

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

ADJOA OPAREBEA AMANOR AKROFI

Petitioner,

v.

WARDEN, STEWART
DETENTIN CENTER, ET AL.,

Respondents.

Civil Action No. 4:26-cv-356-CDL-AGH

**PETITION FOR WRIT OF
HABEAS CORPUS**

**PETITIONERS REPLY TO RESPONDENT'S RESPONSE TO ORDER TO SHOW
CAUSE**

I. Introduction

Petitioner, Adjoa Oparebea Amanor Akrofi (“Petitioner” or “Mrs. Amanor”), filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 on March 6, 2026. (ECF.1). Petitioner challenged her re-detention as unlawful as she was not provided notice therefore, directly in violation of her due process rights as required under ICE directive No. 11002.1:Parole of Arriving [Noncitizens] Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2009)(2009 Parole Directive)¹see **Exhibit 1**, ICE, Directive 11002.1, Parole of Arriving [Noncitizens] Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2003).

¹ ICE, Directive 11002.1, Parole of Arriving [Noncitizens] Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2003). In July 2025, a district court relied on this directive, suggesting it is still operative. See Y-Z-L-H- v. Bostock, 2025 WL 1898025, at *12-13 (D. Or. July 9, 2025)

II. Factual Background

Mrs. Amanor entered the United States and was apprehended by U.S. Customs and Border Patrol (CBP). After passing a credible fear interview (CFI), Mrs. Amanor was issued a Notice to Appear on August 31, 2023. She was scheduled to appear at the Eloy Detention Center Immigration Court in Eloy Arizona on September 15, 2023. On September 6, 2023, Mrs. Amanor was granted parole and released from detention while subject to periodic reporting to ICE/ERO. Following her release, Mrs. Amanor timely filed an asylum application.

On September 15, 2025, Mrs. Amanor appeared for her Individual Merits Hearing with the Atlanta immigration court. The immigration judge ultimately denied her Asylum Application. Mrs. Amanor reserved appeal, and the appeal was to be filed on or before October 15, 2025, all the while she continued to comply with her routine reporting with ICE/ERO.

On October 13, 2025, Mrs. Amanor timely filed her appeal. That same day Mrs. Amanor was taken into custody without notice despite having timely filed her appeal and not violated the terms of her release. She was subsequently transported to the Stewart Detention Center where Mrs. Amanor remains detained.

On March 6, 2026, Mrs. Amanor filed a Writ of Habeas Corpus with this Honorable Court. This Honorable granted the petition and ordered Respondents to provide Mrs. Amanor with a bond hearing within seven days. (ECF No. 4). However, the Court stated, "Respondents should file an appropriate motion seeking relief from this order and demonstrating why the Court's prior ruling in *J.A.M* and *P.R.S.* do not control the result in this case. If such a good faith motion is filed, then this order shall be stayed pending the resolution of that motion." *Id.* On March 11, 2026, Respondents counsel filed Respondent's Response. This Reply to Respondent's Response follows.

III. Argument

“The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690 (2001). Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen’s order of supervision is only permissible if it serves a “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention). “Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty,” like the decision to revoke a non-citizen’s order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). “The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* at 333 (citation modified).

a. **The APA Sets Minimum Standards for Final Agency Action**

The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704. Final agency actions are those (1) that “mark the consummation of the agency’s decision-making process” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified). ICE’s revocation of parole and subsequent re-detention is a final agency action subject to this Court’s review. The revocation here marked the consummation of ICE’s decision-making process regarding Petitioner’s custody. The revocation was also an action by which rights or obligations

have been determined or from which legal consequences flowed because it led ICE to re-detain Petitioner in violation of her rights under the Constitution, statute, and regulation.

b. The Accardi Doctrine Requires Agencies to Follow Internal Rules

Under the Accardi doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”). *Accardi* is not “limited to rules attaining the status of formal regulations.” *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

In its 2009 Parole Directive specific procedures are set out that ERO is suppose to follow after an arriving non-citizen is in ICE custody and was determined to have reasonable fear. ICE, Directive 11002.1, Parole of Arriving [Noncitizens] Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2003). Additionally, agency guidance is relevant for arriving noncitizens who have passed credible fear interviews. It provides that “when an arriving [noncitizen] found to have a credible fear establishes to the satisfaction of ICE his or her identity and that he or she presents neither a flight risk nor danger to the community, ICE should, absent additional factors . . . parole

the noncitizen on the basis that his or her continued detention is not in the public interest.” 2009 Parole Directive, § 6.2.

The 2009 Parole Directive also sets forth specific procedures that ERO is supposed to follow after an arriving noncitizen in ICE custody is determined to have a credible fear. ICE is required to automatically provide the noncitizen with a form (Parole Advisal and Scheduling Notification) that informs them ICE will interview them regarding potential parole from custody and sets forth the interview date and deadline for submitting evidence in support of parole. *Id.* § 6.1. Decision-making about parole is supposed to be individualized and memorialized on a specific worksheet. *Id.* § 6.2. The directive also requires ICE to provide written notice of the parole decision within seven days (absent “reasonable justification for delay”), with explanation of any denial and advice that the noncitizen may request a redetermination based on changed circumstances or additional relevant evidence. *Id.* § 6.5, 6.6. Lastly, the policy provides for supervisory review of any parole determination. *Id.* § 6.7.

Where a noncitizen is not provided “written notice of the parole decision of her parole status or afforded a subsequent supervisory review,” ICE’s failure to follow that instruction is an Accardi violation. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018), vacated and remanded on other grounds sub nom. *Ragbir v. Barr*, 2019 WL 6826008 (2d Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release of petitioners to give an opportunity to prepare for orderly departure). In violating agency procedures, rules, and instructions Respondents have directly violated the due process rights of the Petitioner and therefore she warrants the grant of her petition.

c. Petitioner is distinguishable from the petitioner G.A.G.C. in *P.R.S. et al., v. Warden Jason Streeval, et al.*

Respondents argue that petitioner G.A.G.C. is similar to that of the present Petitioner, however, the present Petitioner was found to have a credible fear of persecution. This is distinguishable from petitioner G.A.G.C. in that this finding directly places the Petitioner as a subject to the ICE Directive for Parole of Arriving [Noncitizens] found to Have Credible Fear of Persecution or Torture (Dec. 8, 2009)(2009 Parole Directive). Such finding then requires Respondents to follow agency procedure which was not followed when agents re-detained the Petitioner without notice and without informing her as to the basis for the denial of her parole. The petitioner in *P.R.S.* asylum proceedings were dismissed and was found to not have a credible fear of persecution which did not entitle them to a parole determination. *P.R.S. et al., v. Warden Jason Streeval, et al.*, No. 4:25-cv-330-CDL-CHW, 2025 WL 3269947 (M.D. Ga., Nov. 24, 2025). Here, the Petitioner was entitled to a parole determination, granted parole, and subsequently denied parole without notice in violation of agency directives. *See Exhibit 1*. Such violations are paramount to the Petitioner's Due Process rights and as such this Honorable Court should grant Petitioner's Writ for Habeas Coorpus.

IV. Conclusion

WHEREFORE, Petitioner respectfully requests that the Court grant Petitioner's Habeas petition and any other further relief as the Court deems just and proper.

DATED this 16 of March 2026.

/s/ Peter Tadeo, Esq.

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