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**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF FLORIDA
 MIAMI DIVISION**

LIAT MESUDI AVITAL

Petitioner,

v.

WARDEN, Broward Transitional Center;
GARRETT J. RIPA, Director of
 Miami Field Office, U.S. Immigration
 and Customs Enforcement;
TODD LYONS, Acting Director of
 U.S. Immigration and Customs
 Enforcement, In his official capacity;
MARKWAYNE MULLIN
 Secretary of the U.S. Department of
 Homeland Security; and **TODD BLANCHE**,
 Attorney General of the United States,
 in their official capacities,

Respondents.

Case No. 1:26-cv-22685

**PETITION FOR WRIT OF
 HABEAS CORPUS**

**ORAL ARGUMENT
 REQUESTED**

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
 PURSUANT TO 28 U.S.C. § 2241 AND THE SUSPENSION CLAUSE
 WITH REQUEST FOR IMMEDIATE RELEASE OR,
 IN THE ALTERNATIVE, EMERGENCY BOND HEARING**

INTRODUCTION

1. Liat Mesudi Avital is a citizen of Israel, a survivor of domestic violence at the hands of her United States citizen ex-husband, and the mother of children residing in the United States. She has an approved prima facie determination on her Violence Against Women Act (VAWA) self-petition (Form I-360) that has automatically extended because USCIS has not adjudicated the petition. She has a pending application to adjust status to lawful permanent resident (Form I-485). USCIS confirmed her continuing status by approving her employment authorization under category (c)(9), based on her pending adjustment of status in connection with her VAWA-based relief, valid through March 21, 2030.

2. On or about April 10, 2026, ICE agents arrested Mrs. Avital without a warrant while she was on a recreational boat with her family in Miami, Florida. She was transported to the Broward Transitional Center in Pompano Beach, Florida, where she remains detained. As of the date of this filing, no Notice to Appear has been filed with the Immigration Court. Although an NTA has been served on Mrs. Avital, upon information and belief it has not been filed with the Immigration Court. No removal proceedings have been initiated, no custody determination has been made, and no hearing of any kind has been provided. Mrs. Avital has no criminal history.

3. This case does not turn on delay alone. It turns on the absence of any meaningful process governing Petitioner's detention. Mrs. Avital has been detained by the Executive without a meaningful custody determination. No administrative forum is available to provide one. And absent intervention by this Court, no such forum will become available.

4. The Government is expected to classify Mrs. Avital as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b). If that classification is correct, it carries devastating consequences. By regulation, Immigration Judges are expressly stripped of jurisdiction to conduct custody redeterminations for arriving aliens. 8 C.F.R. § 1003.19(h)(2)(i)(B). The Board

of Immigration Appeals has confirmed that limitation. *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025); *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). At the same time, the narrow review provisions of 8 U.S.C. § 1252(e) do not permit inquiry into the legality of detention, individualized custody factors, or constitutional claims. The result is that, under the Government's own theory, Petitioner is detained without access to a bond hearing, without access to meaningful administrative review, and without any statutory mechanism that permits her to challenge her confinement.

5. That combination is not merely a gap in the system. It is the absence of a system. The Constitution does not permit executive detention to exist in a space where no forum is available to test its legality. The Suspension Clause preserves the writ of habeas corpus precisely for circumstances such as this one — where the Executive asserts the authority to detain, yet no adequate mechanism exists to review that detention. When all administrative avenues are either foreclosed or incapable of addressing the legality of custody, a federal court is not simply permitted to act; it is required to do so. *Boumediene v. Bush*, 553 U.S. 723, 771 (2008).

6. Mrs. Avital's detention is unlawful on multiple independent grounds: (a) no constitutionally adequate process exists to review her detention, violating the Suspension Clause; (b) even if the Government's classification under § 1225(b) were correct, ongoing detention without any meaningful custody process violates the Due Process Clause of the Fifth Amendment; (c) alternatively, her detention is properly governed by 8 U.S.C. § 1226(a), not § 1225(b), because she was admitted to the United States and was arrested in the interior nearly four years after her last entry; and (d) the Government conducted a warrantless arrest without satisfying the statutory prerequisites under 8 U.S.C. § 1357(a)(2).

7. Because no administrative forum exists in which Petitioner may seek relief — the IJ is stripped of jurisdiction by regulation and binding BIA precedent, and § 1252(e) provides no adequate substitute — immediate release is the only constitutionally adequate remedy. Accordingly, Petitioner seeks an order directing her immediate release. In the alternative, Petitioner requests an individualized bond hearing before this Court at which the Government shall bear a burden consistent with due process to demonstrate that continued detention is justified.

JURISDICTION

8. This action arises under the Constitution of the United States, Art. I, § 9, cl. 2 (Suspension Clause), the Fifth Amendment Due Process Clause, and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*

9. This Court has subject matter jurisdiction under: 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. §§ 2201–2202 (declaratory judgment); 28 U.S.C. § 1651 (All Writs Act); and the Suspension Clause, U.S. Const. Art. I, § 9, cl. 2.

10. Congress has not validly stripped this Court of habeas jurisdiction over the claims raised herein. To the extent that 8 U.S.C. § 1252(e) purports to limit judicial review for arriving aliens, such limitation is constitutionally inadequate as applied to Petitioner's claims because it provides no adequate substitute for habeas corpus review. *Boumediene*, 553 U.S. at 771; *INS v. St. Cyr*, 533 U.S. 289, 301–02 (2001). The Suspension Clause preserves this Court's jurisdiction.

11. Venue is proper in the Southern District of Florida, Miami Division, because Petitioner is detained at the Broward Transitional Center in Pompano Beach, Florida, which is within this judicial district.

EXHAUSTION

12. There is no statutory exhaustion requirement applicable to 28 U.S.C. § 2241 petitions. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). Prudential exhaustion should not be required here for several independent reasons.

13. First, exhaustion is futile. The BIA has issued binding precedential decisions holding that arriving aliens are subject to mandatory detention under § 1225(b) and that IJs have no jurisdiction to conduct bond hearings in such cases. *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025); *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). Further administrative proceedings would not provide the relief Petitioner seeks.

14. Second, no administrative forum exists in which Petitioner can seek a custody redetermination. By regulation, 8 C.F.R. § 1003.19(h)(2)(i)(B) expressly strips IJs of "jurisdiction" to redetermine bond conditions for arriving aliens. That bar is categorical. Where Congress or the Executive has closed every administrative door, demanding that a petitioner exhaust "remedies" that do not exist is legally incoherent. *McCarthy*, 503 U.S. at 148.

15. Third, Petitioner raises pure questions of statutory and constitutional law, whether § 1225(b) or § 1226(a) governs this detention, and whether mandatory detention without any hearing comports with due process and the Suspension Clause — that the BIA cannot resolve. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 413 (2024) (courts, not agencies, determine what the law is).

16. Moreover, although an NTA has been served on Petitioner, no removal proceedings have been initiated because, upon information and belief, the NTA has not been filed with the Immigration Court. Until filing occurs under 8 C.F.R. § 1003.14, there is no pending proceeding to exhaust. Even if proceedings were initiated, the futility analysis above would still apply, no bond hearing would be available.

PARTIES

Petitioner

17. Petitioner Liat Mesudi Avital is a citizen and national of Israel. She originally entered the United States on a valid tourist visa and was inspected and admitted by an immigration officer. She subsequently departed and re-entered the United States on government-issued advance parole on July 14, 2022, with an authorized parole period through July 12, 2023. Mrs. Avital has resided in the United States continuously. She is the mother of children who reside in the United States.

18. Mrs. Avital is the survivor of battery and extreme cruelty inflicted by her ex-husband, Asaf David, a naturalized United States citizen who was born on [REDACTED] in Israel and naturalized on November 30, 2011. They lived together at [REDACTED], from October 2020 until March 2023. On November 15, 2024, Mrs. Avital filed a VAWA I-360 self-petition. On December 24, 2024, USCIS issued a prima facie determination recognizing her claim under the self-petitioning provisions of the Violence Against Women Act. The determination was initially valid through December 24, 2025; because USCIS has not adjudicated the I-360, it automatically extended pursuant to its own terms, which provide: "[i]f this period is coming to a close and a decision has not been made on your case, you will automatically receive an extension within 60 days of the ending date."

19. On March 22, 2025, months after the prima facie determination, USCIS approved Mrs. Avital's application for employment authorization under category (c)(9), based on her pending adjustment of status, which remains pending in connection with her VAWA-based relief. The EAD is valid through March 21, 2030. USCIS's issuance of a five-year employment

authorization document confirms the agency's continued recognition of Mrs. Avital's pending status. Her I-485 application for adjustment of status remains pending.

20. Mrs. Avital has no criminal history of any kind.

21. Mrs. Avital is currently detained at the Broward Transitional Center in Pompano Beach, Florida.

Respondents

22. Respondent [Warden/Officer-in-Charge] is the Warden or Officer-in-Charge of the Broward Transitional Center in Pompano Beach, Florida, and has direct and immediate custody of Petitioner. This respondent is sued in their official capacity.

23. Respondent Garrett Ripa is the Field Office Director of the Miami Field Office of U.S. Immigration and Customs Enforcement, which has jurisdiction over Petitioner's detention. He is sued in his official capacity.

24. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the agency responsible for Petitioner's arrest and detention. He is sued in his official capacity.

25. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and has ultimate supervisory authority over ICE, including over the detention and removal of noncitizens. He is sued in his official capacity.

STATEMENT OF FACTS

A. Immigration History and VAWA Case

26. Mrs. Avital is a native and citizen of Israel. She originally entered the United States on a valid tourist visa (B-1/B-2) and was inspected and admitted by an immigration officer at a designated port of entry.

27. During her time in the United States, Mrs. Avital departed and re-entered on advance parole on three occasions. Each departure was brief and casual, and each return was authorized by the government through advance parole documents issued by USCIS. Her final advance parole re-entry was on July 14, 2022, with an authorized parole period through July 12, 2023.

28. Mrs. Avital's departures were not attempts to evade the law or engage in any unlawful activity. They were brief trips authorized by the federal government through advance parole — a mechanism designed to permit noncitizens with pending applications to travel and return without abandoning those applications. The government specifically contemplated and authorized her return each time.

29. During her marriage to Asaf David, Mrs. Avital was subjected to battery and extreme cruelty for approximately two and a half years, as documented in her VAWA I-360 filing and supporting evidence. USCIS's prima facie determination confirms the agency's finding that Mrs. Avital established a prima facie case of battery or extreme cruelty by her United States citizen spouse. The specific details of the abuse are set forth in Mrs. Avital's sworn declaration filed with USCIS and are subject to the confidentiality protections of 8 U.S.C. § 1367.

30. The record reflects consistent government engagement with Mrs. Avital's immigration case: she was admitted on a tourist visa, issued advance parole on three occasions, her VAWA petition was accepted and granted a prima facie determination, her adjustment application was accepted, and her employment authorization was approved through 2030. The

record reflects no finding by any government agency or adjudicator that Mrs. Avital poses a danger or flight risk.

B. Apprehension and Detention

31. On or about Friday, April 10, 2026, ICE agents arrested Mrs. Avital while she was on a recreational boat with her family in Miami, Florida. Upon information and belief, the arrest was made without a judicial warrant.

32. Mrs. Avital was not fleeing, evading law enforcement, or engaging in any unlawful activity at the time of her arrest. She was with her family on a recreational outing. There were no exigent circumstances requiring immediate warrantless arrest.

33. Mrs. Avital was transported to the Broward Transitional Center in Pompano Beach, Florida, where she has been detained continuously since approximately April 10, 2026 — a period of seven days or more as of the date of this filing.

34. Although an NTA was served on Mrs. Avital on or about April 14, 2026, upon information and belief, the NTA has not been filed with the Immigration Court. No removal proceedings have been initiated under 8 C.F.R. § 1003.14. No master calendar hearing has been scheduled. No custody determination has been made. No bond hearing has been conducted. No hearing of any kind has been provided.

35. Mrs. Avital is being held in ongoing detention without any meaningful custody process.

C. The Absence of Any Forum

36. The question before this Court is not whether proceedings have begun in a technical sense, but whether there exists any constitutionally adequate process by which the lawfulness of Petitioner's detention can be examined. On this record, there is not.

37. If the Government classifies Mrs. Avital as an arriving alien under § 1225(b), then by regulation, Immigration Judges are categorically barred from conducting custody redeterminations. 8 C.F.R. § 1003.19(h)(2)(i)(B). The BIA has confirmed this limitation in binding precedent. *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025); *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). There is no bond hearing available in immigration court.

38. At the same time, the narrow review provisions of 8 U.S.C. § 1252(e) do not permit inquiry into the legality of detention, individualized custody factors, or constitutional claims. Section 1252(e)(2) limits judicial review to three narrow questions: (1) whether the petitioner is an alien; (2) whether the petitioner was ordered removed; and (3) whether the petitioner can prove she is a lawful permanent resident, refugee, or asylee. None of these questions reaches the merits of detention.

39. The result, under the Government's own theory, is that Petitioner is detained without access to a bond hearing, without access to meaningful administrative review, and without any statutory mechanism that permits her to challenge her confinement. That combination is not merely a gap in the system. It is the absence of a system.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE SUSPENSION CLAUSE

U.S. Const. Art. I, § 9, cl. 2

40. Petitioner repeats and re-alleges each allegation above as though fully set forth herein.

41. The Suspension Clause commands that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety

may require it." U.S. Const. Art. I, § 9, cl. 2. The Supreme Court has held that the Suspension Clause has a "minimum content": it ensures that federal courts retain jurisdiction to review the lawfulness of executive detention and to order release if detention is unlawful. *Boumediene v. Bush*, 553 U.S. 723, 745, 771–75 (2008). Congress may not strip federal courts of habeas jurisdiction without providing an adequate substitute procedural mechanism. *Id.* at 776.

42. Here, the combination of (1) the Government's position that Petitioner is subject to mandatory detention under § 1225(b) as an arriving alien; (2) the regulatory bar at 8 C.F.R. § 1003.19(h)(2)(i)(B) that categorically strips IJs of jurisdiction to redetermine custody for arriving aliens; (3) the binding BIA precedents in *Matter of Q. Li* and *Matter of Yajure-Hurtado* confirming that no bond hearing is available; and (4) the limited scope of 8 U.S.C. § 1252(e), which does not reach the merits of detention — leaves Petitioner with no forum whatsoever in which to contest her imprisonment. This complete foreclosure of review constitutes a functional suspension of the writ.

43. The regulatory bar at 8 C.F.R. § 1003.19(h)(2)(i)(B) has a critical consequence for the remedy this Court must order. Where a noncitizen subject to detention has no available administrative forum — no IJ bond hearing, no BIA review, no § 1252(e) pathway that reaches the merits — the habeas court is not limited to ordering a hearing. When there is no lawful process available through which detention can be validated, the only constitutionally adequate remedy is release. *Cf. Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001). To hold otherwise would allow the Executive to extinguish habeas review simply by closing every administrative door, rendering the Suspension Clause a nullity.

44. No rebellion or invasion justifying suspension of the writ has been declared by Congress. Petitioner is therefore entitled to meaningful habeas review and, given the complete

absence of any alternative forum, to immediate release as the only constitutionally adequate remedy under this Count.

COUNT II
IN THE ALTERNATIVE, PETITIONER'S DETENTION IS GOVERNED
BY § 1226(a), NOT § 1225(b)

45. Petitioner repeats and re-alleges each allegation above.

46. Even if this Court finds jurisdiction under Count I alone, Petitioner submits in the alternative that the Government's anticipated classification of her under § 1225(b) is legally incorrect. The Supreme Court has drawn a clear doctrinal line between noncitizens "seeking admission into the country" — governed by § 1225(b) — and those "already in the country" in removal proceedings — governed by § 1226(a). *Jennings v. Rodriguez*, 583 U.S. 281, 289, 303 (2018). Mrs. Avital, who was admitted on a tourist visa, has lived in the United States continuously, and was arrested in the interior nearly four years after her last entry, falls within the latter category.

47. First, Mrs. Avital was admitted to the United States. She entered on a valid tourist visa and was inspected and authorized by an immigration officer. She was "admitted" within the meaning of 8 U.S.C. § 1101(a)(13)(A). Persons who have been admitted are detained under § 1226(a), not § 1225(b).

48. Second, Mrs. Avital's departures and returns on government-issued advance parole further support classification under § 1226(a). The government itself authorized each departure and return, issuing advance parole specifically to permit travel without abandoning pending applications. To the extent the principle of *Rosenberg v. Fleuti*, 374 U.S. 449 (1963), applies — that a brief, casual, and innocent departure should not convert a previously admitted person into an applicant for admission — Mrs. Avital's government-authorized travel satisfies that standard.

At minimum, the government's own authorization of her travel undermines any argument that she should be treated as an arriving alien.

49. **Third, Mrs. Avital was not "seeking admission" at the time of her arrest.** She was arrested on April 10, 2026 — nearly four years after her last entry on July 14, 2022. She was living in the interior of the United States, not presenting herself at a port of entry. The statutory text of § 1225(b)(2)(A) requires that the person be "seeking admission" — a temporal requirement tied to the act of seeking entry, not a permanent status label. A person living in the interior for years is not "seeking admission." *Jennings*, 583 U.S. at 289.

50. Fourth, the Government's position would render the bond provisions of § 1226(c)(1)(A), (D), and (E) entirely superfluous — Congress would have had no reason to enumerate specific categories of inadmissible noncitizens subject to mandatory detention if § 1225(b) already covered all inadmissible noncitizens. This Court should reject that reading under the canon against surplusage. *Corley v. United States*, 556 U.S. 303, 314 (2009).

51. Even if this Court determines that Mrs. Avital's advance parole has expired, her detention remains governed by § 1226(a). The determinative question is not whether parole existed at the moment of arrest, but whether the re-arrest constitutes an independent executive detention decision made after the initial border encounter had concluded. Where, as here, Petitioner was released into the interior, lived here for years, and was then re-detained through an independent ICE enforcement action, the detention arises under § 1226(a). See *Ivonin v. Rhoney*, No. 25-CV-6673-EAW (W.D.N.Y. Jan. 26, 2026) (holding that re-arrest after parole expiration is an independent detention decision under § 1226); *Cabrera Martinez v. Marich*, No. 25-cv-1110 (W.D.N.Y. 2025) (same).

52. If Mrs. Avital is properly classified under § 1226(a), she is entitled to a bond hearing before an Immigration Judge at which the government bears an appropriate burden consistent with due process to demonstrate that she is a danger or flight risk. She has been entirely denied this hearing.

53. Even if this Court determines that § 1225(b) applies, prolonged detention without any opportunity to seek release violates the Due Process Clause, as set forth in Count III below, and the Suspension Clause, as set forth in Count I above.

COUNT III
VIOLATION OF THE FIFTH AMENDMENT — DUE PROCESS
(Procedural and Substantive)

54. Petitioner repeats and re-alleges each allegation above.

55. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Its protections extend to all persons within the United States, regardless of immigration status. *Zadvydas*, 533 U.S. at 693.

56. Applying the *Mathews v. Eldridge* balancing test, 424 U.S. 319 (1976): (1) the private interest is compelling — physical liberty is the most fundamental of rights; (2) the risk of erroneous deprivation is at its highest — Mrs. Avital has received no process at all; and (3) the government's interest is minimal — Mrs. Avital has no criminal history, was not fleeing, and the government itself recognized her VAWA claim, approved her EAD, and accepted her adjustment application.

57. Civil immigration detention is constitutionally permissible only insofar as it is reasonably related to its regulatory purposes — ensuring appearance at proceedings and protecting the community. *Zadvydas*, 533 U.S. at 690. Those purposes must be evaluated through some form of individualized determination. Here, there has been none. No neutral decisionmaker has

evaluated whether detention is necessary to serve any legitimate purpose. Continued detention under these circumstances is not regulatory — it is arbitrary.

58. Regulations generally require that following a warrantless arrest, a custody determination be made within 48 hours, absent extraordinary circumstances. 8 C.F.R. § 287.3(d); *County of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991). Mrs. Avital has been detained for approximately seven days without any custody determination. This alone violates procedural due process.

59. The Government's position effectively asks this Court to accept that Petitioner may be detained without a bond hearing, without meaningful administrative review, and without timely judicial intervention, based solely on a categorical classification that itself cannot be meaningfully challenged anywhere within the administrative system. That is not a lawful exercise of civil detention authority. It is detention without process.

COUNT IV
VIOLATION OF THE FOURTH AMENDMENT — UNREASONABLE SEIZURE
(Warrantless Arrest Without Probable Cause of Flight)

60. Petitioner repeats and re-alleges each allegation above.

61. ICE officers may conduct a warrantless arrest only where both statutory prongs are satisfied: (1) the officer has reason to believe the individual is present in violation of immigration law, and (2) the officer has reason to believe the individual is "likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). Both elements are mandatory. The Supreme Court has expressed a "strong preference" that immigration arrests be based on warrants. *Arizona v. United States*, 567 U.S. 387, 407–08 (2012). See also *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050–51 (1984).

62. Upon information and belief, ICE arrested Mrs. Avital without a warrant and without documenting any particularized basis for concluding that she was likely to escape before a warrant could be obtained. Mrs. Avital was on a recreational boat with her family. She was not fleeing. She had been living openly in the community, engaging with the immigration system, and had pending applications with USCIS. She had a valid EAD. There was no basis to believe she would escape.

63. The flight-risk determination must be based on individualized facts, not generalized assumptions about immigration status. A warrantless arrest of a VAWA self-petitioner with an approved prima facie determination, a valid employment authorization document, deep community ties, and no criminal history — while she was on a family outing — fails to satisfy the flight-risk prong of § 1357(a)(2). The warrantless arrest was unlawful, and Petitioner's continued detention flowing from that arrest is likewise unlawful.

COUNT V
VIOLATION OF VAWA CONFIDENTIALITY PROTECTIONS
8 U.S.C. § 1367

64. Petitioner repeats and re-alleges each allegation above.

65. Congress enacted 8 U.S.C. § 1367 to protect domestic violence survivors in the immigration system from retaliation and exposure. The statute prohibits the Government from using information furnished by an abuser to make an adverse determination against a VAWA applicant. To the extent the Government relied on information furnished by or derived from Mrs. Avital's abuser in initiating enforcement action against her, such reliance would violate § 1367. Petitioner reserves the right to develop this claim through discovery and requests that this Court order compliance with § 1367's confidentiality protections in all proceedings.

IRREPARABLE HARM

66. "[T]he loss of constitutional freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Continued unlawful detention causes irreparable harm that cannot be remedied by money damages. Each day of unlawful detention is a deprivation of liberty that cannot be restored. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

67. Mrs. Avital has been separated from her children. Her VAWA case — designed by Congress to protect domestic violence survivors — is undermined by the very government that recognized her prima facie claim and issued her employment authorization. Although an NTA has been served, no removal proceedings have been initiated, no hearing date set, and no opportunity provided to present her case to any adjudicator. She remains detained without any mechanism to challenge her confinement.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241 and the Suspension Clause of the United States Constitution;
2. Issue an Order to Show Cause directing Respondents to show cause within three (3) days why the writ should not be granted;
3. Issue an immediate anti-transfer order prohibiting Respondents from transferring Petitioner outside this District or removing her from the United States without prior Court approval, to preserve jurisdiction;
4. Grant the Writ of Habeas Corpus and order Petitioner's immediate release from custody, on the ground that no lawful administrative forum exists in which Petitioner may challenge her detention, the IJ is categorically stripped of bond jurisdiction by 8 C.F.R. §

1003.19(h)(2)(i)(B) and binding BIA precedent, and the Suspension Clause compels release as the sole effective remedy;

5. In the alternative, order an immediate individualized bond hearing at which the government bears an appropriate burden consistent with due process to demonstrate that Petitioner is a danger or flight risk, with consideration of alternatives to detention;

6. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226(a), not § 1225(b);

7. Declare that Petitioner's warrantless arrest violated 8 U.S.C. § 1357(a)(2);

8. Order that the provisions of 8 U.S.C. § 1367 (VAWA confidentiality) be observed in all proceedings;

9. Order the return of all of Petitioner's property, including her Employment Authorization Document and identification documents;

10. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

11. Grant such other and further relief as this Court deems just, proper, and equitable.

Dated: April 17, 2026

Respectfully submitted,

/s/ Raisa Cohen

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(Pro Hac Vice forthcoming)

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Counsels for Petitioner

Exhibit List

Exhibit A	Petitioner's passport stamp
Exhibit B	VAWA Prima Facie Determination
Exhibit C	Employment Approval Document (Work Permit)

VERIFICATION

I, Hon. Raisa Cohen (Ret.), declare under penalty of perjury pursuant to 28 U.S.C. § 1746 and § 2242 that I have discussed the facts and allegations of this Petition with Liat Mesudi Avital, and that to the best of my knowledge and belief based on those discussions and my review of supporting documentation, the allegations contained in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Executed on April 17, 2026, at Forest Hills, New York.

/s/ Raisa Cohen

RAISA COHEN, ESQ.