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

MIRONSHOH KHURSANOV, *Petitioner*, v. JAMAL L. JAMISON, *et al.*, *Respondents*.	Civil Action No. 26-2502-JFL

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);

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

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

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 February 28, 2024. Ex. A, I-213, p. 2 (immigration history). Upon entering the United States, Petitioner was arrested by the United States Border Patrol, detained, and placed in removal proceedings before being released. *Id*. On or around April 14, 2026, Petitioner was arrested and detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A). Petition, at ¶ 39; Ex. A, p. 2 (encounter).

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);

[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).

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 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 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-*

[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.

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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Dated: April 21, 2026

Counsel for Respondents

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/ Fernando I. Rivera
FERNANDO I. RIVERA
Assistant United States Attorney

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

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
KHURSANOV, MIRONSHOH KHOLMURODOVICH		

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	File Number
UZBEKISTAN	[redacted] UZBEKISTAN	[redacted]

Height	Weight	Occupation
73	202	UNR

U.S. Address: [redacted]

Scars and Marks:

Date, Place, Time, and Manner of Last Entry: 02/28/2024 Unknown Time, UNK,

Passenger Boarded at:

F.B.I. Number: [redacted]

Marital Status: ☐ 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: 21	04/14/2026	PHI/PHI	See I-831	04/14/2026 11:49

City, Province (State) and Country of Birth: UZBEKISTAN

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

By: See Narrative

NIV Issuing Post and NIV Number:

Social Security Account Name: [redacted]

Status at Entry:

Status When Found:

Date Visa Issued:

Social Security Number: [redacted]

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: KHOLMURODOVICH NATIONALITY: UZBEKISTAN

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

Monies Due/Property in U.S. Not in Immediate Possession: None Claimed

Fingerprinted? ☐ Yes ☒ No

Systems Checks: See Narrative

Charge Code Words(s): See Narrative

Name and Address of (Last)(Current) U.S. Employer:

Type of Employment: Unemployed or Retired

Salary / Hr:

Employed from/to:

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

[redacted]

FAMILY INFORMATION

Father:KHOLMURODOVICH is a citizen of UZBEKISTAN.
Mother:YODGONA is a citizen of UZBEKISTAN.
Spouse:Subject is not married.
Child:Subject does not have children or dependents.

SUBJECT HEALTH STATUS

The subject claims good health. ...(CONTINUED ON I-831)

B 13477 HOXHA
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: B 13477 HOXHA

on: April 14, 2026 (time)

Disposition: Other

Examining Officer: SULLIVAN, T 7018

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

Alien's Name	File Number	Date
KHURSANOV, MIRONSHOH KHOLMURODOVICH	[redacted]	04/14/2026

CURRENT CRIMINAL CHARGES

04/14/2026 - 8 USC 1229a - ALIEN REMOVAL UNDER SECTION 212 AND 237

CURRENT ADMINISTRATIVE CHARGES

04/14/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)04/14/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

CIS checked on 04/14/2026 with Positive result.EARM checked on 04/14/2026 with Positive result.IAFIS checked on 04/14/2026 with Positive result.NCIC checked on 04/14/2026 with Positive result.TECS checked on 04/14/2026 with Positive result.

ARRESTING AGENTS

M 11336 OSPINAB 13477 HOXHAANRI VARDANYAN

ARRESTED AT/NEAR
[redacted]

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

KHURSANOV, Mironshoh A[redacted] is subject to President Donald Trump's Executive Order, titled "Protecting the American People Against Invasion," signed on January 20, 2025.

Encounter:
On April 14, 2026, KHURSANOV, Mironshoh a native and citizen of Uzbekistan reported to the BI/ISAP office in Philadelphia for a scheduled check in. At approximately 11:00am, officers identified KHURSANOV based on previous photographs in DHS databases. Officers approached KHURSANOV identified themselves both physically and verbally and questioned KHURSANOV as to his identity and immigration status. KHURSANOV confirmed he was in fact the target of the operation and denied having any documentation that would allow him to enter or remain in the United States legally. KHURSANOV was placed in custody because he has over sixty violations of the ATD program. KHURSANOV was transported to the Philadelphia Field Office for processing pursuant to an I-200.
Alienage & Removability:
KHURSANOV is not a citizen nor national of the United States. KHURSANOV is a citizen and national of Uzbekistan. KHURSANOV is inadmissible due to his illegal entry into the United States and has a pending master hearing on September 16, 2026.
Family/ Derivative Citizenship:
KHURSANOV has not asserted any claim to United States citizenship, nor do any records indicate that he has obtained or derived such citizenship. KHURSANOV's parents are both citizens and nationals of Uzbekistan.
Immigration History:
A Border Patrol agent (BPA) encountered KHURSANOV (DOB: [redacted], a citizen of Uzbekistan, [redacted] on February 28, 2024 at approximately 12:48pm near Tecate, CA. A BPA determined KHURSANOV had unlawfully entered the United States of America near Tecate, CA from Mexico at a time and place other than as designated by the Secretary of the Department of Homeland Security. KHURSANOV was served with DHS forms I-862, I-200, I-286, and a list of free legal services.
KHURSANOV has an active work authorization and an active application for asylum.

Signature	Title
B 13477 HOXHA	Deportation Officer

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

Alien's Name	File Number	Date
KHURSANOV, MIRONSHOH KHOLMURODOVICH	[redacted]	04/14/2026

Criminal History:
KHURSANOV does not have a known criminal record in the US.
KHURSANOV does not have any outstanding wants or warrants.

Health & Humanitarian:
KHURSANOV denied any significant humanitarian concerns.
KHURSANOV claimed that he suffers from no medical conditions.
KHURSANOV made a phone call to his aunt [redacted].
KHURSANOV did not wish to speak with the Uzbekistan Embassy. Consular notifications are mandatory.
KHURSANOV claimed he is not married and has no children
KHURSANOV claimed he never served in the United States Military.

Foreign Identity and Travel Documents:
KHURSANOV did not have a travel document in his possession at the time of arrest. He was in possession of his Uzbekistan driver's license. A copy of an Uzbek passport was located in DHS databases.

Removability:
KHURSANOV is removable pursuant to Section 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA), 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:
KHURSANOV was processed and served a Form I-200 and given a list of pro bono legal services. Form I-830 will be served on EOIR.

I-77 - [redacted]
G-589 -

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]
Driver's License (State and Country)-[redacted] (UNITED STATES)

Signature	Title
B 13477 HOXHA	Deportation Officer