UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

JENNY EULALIA FIGUEROA ROBLES Petitioner, v. CURTIS TAYLOR, Major General, U.S. Army at Camp Bliss, in his official capacity; JOEL GARCIA, Field Office Director, El Paso Field Office, Immigration and Customs Enforcement, in his official capacity; KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; PAMELA BONDI, U.S. Attorney General, in her official capacity; TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity. Respondents.	Case No. 3:26-cv-00231 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. Petitioner, Ms. Jenny Eulalia Figueroa Robles, by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release her from ICE detention.

2. Petitioner is 43 years old and is a citizen of Ecuador. She entered the United States on April 14, 2022, and the same day was granted humanitarian parole under 8 U.S.C. § 1182(d)(5) "for urgent humanitarian reasons or significant public benefit" and placed in removal proceedings. For over three years, Petitioner lived in the United States while complying with all requirements of her parole. She has worked continuously and has no criminal record. Petitioner filed for asylum in immigration court within one year of arriving and recently filed a petition for U Nonimmigrant Status with United States Citizenship and Immigration Services.

3. Petitioner was arrested by DHS while walking to work on January 11, 2026. She received no notice or reasoning for the arrest. Petitioner's arrest is part of the U.S. Department of Homeland Security's recent nationwide strategy of detaining thousands of noncitizens without reasonable suspicion or warrants while they are going about their daily lives and swiftly transferring them out of state, far from their communities and their attorneys. Through this practice, the U.S. Department of Homeland Security has sought to leverage detention as a means of circumventing substantive and procedural safeguards and pressuring noncitizens into removal.

4. Respondents have unlawfully revoked Petitioner's humanitarian parole, in violation of the INA, due process, and the Administrative and Procedures Act (APA).

5. The INA and its implementing regulations allow for parole revocation only where the parole's purpose has been served or where humanitarian reasons and public benefit no longer justify the noncitizens' presence in the United States. At the time of revocation, the purpose of Petitioner's parole had not been served as her asylum application remained pending. Meanwhile, humanitarian reasons continued to justify her presence because the conditions in Ecuador that were the underlying basis for her asylum claim remained fundamentally unchanged. Similarly, as there had been no material change in circumstances since Respondents determined Petitioner not to be

a flight risk or danger upon initial release, her parole remained in the public interest. In addition, a noncitizen must receive notice, reasoning, and an individualized determination from an authorized official before parole may be revoked. Petitioner did not receive any of these.

6. Respondents' failure to meet the statutory and regulatory requirements for parole revocation violates the APA as arbitrary and capricious and under the *Accardi* doctrine.

7. Finally, due process requires the government to provide a noncitizen with an opportunity to be heard and submit evidence prior to revocation. Respondents failed to provide these procedural protections to Petitioner, in violation of her due process rights.

PARTIES

8. Petitioner Jenny Eulalia Figueroa Robles is an Ecuadorian national who resides in Minneapolis, MN, and is currently detained at the ERO El Paso Camp East Montana detention facility in El Paso, TX. Petitioner suffered domestic violence and stalking, she reported and cooperated with the investigation of these crimes and filed a petition for U Nonimmigrant Status on December 5, 2025. She is in the custody, and under the direct control, of Respondents and their agents and has no scheduled release date.

9. Respondent Major General Curtis Taylor is being sued in his official capacity as the Commanding General responsible for the ERO El Paso Camp East Montana Detention Center within the U.S. Army Fort Bliss. Because Petitioner is detained in the ERO El Paso Camp East Montana Detention Center, Major General Taylor has immediate day-to-day control over Petitioner.

10. Respondent Joel Garcia is the ICE Field Office Director for the El Paso Field Office. As such, Joel Garcia is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in her official capacity.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

13. Respondent Todd Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also a legal custodian of Petitioner. He is sued in his official capacity.

JURISDICTION & VENUE

14. The Court has subject matter jurisdiction pursuant to Article I, § 9, cl. 2 of the U.S. Constitution ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

15. The Court also has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus) and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

16. Federal question jurisdiction exists because Petitioner seeks to challenge this custody as a violation of the Constitution.

17. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security ("DHS"). *Demore v. Kim*, 538 U.S. 510 516-17 (2003);

Jennings v. Rodriguez, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

18. Venue is proper under 28 U.S.C. § 2241(d) because Petitioner is detained at a facility within the Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

19. 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, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

20. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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). "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).

FACTUAL BACKGROUND

21. Petitioner is a resident of Minneapolis, Minnesota, and a citizen of Ecuador. Petitioner is 43 years old and has lived in the United States since April 2022. She has three children who reside with her in Minnesota. Two of her children are still minors and the third just recently turned 18 years old. Petitioner's lawful permanent resident sister lives nearby. Petitioner is a member of her local church and has taken English classes to improve her language skills.

22. Petitioner presented herself with her three children (all minors at the time) at the Hidalgo Port of Entry in Hidalgo, Texas seeking asylum on April 14, 2022. At the port of entry,

she and her children were granted humanitarian parole under 8 U.S.C. § 1182(d)(5) "for urgent humanitarian reasons or significant public benefit." That same day, DHS placed Petitioner in removal proceedings, charging Petitioner with being inadmissible under U.S.C. § 1182(a)(7)(A)(i)(I) as someone who was not in possession of a valid entry document at the time of application for admission. After their parole into the United States, Petitioner and her family went to live in Minnesota with her sister, who is a lawful permanent resident.

23. Prior to her detention, Petitioner attended all her immigration court hearings *pro se*. On January 5, 2023, Petitioner timely filed an asylum application with the immigration court pro se based on the persecution she suffered in Ecuador. She retained counsel for her removal proceedings in late 2025 and was preparing for an individual hearing that was scheduled for February 24, 2026, which has since been rescheduled for a master calendar hearing on February 26, 2026, due to her detention.

24. Petitioner is authorized to work based on her pending asylum application. Petitioner works full time to support her three children, two of whom are minors. Petitioner pays taxes to the government of the United States and Minnesota.

25. Petitioner lives with her three children in Minneapolis, Minnesota.

26. Petitioner has no criminal history.

27. In late 2024, Petitioner suffered domestic violence and stalking at the hands of a former partner. She reported the incidents to the Minneapolis Police Department and cooperated with the investigation of the crimes. She suffered substantial harm because of the crimes, including physical and psychological trauma. On December 5, 2025, Petitioner filed a petition for U Nonimmigrant Status based on this experience.

28. On January 11, 2026, around 7:30am, Petitioner was walking to work when she was approached by three ICE agents. The agents pulled up next to her in a vehicle, requested her identification, and immediately handcuffed her and shoved her in their vehicle after she presented them with her valid work authorization card and Minnesota identification. Petitioner informed the agents that she had three children at home alone and that she was the sole guardian, but the agents refused to let her call anyone to inform them of her arrest or make arrangements for her children.

29. Prior to that morning, Petitioner had received no indication that she may be detained and received no notice to check in with ICE. She was taken to the Bishop Henry Whipple Federal Building in Fort Snelling, Minnesota initially, after which she was quickly transferred to the ERO El Paso Camp East Montana detention facility in El Paso, Texas. Only once she was in El Paso the next day was Petitioner able to contact her sister and inform her of her detention.

30. This arrest was part of an operation in Hennepin County and Ramsey County called "Operation Metro Surge." This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody, regardless of the constitutionality of their actions. *See, e.g.*, Compl., *Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. Dec. 17, 2025).

31. Petitioner remains unlawfully detained. Respondents have improperly revoked Petitioner's parole in violation of the INA, the APA, and Due Process. Absent relief from this Court, she faces the prospect of months, or even years, in immigration custody, separated from her

family and community without ever receiving an individualized hearing justifying her detention and without proper revocation of her parole.

32. Petitioner poses no risk to society and has strong connections to her community in Hennepin County. Petitioner respectfully seeks the opportunity to return to her home in Minneapolis, Minnesota, and to continue following the legal processes set up by Congress and DHS for immigrants to seek permanent status in this country.

EXHAUSTION OF REMEDIES

33. No statutory requirement of administrative exhaustion applies to Petitioner's case. Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply to Petitioner's present challenge, as there are no prescribed administrative remedies to which she could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), *superseded by statute on other grounds as recognized in Woodford v. Ngo*, 548 U.S. 81 (2006).

34. In particular, noncitizens like Petitioner, who seek admission at a port of entry and are charged as arriving aliens, are generally understood to be subject to mandatory detention under 8 U.S.C. § 1225. *See, e.g., Matter of Q. Li*, 29 I&N Dec. 66, 69 (BIA 2025); *Matter of Yajure-Hurtado*, 29 I&N Dec. 216, 218 (BIA 2025). Accordingly, there are no administrative remedies that she could exhaust before seeking habeas relief.

35. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner's constitutional claims. *See Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) ("[I]t is settled that the immigration

judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations."); *see also Gonzalez v. O'Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that "the BIA has no jurisdiction to adjudicate constitutional issues").

LEGAL BACKGROUND

Statutory Bases for Immigration Detention

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

37. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens "already in the country." *See Jennings*, 583 U.S. at 289. Section 1226(a) "sets out the default rule: The Attorney General may issue a warrant for the arrest and detention of a[ ] [noncitizen] 'pending a decision on whether the [noncitizen] is to be removed from the United States." *Id.* at 288 (quoting § 1226(a)). Individuals in Section 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. *See* § 1226(a)(2); 8 C.F.R. §§ 1003.19(a), 1236.1(c)(8), (d)(1); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025) ("those detained under Section 1226(a) are entitled to a bond hearing before an [immigration judge] at any time before entry of a final removal order.").

38. Section 1226(c) "carves out a statutory category" of noncitizens from Section 1226(a) for whom detention is mandatory, comprised of individuals who have committed certain "enumerated ... criminal offenses [or] terrorist activities." *Jennings*, 583 U.S. at 289 (citing § 1226(c)(1)). Among the individuals carved out and subject to mandatory detention are certain categories of "inadmissible" noncitizens. § 1226(c)(1)(A), (D), (E). Reference to such inadmissible noncitizens makes clear that, by default, people who are applicants for admission but encountered in the interior are afforded a bond hearing under subsection 1226(a). Courts have recently confirmed this understanding of Section 1226. *See Rodriguez Vazquez*, 779 F. Supp. 3d at 1257

(citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)) ("When Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies."); *see also, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *6 (D. Mass. July 7, 2025) ("inadmissibility on one of the three grounds specified in Section 1226(c)(1)(E)(i) is not by itself sufficient to except [a noncitizen] from Section 1226(a)'s discretionary detention framework").

39. Second, the INA provides for mandatory detention of certain categories of noncitizens "seeking entry into the United States" under 8 U.S.C. § 1225(b). *Jennings*, 583 U.S. at 297; *see* § 1225(b) ("Inspection of applicants for admission"). This is typically referred to as the expedited removal scheme.

40. In *Jennings*, the Supreme Court explained that this mandatory scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] *seeking to enter* the country is inadmissible." *Jennings*, 583 U.S. at 287 (emphasis added). Noncitizens subject to mandatory detention under Section 1225 may not be released except "for urgent humanitarian reasons or significant public benefit" under the parole authority provided by 8 U.S.C. § 1182(d)(5)(A). *See id.* at 300.

41. Section 1225 is split into two categories. Section 1225(b)(1) provides for mandatory detention of noncitizens charged with enumerated grounds of inadmissibility *and* placed in expedited removal proceedings. 8 U.S.C. § 1225(b)(1)(A)(i). Meanwhile, Section 1225(b)(2) applies only to recently arrived noncitizens seeking entry at a border or port of entry.

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

43. The aforesaid bases of detention must be read in light of the U.S. Constitution, as it establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community. *See id.* at 690.

Mandatory Detention Under the Expedited Removal Scheme

44. Expedited removal is a protocol whereby immigration officers from U.S. Customs and Border Protection, a division of DHS, may order certain persons summarily deported from the United States, including persons who have just arrived at the border. 8 U.S.C. § 1225, *et. seq.*

45. 8 U.S.C. § 1225 sets forth expedited removal protocols, and provides that "[i]f an immigration officer determines that an alien . . . who is arriving in the United States or is described in clause (iii) is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing or review . . . ." 8 U.S.C. § 1225(b)(1)(A)(i).

46. Noncitizens may be eligible for expedited removal only if they are inadmissible on the basis that they either lack proper entry documents or falsified or misrepresented their application for admission. 8 U.S.C. § 1225(b)(1)(A)(i); *see id.* § 1182(a)(6)(C), (a)(7) (grounds of inadmissibility). Among that set, only two categories of noncitizens are eligible for expedited removal: (1) noncitizens "arriving in the United States," and (2) noncitizens who "ha[ve] not been admitted or paroled into the United States" and cannot affirmatively show 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." 8 U.S.C. § 1225(b)(1)(A)(i)–(iii).

47. The expedited removal scheme requires mandatory detention of certain noncitizens "seeking admission" to the United States if they are "not clearly and beyond a doubt entitled to be admitted[.]" 8 U.S.C. § 1225(b)(2)(A).

48. However, for years, the Government has not subjected people recently apprehended at the border or even those presenting themselves at a port of entry to the expedited removal scheme, routinely releasing them pursuant to humanitarian parole, or release on their own recognizance, often in conjunction with issuing the noncitizen a Notice to Appear with respect to the commencement of INA 240 removal proceedings before an Immigration Judge.

Unlawful Parole Revocation

49. Petitioner must be released from custody because Respondents have unlawfully revoked her parole and detained her, despite the purpose of her parole not yet having been served.

a. Legal Framework Governing Parole Revocation

50. Noncitizens subject to mandatory detention under Section 1225 may not be released except under the parole authority provided by 8 U.S.C. § 1182(d)(5)(A). *See Jennings*, 583 U.S. at 300. Such parole may be granted "on a case-by-case basis for urgent humanitarian reasons or significant public benefit," "provided the [noncitizen] present[s] neither a security risk nor a risk of absconding." 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5(b).

51. After parole has been granted, it may only be terminated if the purpose of parole is accomplished, or when, in the opinion of an authorized official, humanitarian reasons and the public benefit no longer warrant a noncitizens' presence in the country. 8 U.S.C. § 1182(d)(5)(A). When, in the opinion of an authorized official, the humanitarian purpose of the parole has been served, the noncitizen will be "returned to the custody from which he was paroled." *Id.*

52. The regulations authorize two scenarios for termination of parole: automatic and on notice. Automatic termination of parole occurs in the case of a noncitizen's departure from the United States or at the expiration of the term during which parole was authorized. 8 C.F.R. § 212.5(e)(1). Termination via written notice occurs in all other cases. 8 C.F.R. § 212.5(e)(2). Yet automatic termination of parole for noncitizens still in the United States requiring their return to custody circumvents the requirement of the statute that the purpose of the parole be accomplished and that determinations be made on a case-by-case basis.

53. Thus, a decision to return a noncitizen to custody and revoke or terminate their parole should require an individualized review. *See Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) ("just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute."); *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) ("revocation of that parole similarly requires an individualized determination."); *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1138 (D. Or. 2025) ("Common sense suggests … that parole given only on a case-by-case basis is to be terminated only on such a basis.") (citation omitted); *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 WL 2822640, at *2 (E.D.N.Y. Oct. 3, 2025) (appeal pending in 2d Cir.) ("A natural reading of [§ 1182(d)(5)(A)] suggests that any opinion as to the revocation of parole shall be made in the same manner as its grant: on a case-by-case basis and upon consideration of urgent humanitarian reasons and significant public benefit.").

b. Respondents Violated the INA by Revoking Petitioner's Parole Without Notice or a Pre-Deprivation Hearing

54. Petitioner's detention is not authorized under the applicable statutory and regulatory provisions because her parole was not properly revoked.

55. As discussed above, once granted, the government may only revoke Section 1182(d)(5)(A) parole where "(1) the parole's purpose is served or (2) when humanitarian reasons and public benefit are no longer warranted, *and* the noncitizen is provided written notice." *Noori*, 2025 WL 2800149, at *13 (citing *Y-Z-L-H*, 792 F. Supp. 3d at 1144-46). And just as a grant of parole can only be made on a case-by-case basis, revocation also requires individualized determination. Here, the government has not satisfied any of these requirements.

56. First, the purpose of Petitioner's parole has not been served. Petitioner fled to the United States from Ecuador after suffering persecution and was granted humanitarian parole pursuant to 8 U.S.C. § 1182(d)(5)(A). As discussed, such parole is granted "for urgent humanitarian reasons or significant public benefit." § 1182(d)(5)(A)—here, to allow Petitioner the opportunity to apply for fear-based relief while in removal proceedings. Accordingly, on January 5, 2023, Petitioner filed an application for asylum with the immigration court.

57. When Petitioner was recently arrested and detained, Petitioner's asylum application remained pending with the immigration court, and she had a final hearing scheduled for February 24, 2026. As such, the purpose of the parole has not been served. *See, e.g., Martinez v. Raycraft*, 2025 WL 3511093, at *5 (parole's purpose not accomplished where noncitizen fleeing persecution from Venezuelan government filed asylum application, which remained pending at time of arrest); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (parole's purpose not served where Petitioner had fled from Colombia to seek asylum, which was still pending at time of arrest); *Noori v. LaRose*, 2025 WL 2800149, at *13 (purpose of parole not served where noncitizen "applied for asylum and was still in the middle of those proceedings when Respondents issued and executed the revocation."); *Y-Z-L-H*, 792 F. Supp. 3d at 1145 (revocation improper where petitioner was "paroled into the United States based on his express

intent to apply for asylum and withholding of removal under CAT" and still pursuing asylum claim at time of purported termination).

58. Meanwhile, humanitarian reasons continue to justify Petitioner's presence in the United States. As discussed, Petitioner fled Ecuador after she and her family were persecuted. Her situation has not changed since she left, and she continues to follow the process of seeking asylum. Therefore, the same humanitarian reasons for granting Petitioner's parole continue to warrant her presence in the United States. *See, e.g., Arias v. Larose*, 2025 WL 3295385, at *3 (humanitarian reasons still justify parole where conditions in home country remain the same) (citation omitted); *Noori v. LaRose*, 2025 WL 2800149, at *13 (humanitarian reasons still warrant parole where Petitioner "had aided United States forces against the Taliban, and since the United States left Afghanistan, Petitioner was forced to go into hiding and was threatened with death" and government offered no evidence to the contrary).

59. Similarly, Petitioner's parole continues to be in the public benefit. Notably, DHS has issued a "Parole Directive" which serves "as a guide for the meaning of 'public benefit' under the applicable parole regulation, 8 C.F.R. § 212.5." *See Orellana v. Francis*, 2025 WL 2822640, at *3; ICE Directive 11002.1, Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2009). Under the Directive's guidance, "if an asylum-seeker establishes her identity and that she represents neither a flight risk nor a danger to the public, her detention 'is not in the public interest,'" and thus ICE 'should, absent additional factors ... parole the [noncitizen]." *Y-Z-L-H*, F. Supp. 3d at 1145 (citing *Mons v. McAleenan*, 2019 WL 4225322, at *2 (D.D.C. Sept. 5, 2019) (emphasis in original)). Here, DHS' release of Petitioner on parole reflects an initial determination that she is not a danger or flight risk, 8 C.F.R. § 212.5(b), and there has been no material change in circumstances since then. Petitioner has no criminal history and

attended all her immigration court hearings prior to being detained. Therefore, public benefit continues to justify her parole.

60. Nor has there been any other material change in Petitioner's circumstances that would justify revocation of her parole. When petitioner was granted parole, the government necessarily determined that she presented "neither a security risk nor a risk of absconding." 8 C.F.R. § 212.5(b). Since then, Petitioner has been living in the United States while attending all her immigration court hearings, pursuing an asylum application and U-Visa petition, and without having committed any crimes. As such, Petitioner continues to present no flight risk or danger to the community.

61. Moreover, Respondents failed to make any individualized review regarding the revocation of Petitioner's parole. There is no indication that Respondents ever made a determination specific to Petitioner that the purpose of her parole was accomplished, that neither humanitarian reasons nor public benefit warrant her continued presence in the country, or that any other material change justified revocation of her parole.

62. In addition, even if a determination regarding humanitarian reasons or public benefit had been made, it would need to come from an authorized official. 8 C.F.R. § 212.5(b) ("when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the |noncitizen| in the United States"). Here, there is no indication that any of the officials listed at § 212.5(a) made any such determination.

63. Finally, to revoke parole, the government must not only make the required determination about the parole's purpose or humanitarian reasons and public benefit but also provide the noncitizen with written notice. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d at 1145

("written notice is a *necessary* but not a *sufficient* condition for compliance with this regulation.") (emphasis in original). Adequate notice must contain the reasoning for the revocation. *See Noori v. LaRose*, 2025 WL 2800149, at *2 (Due process violated where government did not provide "individualized notice and reasoning"); *Sanchez v. LaRose*, 2025 WL 2770629, at *4 (notice to appear insufficient where it did not contain "individualized justification to revoke Petitioner's parole"); *Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 WL 3063629, at *5 (S.D. Cal. Nov. 3, 2025) ("generic notification" such as a form letter "insufficient to fulfill the written notice requirement."). Here, the government never provided Petitioner with notice of parole revocation. As discussed, Petitioner was arrested and detained while walking to work. She received no indication that her parole would be revoked or any reasoning for that decision. In fact, to date Petitioner still has never received any written notice that her parole has been revoked.

64. In summary, Respondents have improperly revoked Petitioner's parole in violation of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5. The purpose of her parole has not been served, humanitarian reasons and public benefit continue to warrant her presence in the United States, and there has been no other material change in her individual circumstances that would justify revocation. In addition, Respondents have not provided Petitioner with proper notice, reasoning, or individualized determination. Nor did any such determination come from an authorized official.

Petitioner's Detention without Notice or Opportunity to Respond Violates Due Process

65. Noncitizens are entitled to due process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993). To determine whether civil detention violates a noncitizen's Fifth Amendment due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

66. Under *Mathews*, courts weigh the following three factors: 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." 424 U.S. at 335.

67. DHS has unlawfully revoked Petitioner's parole without the minimum procedural safeguards required by the Fifth Amendment. Under *Mathews v. Eldridge*, the balance of interests overwhelmingly favors notice, individualized determination, and an opportunity to be heard before parole can be terminated.

i. ***Private Interest***

68. As to the first *Mathews* factor, "[t]he interest in being free from physical detention" is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004). Petitioner has been detained for over two weeks at the ERO El Paso Camp East Montana detention facility in conditions that are indistinguishable from criminal incarceration.

69. Petitioner has a significant liberty interest in remaining out of custody pursuant to her parole. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects."); *see also, e.g., Perez v. LaRose*, 2025 WL 3171742, at *5 (liberty interest applied to noncitizen released on humanitarian parole). Although the government has initial discretion on whether to detain or release a noncitizen on parole, once parole is granted, it "creates 'an implicit promise,' upon which that individual may rely, that their liberty 'will be revoked only if [they] fail[ ] to live

up to the ... conditions of release.'" *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) (quoting *Morissey v. Brewer*, 408 U.S. 471, 482 (1972)). The revocation of Petitioner's parole and detention prevents her from seeing her family, caring for her children, going to work to support herself and her family, and deprives her of any privacy and freedom of movement.

ii. *Risk of Erroneous Deprivation*

70. The government's revocation of Petitioner's parole without notice, reasoning, individualized determination, or an opportunity to be heard has caused an erroneous deprivation in her liberty interest in remaining free from detention. *See Mathews v. Eldridge*, 424 U.S. at 348 ("The essence of due process is the requirement that 'a person in jeopardy of a serious loss (be given) notice of the case against him and an opportunity to meet it.'" (quoting *Joint Anti-Fascist Comm. v. McGrath*, 341 U.S. 123, 171-72 (Frankfurter, J., concurring)); *Salazar v. Casey*, 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025) ("Government's revocation of Petitioner's parole without notification, reasoning, or an opportunity to be heard, denied Petitioner of her due process rights").

71. As discussed above, Petitioner was not provided with notice, reasoning, or individualized determination of her parole revocation. Without these, there is a high risk of erroneously depriving Petitioner of her freedom. *See Noori v. LaRose*, 2025 WL 2800149, at *11 ("Denying Petitioner notice and reasoning of the ... revocation of his parole took away a meaningful opportunity to contest and violated due process."); *Sanchez v. LaRose*, 2025 WL 2770629, at *3 (finding due process denied where parole revoked without notice); *Perez v. LaRose*, 2025 WL 3171742, at *5 ("the risk of erroneous deprivation of [liberty] interest is high as Petitioner's parole was revoked without providing [him] a reason for revocation or giving [him] an opportunity to be heard." (internal quotation omitted)); *Martinez v. Raycraft*, 2025 WL

3511093, at *8 ("there is a high risk of erroneously depriving Petitioner of his freedom if Petitioner does not receive an individualized determination regarding the revocation of his parole."); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826, at *15 (S.D.N.Y. Sept. 12, 2025) ("[Petitioner]'s re-detention without any individualized assessment such as 'any change in circumstances' since the government released him on parole 'establishes a high risk of erroneous deprivation of his protected liberty interest.'" (citation omitted)).

72. Furthermore, before parole can be revoked, a noncitizen must be given an opportunity to be heard. *See Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4-5 (S.D. Cal. Nov. 3, 2025) (finding unlawful the revocation of 1182(d)(5)(A) parole "without providing her a reason for revocation or giving her an opportunity to be heard."); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d at 153 (finding parole revocation without an opportunity to be heard violated due process). The opportunity to be heard must be meaningful, taking place "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545 (1965)). For parole revocation, an opportunity to be heard is "only meaningful if the government comports with its own internal standards regarding parole revocation." *Sanchez v. LaRose*, 2025 WL 2770629, at *3. Here, by re-detaining Petitioner as she was walking alone to work with no notice, reasoning, or individualized determination, Respondents have failed to provide Petitioner with any opportunity to be heard, let alone a meaningful one.

73. In addition, to mitigate the high risk of erroneous deprivation, courts have indicated that due process requires, "at [a] minimum, the opportunity for [Petitioner] to submit evidence relevant to whether [the government] should revoke [his parole] before [it] make[s] a revocation

decision." *Martinez v. Raycraft*, 2025 WL 3511093, at *8 (citing *Meta Velasquez v. Kurzdorfer*, 794 F. Supp. 3d at 153). Petitioner has been provided no such opportunity.

iii. *Government Interest*

74. The government has no significant interest in Petitioner's continued detention. As discussed, the government revoked Petitioner's parole before its purpose had been served and while humanitarian reasons and public benefit continued to justify her presence in the country. Further, any interest in public safety or ensuring that Petitioner attends future immigration proceedings would be satisfied by Petitioner's continued attendance at immigration court hearings, as she has been doing for over three years. Instead, given the government's minimal interest, "continuing to enforce Petitioner's detention would likely impose more costs upon the Government, as it would be required to continue funding and overseeing Petitioner's detention." *Martinez v. Raycraft*, 2025 WL 3511093 at *8.

Respondents' Parole Revocation Violates the APA

75. The APA requires courts to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious if the agency fails to "examine the relevant data and articulate a satisfactory explanation for its action including a 'rational connection between the facts found and the choice made.'" *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

76. A parole revocation is arbitrary and capricious in violation of the APA where the government fails to follow required procedure for revocation. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d at 1146 ("by denying Petitioner the required procedure before purporting to terminate his

parole, Respondents acted arbitrarily and capriciously and violated the APA."). This includes meeting the statutory and regulatory requirements of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5. *See, e.g., Perez v. LaRose*, 2025 WL 3171742, at *6-7 (parole revocation arbitrary and capricious for lack of reasoning, individualized determination, and where "the purpose of Petitioner's parole had not been served" and "the public benefit and humanitarian reasons still warrant Petitioner's presence in the United States."); *Salazar v. Casey*, 2025 WL 3063629, at *5 (parole revocation arbitrary and capricious for lack of written notice or required finding that parole's purpose was served or that humanitarian reasons and public benefit do not warrant presence in the country); *Sanchez v. LaRose*, 2025 WL 2770629, at *4 (parole revocation arbitrary and capricious for lack of reasoning); *Noori v. LaRose*, 2025 WL 2800149, at *3 (parole revocation arbitrary and capricious for lack of individualized determination or reasoning); *Munoz Materano v. Arteta*, 2025 WL 2630826, at *17 (parole revocation arbitrary and capricious for lack of individualized determination or reasoning).

77. In addition, ICE "has the duty to follow its own federal regulations." *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003) (quoting *Nelson v. I.N.S.*, 232 F.3d 258, 262 (1st Cir. 2000)); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266, 268 (1954).

78. As discussed above, Respondents here have failed to comply with any of the statutory and regulatory requirements for parole revocation. Petitioner has been provided with no notice, reasoning, or individualized determination of her parole revocation. And the purpose of Petitioner's parole has not been served while humanitarian reasons and public benefit continue to justify her presence in the country. Therefore, Respondent's revocation of Petitioner's parole violates the APA as arbitrary and capricious and under the *Accardi* doctrine.

The U-Visa Program

79. Congress authorized the U-Visa program in 2000 as part of a broad effort to extend legal protection to noncitizens who were victimized by crimes committed after their arrival in the United States. *See* Pub. L. No. 106-386, § 1513(a)(2)(B), 114 Stat. 1464 (codified at 8 U.S.C. § 1101(a)(15)(U)). The purpose of the U-Visa provisions is to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of [noncitizens], and other crimes . . . , while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States." Pub. L. No. 106-386, § 1513(a)(2)(A).

80. A grant of a U-Visa is a grant of nonimmigrant status, allowing the noncitizen to live and work in the United States as a visa holder. After at least three years of physical presence in the United States, a person granted a U-Visa nonimmigrant status may apply for permanent resident status. *See* 8 U.S.C. § 1255(m).

81. The U-Visa legislation limits the maximum number of persons accepted to 10,000 per year. *See* 8 U.S.C. § 1184(p)(2)(A).

82. However, the U-Visa legislation authorizes the process of granting interim benefits to petitioners whose petitions are bona fide. 8 U.S.C. § 1184(p)(6). An application is bona fide where it 1) is complete and properly filed; 2) includes completed biometric and biographical background checks; and 3) presents a prima facie case for approval of the benefit as the phrase is used in 8 U.S.C. § 1227(d)(1).

83. The regulations at 8 C.F.R. § 214.14(d)(2) authorize the U.S. Citizenship and Immigration Service ("USCIS") to issue deferred action and work authorization to U-Visa

applicants who, solely due to the 10,000 annual cap, are not granted U-Visa status as a principal applicant. This places the applicant on the waitlist for the visa.

84. If USCIS determines that the petitioner has met the requirements for U-1 nonimmigrant status, regulations indicate that USCIS "*will approve*" Form I-918. 8 C.F.R. § 214.14(c)(5)(i).

85. Petitioner submitted a complete and properly filed U-Visa petition on December 5, 2025, which met all of the eligibility factors listed in the statute. She has not yet received receipt and biometrics notices from USCIS. Once she does, she will have a bona fide petition.

Abrupt and Draconian Policy Reversal with Respect to Protecting U-visa Petitioners

86. DHS policy has, for decades, consistently implemented Congress's intent to encourage noncitizen victims of domestic violence, severe trafficking, and other serious crimes to report crime and cooperate with law enforcement without fear of immigration consequences.

87. In 2007, ICE issued a memo summarizing and providing "practice considerations" for ICE attorneys after the Violence Against Women Act ("VAWA") of 2005 was enacted.[1]

88. In 2011, ICE issued additional guidance establishing "agency policy regarding the exercise of prosecutorial discretion" in "the handling of cases involving T and U visas." with the express purpose to "minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice." John Morton, ICE Policy Statement 10076.1, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs* (Jun. 17, 2011) ("2011 Policy" or "Morton Memo") at 1, available at https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf.

[1] Memorandum from William Howard, Principal Legal Advisor, to All OPLA Chief Counsel, *VAWA 2005 Amendments to Immigration and Nationality Act and 8 U.S.C. § 1367* (Feb. 1, 2007), available at https://www.ice.gov/doclib/foia/policy/memoVAWA_2005_INA_Amendments_02.01.2007.pdf (last visited Dec. 19, 2025).

In guiding this discretion, the 2011 Policy reminds agents that, through the TVPA, "its subsequent reauthorization" in the TVPRA, "and the Violence Against Women Act," Congress created "protections for the victims of crime," including "victims of domestic violence, victims of certain other crimes" delineated in the U visa statute, "and victims of human trafficking." *Id.*

89. Accordingly, the 2011 Policy reiterates that it is generally against ICE policy "to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime," unless there are "special circumstances or aggravating factors" or other "serious adverse factors" that warrant an exception to the general rule. *Id.* at 1–2.

90. During the Biden Administration in 2021, ICE issued Directive 11005.3, encouraging a "Victim-Centered" enforcement approach and superseding the 2019 ICE Directive on this topic. ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Dec. 2, 2021) ("2021 Directive"), available at https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf. The 2021 Directive highlights that "Congress created victim-based immigration benefits to encourage noncitizen victims to seek assistance and report crimes committed against them despite their undocumented status," and clarifies that "[w]hen victims have access to humanitarian protections, regardless of their immigration status, and can feel safe in coming forward, it strengthens the ability of local, state, and federal law enforcement agencies, including ICE, to detect, investigate, and prosecute crimes." *Id.* Consequently, the 2021 Directive aims to "minimize[] any chilling effect that civil immigration enforcement actions may have on the willingness and ability of noncitizen crime victims to contact law enforcement, participate in investigations and prosecutions, pursue justice, and seek benefits" and to "bolster[] faith in the entire criminal justice and civil immigration systems." *Id.*

91. The 2021 Directive continued ICE's longstanding policy to "refrain from taking civil enforcement action against" individuals "known to have a pending application" for "victim-based immigration benefits" unless there are "exceptional circumstances" such as national security concerns or a "risk of death, violence, or physical harm to any person." *Id.* at 1–2. If an application is pending, ICE will "defer decisions" on enforcement until final determinations are made on pending petitions or a negative determination is made on an interim adjudication like a BFD or wait-list determination. *Id.* at 2. The 2021 Directive also reinstated a policy of requesting expedited adjudications for people in ICE custody. *Id.* at 9. "The fact that someone is a victim of crime and . . . may be eligible for victim-based benefits" is to be considered a "positive discretionary factor." *Id.*

92. The U-Visa regulations also provide for the exercise of positive discretion by ICE, explicitly allowing ICE counsel to agree to a joint motion to terminate proceedings for noncitizens in removal with pending U-visa petitions. 8 C.F.R. § 214.14(c)(1)(i).

93. Shortly after the change in administration, ICE Acting Director Caleb Vitello issued new guidance ("2025 Guidance"). The minimal 2025 Guidance explicitly "reinstated and superseded" the 2021 Policy and 2011 Policy, and replaced them with requirements that, when conducting civil immigration enforcement actions against applicants for Survivor-based Benefits, ICE officers:

> (1) need only "coordinate and deconflict" with law enforcement agencies "to ensure criminal investigative and other enforcement actions will not be compromised";
> (2) "should consult with" local ICE attorneys "only to ensure any such action is consistent with applicable legal limitations";
> (3) need not consider the fact that a noncitizen "is a victim of a crime" as "a positive discretionary factor"; and
> (4) "will no longer routinely request expedited adjudications from USCIS," but may do so only when "it is in *ICE*'s best interests."
>
> 2025 Guidance at 2–3.

94. The 2025 Guidance thus reverses course from decades of agency practice under which immigration agencies generally refrain from enforcement against survivors of serious crime, unless warranted by adverse factors. The 2025 Guidance instead requires enforcement against survivors of crime to the maximum extent that ICE attorneys deem legal, with the only exception being when enforcement will interfere with active law enforcement investigations.

95. The unprecedented result from the abrupt policy change is that noncitizen victims of crime and severe human trafficking who have cooperated with law enforcement, applied for the benefits Congress afforded them for doing so, and are simply awaiting adjudication of their applications, including even those with valid grants of deferred action or who are prima facie eligible for relief, are now routinely detained or deported.

96. The 2025 Guidance attempts to justify this abrupt change in a single sentence, identifying the sole rationale as language from an Executive Order issued on the first day of President Trump's second term, which called for "the 'total and efficient enforcement of [immigration] laws' against all inadmissible and removable" people. *Id.* at 2. The 2025 Guidance does not reference any of the factual findings or purposes of Congress's enactments or prior immigration policies, much less make any its own.

97. Under the Blind Removal Policy, ICE now engages in a pattern and practice of refusing to request prima facie determinations from USCIS when people with pending U or T visa petitions request stays of their removal orders. By doing so, ICE renders itself willfully blind to an individual's eligibility for protection when seeking to remove the person. The Blind Removal Policy conflicts with the requirements of 8 U.S.C. § 1227(d)(1) and Congress's intent that individuals with prima facie eligibility for relief should generally be protected from removal.

98. The aforementioned expansion of enforcement, including detention, to persons with pending U and T-visas is being challenged in the action *Imm. Women & Children v. Kristi*, 2:25-cv-09848 (C.D. Cal.) (class certification pending) and Petitioner is a presumptive class member as a noncitizen with a pending U-Visa petition.

CLAIMS FOR RELIEF

COUNT I
Violation of the INA (Unlawful revocation of parole)

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

100. The provisions at 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5 govern revocation of humanitarian parole.

101. First, these provisions allow for revocation only where the purpose of the parole has been served or humanitarian reasons and public benefit no longer warrant the noncitizen's presence in the United States. The purpose of Petitioner's parole—to seek fear-based relief—has not been served as her asylum application remains pending. Humanitarian reasons continue to warrant her presence as the reasons why she fled her home country continue to exist. Public benefit continues to warrant her presence as there has been no material change to her flight risk and danger since the government's initial determination to grant parole.

102. Second, revocation requires written notice, reasoning, individualized determination, and that such determination be made by an authorized official. The government has satisfied none of these requirements.

103. Her parole revocation and detention is therefore contrary to law.

COUNT II
Violation of Due Process (failure to provide notice or opportunity to respond to parole revocation)

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

105. The government may not deprive a person 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 the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

106. Petitioner has a fundamental interest in liberty and being free from official restraint.

107. Due Process requires the government to provide a noncitizen with notice, reasoning, individualized determination, and an opportunity to be heard before parole can be revoked. Respondents have failed to provide Petitioner with any such protections from erroneous deprivation.

108. Respondents have no significant interest in revoking Petitioner's parole. Petitioner has complied with every condition of her release. She has attended every immigration court hearing and there has been no material change in her circumstances since the government granted her parole. The Government has not demonstrated that Petitioner—who has no criminal history, has close ties in the community, and has an asylum application application and U-Visa petition pending based on her past persecution and her status as a survivor of a serious crime—needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). The purpose of her parole has not been served; humanitarian reasons continue to justify her presence in the country; and she is neither a danger nor a flight risk.

109. Because Petitioner's parole revocation was unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process of the Fifth Amendment of the U.S. Constitution, her continued detention is unlawful.

COUNT III
Violation of the APA (arbitrary and capricious parole revocation)

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

111. The APA requires courts to hold unlawful agency action that is arbitrary and capricious. Parole revocation is arbitrary and capricious where the government fails to follow required procedure for revocation.

112. Respondents revoked Petitioner's parole without providing notice, reasoning, or individualized determination. They further revoked Petitioner's parole before its purpose had been served and while humanitarian reasons and public benefit continued to justify her presence in the country. Because Respondents have failed to provide Petitioner with these required procedures, Petitioner's parole revocation was arbitrary and capricious in violation of the APA.

COUNT IV
Violation of the APA and the *Accardi* Doctrine (failure to follow regulations to revoke parole)

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

114. When the government has promulgated "|r|egulations with the force and effect of law," those regulations "supplement the bare bones" of federal statutes, such that the agencies are bound to follow their own "existing valid regulations." *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266, 268 (1954).

115. Respondents have violated the statute and applicable regulations—8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5—by revoking Petitioner's parole before its purpose had been served, while humanitarian reasons and public benefit continue to warrant her presence, and without notice, reasoning, or individualized determination.

116. Petitioner's detention is therefore unlawful in violation of the APA and the *Accardi* doctrine.

PRAYER FOR RELIEF

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

1) Assume jurisdiction over this matter;
2) Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
3) Issue an Order stating that if Petitioner has already been removed from Minnesota, Respondents are required to immediately return Petitioner to Minnesota. *See* Order, Case No. 26-CV-0211 (PSJ/SGE), ECF No. 4 (D. Minn.) (filed Jan. 15, 2026) (Chief Judge Patrick J. Schiltz stating "[i]f petitioner has already been removed from Minnesota, respondents are ORDERED to immediately return petitioner to Minnesota.")
4) Order the immediate release of Petitioner pending these proceedings;
5) Order Respondents to release Petitioner in Minnesota, providing for any such transportation as is necessary to facilitate such release;
6) Declare that Respondents' actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
7) Declare that Respondents' actions to arrest and detain Petitioner violate the Administrative Procedures Act;
8) Enjoin Respondents from removing Petitioner from the United States pending these proceedings;

9) Require Respondents to permit Petitioner to contact her attorneys and vice versa throughout these proceedings;
10) Require Respondents to disclose the location of Petitioner to her attorneys at all times during these proceedings;
11) Enjoin Respondent's re-detention;
12) Order Respondents to, at the time they release Petitioner, to return to Petitioner all personal property in the possession of Respondents and in the possession of individuals under Respondents' control, including but not limited to Petitioner's identification documents and work permit;
13) Award reasonable attorneys' fees and costs for this action; and
14) Grant such further relief as the Court deems just and proper.
15) Grant any other and further relief that this Court deems just and proper.

Dated: January 29, 2026

/s/E. Michelle Drake
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Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys at Mid-Minnesota Legal Aid. I am submitting this verification on behalf of Petitioner

because Petitioner's current detention makes Petitioner unable to submit one on Petitioner's own behalf. Upon information and belief, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 29, 2026

By: *s/Camila Pacheco-Fores*
Camila Pacheco-Fores, MN ID No. 0402597