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

| | | |
|---|---|---|
| AUNER JETZAEL GARCIA DE LA CRUZ, | : | |
| *Petitioner* | : | No: 26-2442 (Judge Sanchez) |
| v. | : | |
| MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, In his official capacity, et al. | : | |
| *Respondents.* | : | |

**RESPONDENTS' OPPOSITION TO**
**PETITION FOR WRIT OF HABEAS CORPUS**

## I. INTRODUCTION

As the Court is undoubtedly aware, immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security ("DHS") to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*[1] cases**: individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);
- ***Q. Li*[2] cases**: individuals who entered the United States without inspection, were encountered near the border and detained without a warrant, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases**: individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026); and,

[1] "*Hurtado*" refers to the Board of Immigration Appeals' decision in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025).

[2] "*Q. Li*" refers to the Board of Immigration Appeals' decision in *Matter of Q. Li,* 29 I&N Dec. 66 (BIA 2025).

- **Expedited Removal cases**: individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). While there are certain legal and factual distinctions among these cases, the fundamental point of departure between the government's position and the position advanced by petitioners and adopted in over 250 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

> In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Although petitioners in these cases are indisputably "applicants for admission," *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer "seeking admission." Courts have reasoned that "seeking admission" should be given meaning beyond "applicant for admission" to avoid surplusage and have read the term to require active and ongoing efforts to be admitted at or near the border. *See, e.g., Kashranov v. Jamison*, Civ. No. 25-5555, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9. By contrast, the government contends that "applicants for admission" are

necessarily "seeking admission" until they have been admitted or until their removal proceedings are complete. And while the government's position has been rejected by the vast majority of district courts to have considered it, two courts of appeals to have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals, have agreed with the government. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026) ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'"); *Avila v. Bondi*, No. 25-3248, 2026 WL 819258, at *3 (8th Cir. Mar. 25, 2026) (concluding that "the structure of § 1225(b)(2)(A) does not indicate that 'seeking admission' is a separate requirement for detention under the statute"); *but see Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

This is a "*Q. Li*" case where the government has detained Petitioner under 8 U.S.C. § 1225(b)(2)(A). Petitioner, a noncitizen, crossed the border without inspection in 2016. (Petition, at 4). He was encountered by the U.S. Border Patrol, processed with a Notice to Appear (NTA), Warrant of Arrest, and charged with a violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act. Ex. A hereto (I-213) at 3. He was released from custody pending a hearing with an immigration judge. *Id.* His NTA was never served on the court and a hearing date with an immigration judge was never assigned. *Id.* On or around April 13, 2026, Petitioner was arrested and detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A). (Petition, at 3).

Thus, the case turns principally on the threshold question of statutory interpretation discussed above—whether petitioner is an "applicant for admission"

that is "seeking admission" within the meaning of § 1225(b)(2)(A).[3] The government expands on that argument below in the context of Petitioner, who was first encountered near the border after entering without inspection (thereby falling within the scope of the BIA's decision in *Q. Li*), and addresses Petitioner's separate argument alleging a violation of due process.

## II. ARGUMENT

The Court should deny the petition because: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(a); and (2) Petitioner's detention does not violate constitutional due process.

### A. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2).

#### 1. Petitioner is an "applicant for admission" "seeking admission."

An individual who "arrives in the United States," or is "present" in this country but "has not been admitted," is considered an "applicant for admission" under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 166 F.4th at 499. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) "serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)") (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is "not clearly and beyond doubt entitled to be admitted" to the United States. *See* 8 U.S.C. § 1225(b)(2)(A); *see also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* "[a]n alien present in the United States who has not been

[3] In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), 1252(g), and the Third Circuit's decision in *Khalil v. President, United States of America*, 164 F.4th 259 (3d Cir. 2026).

admitted *or* who arrives in the United States. . . .") (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as "applicant[s] for admission," regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily "seeking admission" within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 166 F.4th at 503 ("[A]n 'applicant for admission' is necessarily someone who is 'seeking admission.'"); *id*. at 502 ("When a person applies for something, they are necessarily seeking it.). Otherwise, the alien must "withdraw the application for admission and depart immediately from the United States." 8 U.S.C. § 1225(a)(4). An alien continues to be "seeking admission" while in immigration removal proceedings to determine whether he can "be admitted to the United States." *See* 8 U.S.C. § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an "applicant for admission" be actively "seeking admission" at or near the border to fall within its scope. *See*, *e.g.*, *Kashranov*, 2025 WL 3188399, at *6-7; *Demirel v. Fed. Detention Ctr.*, Civ. No. 25-5488 (E.D. Pa. Nov. 18, 2025).[4] But, as noted, the Fifth Circuit Court of Appeals has agreed with the government. *See Buenrostro-Mendez*, 166

[4] The government is pursuing appeals in the Third Circuit related to both statutory and constitutional due-process claims. The matters on appeal are *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150 (3d Cir.), which are now consolidated for all purposes. The government's consolidated opening brief was filed on March 20, 2026. The Third Circuit granted the Government's motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.

F.4th at 502 ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'"). The *Buenrostro-Mendez* court concluded, correctly, that an "applicant for admission" is "necessarily someone who is 'seeking admission.'" *Id.* at 503; *but see Castañon-Nava*, 161 F.4th at 1062.

Thus, Petitioner, who is indisputably an "applicant for admission," is also "seeking admission" and covered by § 1225(b)(2)(A).

**2. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.**

Pursuant to 8 U.S.C. § 1225(b)(2)(A), "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings]." 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 ("Both § 1225(b)(1) and § 1255(b)(2) authorize the detention of certain aliens.").

In *Q. Li*, the BIA expanded upon the Supreme Court's holding in *Jennings* and clarified the scope of § 1255(b)(2) for applicants for admission, like Petitioner, who are "arriving" in the United States. 29 I&N Dec. at 68 (citing *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (defining the term "arriving" to apply to aliens "who [are] apprehended" just inside "the southern border, and not at a point of entry, on the same day [they] crossed into the United States"). For aliens in this category, the BIA affirmed that DHS may either place the alien into expedited removal proceedings under § 1225(b)(1) or full removal proceedings under § 1229a. *Id.* For the latter category—aliens arriving in and seeking admission into the United States who are placed directly into full removal proceedings—the Board held

that § 1225(b)(2)(A) mandates detention "until removal proceedings have concluded." *Id*. (citing *Jennings*, 583 U.S. at 299).

Thus, the BIA held that an applicant for admission "who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings," is detained under § 1225(b)(2) and is thus ineligible for any subsequent release on bond. *But see Cordero v. Rose*, Civ. No. 26-0534, ECF No. 5 at 5-6 (E.D. Pa. Jan. 29, 2026) (Marston, J.) (disagreeing with the United States' interpretation of *Q. Li* and concluding that the petitioner, who entered the United States more than three years ago, was not an applicant for admission that was actively "seeking admission" within the meaning of § 1225(b)(2)); *Cajas-Duchimaza v. McShane*, Civ. No. 26-0621, ECF No. 6 (E.D. Pa. Feb. 3, 2026) (similar); *Gurievi v. Rose*, Civ. No. 26-0736, ECF No. 6 (E.D. Pa. Feb. 9, 2026).

Petitioner remains an applicant for admission seeking admission, as he has not clearly and beyond doubt established that he is entitled to be admitted to the United States. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

### B. Petitioner's detention does not violate constitutional due process.

Congress broadly crafted "applicants for admission" to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.").

The Supreme Court has repeatedly recognized this profound interest. Petitioner's mandatory detention pursuant to § 1225(b) will only last the duration of his removal proceedings. *Demore v. Kim*, 538 U.S. 510, 512 (2003) ("[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings.") (emphasis in original); *see also Jennings*, 583 U.S. at 304. In light of Congress's interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Matthews v. Eldridge*, 424 U.S. 319 (1976). *See generally Demore*, 538 U.S. at 531.

Petitioner's recent detention pending his removal proceedings does not violate the Due Process Clause. *See*, *e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a "constitutionally permissible part of that process." *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the length of his detention under *German Santos*, nor could he, given that he has been detained at this point for a few days.

## III. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the petition for writ of habeas corpus be denied. Respondents request that the Court decide this petition on the papers.

Respectfully submitted,

DAVID METCALF
United States Attorney

*/s/ Anthony St. Joseph for GBD*
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

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*Counsel for Respondents*

Dated: April 16, 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: April 16, 2026

*/s/ Judith A.K. Amorosa*
JUDITH A.K. AMOROSA
Assistant United States Attorney

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

# Record of Deportable/Inadmissible Alien

| Family Name (CAPS) | First | Middle |
|---|---|---|
| GARCIA-DE LA CRUZ, | AUNER | JETZAEL |

| Sex | Hair | Eyes | Cmplxn |
|---|---|---|---|
| M | BLK | BRO | LBR |

| Country of Citizenship | Passport Number and Country of Issue | File Number |
|---|---|---|
| GUATEMALA | | [redacted] |

| Height | Weight | Occupation |
|---|---|---|
| 66 | 130 | CONSTRUCTION |

U.S. Address: [redacted], UNITED STATES

Scars and Marks:

Date, Place, Time, and Manner of Last Entry: 12/13/2016 16:35, HID, WI-Without Inspection

Passenger Boarded at:

F.B.I. Number: [redacted]

Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated ☐

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

Method of Location/Apprehension: NCA

| Date of Birth | Date of Action | Location Code | At/Near | Date/Hour |
|---|---|---|---|---|
| [redacted] Age: 26 | 04/13/2026 | PHI/PHI | See I-831 | 04/13/2026 08:59 |

City, Province (State) and Country of Birth: PETEN SAYAXCHE, GUATEMALA

AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐

By: ALHAJI TUNKARA

NIV Issuing Post and NIV Number:

Social Security Account Name:

Status at Entry:

Status When Found:

Date Visa Issued:

Social Security Number:

Length of Time Illegally in U.S.:

Immigration Record: NEGATIVE

Criminal Record:

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate):

Number and Nationality of Minor Children: None

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

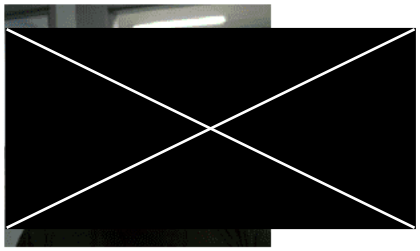
Mother's Present and Maiden Names, Nationality, and Address, if Known:

| Monies Due/Property in U.S. Not in Immediate Possession | Fingerprinted? | Systems Checks | Charge Code Words(s) |
|---|---|---|---|
| None Claimed | ☒ Yes ☐ No | See Narrative | See Narrative |

| Name and Address of (Last)(Current) U.S. Employer | Type of Employment | Salary | Employed from/to |
|---|---|---|---|
| See Narrative | See Narrative | Hr | 04/13/2026 |

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.)

**FIN:** [redacted] Left Index fingerprint Right Index fingerprint



**Body Worn Camera (BWC) Information**

BWC footage was recorded for this enforcement activity.

**FAMILY INFORMATION**

Father:Subject has not provided information for Father.
Mother:Subject has not provided information for Mother.
Spouse:Subject is not married.
Child:Subject does not have children or dependents. ...(CONTINUED ON I-831)

ALHAJI TUNKARA
Deportation Officer

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

Distribution:

FILE

STAT

OFFICER

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

Officer: ALHAJI TUNKARA

on: April 13, 2026 (time)

Disposition: Warrant of Arrest/Notice to Appear

Examining Officer: MCCALLION, PATRICK

**U.S. Department of Homeland Security** **Continuation Page for Form I-213**

| Alien's Name | File Number | Date |
|---|---|---|
| GARCIA-DE LA CRUZ, AUNER JETZAEL | [redacted] Event No: [redacted] | 04/13/2026 |

SUBJECT HEALTH STATUS
---
The subject claims good health.

CURRENT CRIMINAL CHARGES
---
04/13/2026 - 8 USC 1227 - DEPORTABLE ALIEN

CURRENT ADMINISTRATIVE CHARGES
---
04/13/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)04/13/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED
---
AFIS checked on 04/13/2026 with Positive result.EARM checked on 04/13/2026 with Positive result.NCIC checked on 04/13/2026 with Positive result.CLAIM checked on 04/13/2026 with Negative result.

NAME AND ADDRESS OF US EMPLOYER
---
UNKNOWN, UNKNOWN PHILADELPHIA, PENNSYLVANIA, 19100, UNITED STATES

TYPE OF EMPLOYMENT
---
Operators, Fabricators, and Laborers

ARRESTED AT/NEAR
---
7200 OAKLAND ST, PHILADELPHIA, PENNSYLVANIA, 191491213, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:
---
ENCOUNTER

On April 13, 2026, at approximately 0810 hours, officers from ERO/ICE Philadelphia and BP United States Border Patrol conducted surveillance at a target house of [redacted] Philadelphia, PA. At approximately 0820, a male matching the description of the target exited the target address and entered a Honda Accord [redacted]. Officers conducted a safe vehicle stop and approached the driver. BPA and ERO identified themselves as ICE and wore fully marked ICE/Police clothing and protective vests. Officers questioned the driver as to his identity and alienage. The driver freely stated his name was GARCIA-De La Cruz, Auner Jetzael and he was born in Guatemala. After further investigation with LESC, Mobile Query and Philadelphia Command Center, record checks indicate GARCIA-De La Cruz has no legal status within the United States (U.S.) and entered without inspection or paroled into the U.S. by an immigration official. GARCIA-De La Cruz was served a Notice to appear (NTA) on 12/14/2016 ; and never appeared to the hearing. GARCIA-De La Cruz was taken into ICE custody and transported to the Philadelphia ERO Field Office for processing.

ALIENAGE AND REMOVABILITY
GARCIA-De La Cruz claims to be a citizen of GUATEMALA. GARCIA-De La Cruz claims to be born in GUATEMALA.
GARCIA-De La Cruz is not a citizen of the United States.

FAMILY HISTORY

| Signature | Title |
|---|---|
| ALHAJI TUNKARA | Deportation Officer |

**U.S. Department of Homeland Security** **Continuation Page for Form I-213**

| Alien's Name | File Number | Date |
|---|---|---|
| GARCIA-DE LA CRUZ, AUNER JETZAEL | [redacted] Event No: [redacted] | 04/13/2026 |

GARCIA-De La Cruz claims his father, JUAN DE LA CRUZ, was born in UNKNOWN and is citizen of GUATEMALA. GARCIA-De La Cruz denies his father has any ties to citizenship or legal status in the United States. GARCIA-De La Cruz claims his mother, CLARA GARCIA, was born in UNKNOWN and is a citizen of GUATEMALA. GARCIA-De La Cruz denies his mother has any ties to citizenship or legal status in the United States. GARCIA-De La Cruz has not asserted any claim to United States citizenship, nor do any records indicate that GARCIA-De La Cruz has obtained or derived such citizenship. GARCIA-De La Cruz claims to have one child in the United States.

GARCIA-De La Cruz claims to be Single. GARCIA-De La Cruz claims to have no minor children.

IMMIGRATION HISTORY
On December 13, 2016, GARCIA-De La Cruz attempted to enter the United States at/near Hidalgo, TX without admission or parole. GARCIA-De La Cruz was encountered by the U.S. Border Patrol, Rio Grande Valley Sector, and processed with a Notice to Appear (NTA), Warrant of Arrest, and charged with a violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act. GARCIA-De La Cruz was served with Forms I-200, I-862, and released from custody pending a hearing with an immigration judge.

GARCIA-De La Cruz' NTA was never served on the court and a hearing date with an immigration judge was never assigned.

CRIMINAL HISTORY
GARCIA-De La Cruz does not have any known criminal record
GARCIA-De La Cruz does not have any outstanding wants or warrants.

HEALTH & HUMANITARIAN
GARCIA-De La Cruz denies any medical conditions.
GARCIA-De La Cruz denies the use of any prescription medications.
GARCIA-De La Cruz denies any significant humanitarian concerns and does not claim fear of returning to GUATEMALA.

PHONE CALL / CONSULAR NOTIFICATION
GARCIA-De La Cruz was offered a five minute telephone call. GARCIA-De La Cruz called UNKNOWN at 000-000-0000.
GARCIA-De La Cruz was offered and declined to contact the Consulate of GUATEMALA.

FOREIGN IDENTITY AND TRAVEL DOCUMENTS
At the time of arrest, GARCIA-De La Cruz was not in possession of any foreign identity documents.

INTEL
GARCIA-De La Cruz has no known scars or tattoos.
GARCIA-De La Cruz denies service in any branch of the U.S. military or any foreign military.
GARCIA-De La Cruz denies membership in any gang or criminal organization.

DISPOSTION
GARCIA-De La Cruz is subject to President Donald Trump's Executive Order titled, "Protecting the American People Against Invasion," signed on January 20, 2025.

GARCIA-De La Cruz was served a Notice to Appear ("NTA"). GARCIA-De La Cruz is charged with a violation of Section 212(a)(6)(A)(i)(I) and Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act as amended. GARCIA-De La Cruz will be detained without bond at this time. Officers provided GARCIA-De La Cruz with the most recent version of the EOIR free legal services list.

| Signature | Title |
|---|---|
| ALHAJI TUNKARA | Deportation Officer |

**U.S. Department of Homeland Security** **Continuation Page for Form I-213**

| Alien's Name | File Number | Date |
|---|---|---|
| GARCIA-DE LA CRUZ, AUNER JETZAEL | [redacted] Event No: [redacted] | 04/13/2026 |

OTHER IDENTIFYING NUMBERS
---
ALIEN-[redacted]

| Signature | Title |
|---|---|
| ALHAJI TUNKARA | Deportation Officer |