UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

WILMIN VASQUEZ-ROSARIO, *Petitioner,* v. **KRISTI NOEM,** Secretary of the U.S. Department of Homeland Security, In Her Official Capacity; **U.S. DEPARTMENT OF HOMELAND SECURITY**; **PAMELA BONDI**, Attorney General of the United States, In Her Official Capacity; **TODD M. LYONS,** Acting Director, U.S. Immigration and Customs Enforcement, In His Official Capacity; **DAVID O'NEILL**, Director of the Philadelphia Field Office of the U.S. Immigration and Customs Enforcement, In His Official Capacity; and **JAMAL L. JAMISON**, Warden of the Federal Detention Center in Philadelphia, In His Official Capacity, *Respondents*.	Case No. 2:25-cv-07427-CFK

EMERGENCY NOTICE OF SUPPLEMENTAL FACTS AND REQUEST FOR RELIEF DUE TO LACK OF MEANINGFUL COMPLIANCE WITH THIS COURT'S ORDER

Petitioner, through undersigned counsel, respectfully submits this Emergency Supplemental Statement of Facts to update the Court regarding the Immigration Court's most recent bond determination and to request **immediate release** based on the agency's continued failure to meaningfully comply with this Court's order requiring an individualized, constitutionally adequate bond hearing, including a meaningful opportunity to be heard and a genuine weighing of the evidence presented.

I. PROCEDURAL BACKGROUND

1. On January 2, 2026, this Court ordered that Petitioner be afforded a new, individualized bond hearing consistent with due process. That order required more than the mere formality

of a hearing; it required a bond determination that meaningfully considered the evidence and complied with constitutional standards.

2. Given this Court's decision regarding the statute governing Petitioner's detention, the bond hearing was limited to evidence and arguments regarding risk of flight and danger to the community.

3. The Third Circuit has made clear that when immigration detention becomes prolonged, due process requires a **meaningful, individualized hearing that provides a real opportunity for release**, not a perfunctory or illusory one. *Diop v. ICE*, 656 F.3d 221, (3d Cir. 2011); *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, (3d Cir. 2015).

4. In response to this Court's January 2, 2026 Order, the Immigration Court conducted a subsequent bond hearing on February 2, 2026, before the Honorable Dennis Ryan of the Elizabeth, New Jersey Immigration Court.

5. Despite the formal occurrence of that hearing, the Immigration Judge ("IJ") again denied bond. Although the IJ nominally cited "flight risk," that conclusion was based not on any individualized evidence that Petitioner would abscond; rather, the IJ based this conclusion on the lack of documentary evidence regarding Petitioner's pending criminal charge, despite counsel informing the IJ that Petitioner did not receive full discovery from the District Attorney and therefore could not submit such documents.

6. Counsel also informed the IJ that this charge is Petitioner's one and only contact with law enforcement since his release into the United States on discretionary parole in 2023.

7. Furthermore, had Petitioner not been detained prior to his criminal hearing on December 31, 2025, he would have been present to convey his acceptance into the Alternative Rehabilitative Disposition program which ultimately would allow the charge to be dismissed upon completion.

8. The IJ also found that Petitioner posed a risk of flight because he did not have proof of consistent residency and because he lacked community ties with individuals holding legal permanent residency or status.

9. The IJ also found, incomprehensibly, that because no relief application had been separately filed under Petitioner's bond proceeding, he could not consider accompanying evidence from Petitioner's Form I-589, filed on December 2, 2024.

10. The IJ denied Petitioner bond based on speculative conclusions about flight risk and the absence of documentary proof that is neither required by law and could not be obtained by counsel prior to the hearing, despite counsel exercising due diligence.

11. As detailed below, the Immigration Court's approach renders bond effectively unattainable and fails to implement this Court's order in any meaningful way.

II. EVIDENCE PRESENTED AT THE BOND HEARING

12. Prior to the bond hearing beginning, IJ Ryan indicated that he had reviewed the pending habeas corpus petition and understood that the bond proceeding was ordered pursuant to the EDPA's ruling.

13. Because the District Attorney has not yet provided Petitioner's counsel with full discovery in his criminal matter, including the criminal complaint, the lab results from his blood/urine screening, and any dashboard/body camera footage, Petitioner was unable to submit such documents prior to his bond.

14. At the bond hearing, Petitioner presented arguments demonstrating both lack of flight risk, strong likelihood of appearing for all proceedings, and community ties, including:

    - Reference to his pending I-589 Application for Asylum and Withholding of Removal;

- References to family and friend support letters included in his habeas corpus petition;
- Information regarding support of family and friends, as well as his membership at [redacted]
- Lack of criminal history and likelihood of resolving his pending criminal charge through a non-conviction dismissal.

15. The IJ predicated his decision, in part, on the fact that none of Petitioner's community ties have legal status; however, counsel erroneously stated during the hearing that Petitioner's brother was not in possession of legal permanent residence status.
16. Following the hearing, Petitioner's brother, Melvin Vasquez-Rosario, provided counsel with proof of his citizenship status as well as a recent tax return showing consistent employment and willingness to support Petitioner throughout his removal proceedings. **See Exhibit A.**
17. The IJ's primary finding was that Petitioner is a flight risk, indicating that he may attempt to flee or circumvent his removal proceedings – there is no evidence of record to validate this conclusion. Petitioner has no history of failing to appear and promptly filed his application for relief following his entry into the United States, indicating that he intends to pursue a lawful pathway to citizenship through the appropriate channels and is unlikely to abscond given the strong likelihood of him being granted relief.
18. Additionally, regarding Petitioner's possible danger to society, the IJ found that lack of documentation of Petitioner's criminal proceedings was sufficient to deem him a danger to society. Specifically, the IJ stated that he could not properly assess Petitioner's criminal matter as he did not have access to any records or reports, despite counsel informing the IJ that the Commonwealth had not yet provided such documents.

19. No evidence was presented by the Government suggesting that Petitioner is dangerous, has a criminal history, or has previously failed to appear for immigration proceedings.

III. FAILURE OF MEANINGFUL COMPLIANCE WITH THIS COURT'S ORDER

20. Although the Immigration Court nominally conducted a bond hearing, the IJ's reasoning reflects a failure to meaningfully comply with this Court's order.

A. Improper Rejection of Evidence Based on Speculation

21. The Third Circuit has emphasized that detention review procedures must provide a *realistic* opportunity for release, not one conditioned on unattainable proof or formalistic evidentiary hurdles. *Diop v. ICE*, 656 F.3d 221, 232–34 (3d Cir. 2011); *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 474–75 (3d Cir. 2015).

22. By demanding formal documentation from a detained noncitizen — despite information provided by his counsel, a sworn officer of the Court — the Immigration Judge converted a flexible bond inquiry into a rigid evidentiary gatekeeping exercise, rendering release illusory and incompatible with due process.

B. Failure to Conduct a Genuine Individualized Assessment

23. Rather than weighing the totality of the evidence, the IJ denied bond based on unfounded conclusions regarding Petitioner's alleged flight risk and potential danger to society.

24. Instead, the IJ transformed bond into a theoretical remedy with no practical availability, contrary to due process. *Chavez-Alvarez*, 783 F.3d at 474–75; *Guerrero-Sanchez*, 905 F.3d at 225.

25. The Immigration Judge further failed to address multiple mitigating factors expressly presented at the hearing, including Petitioner's willingness to post a significant surety, his demonstrated compliance with DHS supervision, the fact that his unexpected detention made it impossible for him to appear at his criminal hearing and convey his acceptance to

the ARD program (which would grant him dismissal of the criminal offense), as well as the significant effort he has put forth in establishing his claim for asylum.

26. Instead, the IJ cited the fact that Petitioner had not submitted formal documentation of his pending criminal matter and used this as the primary basis for finding Petitioner to be a flight risk and a danger to society.

27. Rather than providing an individualized assessment of Petitioner's risk of flight, the IJ deemed that he was a flight risk based on his personal conjecture about the circumstances leading to the criminal charge – that the DUI offense *could* indicate risk of flight and/or danger to society, despite counsel's averment that the charge was a low-tier, first-offense DUI. A DUI incident involving damage to a person or property can not properly be categorized as a tier I offense. Therefore, even without the formal documentation, the IJ reached an untenable conclusion based on speculation.

C. Bond Is a Risk-Mitigation Mechanism, Not a Gatekeeping Test

28. Immigration bond exists to mitigate flight risk through reasonable conditions of release, not to require detainees to prove the absence of all conceivable risk. Even assuming, arguendo, that the IJ perceived some degree of flight risk, the IJ was required to assess whether that risk could be mitigated through bond and conditions of supervision.

29. The IJ's failure to do so improperly converted bond from a regulatory tool into a categorical barrier to release, in violation of due process. *See Hernandez*, 872 F.3d at 990; *Velasco Lopez*, 978 F.3d at 854–55.

D. Continued Detention No Longer Serves a Legitimate Governmental Purpose

30. Petitioner has now appeared at multiple bond hearings, each time presenting substantial evidence supporting release. Each denial has relied on increasingly speculative or unattainable criteria rather than legitimate concerns regarding danger or flight risk.

31. At this stage, further remand would be a hollow remedy. The agency has demonstrated an inability or unwillingness to provide a constitutionally adequate bond determination consistent with this Court's order.

32. Continued detention therefore no longer serves any legitimate governmental purpose and violates due process. *Zadvydas*, 533 U.S. at 690; *Guerrero-Sanchez*, 905 F.3d at 226.

IV. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Finds that the Immigration Court has failed to meaningfully comply with this Court's prior order;
2. Orders Petitioner's immediate release under reasonable conditions.

Petitioner submits this request not to seek sanctions, but to ensure that the relief ordered by this Court is implemented in a meaningful, effective, and constitutionally adequate manner.

Respectfully submitted,

Dated: February 3, 2026

VASSOR LAW, LLC.

/s/ Dean Vassor

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions, I hereby verify that the statements made in the attached Emergency Notice of Supplemental Facts and Request for Relief Due to Lack of Meaningful Compliance with this Court's Order are true and correct to the best of my knowledge.

Respectfully submitted,

Dated: February 3, 2026 VASSOR LAW, LLC.

_/s/ *Dean Vassor*
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