IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARQUIMEDES FOORCHUE ALMONTER	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 2:26-cv-00974 (Perez)
	:	
KRISTI NOEM, ET AL.,	:	
	:	
Respondents.	:	

RESPONSE IN OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS

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Dated: February 20, 2026

I. INTRODUCTION

Petitioner has filed a petition for writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a). **This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which is not implicated here.**[1] *See e.g., Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above involved **aliens detained under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A)** because they are removable and present in the United States without inspection and admission or parole.

However, Petitioner, as he concedes, is subject to detention under **8 U.S.C. § 1226(a) [not 8 U.S.C. § 1225(b)(2)(A)]** because he was admitted to the United States on a valid nonimmigrant visa but is alleged to have violated the conditions of that visa, rendering him removable under 8 U.S.C. § 1227(a)(1)(B). **Detention under 8 U.S.C. § 1226(a), unlike detention under 8 U.S.C. § 1225(b)(2)(A), allows Petitioner to request a bond hearing before an immigration judge, which has not yet happened. The Third Circuit Court of Appeals has held**

[1] Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. *See Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

that this administrative review process for individuals detained under § 1226(a) is constitutionally sound. *Borbot v. Warden Hudson Cty. Corr. Facility*, 906 F.3d 274 (3d Cir. 2018); *see also Guaman Guerrero v. McShane, et al.,* Case No. 2:25-cv-06974, Order (ECF No. 8) (E.D. Pa. Jan. 27, 2026) (Gallagher, J.) (denying petition for writ of habeas corpus challenging the constitutional adequacy of a bond hearing under § 1226(a), where the record demonstrated that the noncitizen was afforded process through a constitutionally adequate bond hearing, notwithstanding denial of bond, as well as the opportunity to seek administrative review before the BIA). Therefore, given the unique procedural posture of this case and Petitioner's ability to seek administrative review of DHS's custody determination with an immigration judge, and, later, if appropriate, the BIA, Respondents ask this Court to deny the petition.

II. FACTS AND PROCEDURAL HISTORY

Petitioner, a native and citizen of the Dominican Republic, was admitted to the United States on or about December 24, 2021, on a nonimmigrant visitor visa. *See* Exh. A – Form I-862, Notice to Appear (Feb. 13, 2026); *see also* ECF 1, Exh. B. The terms of that nonimmigrant visa permitted him to remain in the United States for a temporary period not to exceed June 23, 2022. Exh. A. Petitioner is alleged to have remained in the United States beyond this temporary period. *Id.* Accordingly, on February 13, 2026, Petitioner was arrested and concurrently issued a Notice to Appear (NTA), charging him as removable under 8 U.S.C. § 1227(a)(1)(B) as a nonimmigrant who allegedly violated the terms of his nonimmigrant visa. *Id.*; *see*

also ECF 1, p. 2. The NTA was filed with the immigration court on February 17, 2026, thus initiating Petitioner's removal proceedings. *Id.* Petitioner is scheduled for an initial hearing before the immigration court on February 26, 2026. *See* Exh. B – Notice of Hearing (Feb. 18, 2026).

At the time the habeas petition was filed, Petitioner was detained within the Eastern District of Pennsylvania.[2]

III. LEGAL STANDARD

A writ of habeas corpus is an "extraordinary remedy." *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petition "carries the burden of proof"); *see* 18 U.S.C. § 2241.

Judicial review of immigration matters, including of detention issues, is limited. *I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm.* (*AADC*), 525 U.S. 471, 489-92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has "underscore[d] the limited scope

[2] On the morning of February 17, 2026, prior to the entry of this Court's February 17, 2026 Order that Petitioner shall not be transferred outside this district, Respondents had already transferred Petitioner to the Moshannon Valley Processing Center in Phillipsburg, PA.

of inquiry into immigration legislation," and "has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens." *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79-82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) ("Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made.").

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See United States*

v. Five Gambling Devices, 346 U.S. 441, 449 (1953) ("This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power").

IV. ARGUMENT

The Court should deny the habeas petition because: (i) Petitioner is lawfully detained under 8 U.S.C. § 1226(a), which affords Petitioner the opportunity to seek administrative review of his detention through a custody redetermination hearing before an immigration judge and, later, the BIA; (ii) Petitioner's detention does not violate constitutional due process.

1. Petitioner is lawfully detained under 8 U.S.C. § 1226(a).

The Court should deny the petition because Petitioner's detention is lawful under 8 U.S.C. § 1226(a), which affords him the opportunity to administratively contest his detention. 8 U.S.C. § 1226(a) provides that 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. Provided the noncitizen is not subject to mandatory detention under § 1226(c), the Attorney General, through the DHS district director, makes an initial custody determination as to whether it should detain a noncitizen pending completion of the removal proceedings, or whether it should release the noncitizen on bond. *See* 8 C.F.R. § 236.1(c).

If the district director denies bond and the noncitizen is not subject to an administratively final order of removal, the noncitizen may seek his release by requesting an initial bond redetermination hearing before an immigration judge. *See* 8 C.F.R. §§ 236.1(d), 1003.19. A noncitizen may appeal an immigration judge's decision on a bond redetermination to the BIA. *See* 8 C.F.R. § 236.1(d)(3). The BIA's decision to detain or release an arrested noncitizen on bond is discretionary and is not subject to judicial review. 8 U.S.C. § 1226(e). If denied bond, a noncitizen can subsequently request an additional bond redetermination hearing before an immigration judge, which he must make in writing. 8 C.F.R. §1003.19(e). This request "shall be considered only upon a showing that the alien's circumstances have changed materially since the prior bond redetermination." *Id.*

As of the date of this Response, Petitioner has been detained for seven (7) days. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), as he is alleged to have failed to follow the conditions of his nonimmigrant status and is removable. *See* Exh. A. Petitioner is entitled to his administrative process before the Executive Office for Immigration Review (EOIR), at which DHS bears the burden in establishing removability, and Petitioner may request forms of relief against removal, including adjustment of status based on his pending (but not yet approved) Form I-130, Petition for Alien Relative.

During the pendency of his removal proceedings before EOIR, Petitioner is in pre-removal detention, and, as such, "decisions concerning his ongoing detention are at the discretion of the immigration judge." *Perez-Cobon v. Bowen*, No. 1:CV-17-

1550, 2017 WL 6039733, at *3 (M.D. Pa. Dec. 6, 2017). Moreover, the Attorney General has the statutory authority and discretion to detain Petitioner pending a decision on his potential removal. *See* 8 U.S.C. § 1226(a). Notwithstanding that fact, Petitioner may request a custody redetermination hearing, pursuant to the immigration regulations, where an immigration judge can review DHS's initial custody determination. 8 C.F.R. §§ 236.1(d), 1003.19. At this hearing, Petitioner will be afforded the opportunity to present evidence to the immigration judge in support of his argument that he should be released on bond, including evidence related to his equities in the United States, such as those set forth in and as exhibits to his Petition. *See* ECF 1, Exh. C-E. Based on that evidence, the immigration judge may redetermine Petitioner's custody. However, if the immigration judge does not redetermine Petitioner's custody, or to the extent Petitioner disagrees with the nature of the bond imposed by the immigration judge, he may appeal the immigration judge's decision to the BIA. 8 C.F.R. § 236.1(d)(3).

Importantly, none of the above administrative process afforded to Petitioner under the statute and regulations has happened yet. Petitioner has not yet requested a custody redetermination hearing before an immigration judge, nor has an immigration judge conducted a custody redetermination hearing in his case. Notwithstanding that he has not exhausted his administrative remedies, Petitioner has filed the instant habeas petition based on what amounts to allegations of an anticipatory defective bond hearing. The Court is simply not in a position to review this speculative future action. *See Texas v. United States*, 523 U.S. 296, 300 (1998)

("A claim is not ripe for adjudication if it rests upon 'contingent future events that may not occur as anticipated, or indeed may not occur at all.'"). Accordingly, because Petitioner's detention is lawful, statutorily authorized, and not yet ripe for review by this Court for failure to exhaust administrative remedies, Petitioner's detention does not violate the INA, bond regulations, or the Administrative Procedures Act. Therefore, the Court should deny the petition.

2. Petitioner's detention does not violate constitutional due process.

Courts may only grant habeas relief if a petitioner can establish that his present detention is unlawful. 28 U.S.C. § 2241(c)(3). As repeatedly recognized by the Supreme Court, "[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens." *Demore v. Kim*, 538 U.S. 510, 522 (2003) (*quoting Mathews v. Diaz*, 426 U.S. 67, 79-80 (1976)); *Reno v. Flores*, 507 U.S. 292, 305-306 (1993). Therefore, while the Fifth Amendment entitles noncitizens to due process in deportation proceedings, "detention during deportation proceedings is a constitutionally valid aspect of the deportation process." *Demore*, 538 U.S. at 523; *see also Reno*, 507 U.S. 292 (upholding INS's detention policies regarding juvenile aliens with its "blanket" presumption of the unsuitability of custodians other than parents, close relatives, and guardians).

Here, as indicated above, Petitioner is being held pursuant to statutory and discretionary authority under § 1226(a). Moreover, he is afforded an opportunity to contest his detention through a custody redetermination hearing before an

immigration judge and, later, the BIA, which he has not yet done. 8 C.F.R. §§ 236.1(d), (d)(3), 1003.19. Therefore, Petitioner cannot demonstrate that his detention of seven days violates constitutional due process.

Petitioner claims that, notwithstanding the administrative process afforded to him under the INA and accompanying regulations, his detention nonetheless violates due process because such process is constitutionally deficient. ECF 1. Petitioner cites to anecdotal evidence of "exorbitant bond amounts of up to $30,000" apparently being imposed by immigration judges to support his argument. ECF 1, p. 2. This allegation is once again speculative and not ripe for review by this Court, as Petitioner has not yet even requested a custody redetermination hearing in his case. Moreover, numerous courts, including the Supreme Court, have looked favorably on the administrative procedures governing section 1226(a). For example, the Third Circuit Court of Appeals rejected a due process challenge to detention under section 1226(a). *See Borbot v. Warden Hudson Cty. Corr. Facility*, 906 F.3d 274 (3d Cir. 2018). In *Borbot*, a habeas petitioner argued that, based on the *length* of his detention under section 1226(a)—of more than one year—he was constitutionally entitled to a second bond hearing at which the Government would bear the burden of proof. *Id*. at 276–77. The Third Circuit rejected petitioner's argument, which relied on cases involving prolonged detention under the mandatory detention statute, 8 U.S.C. § 1226(c). The court there noted that, "unlike § 1226(c) detainees . . . who were detained for prolonged periods without being given

any opportunity to apply for release on bond, [petitioner] *was granted meaningful process* prior to filing his habeas petition." *Id.* at 279 (emphasis added).

The alien in *Borbot* predicated his challenge to § 1226(a) on the length of his detention and did not take issue with his initial bond hearing. The Third Circuit's central holding was that no additional procedures were required because the existing procedures for bond hearings under § 1226(a) are constitutionally adequate. 906 F.3d at 278–29. The Court specifically noted that "Borbot was afforded a prompt bond hearing, *as required by § 1226(a) and its implementing regulations,*" and it was on this basis that the court concluded he was "granted meaningful process." *Id.* (emphasis added). *Borbot* thus stands for the proposition that section 1226(a) and its implementing regulations fully satisfy the requirements of due process.

Here, in detaining Petitioner under § 1226(a), ICE is providing Petitioner the same type of process that was afforded the petitioner in *Barbot,* and which the Third Circuit in *Barbot* found to be constitutionally adequate. Moreover, Petitioner's detention is not prolonged, as he has been detained for only seven days. *See Contant v. Holder*, 352 Fed. Appx. 692 (3d Cir. 2009) (affirming denial of a petitioner's habeas petition where he had received process under 8 U.S.C. § 1226(a) and his 19 months' detention was not overly prolonged). Therefore, because Petitioner's detention under § 1226(a) comports with constitutional due process, the Court should deny the petition. *See Guaman Guerrero v. McShane, et al.,* Case No. 2:25-cv-06974, Order (ECF No. 8) (E.D. Pa. Jan. 27, 2026) (Gallagher, J.).

V. CONCLUSION

For the foregoing reasons, respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ David A. Degnan for GBD
GREGORY B. DAVID
Assistant United States Attorney
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Counsel for Respondents

Dated: February 20, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 20, 2026

/s/ Daniella D. Lees
DANIELLA D. LEES
Assistant United States Attorney

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event

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

Subject ID: [redacted] FINS: 1257928468 File No: [redacted]

In the Matter of:

Respondent: ARQUIMEDES FORCHUE ALMONTE currently residing at:

[redacted]

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

☐ You are an arriving alien.

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

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a national and citizen of the Dominican Republic;

3. You were admitted to the United States at John F. Kennedy International Airport on or about December 24, 2021, as a B-2 nonimmigrant Visitor for Pleasure Visa with authorization to remain in the United States for a temporary period not to exceed June 23, 2022;

4. You remained in the United States beyond June 23, 2022 (obtained from I-94) without authorization from the Immigration and Naturalization Service or its See Continuation Page Made a Part Hereof

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

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

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

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

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

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 07201. ELIZABETH VIDEO HEARINGS.
(Complete Address of Immigration Court, including Room Number, if any)

on February 24, 2026 *(Date)* at 1:00 pm *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

PATRICK MCCALLION - SDDO
(Signature and Title of Issuing Officer)

Date: February 13, 2026 Philadelphia, PA
(City and State)

EOIR – 1 of 4

Notice to Respondent

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

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

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

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

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

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

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

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

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

Request for Prompt Hearing

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

Before: _____

_____ *(Signature of Respondent)*

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on February 13, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

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

_____ RAIFREAM WASHINGTON - Deportation Officer

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

EOIR – 2 of 4

Uploaded on: 02/17/2026 at 04:26:56 PM (Eastern Standard Time) , Base City: ELZ

Privacy Act Statement

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

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

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

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

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

EOIR – 3 of 4

Uploaded on: 02/17/2026 at 04:26:56 PM (Eastern Standard Time) Base City: ELZ

U.S. Department of Homeland Security **Continuation Page for Form** I-862

Alien's Name	File Number	Date
FORCHUE ALMONTE, ARQUIMEDES	[redacted]	02/13/2026

THE SERVICE ALLEGES THAT YOU:

---

successor the Department of Homeland Security.

Signature	Title
PATRICK MCCALLION	SDDO

4 of 4 Pages

EOIR – 4 of 4

Form I-831 Continuation Page (Rev. 08/01/07)

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

LEAD FILE: [redacted]
IN REMOVAL PROCEEDINGS
DATE: Feb 18, 2026
EAD Clock:

TO:
FOORCHUE ALMONTER, ARQUIMEDES
555 GEO DR
PHILIPSBURG, PA 16866

RE: [redacted] FOORCHUE ALMONTER, ARQUIMEDES

Notice of Internet-Based Hearing

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

Your hearing is not in person. You will access your hearing by using the web page below.
URL: https://eoir.webex.com/meet/IJ.Wilson

Date: Feb 26, 2026
Time: 09:00 A.M. ET
Court Address: 625 EVANS STREET ROOM 148A, ELIZABETH, NJ 07201

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]

TO: [ ] Noncitizen | [**M**] Noncitizen c/o Custodial Officer |
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DATE: 02/18/2026 BY: COURT STAFF CSR

Attachments[ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

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

অনলাইনে নোটিশ পড়ার জন্য এই পৃষ্ঠায় কোড স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

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

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

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

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