutionally adequate individualized custody
10 hearing before a neutral decisionmaker under 8 U.S.C. § 1226(a), at which the
11 government bears the burden of justifying any further detention by clear and
12 convincing evidence.
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15 JURISDICTION

16 11. Petitioner is in the physical custody of Respondents. Petitioner is
17 presently detained at the Adelanto ICE Processing Center in Adelanto, California.
18
19 *See Exhibit H.*

20 12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas
21 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of
22 the United States Constitution (the Suspension Clause).
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VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
484, 493- 500 (1973), venue lies in the United States District Court for the Central
District of California, the judicial district in which Petitioner currently is detained.

REQUIREMENTS OF 28 U.S.C. § 2243

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

PETITION FOR WRIT OF HABEAS CORPUS - 7

(emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner, Lovejeet Singh, is a citizen of India who has been in immigration detention since December 4, 2025. After arresting Petitioner in San Bernardino, California, ICE did not set bond, and Petitioner is unable to obtain a review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

19. Respondent, Ernesto Santacruz Jr., is the Acting Director of the Los Angeles Field Office of ICE ERO. As such, Ernesto Santacruz Jr. is the Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

20. Respondent, Todd Lyons, is the Acting Director of ICE, a federal law enforcement agency within the DHS. ICE’s responsibilities include operating the immigration detention system. In his capacity as ICE Acting Director, Respondent, Todd Lyons, exercises control over and is a custodian of persons held at ICE facilities nationwide. He is Petitioner’s immediate custodian and is responsible for Petitioner’s detention. At all times relevant to this petition, Respondent, Todd

1 Lyons, was acting within the scope and course of his employment with ICE. He is
2 sued in his official capacity.

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4 21. Respondent, Kristi Noem, is the Secretary of the Department of
5 Homeland Security. She is responsible for the implementation and enforcement of
6 the INA, and oversees ICE, which is responsible for Petitioner's detention. Ms.
7 Noem has ultimate custodial authority over Petitioner and is sued in her official
8 capacity.
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10 22. Respondent Department of Homeland Security (DHS) is the federal
11 agency responsible for implementing and enforcing the INA, including the
12 detention and removal of noncitizens.
13

14 23. Respondent, Pamela Bondi, is the Attorney General of the United
15 States. She is responsible for the Department of Justice, of which the Executive
16 Office for Immigration Review and the immigration court system it operates is a
17 component agency. She is sued in her official capacity.
18

19 24. Respondent, Fereti Semaia, is the Warden of the Adelanto ICE
20 Processing Center, Adelanto, California, where Petitioner is retained. He has
21 immediate physical custody of Petitioner. He is sued in his official capacity.
22

23 **LEGAL FRAMEWORK**

24 25. The applicable statutory, regulatory, and constitutional framework
25 confirms that Petitioner is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A),
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1 and that Respondents' new policy and *Matter of Yajure Hurtado* cannot lawfully
2 strip him of an individualized custody determination.

3
4 **A. Statutory Detention Framework**

5 26. The INA prescribes three basic forms of detention for the vast majority
6 of noncitizens in removal proceedings.

7 27. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
8 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in §
9 1226(a) detention are generally entitled to a bond hearing at the outset of their
10 detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
11 arrested, charged with, or convicted of certain crimes are subject to mandatory
12 detention, *see* 8 U.S.C. § 1226(c).

13 28. Second, the INA provides for mandatory detention of noncitizens
14 subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
15 arrivals seeking admission who fall within the scope of § 1225(b)(2).

16 29. Last, the INA also provides for detention of noncitizens who have been
17 ordered removed, including individuals in withholding-only proceedings, *see* 8
18 U.S.C. § 1231(a)–(b).

19 30. This case concerns the detention provisions at §1226(a).

20 31. The detention provisions at §1226(a) and §1225(b)(2) were enacted as
21 part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)
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1 of 1996, Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582
2 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this
3 year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
4

5 32. Following the enactment of the IIRIRA, the EOIR drafted new
6 regulations explaining that, in general, people who entered the country without
7 inspection were not considered detained under §1225 and that they were instead
8 detained under §1226(a). *See* Inspection and Expedited Removal of Aliens;
9 Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
10 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
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13 33. Thus, in the decades that followed, most people who entered without
14 inspection and were placed in standard removal proceedings received bond
15 hearings, unless their criminal history rendered them ineligible pursuant to 8
16 U.S.C. § 1226(c). That practice was consistent with many more decades of prior
17 practice, in which noncitizens who were not deemed “arriving” were entitled to a
18 custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
19 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that §1226(a)
20 simply “restates” the detention authority previously found at §1252(a)).
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23 34. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new
24 policy that rejected well-established understanding of the statutory framework and
25 reversed decades of practice.
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1 35. The new policy, entitled “Interim Guidance Regarding Detention
2 Authority for Applicants for Admission,”¹ claims that all persons who entered the
3 United States without inspection shall now be subject to mandatory detention
4 provision under §1225(b)(2)(A). The policy applies regardless of when a person is
5 apprehended, and affects those who have resided in the United States for months,
6 years, and even decades.
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8
9 36. On September 5, 2025, the BIA adopted this same position in a
10 published decision, *Matter of Yajure Hurtado*. There, the Board held that all
11 noncitizens who entered the United States without admission or parole are subject
12 to detention under §1225(b)(2)(A) and are ineligible for IJ bond hearings.
13

14 37. Since Respondents adopted their new policies, dozens of federal courts
15 have rejected their new interpretation of the INA’s detention authorities. Courts
16 have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading
17 of the statute as ICE.
18

19 38. Even before ICE or the BIA introduced these nationwide policies, IJs
20 in the Tacoma, Washington immigration court stopped providing bond hearings
21 for persons who entered the United States without inspection and who have since
22 resided here. There, the U.S. District Court in the Western District of Washington
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27 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 found that such a reading of the INA is likely unlawful and that §1226(a), not
2 §1225(b), applies to noncitizens who are not apprehended upon arrival to the
3 United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash.
4 2025).

5
6 39. Subsequently, court after court has adopted the same reading of the
7 INA's detention authorities and rejected ICE and EOIR's new interpretation. *See*,
8 *e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July
9 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----,
10 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-
11 02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and*
12 *recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
13 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937
14 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No.
15 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025);
16 *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL
17 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025
18 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
19 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-
20 CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez*
21 *v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025);
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1 *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug.
2 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----,
3 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-
4 cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez*
5 *Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept.
6 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025
7 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-
8 12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-
9 CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma*
10 *Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025)
11 (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2)
12 authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
13 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-
14 03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

19 40. Courts have uniformly rejected DHS’s and EOIR’s new interpretation
20 because it defies the INA. As the *Rodriguez Vazquez* court and others have
21 explained, the plain text of the statutory provisions demonstrates that §1226(a), not
22 § 1225(b), applies to people like Petitioner.

24 41. Section 1226(a) applies by default to all persons “pending a decision
25 on whether the [noncitizen] is to be removed from the United States.” These
26

1 removal hearings are held under § 1229a, to “decid[e] the inadmissibility or
2 deportability of a[] [noncitizen].”

3
4 42. The text of §1226 also explicitly applies to people charged as being
5 inadmissible, including those who entered without inspection. *See* 8 U.S.C. §
6 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by
7 default, such people are afforded a bond hearing under subsection (a). As the
8 *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific
9 exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the
10 statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing
11 *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400
12 (2010)); *see also* *Gomes*, 2025 WL 1869299, at *7.

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14
15 43. Section 1226, therefore, leaves no doubt that it applies to people who
16 face charges of being inadmissible to the United States, including those who are
17 present without admission or parole.

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19 44. By contrast, §1225(b) applies to people recently arriving at U.S. ports
20 of entry or who recently entered the United States. The statute’s entire framework
21 is premised on inspections at the border of people who are “seeking admission” to
22 the United States. 8 U.S.C. §1225(b)(2)(A). Indeed, the Supreme Court has
23 explained that this mandatory detention scheme applies “at the Nation’s borders
24 and ports of entry, where the Government must determine whether a[] [noncitizen]
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1 seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,
2 287 (2018).

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4 45. Accordingly, the mandatory detention provision of §1225(b)(2)(A)
5 does not apply to individuals like Petitioner. Instead, Petitioner’s posture squarely
6 fits § 1226(a). He was charged in an NTA as “present in the United States without
7 being admitted or paroled,” not as an “arriving alien,” and DHS initially released
8 him “in accordance with section 236 of the INA,” i.e., § 1226. The government
9 supervised him under that framework for nearly two years, during which he fully
10 complied with ISAP reporting. Nothing in the statute authorizes DHS, years after
11 an interior release, to retroactively transform a § 1226(a) case into a §
12 1225(b)(2)(A) mandatory-detention case based solely on a new internal policy.
13 Because Petitioner is properly detained, if at all, under § 1226(a), he remains
14 entitled to an individualized custody hearing with the possibility of bond or
15 conditional release.
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19 **B. SIJ Framework And Required Physical Presence**

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21 46. Congress created the Special Immigrant Juvenile (SIJ) status as a
22 humanitarian protection for noncitizen youth who have been abused, abandoned,
23 or neglected, and who have been the subject of state-court findings that
24 reunification with one or both parents is not viable and that return to the home
25 country is not in their best interests. *See* Exhibit K. The SIJ statute and
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1 implementing amendments reflect Congress's intent that such youth remain in
2 the United States to pursue adjustment of status: SIJ beneficiaries are deemed
3 paroled for adjustment purposes, and are exempted from key inadmissibility
4 grounds (including unlawful entry), and may adjust only by filing Form I-485
5 from within the United States when an immigrant visa is available. There is no
6 consular process for SIJs; it is an "adjustment-only" pathway that presupposes
7 continued physical presence.
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10 47. Although Petitioner's I-360 remains pending, he stands in the exact
11 position Congress had in mind: he has a state-court SIJ predicate order, has
12 properly filed an I-360, and is waiting in the United States to complete that process
13 and, eventually, to seek adjustment of status. Arbitrary detention and potential
14 removal during this period frustrate Congress's design and effectively nullify the
15 protection SIJ classification is meant to provide. At a minimum, the statutory SIJ
16 scheme reinforces that the government's detention authority must be construed
17 narrowly and consistently in a manner that preserves Petitioner's ability to pursue
18 that relief from within the United States.
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22 **C. Due Process and the Right to an Individualized Custody Hearing**

23 48. The Fifth Amendment's Due Process Clause protects noncitizens from
24 arbitrary civil detention. The Supreme Court has recognized that civil immigration
25 detention is constitutionally permissible only when it bears a reasonable relation
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1 to its purposes—ensuring appearance and protecting the community—and remains
2 subject to appropriate procedural safeguards. In the pre-removal context,
3 numerous decisions hold that due process requires an individualized determination
4 of flight risk and danger, with the government bearing the burden, especially where
5 detention is prolonged or imposed after a period of successful community
6 supervision.
7

8
9 49. Under the balancing test set forth in *Mathews v. Eldridge*, 424 U.S.
10 319 (1976), Petitioner's liberty interest is substantial: he faces physical
11 confinement and the risk of removal that would terminate his ability to pursue
12 asylum and SIJ-based adjustment. The risk of erroneous deprivation is high where
13 DHS has categorically foreclosed any bond hearing based solely on a legal re-
14 characterization of his status, despite nearly two years of perfect ISAP compliance,
15 a pending asylum case, a state-court SIJ order, and a filed I-360.
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18 50. The only adverse incident—a single cite-and-release, non-injury
19 traffic misdemeanor—does not meaningfully enhance any public-safety interest.
20 In contrast, the additional procedural safeguard Petitioner seeks—a prompt,
21 individualized custody hearing under § 1226(a) with the government bearing the
22 burden by clear and convincing evidence—is modest and well-within the
23 traditional tools courts and immigration judges have used in immigration detention
24 cases. Under *Mathews*, the balance strongly favors requiring such a hearing.
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D. Ultra Vires Agency Action and Arbitrary Reinterpretation

51. Agencies must act within the bounds Congress set and may not, through bare policy memoranda or adjudicatory fiat, reverse decades of consistent statutory interpretation in a manner that strips individuals of established procedural protections without reasoned explanation. Here, the new 2025 DHS policy and *Matter of Yajure Hurtado* depart from the statutory text, ignore the settled understanding that non-arriving EWI respondents in § 240 proceedings are detained under § 1226(a), and collide with the SIJ framework that presumes continued presence in the United States.

52. By treating Petitioner as a perpetual "applicant for admission" subject mandatory detention, despite his history of interior residence and prior release under § 1226, Respondents have exceeded their statutory authority and violated basic administrative law and constitutional constraints. Because Petitioner is, as a matter of law, a § 1226(a) detainee with strong humanitarian equities and a clean record apart from a single pending traffic citation, detention without any opportunity for an individualized custody determination is unlawful.

FACTS

53. Petitioner was born on , in India. See Exhibit A.

54. On January 28, 2024, at the age of eighteen, Petitioner entered the United States at or near Tecate, California, without inspection. Petitioner was

1 charged as subject to removal under INA § 212(a)(6)(A)(i), codified at 8 U.S.C. §
2 1182(a)(6)(A)(i). *See* Exhibits B, and C.

3
4 55. The Notice to Appear did not classify Petitioner as an “arriving alien.”
5 Instead, it charged him as a noncitizen “present in the United States who has not
6 been admitted or paroled.” *See* Exhibit B.

7
8 56. On January 29, 2024, Petitioner was released on his own recognizance
9 “[i]n accordance with section 236 of the Immigration and Nationality Act,”
10 codified at 8 U.S.C. § 1226, and thereafter complied with all conditions of release.
11 *See* Exhibit C.

12
13 57. On February 12, 2024, Petitioner enrolled in the ISAP at the San
14 Bernardino ISAP office. ISAP records show that his “Individual Service Plan”
15 required office visits every four weeks, weekly SmartLINK reporting, ISAP court
16 tracking, and home visits every four weeks at his residence at 572 E. Santa Fe
17 Street, San Bernardino, California, where he lives with his aunt, Manjit Kaur, and
18 other family members. *See* Exhibit J. ISAP classified him in the “Pre-Order” legal
19 stage and required him to attend all court hearings, report all contacts with law
20 enforcement, and maintain communication about any changes in representation or
21 address. *Id.*

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23
24 58. On or around May 23, 2024, Petitioner filed an I-589 Application for
25 Asylum, Withholding of Removal, and Convention Against Torture with the
26

1 Immigration Court in Santa Ana, California. His Individual In-Person Hearing on
2 the I-589 was originally scheduled for October 6, 2026, at 1:00 p.m. Pacific Time
3 but the court has since changed the hearing with a pending hearing date still to be
4 decided. *See* Exhibit D.

5
6 59. On or around March 21, 2025, Petitioner's aunt, Ms. Manjit Kaur, filed
7 a Petition for Appointment of Guardian and a Petition for Special Immigrant
8 Juvenile Findings in the Superior Court of California, County of San Bernardino.
9 The state court subsequently issued orders appointing Ms. Kaur as Petitioner's
10 guardian and making the requisite SIJ predicate findings that reunification with
11 one or both parents is not viable and that it is not in his best interests to return to
12 India. *See* Exhibit E.

13
14
15 60. Relying on those SIJ predicate orders, Petitioner filed Form I-360,
16 Petition for Special Immigrant Juvenile, with USCIS in July 2025. The I-360
17 remains pending, with a receipt and priority date of August 1, 2025. *See* Exhibit F.

18
19 61. During his one year and ten months of residence in the United States
20 prior to re-detention, Petitioner lived with his aunt and cousins, worked, spent time
21 with family, and developed strong ties to his community, while appearing for all
22 ICE check-ins and immigration court hearings. [REDACTED]

23
24 [REDACTED]

25
26 [REDACTED]

1 show him actively participating in these activities. *See* Exhibit L (Letter from
2 ; *See also* Exhibit M (Photos of Petitioner's Active
3 Participation in Religious Services). Declarations from Petitioner's cousins,
4 accompanied by proof of their lawful status in the United States, further attest to
5 his good moral character, daily involvement in the household, and strong family
6 support network.) *See* Exhibit N (Declarations of Petitioner's Cousins along with
7 their Identifications, Legal permanent Resident, Cousin, Harmanjot Singh, &
8 United States Citizen, Cousin, Abhijot Singh).

11 62. On May 11, 2025, while driving near San Bernardino, Petitioner briefly
12 traveled the wrong way and was stopped by the California Highway Patrol (CHP).
13 CHP issued him a "Notice to Appear" for Vehicle Code § 21651(b) (wrong-way
14 driving), marked as a misdemeanor with "booking required," and provided a
15 separate fingerprint notification form; his vehicle was towed and released the next
16 day upon payment of towing and storage fees. *See* Exhibit G. Petitioner was not
17 taken into custody, transported to jail, or booked; the encounter ended with a
18 citation and towing paperwork. There was no accident, no injuries, and no
19 allegation of alcohol or other aggravating conduct, and to date, there has been no
20 conviction arising from the incident. *Id.*

24 63. Petitioner continued to comply with all ISAP obligations after May 11,
25 2025. *See* Exhibit J. He appeared at all scheduled immigration-court hearings and
26

1 maintained communication with ISAP and his case specialist. *Id.* Between his
2 initial release in January 2024 and December 4, 2025, Petitioner did not miss a
3 check-in, did not abscond, and did not incur any criminal convictions. During this
4 period, he worked, assisted his aunt with household responsibilities, and performed
5 regular community service and worship at Gurdwara Sahib Riverside, where he
6 serves in the langar and other temple activities. *See* collectively Exhibits I, L, M,
7 and N.
8

9
10 64. On July 8, 2025, DHS issued interim guidance instructing ICE officers
11 nationwide to treat all noncitizens arrested in the United States and charged under
12 8 U.S.C. § 1182(a)(6)(A)(i) as “applicants for admission” subject to mandatory
13 detention under 8 U.S.C. § 1225(b)(2)(A). That policy, not any change in
14 Petitioner’s conduct, is what precipitated his re-detention. On December 4, 2025,
15 Petitioner appeared, as usual, for his regularly scheduled in-person ISAP check-in
16 at the San Bernardino ISAP office. Instead of being allowed to sign in and leave,
17 ICE officers arrested him on the spot, without prior notice or an opportunity to
18 contest renewed custody, and transferred him first to the San Bernardino facility
19 and then to the Adelanto ICE Processing Center, where he remains detained. *See*
20 Exhibit. H.
21

22 65. Thus, the only “changes” between January 2024 and December 2025
23 are: (1) a single May 11, 2025, traffic citation handled by citation and release with
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1 no jail or conviction, and (2) DHS's July 8, 2025, policy reinterpretation of its
2 detention authority. Petitioner's own conduct and equities—steady ISAP
3 compliance, strong family support, pending asylum and SIJ relief—have only
4 improved, underscoring that his present detention is arbitrary and policy-driven,
5 not fact-driven.
6

7
8 66. Petitioner's aunt, Manjit Kaur, is a lawful permanent resident who
9 regards Petitioner as a son and relies on his presence in her home for both practical
10 assistance and emotional support. Petitioner's detention has disrupted this family
11 unit and has caused Ms. Kaur significant emotional and physical distress, including
12 panic, anxiety, sleeplessness, and a debilitating sense that she has failed to protect
13 the child she rescued from an abusive home in India. *See* Exhibit I (Declaration of
14 Manjit Kaur, Petitioner's Legal Guardian and Aunt; Permanent Residence Card).
15

16
17 67. Petitioner faces severe psychological and physical harm from his
18 continued detention. Petitioner fled India after enduring beatings and verbal abuse
19 from his father and being targeted by political groups. Since his December 4, 2025,
20 detention, he has reported being punched and kicked by an officer, an assault that
21 mirrors the violence he fled and has caused intense fear, helplessness, and
22 emotional distress. The harsh conditions of confinement at Adelanto—including
23 dirty, overcrowded housing and constant bright lights and noise that make sleep
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1 difficult—have further exacerbated his trauma, leaving him exhausted and
2 extremely anxious. *See* Exhibit I;

3
4 68. Petitioner has no criminal convictions and, aside from the single
5 pending traffic citation described above, has maintained a spotless record and
6 complied with every requirement imposed by ICE and the immigration court.
7 There have been no material changes in his conduct or immigration posture that
8 would justify re-detention after nearly two years of peaceful community residence.
9

10 69. Petitioner is now detained because DHS has newly concluded that,
11 notwithstanding his physical presence in and residence within the interior of the
12 United States, he should be deemed an “applicant for admission” subject to
13 mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and therefore ineligible for
14 a bond hearing.
15

16
17 70. As set out in the Legal Framework and Claims sections below,
18 Petitioner’s detention under § 1225(b)(2)(A) is contrary to the plain language of
19 the INA and decades of agency practice; as a noncitizen charged as present in the
20 United States without admission or parole, he is properly detained—if at all—
21 under 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole
22 following an individualized custody determination. Respondents’ continued
23 detention of Petitioner without such a hearing is arbitrary, unlawful, and subject to
24 habeas corpus review.
25
26

CLAIMS FOR RELIEF

COUNT I

Violation of the INA (Unlawful Detention Under § 1225(b)(2)(A))

71. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

72. From the outset of Petitioner's case, both ICE and DHS proceeded under section 1226. Specifically, ICE's Order of Release on Recognizance stated that Petitioner was being released on his own recognizance "[i]n accordance with section 236 of the Immigration and Nationality Act," codified at section 1226, and Petitioner was thereafter supervised in the community under that provision for nearly two years.

73. The Notice to Appear issued by DHS did not classify Petitioner as an "arriving alien." Instead, DHS charged him as a noncitizen "present in the United States who has not been admitted or paroled." That charging decision squarely places him within the ambit of § 1226(a), not § 1225(b)(2)(A). See e.g., *Ortiz Donis v. Chestnut*, No. 1:25-cv-01228 JLT SAB, slip op. at 10-15 (E.D. Cal. Oct. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *8 (emphasizing ICE's selection of "present" rather than "arriving" on the NTA as evidence that § 1226 applied); see also *Hyppolite v. Noem*, No. 25-4304, 2025 WL 2829511, *8 (E.D.N.Y. Oct. 6, 2025) (Respondent's initial classification of

1 petitioner “certainly is relevant to the Court’s assessment of the credibility and
2 good faith of ‘Respondents’ new position as to the basis for [Hyppolite’s]
3 detention, which was adopted post hoc and raised for the first time in this
4 litigation.’”) (citation omitted); *Perez v. Berg*, No. 25-cv-494, 2025 WL 2531566,
5 at *2 (D. Neb. July 24, 2025) (“The Court notes that the government itself charged
6 Petitioner as an alien present in the United States who has not been admitted or
7 paroled rather than an arriving alien.”) (quotations omitted).

10 74. As multiple courts have recognized, “[w]hereas [section] 1225 governs
11 removal proceedings for ‘arriving aliens,’ [section] 1226(a) serves as a catchall.”
12 *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *5 (E.D. Mich.
13 Sept. 9, 2025). As the Supreme Court stated in *Jennings*, section 1226 “creates a
14 default rule” that “applies to aliens already present in the United States.” *Jennings*,
15 583 U.S. at 303. The inclusion of a “catchall” provision in section 1226,
16 particularly following the more specific provision in section 1225, is “likely no
17 coincidence, but rather a way for Congress to capture noncitizens who fall outside
18 of the specified categories.” *Pizarro Reyes*, 2025 WL 2609425, at *5.

22 75. Petitioner’s circumstances align with § 1226(a), not § 1225(b)(2)(A):
23 he is charged as “present” rather than “arriving,” placed in standard § 240 removal
24 proceedings, initially released under § 1226, and supervised in the interior for
25 nearly two years before re-detention. Under the statutory scheme and decades of
26

1 agency practice, detention authority for such individuals lies in § 1226(a), which
2 authorizes release on bond or conditional parole following an individualized
3 custody determination; it does not lie in § 1225(b)(2)(A)'s mandatory-detention
4 regime for certain noncitizens being inspected as "applicants for admission" at or
5 near the border.

7
8 76. It is therefore unlawful to deny him any bond hearing based on an
9 overbroad reading of §1225(b)(2)(A). As the Central District recently held in
10 *Maldonado Bautista v. Santacruz Jr.*, Case No. 5:25-cv-01873-SSS-BFM (C.D.
11 Cal. 2025), a noncitizen arrested in the interior after years of residence and
12 long-standing treatment as a § 1226(a) respondent is not subject to mandatory
13 detention under § 1225(b)(2)(A) merely because the government later re-labels
14 him as an "applicant for admission." *Maldonado Bautista* confirms that §
15 1225(b)(2)(A) cannot be extended to interior residents whose detention had
16 previously been governed by § 1226.

17
18
19 77. By re-detaining Petitioner under § 1225(b)(2)(A) and categorically
20 denying him access to an individualized custody determination, Respondents are
21 acting contrary to the plain language and structure of the INA and to decades of
22 settled practice applying § 1226(a) to noncitizens in Petitioner's posture. The
23 application of § 1225(b)(2)(A) to Petitioner unlawfully mandates his continued
24 detention and violates the INA. Petitioner is statutorily entitled to custody under §
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1 1226(a), including a bond hearing before a neutral decisionmaker, and his
2 continued mandatory detention under § 1225(b)(2)(A) is ultra vires and must be
3 enjoined.
4

5 78. Moreover, nothing about Petitioner's record or circumstances justifies
6 treating him as a danger or flight risk: he has no criminal convictions, has complied
7 with every ISAP and court obligation, and has deep, documented family and
8 community ties, including regular religious service at his Gurdwara and support
9 from U.S.-lawful relatives. *See* Exhibits I, L, M and N.
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13 **COUNT II**

14 **Violation of Due Process**

15 79. Petitioner repeats, re-alleges, and incorporates by reference each and
16 every allegation in the preceding paragraphs as if fully set forth herein.
17

18 80. The Fifth Amendment provides that the government may not deprive a
19 person of life, liberty, or property without due process of law. U.S. Const. amend.
20 V. "Freedom from imprisonment—from government custody, detention, or other
21 forms of physical restraint—lies at the heart of the liberty that the Clause protects."
22 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
23
24

25 81. Petitioner has a fundamental interest in liberty and being free from
26 official restraint. He was released on his own recognizance in January 2024 and
27

1 lived in the community for approximately one year and ten months, during which
2 he resided with his family, complied with ISAP reporting, appeared at all
3 immigration court hearings, and pursued asylum and SIJ relief.
4

5 82. On December 4, 2025, immigration authorities took Petitioner back
6 into custody at his regularly scheduled ISAP check-in, without providing him any
7 advance notice, any pre-deprivation hearing, or any individualized assessment of
8 changed circumstances that might justify renewed detention. He was simply
9 arrested at the door and transported to immigration detention.
10

11 83. While *Matter of Sugay*, 17 I. & N. Dec. 637 (BIA 1981), recognizes
12 that DHS may revoke bond upon a “considerable change in circumstances,” no
13 such material change exists here. Unlike the respondent in *Sugay*, Petitioner did
14 not commit a new crime, abscond, or violate any condition of release: he continued
15 to comply with ISAP supervision, completed SmartLINK check-ins, and resided
16 at his verified address from May 11, 2025, through his re-detention on December
17 4, 2025. The only intervening event in his personal conduct is a single pending
18 traffic citation from May 11, 2025, for which he was cited and released, never
19 jailed, and never convicted. The real “change” is DHS’s July 8, 2025, policy
20 reinterpretation of its detention authority under § 1225(b)(2)(A), which cannot,
21 consistent with due process, substitute for an individualized determination of
22 danger or flight risk.
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1 84. Federal courts have repeatedly emphasized that “the government’s
2 discretion to incarcerate non-citizens is always constrained by the requirements of
3 due process.” *Ortega v. Bonner*, 415 F.Supp.3d 963(N.D. Cal. 2019) (quotation
4 omitted); *see also Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)
5 (holding that due process in immigration custody requires an individualized
6 determination and allocation of the burden to the government).
7
8

9 85. Petitioner has not been afforded any process whatsoever in connection
10 with his re-detention. There has been no hearing before a neutral decisionmaker,
11 no opportunity to contest the basis for renewed custody, and no finding—let alone
12 proof by clear and convincing evidence—that he poses a danger or flight risk.
13 There has been no material change in his circumstances: aside from the single May
14 11, 2025 traffic citation, for which he was cited and released and never jailed or
15 convicted, he has not committed any crimes, violated any condition of release, or
16 failed to appear; throughout this period he continued to comply with ISAP
17 reporting and to pursue his pending I-589 and I-360 applications, which keep him
18 actively engaged in seeking lawful relief from removal.
19
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22 86. Under the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319
23 (1976), the risk of erroneous deprivation of liberty is especially acute where, as
24 here, a previously released, compliant noncitizen is re-detained categorically and
25 indefinitely, without an individualized custody determination, based solely on a
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1 new agency legal theory. That risk is particularly high where the person is a young
2 noncitizen with no criminal convictions, a history of perfect ISAP compliance, and
3 strong family and community support—documented by his guardian, cousins, and
4 Gurdwara—who is nevertheless re-detained without any individualized
5 assessment. *See* Exhibits I, L, M and N. The procedural safeguard Petitioner
6 seeks—a prompt, individualized custody hearing under § 1226(a) at which the
7 government bears the burden of justifying detention by clear and convincing
8 evidence—is modest in comparison to the severe liberty interest at stake and
9 imposes minimal additional burden on the government.

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11
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13 87. Respondents' re-detention of Petitioner without any hearing or
14 individualized determination violates his right to due process under the Fifth
15 Amendment.

16
17 **PRAYER FOR RELIEF**

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

- 19 a. Assume jurisdiction over this matter;
20
21 b. Order that Petitioner shall not be transferred outside the Central District
22 of California while this habeas petition is pending;
23
24 c. Issue an Order to Show Cause ordering Respondents to show cause why
25 this Petition should not be granted within three days;
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27

- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents release
2 Petitioner from custody immediately. In the alternative, order
3 Respondents to provide Petitioner with an individualized bond hearing
4 before an immigration judge within seven (7) days, at which the
5 government bears the burden of proving by clear and convincing
6 evidence that Petitioner's continued detention is justified;
7
8 e. Declare that Petitioner is not an "applicant for admission" subject to
9 mandatory detention under 8 U.S.C. § 1225(b);
10
11 f. If Respondents seek to re-detain Petitioner, order that Petitioner be
12 afforded a pre-deprivation bond hearing before a neutral arbiter
13 pursuant to 8 U.S.C. §1226(a);
14
15 g. Award Petitioner attorney's fees and costs under the Equal Access to
16 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
17 basis justified under law; and
18
19 h. Grant any other and further relief that this Court deems just and proper.
20

21 DATED: December 16, 2025

Respectfully submitted,

22 /s/Gita B. Kapur

23 Gita B. Kapur

24 Attorney for Petitioner
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 16, 2025, I served a copy of this Petition for Writ of Habeas Corpus by email to the following individual:

David M. Harris
Chief of the Civil Division
U.S. Attorney's Office
300 N. Los Angeles St., 7th Floor
Los Angeles, CA 90012
Email: David.M.Harris@usdoj.gov

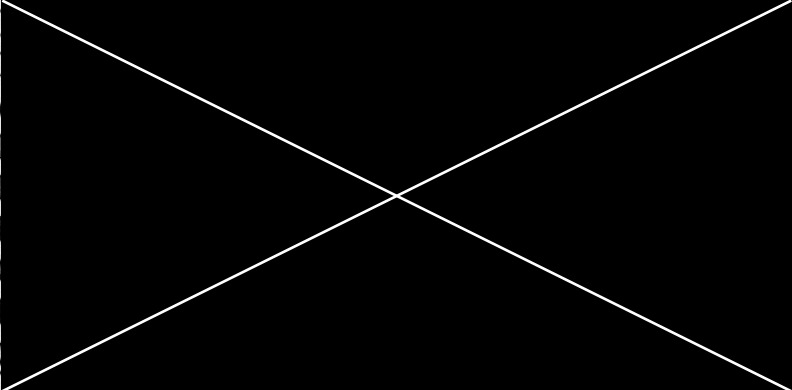
/s/ Gita B. Kapur
Gita B. Kapur
Attorney for Petitioner

UNITED STATES DISTRICT COURT
Central District of California

Lovejeet Singh vs. Ernesto Santacruz Jr., Acting Director, Los Angeles Field Office, Immigration and Customs Enforcement, Enforcement and Removal Operations, et al.

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

Exhibit		Page
A	Birth Certificate with Certified English Translation	1
B	Record of Deportable/Inadmissible Alien; Warrant for Arrest of Alien (Form I-213); Notice to Appear (NTA) showing Petitioner charged as "present in the United States without admission or parole" under INA § 212(a)(6)(A)(i)	2-8
C	Notice of Custody Determination and Order of Release on Recognizance (stating release "[i]n accordance with section 236 of the INA," i.e., 8 U.S.C. § 1226)	9-10
D	Notice of In-Person Hearing on I-589 Application for Asylum, Withholding of Removal, and Convention Against Torture; Immigration Court scheduled hearing date October 14, 2026	11-12
E	Special Immigrant Juvenile Findings, Order Appointing Guardian and, Letters Of Guardianship dated June 10, 2025.	13-21
F	Form I-360 Receipt Notice (Petition for Special Immigrant Juvenile); showing receipt date and priority date of August 1, 2025	22-23
G	Traffic Ticket and Towing Documents, dated May 11, 2025.	24-27
H	ICE's Online Detainee Locator System Search Result	28
I	Declaration of Manjit Kaur (Petitioner's Legal Guardian and Aunt); Permanent Residence Card	29-34

J	ISAP Individual Service Plan, dated Feb. 12, 2024	35-37
K	Petitioner's SIJS Sworn Declaration.	38-50
L	Letter from 	51
M	Photos Petitioner's Active Participation in Religious Services: •  • • • •	52-55
N	Declarations of Petitioner's Cousins along with their Identifications, Legal permanent Resident, Cousin, Harmanjot Singh, & United States Citizen, Cousin, Abhijot Singh	56-60