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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SATPAL SACHDEVA,

Petitioner,

v. Civil Action No.

ANDREA QUARANTILLO,
In her official capacity as the Long Island Field Office Director, U.S. Citizenship & Immigration Services;

JUDITH ALMODOVAR,

In her official capacity as the New York Field Office, Director, U.S. Immigration & Customs Enforcement

KRISTI NOEM,
Secretary, U.S. Department of Homeland Security;

TODD M. LYONS,
Acting Director, U.S. Immigration and Customs Enforcement,

PAMELA BONDI
Respondents.

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PETITION FOR WRIT OF HABEAS CORPUS

PRELIMINARY STATEMENT

This is a petition for a writ of habeas corpus challenging the unlawful detention of Petitioner Satpal Sachdeva following his arrest by Immigration and Customs Enforcement ("ICE") at a scheduled Form I-485 adjustment of status interview. ICE asserts—without a warrant, judicial order, or procedural safeguards—that it is "reinstating" decades-old exclusion orders. That assertion is legally erroneous and constitutionally infirm.

Petitioner challenges his arrest following his appearance at a scheduled Form I-485 adjustment of status interview, where ICE asserted—without producing any documentation or affording any hearing—that it was "reinstating" a decades-old exclusion order.

While Petitioner acknowledges that he has prior exclusion orders (which were disclosed to Respondents), that fact does not authorize DHS to summarily reinstate an alleged prior exclusion order without first establishing the legal and factual predicates required by statute and the Constitution. DHS has failed to prove the existence, finality, and reinstatability of any qualifying prior order, has not provided Petitioner with notice or an opportunity to contest reinstatement, and has detained him under an incorrect statutory framework. ICE's actions exceed its statutory authority and violate the Fifth Amendment's Due Process Clause.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to grant writs of habeas corpus to persons held in custody in violation of the Constitution or laws of the United States.

2. Jurisdiction also exists under 28 U.S.C. §§ 1331 and 1651, and Article I, § 9, cl. 2 of the U.S. Constitution.

3. Venue is proper in the Eastern District of New York because Petitioner resides in this District and was taken into ICE custody as a direct result of government action initiated here.

4. Exhaustion of remedies is not necessary because Congress did not coify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144)(1992) ("Where Congress specifically mandates, exhaustion is required....But where Congress has not clearly required exhaustion, sound judicial discretions governs.")

PARTIES

5. Petitioner Satpal Sachdeva is a native and citizen of India currently in ICE custody as a result of his detention at a USCIS interview.

6. Respondent Andrea Quarantillo is the USCIS Long Island Field Office Director and exercises legal custody over Petitioner.

7. Respondent Judith Almodovar is the Director of the Immigration and Customs Enforcement ("ICE") Field Office Director, New York City and Long Island, where Petitioner is detained.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of immigration laws.

9. Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for the agency's detention policies and practices.

10. Respondent Pamela Bondi Respondent Pamela Bondi is named in his official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of New York and is legally responsible for administering Mr. Singh's removal proceedings as well as the procedural standards used in those proceedings. She is

therefore a legal custodian of Mr. Patel. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

STATEMENT OF FACTS

9. Petitioner was born on [redacted], in Kapurthala, Punjab, India.

10. Petitioner has resided at [redacted] prior to his detention.

11. In 1991, Petitioner entered the United States at Los Angeles International Airport using an assumed name. He was detained and processed under a different name. The A number assigned to him was [redacted]. He was excluded from the U.S. on June 15, 1993.

12. With the assistance of a notario, Petitioner later sought travel permission using his true identity and voluntarily departed the United States in 1994.

13. After marrying Jaswinder Kaur in India on June 12, 1994, Petitioner returned to the United States in August 1994 but was detained due to an invalid travel document provided by the notario. While detained, he was placed in exclusion proceedings again. He then applied for asylum with his legal name. The A number for the proceedings was [redacted]. Petitioner accepted an order for voluntary departure through exclusion on January 4, 1995.

14. In 1995, Petitioner again voluntarily departed the United States.

15. In September1996, following the birth of his son, Petitioner reentered the United States through the Canada–Champlain, New York land border. Petitioner has remained in the United States for decades after his last entry in September 1996, forming family ties, marrying U.S. citizens, raising U.S. citizen children, and living openly without removal, crime, or arrests.

16. On September 30, 1998, Petitioner divorced his current spouse Jaswinder Kaur Sachdeva. On April 5, 2001, he married Maritza Figueroa. Ms. Figueroa filed an I-130 petition for the Petitioner. The Petition was denied because of a missed interview.

17. On February 15, 2011, Petitioner remarried his current spouse. On September 26, 2016, the current spouse applied for an I-130 petition. In March 2024, Petitioner filed his first Form I-495, Adjustment of Status Application, seeking adjustment through INA § 245(i). On August 13, 2024, Petitioner and his spouse were called in for an interview for the adjudication for his I-130/I-485. The I-130 Petition was approved on November 13, 2024. Petitioner's adjustment of status application was held in review, and Respondents issued a Request for Evidence (notice requiring Form I-601, Waiver for Inadmissibility under INA § 212(a)(6)(C)(I). Pursuant to the RFE, Petitioner filed Form I-601 with the relevant evidence in November 2024. On February 3, 2025, USCIS denied both the I-485 and I-601 applications.

18. Petitioner filed a second Form I-485 application on April 30, 2025. He was scheduled for an interview on January 15, 2026, the day of his arrest.

19. At the interview, ICE officers arrested Petitioner and asserted that DHS was "reinstating" prior exclusion orders, without producing a reinstatement order, warrant, or providing an opportunity for Petitioner to contest the legal basis for detention.

20. At the time of his arrest, Petitioner was actively pursuing adjustment of status to lawful permanent resident pursuant to INA § 245, 8 U.S.C. § 1255, based on an approved or approvable family-based immigrant visa petition filed by his U.S. citizen spouse.

21. Petitioner fully disclosed his prior immigration history, including his prior use of false identities and documents, and sought to cure any resulting inadmissibility through a waiver of inadmissibility under INA § 212(i), 8 U.S.C. § 1182(i).

22. Petitioner was statutorily eligible for a § 212(i) waiver because refusal of admission would result in extreme hardship to his U.S. citizen spouse, and no statutory bar precluded the favorable exercise of discretion.

23. USCIS accepted jurisdiction over Petitioner's adjustment application, scheduled him for a Form I-485 interview, and required his personal appearance—confirming that his case was being adjudicated in the ordinary course and that he was not subject to summary execution of any removal order at that time.

24. Petitioner appeared at the interview in good faith and in compliance with all USCIS instructions, expecting adjudication of his pending adjustment of status application.

25. Instead, ICE officers arrested Petitioner at the interview and asserted—without notice, documentation, or hearing—that DHS was "reinstating" a prior exclusion order, thereby terminating the adjustment process without adjudication and depriving Petitioner of the opportunity to pursue relief for which he was fully eligible. Because pre-IIRIRA exclusion orders are legally distinct from removal orders, terminate upon departure, and were never intended to remain perpetually executable, DHS lacks authority to reinstate such orders under INA § 241(a)(5)—particularly where the noncitizen was never removed and left the United States after the exclusion proceedings concluded.

26. Petitioner is now detained solely on the basis of ICE's unilateral and unreviewed assertion of reinstatement authority.

LEGAL FRAMEWORK

DHS Lacks Authority to Reinstate Prior Exclusion Orders

27. Reinstatement Under INA § 241(a)(5) Requires a Prior Removal or Departure Under a Removal Order. Reinstatement authority under INA § 241(a)(5), 8 U.S.C. § 1231(a)(5), is strictly limited to noncitizens who "have been removed or have departed voluntarily, under an

order of removal" and thereafter reenter the United States illegally. The statute does not authorize reinstatement where the noncitizen was never removed and did not depart pursuant to a final, executed removal order.

28. Here, Petitioner was never physically removed from the United States by the government. Instead, the record reflects that Petitioner departed the United States on his own after exclusion proceedings and after the alleged exclusion orders, without DHS executing removal or supervising departure. Such departures do not satisfy the statutory prerequisite for reinstatement.

29. Courts have repeatedly recognized that voluntary departure outside the execution of a removal order is not equivalent to removal for purposes of § 241(a)(5). Where DHS cannot show that a prior order was executed or that the noncitizen departed "under" that order, reinstatement authority does not attach.

B. Exclusion Orders That Were Never Executed Cannot Be "Reinstated"

30. Reinstatement presupposes the existence of a prior removal order that was carried out. Where an exclusion order was never executed—and the noncitizen departed independently rather than being removed—there is no order to reinstate.

31. In this case, DHS has not demonstrated that any exclusion order was executed; DHS effectuated Petitioner's departure; or Petitioner departed "under" an exclusion order rather than independently.

32. Absent execution, the alleged exclusion orders lack the finality and operative effect required for reinstatement. DHS may not revive dormant or unexecuted exclusion proceedings decades later through summary reinstatement.

C. Departure After an Exclusion Order Terminates DHS's Ability to Reinstate That Order

33. Even assuming exclusion orders were entered, Petitioner departed the United States after those proceedings. That departure terminated the exclusion process and extinguished DHS's ability to later rely on those orders as a basis for reinstatement.

34. Once a noncitizen departs the United States following exclusion proceedings—particularly where DHS does not effectuate removal—the government may not later treat the departed order as perpetually executable. Reinstatement is not a mechanism for resurrecting stale, unexecuted exclusion orders decades after the fact.

D. DHS Bears the Burden to Prove the Existence, Finality, and Executability of a Prior Order

35. Reinstatement is not self-executing. DHS bears the burden of proving the existence of a valid prior order, that the order was final and executed, that the noncitizen departed under that order; and that the statutory prerequisites of § 241(a)(5) are satisfied.

36. Here, DHS has produced no removal order, no warrant of removal, no record of execution, and no reinstatement order. ICE's unsupported assertion that it is "reinstating" prior exclusion orders is legally insufficient and violates both the INA and due process.

E. Removal Under IIRIRA Is Statutorily and Jurisprudentially Distinct from Pre-IIRIRA Exclusion

37. Before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), immigration law recognized two separate proceedings: *exclusion* (for individuals seeking admission) and *deportation* (for individuals already admitted). See *Landon v. Plasencia*, 459 U.S. 21, 25–27 (1982).

38. IIRIRA abolished exclusion and deportation proceedings and replaced them with a unified system of "removal" proceedings. See *Fernandez-Vargas v. Gonzales*, 548 U.S. 30, 35

(2006). Congress expressly acknowledged that pre-IIRIRA orders arose under a different statutory regime, governed by different procedural and substantive rules.

39. As a result, pre-IIRIRA exclusion orders are not interchangeable with post-IIRIRA removal orders and cannot be treated as functionally identical for enforcement or reinstatement purposes.

F. INA § 241(a)(5) Is Narrow and Does Not Automatically Reach Pre-IIRIRA Exclusion Orders

40. INA § 241(a)(5), 8 U.S.C. § 1231(a)(5), authorizes reinstatement only where a noncitizen:"has been removed or has departed voluntarily under an order of removal." The statute does not refer to "exclusion," "deportation," or "pre-IIRIRA orders." While some courts have permitted reinstatement of certain pre-IIRIRA deportation orders, exclusion orders stand on different footing because exclusion orders were directed at applicants for admission, not individuals "removed" from the interior. Exclusion orders were often never executed through physical removal; and exclusion proceedings were terminated upon departure. Courts interpreting § 241(a)(5) consistently emphasize that reinstatement is a harsh, summary procedure that must be strictly construed. See *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 490–91 (9th Cir. 2007) (en banc).

G. Pre-IIRIRA Exclusion Orders Are Long Treated as Functionally Moot for Execution and Reinstatement Once the Noncitizen Departs

41. Exclusion orders historically operated only to bar entry at the time of inspection. Once the noncitizen departed the United States, exclusion proceedings were considered spent and incapable of execution, because the government had already achieved the only relief exclusion authorized: preventing entry.

42. The Board of Immigration Appeals has long recognized that exclusion proceedings do not survive departure in the same way deportation orders do. See *Matter of G-N-C-*, 22 I. & N. Dec. 281, 284–85 (BIA 1998) (distinguishing exclusion from deportation and noting termination effects of departure).Similarly, courts have held that where the government never executed an exclusion order and the noncitizen left on his own, there is no operative order capable of later execution. See *Arevalo v. Ashcroft*, 344 F.3d 1, 9–10 (1st Cir. 2003) (emphasizing execution and finality principles in reinstatement context). Accordingly, decades-old exclusion orders that were never executed are widely understood to be legally dormant, not perpetually enforceable instruments capable of resurrection through reinstatement. Reinstatement is not a mechanism for reviving "historical artifacts" of a repealed statutory scheme. *Arevalo v. Ashcroft*, at 9—10.

H. Departure After Exclusion Proceedings Extinguishes the Government's Enforcement Authority

43. Where, as here, the noncitizen departed the United States after exclusion proceedings, the government's enforcement authority under those proceedings was exhausted.

44. Unlike removal orders, which may remain executable until carried out, exclusion orders are tied to a specific attempted entry, do not command or permit future removal from the interior, and do not authorize perpetual enforcement after departure.

45. The government cannot transform an exclusion order—never executed and arising under a repealed statutory framework—into a modern removal order by administrative fiat. See *Perez-Garcia v. Lynch*, 829 F.3d 937, 943–44 (9th Cir. 2016) (reinstatement requires proof of a qualifying, executable prior order).

1. DHS Bears the Burden to Prove That a Pre-IIRIRA Exclusion Order Is Reinstatable

46. Reinstatement is not self-executing. DHS bears the burden to prove:

1. the existence of a qualifying prior order;

2. that the order is legally capable of reinstatement under § 241(a)(5);

3. that the order was executed or that the noncitizen departed *under* it; and

4. that reinstatement is consistent with due process.

47. Where, as here, DHS cannot show that a pre-IIRIRA exclusion order was ever executed—or that Congress intended such orders to survive departure for reinstatement decades later—§ 241(a)(5) does not apply.

J. Due Process Bars Summary Reinstatement of Pre-IIRIRA Exclusion Orders

48. Even if reinstatement were theoretically available, the Fifth Amendment requires notice and an opportunity to contest whether a pre-IIRIRA exclusion order existed, if it was final, if DHS executed it, if the individual did not depart after the exclusion order, and if the reinstatement falls within the scope of § 241(a)(5). ICE's warrantless arrest and conclusory assertion of reinstatement—without producing the order or permitting any challenge—violates due process. See *United States v. Mendoza-Lopez*, 481 U.S. 828, 837–38 (1987).

CAUSE OF ACTION

COUNT I

Unlawful Detention Without Statutory Authority
(INA §§ 236, 241; 8 U.S.C. §§ 1226, 1231)

49. Petitioner realleges and incorporates all preceding paragraphs.

50. ICE is detaining Petitioner under the premise that a final order of removal exists and has been lawfully reinstated pursuant to INA § 241(a)(5).

51. That premise is false. Petitioner was **never removed from the United States**, and DHS never executed any prior exclusion order.

52. Because no valid removal order is presently in effect, detention under INA § 241(a) is unlawful.

In the absence of a valid reinstated order, Petitioner—if detainable at all—falls **under INA § 236**, which does not authorize indefinite or automatic detention without individualized custody review.

53. ICE's detention of Petitioner therefore exceeds statutory authority and violates the INA.

COUNT II

Ultra Vires and Invalid Reinstatement of Pre-IIRIRA Exclusion Orders

(INA § 241(a)(5); 8 U.S.C. § 1231(a)(5))

54. Reinstatement under § 241(a)(5) is limited to noncitizens who have been removed or who departed under an order of removal and thereafter reentered unlawfully.

55. Petitioner's prior proceedings were exclusion proceedings under pre-IIRIRA law, not removal proceedings.

56. Petitioner was never physically removed, and he departed the United States after the exclusion proceedings concluded, thereby terminating those proceedings.

57. Pre-IIRIRA exclusion orders are legally distinct from removal orders, were never intended to be perpetually executable, and are not automatically subject to reinstatement under § 241(a)(5).

58. DHS has failed to establish that Petitioner's prior exclusion order makes him indefinitely detainable, or ineligible to pursue his adjustment of status application.

COUNT III

Detention Based on an Unexecuted and Legally Dormant Order

(Fifth Amendment Due Process; 28 U.S.C. § 2241)

59. Even assuming exclusion orders once existed, those orders were never executed and became legally dormant upon Petitioner's departure from the United States.

60. DHS may not resurrect unexecuted, pre-IIRIRA exclusion orders as a basis for present-day detention.

61. Detaining Petitioner on the basis of such dormant orders violates substantive due process because it is arbitrary, irrational, and unsupported by law.

COUNT IV

Violation of Procedural Due Process — Summary Reinstatement Without Notice or Hearing

(U.S. Const. amend. V)

62. ICE arrested Petitioner at a government-mandated USCIS adjustment interview without a warrant, notice, or hearing. Petitioner was not provided a copy of any prior order; a reinstatement order; an opportunity to contest identity, execution, or applicability; or review by a neutral adjudicator.

63. Even where reinstatement authority exists, due process requires minimal procedural protection.

64. ICE's summary reinstatement and detention of Petitioner without process violates the Fifth Amendment.

COUNT V

Unlawful Termination of Pending Adjustment of Status and § 212(i) Waiver

(Fifth Amendment Due Process)

65. At the time of arrest, Petitioner was actively seeking adjustment of status under INA § 245. Petitioner disclosed his prior immigration history and sought to cure any inadmissibility through a waiver under INA § 212(i).

66. Petitioner was statutorily eligible for adjustment and the § 212(i) waiver, and USCIS had exercised jurisdiction by scheduling and conducting an I-485 interview.

67. ICE's arrest of Petitioner at that interview impeded pending relief without adjudication, notice, or opportunity to be heard.

68. The government may not induce compliance with a benefits process and then extinguish pending relief through custodial arrest.

69. This conduct violates procedural due process.

COUNT VI

Arbitrary and Capricious Agency Action

(Administrative Procedure Act, 5 U.S.C. § 706)

70. ICE's actions were arbitrary, capricious, an abuse of discretion, and contrary to law.

71. DHS relied on conclusory assertions rather than evidence, ignored the legal distinction between exclusion and removal, and failed to consider Petitioner's pending relief.

72. The challenged detention and reinstatement decision must be set aside.

COUNT VII

Suspension Clause Violation

(U.S. Const. art. I, § 9, cl. 2)

73. By detaining Petitioner based on an unexecuted, pre-IIRIRA exclusion order and denying meaningful review of reinstatement, DHS has effectively suspended the writ of habeas corpus.

74. Judicial intervention is required to restore constitutional safeguards.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering Petitioner's immediate release
2. Alternatively, order a prompt custody redetermination hearing before a neutral adjudicator;
3. Declare ICE's attempted reinstatement unlawful;
4. Enjoin Respondents from enforcing any reinstated order against Petitioner absent due process;
5. Enjoin Respondents from moving Petitioner outside of this Court's jurisdiction while the Habeas action remains pending;
6. Grant such other and further relief as this Court deems just and proper.

Dated: January 16, 2026

New York, NY

Respectfully Submitted,

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