U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

March 20, 2026

By ECF
Honorable Ann M. Donnelly
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: *Y.S.A. v. Genalo, et al.*
Civil Action No. 26-cv-01557 (Donnelly, J.)

Dear Judge Donnelly:

This Office respectfully submits this letter brief on behalf of the Respondents (or "government") in accordance with the Court's March 17, 2026 Order and in response to the petition for issuance of a habeas writ filed by Y.S.A.[1] Attached to this response are a Warrant for Arrest (Exhibit "A"); a Notice to Appear (Exhibit "B"); and a Form I-213 Record of Deportable/Inadmissible Alien dated November 30, 2023 (Exhibit "C").[2]

In brief, Petitioner is an alien who has been detained under 8 U.S.C. § 1226(c) without a bond hearing pending a decision on whether he is to be removed from the United States. Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, alleging that his detention has become "unconstitutionally prolonged," in violation of the Due Process Clause. *See* Petition at ¶¶ 93-112. Petitioner contends that he is entitled to outright release or, alternatively, a bond hearing conducted by the Court. ¶¶ 113-132

In *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024), *reh'g en banc denied*, 156 F.4th 171 (2d Cir. 2025), the Second Circuit held that a § 1226(c) detainee whose detention has become "unreasonably prolonged" is entitled to a bond hearing with the burden placed on the government to demonstrate by clear and convincing evidence that the detainee is a flight risk or a danger to the community. *Id.* at 138, 155. In the government's view, Black was wrongly decided. But the government recognizes that unless and until *Black* is reversed or abrogated, this Court is bound by that decision. The government further acknowledges that this Court would likely conclude that, under *Black*, Petitioner has a due-process right to the bond hearing that he seeks. Thus, although the government opposes the grant of habeas relief in this case, the government submits that this Court, in light of *Black*, may expeditiously

[1] This Office apologizes for the hour of this filing and request leave to file nunc pro tunc.

[2] Information has been redacted from some documents for privacy reasons.

rule on the petition without further briefing or argument. In making this submission, the government preserves its objection to *Black* and reserves all rights, including its right to appeal.

Facts

The Petition alleges that the Petitioner is a lawful permanent resident who has been detained for seven months since returning from a vacation in the Dominican Republic, and he has been placed in removal proceedings pursuant to a Notice to Appear ("NTA") that charged him with being inadmissible as a result of a conviction for a crime of moral turpitude. Petition at ¶¶ 1, 25-28. As admitted in the Petition, the Petitioner pleaded guilty to third degree theft under New Jersey law in 2016. *Id* at ¶23 (referencing attached judgment of conviction).

As noted in the Petition, an Immigration Judge ("IJ") denied the Petitioner's application for cancellation of removal proceedings and ordered that the Petitioner be removed. *Id.* at ¶ 39 (referencing attached order). The Petitioner has appealed that decision to the Board of Immigration Appeals. *Id.* at ¶ 40

According to ICE records, YSA was accorded lawful permanent residency on November 25, 2005. On August 9, 2025, he arrived at JFK International Airport aboard a flight from the Dominican Republic, presenting himself as a returning resident. He was referred to Passport Control, which revealed his conviction for third degree theft. *See* Exhibit C. Ice issued a warrant for the Petitioner's arrest and issued the NTA, which charged that he was subject to removal pursuant to § 212(a)(2)(A)(i)(I) of the Immigration and Naturalization Act ("INA"), 8 U.S.C. §1182(a)(2)(A)(i)(I), as having been convicted of a crime involving moral turpitude. *See* Exhibit C.

Petitioner's Claims

In brief, the Petitioner asserts claims based on alleged violations of the INA and regulations promulgated pursuant to the INA (First Cause of Action); and violations of the Fifth Amendment (Second and Third Causes of Action). Petition at ¶¶ 133-140. The Petitioner asks that he be released from detention and seeks other relief as well. *Id.* at pages 40-41.

Background

Section 1226 authorizes the detention of an alien "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. 1226(a). In general, § 1226(a) makes detention discretionary; it provides that the government "may" release the alien on bond or parole. *Id.* That general rule, however, is subject to an exception set forth in § 1226(c). Section 1226(c) sets out various categories of "criminal aliens" subject to mandatory detention. *Id.* § 1226(c) (capitalization altered). Those categories encompass aliens deportable by reason of having committed a covered offense, such as a crime of moral turpitude. 8 U.S.C. § 1226(c)(1)(A)-(C), (E). Section 1226(c) provides that the Secretary "shall take into custody any alien" who falls within one of those categories. 8 U.S.C. § 1226(c)(1). Section 1226(c) further provides that the Secretary "may release" such an alien "only" in one narrow circumstance: "if [the Secretary] decides" that release is "necessary to provide protection" for witnesses or persons cooperating with a criminal

investigation (or their immediate family relatives or close associates). 8 U.S.C. § 1226(c)(4). In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court held that "§ 1226(c) mandates detention of any alien falling within its scope and that detention may end prior to the conclusion of removal proceedings 'only if' the alien is released for witness-protection purposes." *Id.* at 305-306.

In this case, it is uncontested that the Petitioner was convicted of a crime of moral turpitude within the meaning and purview of § 1226(c) and that he has been charged with being subject to removal as a result. At issue is his detention, which the Petitioner claims has become unconstitutionally prolonged.

In *Black*, the Second Circuit held that Section 1226(c) is unconstitutional as applied to aliens whose detention has become "unreasonably prolonged." 103 F.4th at 138. The court stated that when an alien's detention reaches that point, the Due Process Clause requires that the alien be afforded a bond hearing to determine whether he poses a flight risk or a danger to the community. *Id.* at 143-45. In the court's view, *Mathews v. Eldridge*, 424 U.S. 319 (1976), "supplies the proper framework for determining when" an alien is entitled to a bond hearing. *Id.* at 138; *see id.* at 145-51. The court explained that *Mathews* requires a balancing of 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."

Id. at 147 (quoting *Mathews*, 424 U.S. at 335).

Applying those factors, the Second Circuit concluded that one alien's 7-month detention under Section 1226(c), as well as another alien's 21-month detention under the same provision, had become "unreasonably prolonged," such that both aliens were entitled to bond hearings. *Id.* at 155; *see id.* at 137. In the Court's view, all three *Mathews* factors supported that conclusion. *Id.* at 151-55. With respect to the first factor, the court characterized respondents' interest as "the most significant liberty interest there is—the interest in being free from imprisonment." *Id.* at 151 (internal quotation marks omitted). With respect to the second Mathews factor, it concluded that "almost any additional procedural safeguards at some point in the detention would add value," and it described "an individualized bond hearing at which an IJ can consider the noncitizen's dangerousness and risk of flight" as "[t]he most obvious" safeguard. *Id.* at 153. Finally, with respect to the third *Mathews* factor, the court expressed the view that "additional procedural safeguards" would "do nothing to undercut" the government's interests in "ensuring the noncitizen's appearance at proceedings" and "protecting the community from noncitizens who have been involved in crimes" because the IJ at "any ordered bond hearing" would "assess on an individualized basis whether the noncitizen presents a flight risk or a danger." *Id.* at 153.

The Second Circuit further held that, in bond hearings for Section 1226(c) detainees, due process requires placing the burden on the government to justify the alien's continued detention by clear and convincing evidence. *Id.* at 155-58. The court regarded its "analysis above of the

first and third [*Mathews*] factors" as applying "with equal force" to its conclusion that the government must bear the burden of proof by a heightened standard. *Id.* at 155. And in "elaborat[ing]" on "the second Mathews factor," *id.*, the Court stated that requiring detainees to "prove that they are not a danger and not a flight risk" would "present[] too great a risk of an erroneous deprivation of liberty after a detention that has already been unreasonably prolonged," *id.* at 156.

The government in *Black* petitioned for rehearing en banc, which was denied by the court of appeals. *Black v. Almodovar*, 156 F.4th 171, 171 (2025). Judge Nardini, joined by Chief Judge Livingston and Judges Sullivan, Park, and Menashi, dissented from the denial of rehearing, expressing the view that the panel had erred in requiring the government to justify a Section 1226(c) detainee's continued detention by clear and convincing evidence. *Id.* at 173. Judge Menashi also filed a dissenting opinion, joined by Chief Judge Livingston and Judges Sullivan and Park, expressing the view that the panel had "provided no persuasive justification for invalidating the congressional policy reflected in § 1226(c)." *Id.* at 182

Argument

The government disagrees with the Second Circuit's decision in *Black*. In the government's view, the Second Circuit erred in holding that certain § 1226(c) detainees—those whose detention has become, in the court's view, "unreasonably prolonged"—have a due-process right to a bond hearing before an IJ on whether they pose a flight risk or danger. *Black*, 103 F.4th at 138. Contrary to the Second Circuit's decision, Section 1226(c) detainees have no procedural-due-process right to a bond hearing on matters that are "not material" to the "statutory scheme." *Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 4 (2003). And where, as in Petitioner's case, detention bears a reasonable relation to legitimate immigration purposes—such as "preventing deportable criminal aliens from fleeing" or "continu[ing] to engage in crime" while their removal proceedings are pending, *Demore v. Kim*, 538 U.S. 510, 513, 528 (2003)—§ 1226(c) detainees have no substantive-due-process right to a bond hearing either. The Second Circuit further erred in holding that, in bond hearings for Section 1226(c) detainees, due process requires placing the burden on the government to justify continued detention by clear and convincing evidence. *Black*, 103 F.4th at 155-58. After all, Congress enacted Section 1226(c) out of "justifiabl[e] concern[] that deportable criminal aliens who are not detained" will "continue to engage in crime and fail to appear for removal hearings in large numbers." *Demore*, 538 U.S. at 513. The burden should therefore be on the alien to show that Congress's concerns about flight risk and dangerousness do not apply to him.

The government nevertheless acknowledges that this Court is currently bound by the Second Circuit's decision in *Black* and that applying that decision here would likely lead to a grant of the habeas petition insofar as it seeks a bond hearing before an immigration judge. The Petitioner has been detained for seven months, which is as long as the period of detention of one of the aliens in *Black*. *Black*, 103 F.4th at 137. And *Black's* analysis of the *Mathews* factors would likely lead this Court to conclude that Petitioner's detention has become "unreasonably prolonged," such that due process requires that he be afforded the bond hearing that he seeks. *Black*, 103 F.4th at 138.

Accordingly, to conserve judicial resources and to expedite the Court's resolution of this case, the government hereby relies on, and incorporates by reference, the legal arguments presented by the government in *Black* and submits that the Court may promptly decide this matter without further briefing or argument. In doing so, the government preserves its objection to the Second Circuit's decision in *Black* and reserves all rights, including its right to appeal.

Conclusion

The government disagrees with the Second Circuit's decision in *Black* and opposes the grant of habeas relief in this case. But the government acknowledges—while preserving its objection to the Second Circuit's decision in *Black* and reserving all rights, including its right to appeal—that the Second Circuit's decision would likely lead this Court to order that Petitioner be afforded a bond hearing before an immigration judge, with the burden placed on the government to justify Petitioner's continued detention. The government adds that *Black* does not, however, stand for the proposition that a bond hearing may be conducted by a district court.

The government thanks the Court for its consideration in this matter.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Richard K. Hayes*
Richard K. Hayes
Assistant U.S. Attorney
(718) 254-6050
richard.hayes@usdoj.gov

cc: Counsel for Petitioner (by ECF)

Exhibits to Respondents' Letter Brief

Exhibit A

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

SIGMA Event: [redacted] File No. [redacted]
FINS #: [redacted] Event No: [redacted]
Date: 08/13/2025 13:22

To: **Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that [redacted] is removable from the United States. This determination is based upon:

☒ the execution of a charging document to initiate removal proceedings against the subject;

☒ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Digitally Acquired Signature
(Signature of Authorized Immigration Officer)

PULEO, Mary - CHIEF CBP OFFICER
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on [redacted] (Name of Alien) on August 13, 2025 (Date of Service), and the contents of this notice were read to him or her in the SPANISH (Language) language.

Digitally Acquired Signature
BRIDGEFORTH, CAR11658 - CBP ENFORCEMENT OFFICER
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

(Rev. 09/16)

Exhibit B

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act: Event No: [redacted]

Subject ID : [redacted] FIN #: [redacted]

SIGMA Event: [redacted] DOB: [redacted]

In the Matter of: [redacted]

File No: [redacted]

Respondent: [redacted] currently residing at:

[redacted]

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

[x] 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:

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 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that you are an alien who has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime.

[ ] 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:

201 VARICK ST 5TH FL RM 507,
NEW YORK, NY, US 10014

(Complete Address of Immigration Court, including Room Number, if any)

on September 3, 2025 *(Date)* at 08:30 AM *(Time)* SEVERINO, Shaterra A to show why you should not be removed from the United States based on the charge(s) set forth above.

CBP OFFICER

(Signature and Title of Issuing Officer)

Digitally Acquired Signature

Date: August 13, 2025

JAMAICA, NEW YORK

(City and State)

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 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and Information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form 1-589 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.

Upon information and belief, the language that the alien understands is SPANISH

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 August 13, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- [x] In person
- [ ] by certified mail, returned receipt # _____ requested
- [ ] by regular mail
- [ ] Attached is a credible fear worksheet.
- [x] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH 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.

[redacted]

(Signature of Respondent if Personally Served)

SEVERINO, Shaterra A
CBP OFFICER

(Signature and Title of officer)

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-soms. 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.

U.S. Department of Homeland Security **Continuation Page for Form** I862

Alien's Name	File Number [redacted] SIGMA Event: [redacted] Event No: [redacted]	Date [redacted]

THE SERVICE ALLEGES THAT YOU:

1. You are not a citizen or national of the United States;
2. You are a native of Dominican Republic and a citizen of Dominican Republic;
3. On November 26, 2005, you were accorded Lawful Permanent Resident status of the United States;
4. On or about January 6, 2017, you were convicted at the Hudson County Superior Court in the State of New Jersey, for the Offense of Theft by Unlawful Taking in the Third Degree, in violation of N.J. Stat § 2C:20-3A, under case number [redacted];
5. On or about August 9, 2025, you arrived at John F. Kennedy International Airport, Jamaica, New York and applied for admission to the United States as a Lawful Permanent Resident.

Signature	Title
SEVERINO, Shaterra A	CBP OFFICER

Digitally Acquired Signature

Exhibit C

SIGMA Event: [redacted]

U.S. Department of Homeland Security Subject ID : [redacted]

Family Name (CAPS)	First	Middle
[redacted]		

Sex	Hair	Eyes	Complexion
M	BLK	BRO	MBR

Country of Citizenship	Passport Number and Country of Issue	File Number
DOMINICAN REPUBLIC		Case No: [redacted]

Height	Weight	Occupation
69	200	

U.S. Address: [redacted] UNITED STATES OF AMERICA

Scars and Marks: NONE INDICATED

Date, Place, Time, and Manner of Last Entry	Passport Boarded at
08/09/2025, 4701 - UNK, 23:15, AIR	See Narrative

F.B.I. Number: [redacted] ■ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence

Method of Location/Apprehension: ISP

Date of Birth	Date of Action	Location Code	A/Num	Date/Hour
[redacted] Age: 39	08/10/2025	JFK - NYC	See I-831	08/10/2025 0044

City, Province (State) and Country of Birth	AR ☒	Form (Type and No.) Lifted ☐ Not Lifted ☒	By
DOMINICAN REPUBLIC		See Narrative	See Narrative

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found
None	None	See Narrative	IN TRAVEL

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.
None	None	At Entry

Immigration Record	Criminal Record
NEGATIVE	None Known

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate): NONE

Number and Nationality of Minor Children

Father's Name, Nationality, and Address, if Known

Mother's Present and Maiden Names, Nationality, and Address, if Known

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☒ Yes ☐ No	Systems Checks	Charge Code Word(s)
See Narrative		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
NONE	NONE	0.0 USD	0/0/00 - 0/0/00

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FINS: [redacted]

Left Index Finger

[redacted]

Right Index Finger

[redacted]

[redacted]

STATUS AT ENTRY

Lawful Permanent Resident

AR Document

I-551 Legal Permanent Resident - [redacted]

...(CONTINUED ON I-831)

Digitally Acquired Signature

SEVERINO, Shaterra A

CBP OFFICER

Digitally Acquired Signature

Alien has been advised of communication privileges 08/10/2025 (Date/Initials) (Signature and Title of Immigration Officer)

Distribution:

A FILE

Received: (Subject and Documents) (Report of Interview)

Officer: SEVERINO, Shaterra A - CBP OFFICER

on: August 10, 2025 (time) Digitally Acquired Signature

Disposition: NOTICE TO APPEAR (NTA)

Examining Officer: Signed on Behalf of

WALIA, Johnny - SUPERVISORY CBP OFFICER

Digitally Acquired Signature

[redacted] (Rev. 08/01/07)

U.S. Department of Homeland Security

[redacted]

Alien's Name	File Number / SIGMA Event: / Event No:	Date
[redacted]	[redacted]	August 11, 2025

BOARDED AT

Punta Cana, D.R.

ARRESTING AGENT

SEVERINO, Shaterra A CBP OFFICER

CLAIMED DOCUMENTS

I-551 Legal Permanent Resident - [redacted]

RECORDS CHECKED

[redacted]

SECTION CODES

Sec212(a)(2)(A)(i)(I)
8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

At/Near

John F Kennedy International Airport

Narrative:

Subject [redacted] (DOB: [redacted] COC: Dominican Republic) arrived at JFK/NYC on August 09, 2025, aboard flight B6 468 from Punta Cana, Dominican Republic. Subject presented himself as a returning resident and was referred to passport control secondary (PPC) for a watchlist hit. Subject is a match to FBI# [redacted] for one prior felony arrests.

Subject was referred to Passport Control Secondary as a USVISIT Watchlist hit. [redacted] was found to be a match to FBI # [redacted]
The subject's criminal history revealed that he was convicted of third degree Theft by Unlawful Taking violation of New Jersey Statutes section 2C:20-3A on January 07, 2017. CIS checks show [redacted] was accorded lawful permanent residency on November 25, 2005, as F12. ADIS shows subject departed on July 23, 2025.

During a sworn statement before CBPO SEVERINO, [redacted] confirmed the above arrest and conviction. He stated he was sentenced to 134 days in confinement and 2 years of probation. He stated that he was never served with a Notice to Appear due to his criminal conviction. He...(CONTINUED ON NEXT PAGE)

Signature	Title
SEVERINO, Shaterra A	CBP OFFICER

Digitally Acquired Signature

[redacted]

U.S. Department of Homeland Security [redacted]

Alien's Name	File Number [redacted]	Date
[redacted]	SIGMA Event: [redacted]	August 11, 2025
	Event No: [redacted]	

declared himself to be in good health and takes no medication. Subject stated that he reside at [redacted] Subject gave a telephone number of [redacted].

Subject appears to be inadmissible from the United States under Sec212(a)(2)(A)(i)(I)-Crime (Moral Turpitude)/ 8 USC 1182(a)-Alien inadmissibility under section 212(a)of the INA. The case was reviewed by SCBPO WALIA and DC SERVENTI who concurred upon placing the subject into removal proceedings pursuant to Section 240 of the INA. Subject will be detained by ICE ERO pending commencement of his removal proceedings on a date and time to be determined. Subject was served with an I-862 Notice to Appear and provided with a copy of his sworn statement and a list of free legal services in New York.

[redacted]

Signature	Title
SEVERINO, Shaterra A	CBP OFFICER

Digitally Acquired Signature

[redacted] (Rev. 08/01/07)