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

SALATIEL MULLER KINSMAN, *Petitioner*, v. J. L. JAMISON, WARDEN, *Warden Federal Detention Center Philadelphia*; *et al.*, *Respondents*.	Civil Action No. 26-2493

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 on or about September 2022. (Petition, at ¶ 17). He was detained on or about September 4, 2022, placed in removal proceedings, and released. (*Id.* at ¶ 18; Ex. A, I-213, Record of Deportable/Inadmissible Alien (April 13, 2026); Ex. B, Notice to Appear (Jan. 26, 2023)). 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 ¶ 2).

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 for approximately one week.

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,

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Counsel for Respondents

Dated: April 21, 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 21, 2026

/s/ Alanna N. Pawlowski
ALANNA N. PAWLOWSKI
Assistant United States Attorney

Exhibit A

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

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
MULLER-KINSMAN,	SALATIEL	

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	Height	Weight	Occupation
NICARAGUA	[redacted]	65	160	UNR

U.S. Address:

Scars and Marks:

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
09/04/2022 Unknown Time, HID,	

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]80 Age: 45	04/13/2026	PHI/PHI	See I-831	04/13/2026 11:06

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
WASPAN, NICARAGUA			JENNIFER SOSA

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	Criminal Record
NEGATIVE	

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate)
[redacted] NATIONALITY: NICARAGUA ADDRESS: [redacted], 68850, UNITED STATES

Number and Nationality of Minor Children: 1-NICARAGUA

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 Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
	Unemployed or Retired	Hr	

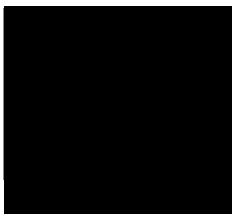
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

Left Index fingerprint

Right Index fingerprint







FAMILY INFORMATION

Father: Subject has not provided information for Father.
Mother: Subject has not provided information for Mother.
Spouse: [redacted] has A# [redacted], is a citizen of NICARAGUA, and their immigration status is Inadmissible Alien.
Daughter: [redacted], is a citizen of NICARAGUA, and their immigration status is Inadmissible Alien.

SUBJECT HEALTH STATUS ...(CONTINUED ON I-831)

[redacted]
Deportation Officer
(Signature and Title of Immigration Officer)

Alien has been advised of communication privileges _____ (Date/Initials)

Distribution:

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

Officer: [redacted]

on: April 13, 2026 (time)

Disposition: Other

Examining Officer: [redacted] ASD8132

Alien's Name	File Number	Date
MULLER-KINSMAN, SALATIEL	[redacted] Event No: [redacted]	04/13/2026

The subject claims good health.

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

CIS checked on 04/13/2026 with Positive result.CLAIM checked on 04/13/2026 with Positive result.EARM checked on 04/13/2026 with Positive result.TECS checked on 04/13/2026 with Positive result.

ARRESTED AT/NEAR
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114 N 8TH ST, PHILADELPHIA, PENNSYLVANIA, 19107, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

Muller-Kinsman, SALATIEL is subject to President Donald Trump's Executive Order, titled "Protecting the American People Against Invasion," signed on January 20, 2025.

Encounter:
On April 13, 2026, Muller-Kinsman, SALATIEL, a native and citizen of Nicaragua, reported to the Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Philadelphia Field Office for his scheduled check-in appointment. The Philadelphia Non-Detained Unit confirmed SALATIEL's identity, alienage, and removability and served him a I-200.
Alienage & Removability:
SALATIEL is a citizen and national of Nicaragua by virtue of birth, who entered the United States illegally without being admitted or paroled by an immigration officer. Numerous checks using databases with the Department of Homeland Security (DHS) and the Department of Justice (DOJ) show his Individual hearing scheduled for August 13, 2026, in Philadelphia, PA.

Family/ Derivative Citizenship:
SALATIEL applied for Asylum on January 19, 2024.
SALATIEL applied for the I-765 on May 21,2024.
SALATIEL has a driver's license.
Immigration History:
On September 4, 2022, Border Patrol encountered SALATIEL in the Rio Grande Valley, Texas sector. SALATIEL, claimed to be a citizen and national of Nicaragua without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry. SALATIEL was Paroled by Border Patrol due to detention capacity at the Rio Valley Sector. SALATIEL was issued an I-94 and released on Paroled.
Criminal History:
SALATIEL has no previous criminal record and does not have any outstanding wants or warrants.

Health & Humanitarian:
SALATIEL denied any significant humanitarian concerns.

Signature	Title
[redacted]	Deportation Officer

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

Alien's Name	File Number	Date
MULLER-KINSMAN, SALATIEL	[redacted] Event No: [redacted]	04/13/2026

SALATIEL made a 5-minute phone call to his wife [redacted].

SALATIEL declined his right to speak with his consular in Nicaragua. Consular notifications are not mandatory.

SALATIEL claims fear of returning to his home country.

SALATIEL does not claim any medical concerns, nor does he require medication.

SALATIEL claims to be married.

SALATIEL claims to have one child.

SALATIEL stated that he did not serve in the United States Military.

Foreign Identity and Travel Documents:
At the time of arrest, ERO was able to obtain that [redacted]ng foreign identity/travel docs:
Nicaragua's Cedula (ID card), ID number: [redacted] Expiration date: [redacted]/2027

Removability:
SALATIEL is removable pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.
212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Disposition:
[redacted]ATIEL with a Warrant of Arrest, Form I-200, Notice to EOIR, I-830E.

Subject's property was released to his wife [redacted]. A Release of Property form was completed and uploaded in EARM.

OTHER IDENTIFYING NUMBERS

ALIEN [redacted]
Other [redacted] (NICARAGUA)
Drive [redacted]e issued as REAL ID compliant [redacted] (UNITED STATES)

Signature	Title
[redacted]	Deportation Officer

Exhibit B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event No: [redacted]

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

Subject ID: 382858519 FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: SALATIEL MULLER-KINSMAN currently residing at:

[redacted] [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 native of NICARAGUA and a citizen of NICARAGUA;

3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

4. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

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:

See Continuation Page Made a Part Hereof

☐ 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:

1717 Avenue H Suite 100 Omaha NE 68110. EOIR Omaha, NE
(Complete Address of Immigration Court, including Room Number, if any)

on September 18, 2024 *(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.

For D. 4745/JONES - SDDO
(Signature and Title of Issuing Officer)

Date: January 26, 2023

NORTH PLATTE, NE
(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 January 26, 2023, 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 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.

_____ D 2727 STUTZMAN - DO

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

EOIR – 2 of 4

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.

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Uploaded on: 2/2/2023 at 10:52:10 a.m. Central Standard Time) Base City: OMA

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

Alien's Name	File Number	Date
MULLER-KINSMAN, SALATIEL	[redacted] Event No: [redacted]	01/26/2023

THE SERVICE ALLEGES THAT YOU:

5. You entered the United States at or near HIDALGO, TX, on or about September 5, 2022;

6. You were not then admitted or paroled after inspection by an Immigration Officer.ORAt that time you arrived at a time or place other than as designated by the Attorney General.

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:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

Signature	Title
for D. 4745 JONES	SDDO

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