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

ABUBACAR TOURE, *Petitioner*, v. J.L. JAMISON, et al., *Respondents*.	Civil Action No. 26-cv-2623

RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS

No Hearing or Oral Argument Required

I. INTRODUCTION

In recent months, immigration detainees in this District have filed hundreds of petitions for habeas corpus writs. These have challenged the U.S. Department of Homeland Security Secretary's authority to detain the petitioners without a bond hearing, pending completion of immigration-court removal proceedings (which include consideration of any asylum-claim defense to removal).

The habeas cases can be divided into four categories:

First, "*Hurtado* cases"[1] involve petitioners: (1) who entered the United States without inspection; and (2) whom immigration authorities, after a passage of time, encountered in the nation's interior (rather than at the borders), placed in standard removal proceedings, and then recently 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).

Second, **"*Q. Li* cases"[2] (like this one)** involve petitioners who entered the United States without inspection and whom immigration authorities: (1) encountered near the border, detained without a warrant, and released into the country (for example, on the petitioner's own recognizance, with a duty to appear for removal proceedings under a notice to appear served at that time); and (2) then, 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).

Third, **"arriving-alien cases"** involve petitioners: (1) who presented at a port of entry, without valid entry documents, and were paroled into the country under 8 U.S.C. § 1182(d)(5)(A); and (2) whom immigration authorities, 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).

Fourth, **"expedited-removal cases"** involve petitioners: (1) who, based on certain conditions (related to time, manner, and place of entry), were placed into expedited removal proceedings and paroled into the United States under 8 U.S.C. § 1182(d)(5)(A); and (2) whom immigration authorities, 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 case categories (which include *Q. Li* cases) share the same 8 U.S.C. § 1225(b)(2)(A) authority for mandatory detention. Although there are legal and factual distinctions among those cases, the fundamental point of departure between the government's position, on the one hand, and petitioners' position (which to date over 250 decisions in this District have adopted), on the other, turns on how to interpret § 1225(b)(2)(A), which provides:

> In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking**

[2] "*Q. Li*" refers to *Matter of Q. Li,* 29 I&N Dec. 66 (BIA 2025).

> **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), judges 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." These courts have reasoned that the term "seeking admission": (1) to avoid surplusage, should be given meaning beyond "applicant for admission"; but (2) is limited to "active and ongoing" efforts to be admitted *at or near the border*. *See, e.g., Kashranov v. Jamison*, No. 25-cv-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*: (1) they have been admitted; or (2) their removal proceedings are complete. Though the vast majority of district courts to have ruled on the government's position have rejected it, the 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. Feb. 6, 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*, 170 F.4th 1128, 1134 (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. Under 8 U.S.C. § 1225(b)(2)(A), the government has just re-detained Petitioner Abubacar Toure, a 40-year-old citizen of Guinea,

Earlier, on November 20, 2023, near Lukeville, Arizona, immigration authorities initially encountered Mr. Toure after he entered the United States without having been admitted or paroled by an immigration officer. *See* Exhibit A hereto (Notice to Appear); Petition, ECF 1, p. 1 ¶ 2. At that time, immigration authorities issued Mr. Toure a Notice to Appear and released him from custody on his own recognizance. *See* Exhibit A hereto (Notice to Appear); Petition, ECF 1, p. 2 ¶ 3 (he "was released to enter the United States" to seek relief from removal and "was instructed that he would be required to check-in with" ICE).

As he notes in his Petition, Mr. Toure has had a pending request to be relieved from removal. *See* Petition, p. 2 ¶ 4.

Two days ago, on April 20, 2026, when Mr. Toure reported to an immigration (ICE) office in Philadelphia for a scheduled visit, immigration authorities detained him under the still-operative November 2023 Notice to Appear, and under 8 U.S.C. § 1225(b)(2)(A), while he awaits a final hearing on his application to be relieved from removal. *See* Petition, ECF 1, at p. 2 ¶ 5.

Since his detention two days ago, Mr. Toure has been detained within this District, at the Federal Detention Center-Philadelphia. *See* ECF 1, at p. 1 ¶ 1, p. 2 ¶ 2. Relatedly, yesterday the Court entered an Order providing that: "The Government shall not transfer Petitioner outside of the Eastern District of Pennsylvania without further order of the Court." *See* Order, ECF 2, ¶ 3.

This case turns principally on the threshold statutory interpretation question discussed above—whether Mr. Toure is an "applicant for admission" who is "seeking

admission" within the meaning of § 1225(b)(2)(A).[3] The government expands on its argument, below, in the context of Mr. Toure having been: (1) initially encountered near the Arizona border after entering without inspection; (2) being given a Notice to Appear, placed in removal proceedings, and released on his own recognizance with an obligation to surrender for removal if so ordered, and thus falling within the scope of the Board of Immigration Appeals' *Q. Li* decision; and (3) recently detained in this District, pending completion of his removal proceedings. The government also addresses Mr. Toure's separate argument alleging a violation of due process.

II. ARGUMENT

The Court should deny the Petition because: (1) Mr. Toure is lawfully detained under 8 U.S.C. § 1225(b)(2)(a); and (2) his detention does not violate constitutional due process.

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

1. He is an "applicant for admission" who is "seeking admission."

An individual who "arrives" or is "present" in this country but "has not been admitted" is an "applicant for admission" under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 499-500 (5th Cir. Feb. 6, 2026). Such 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).

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[3] In many earlier responses filed in this District, the government advanced jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of: (1) 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), and 1252(g); and (2) *Khalil v. President, United States of America*, 164 F.4th 259 (3d Cir. 2026).

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, and that alien (like Mr. Toure) seeks 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 (if the alien is not seeking admission), 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, to date, all judges in this District (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that, to fall within its scope, an "applicant for admission" be actively "seeking admission" *at or near the border*. *See, e.g., Kashranov v. Jamison*, No. 25-cv-5555, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).[4]

[4] The government is pursuing Third Circuit appeals related to both statutory and constitutional due-process claims. These appeal cases (now consolidated for all purposes) 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.). The government filed its consolidated (continued)

But, as noted, the Fifth and Eighth Circuit Courts of Appeals have agreed with the government's contrary position. *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.'"); *Avila v. Bondi*, 170 F.4th at 1134 (concluding that "the structure of § 1225(b)(2)(A) does not indicate that 'seeking admission' is a separate requirement for detention under the statute."). The *Buenrostro-Mendez* court concluded, correctly, that an "applicant for admission" is "necessarily someone who is 'seeking admission.'" *Id.* at 502-03. *But see Castañon-Nava*, 161 F.4th at 1062.

Thus, Mr. Toure, who is indisputably an "applicant for admission," is also still "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.

Under 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 [removal] proceeding under section 1229a." 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 under it are not entitled to bond. *Jennings*, 583 U.S. at 287 ("Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.").

The Board of Immigration Appeals (BIA) is part of the Executive Office for Immigration Review of the U.S. Department of Justice and is responsible for reviewing immigration-court decisions.

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opening brief on March 20, 2026. Expedited Third Circuit disposition is scheduled for the week of May 11, 2026.

Last year, in *Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA expanded upon the Supreme Court's holding in *Jennings* and clarified the scope of § 1225(b)(2) for applicants for admission who are situated like Mr. Toure and are "arriving" in the United States. *See Q. Li*, 29 I&N 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 (including those who like Mr. Toure had been given a notice to appear and released on recognizance), the BIA affirmed in *Q. Li* that the U.S. Department of Homeland Security may either place the alien into expedited removal proceedings under § 1225(b)(1) or full removal proceedings under § 1229a. *See Q. Li*, 29 I&N at 68; *see also id.* at 69-70 (recognizing for example that when DHS-granted parole is automatically terminated upon service of a notice to appear for removal proceedings, "the alien shall forthwith return or be returned to the custody from which he was paroled[,]" pending completion of removal proceedings), *citing* 7 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i).

According to the BIA, where the placement is into full removal proceedings, § 1225(b)(2)(A) mandates detention (without eligibility for release on bond) "until removal proceedings have concluded." *Id.* (citing *Jennings*, 583 U.S. at 299). *But see Cordero v. Rose*, EDPA No. 26-cv-534, 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 petitioner, who entered the United States more than three years before arrest, was not an applicant for admission who was actively "seeking admission" within the meaning of § 1225(b)(2)); *accord, e.g.*, *Cajas-Duchimaza v. McShane*, EDPA No. 26-cv-621, ECF No. 6 (Feb. 3, 2026); *Gurievi v. Rose*, EDPA No. 26-cv-736, ECF No. 6 at pp. 2-3 n.1 (Feb. 9, 2026).

Mr. Toure remains an applicant for admission seeking admission, and 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 is ineligible for a bond hearing before an immigration judge.

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

Congress broadly crafted "applicants for admission" to include undocumented persons, like Mr. Toure, 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.").

Mr. Toure's mandatory detention under §1225(b) will last for only the duration of his removal proceedings.

The Supreme Court has repeatedly recognized the profound public interest in detention while removal proceedings are pending. *See 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"); *see also Jennings,* 583 U.S. at 304.

In light of Congress's stated interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court has dispensed of any due-process concerns—without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976)—over detention for the period of removal proceedings. *See generally Demore*, 538 U.S. at 531.

Mr. Toure's detention two days ago (pending his removal proceedings) does not violate the Due Process Clause. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)

(detention shorter 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)). As of this time, Mr. Toure apparently does not challenge the reasonableness of his detention under *German Santos*. Nor could he do so, because he has been detained for only two days.

III. CONCLUSION

For the foregoing reasons, Respondents respectfully request that Abubacar Toure's Petition for Writ of Habeas Corpus be denied.

Respondents request that the Court decide the Petition on the papers. *See generally* Fed. R. Civ. P. 1.

Dated: April 22, 2026

Respectfully submitted,

DAVID METCALF
United States Attorney

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CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and downloading by all parties to the case.

Dated: April 22, 2026

/s/ Gerald B. Sullivan
Gerald B. Sullivan
Assistant United States Attorney

Uploaded on: 02/00/2024 at 11:11:43 AM Eastern Standard Time, Base City, PA

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

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

In the Matter of: Event No: [redacted]

Respondent: ABOUBACAR TOURE currently residing at:

[redacted] PHILADELPHIA, PENNSYLVANIA, 19142-1321

(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 GUINEA and a citizen of GUINEA ;
3. You arrived in the United States at or near LUKEVILLE, AZ , on or about November 20, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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)(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.

☐ 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:

900 MARKET STREET, SUITE 504 PHILADELPHIA PA 19107

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

on May 28, 2024 *(Date)* at 09:00 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

RAUL RODRIGUEZ
Acting/Patrol Agent in Charge
RAUL R RODRIGUEZ
Date: 2023.11.23 [illegible] -07:00
0152093852.CBP

(Signature and Title of Issuing Officer)

Date: November 23, 2023 Yuma, Arizona

(City and State)

EOIR – 1 of 3

Uploaded on: 02/09/2024 at 11:43 AM Eastern Standard Time, Base City, PH

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 November 23, 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.

_____ MATTHEW D. BUCKNER, BORDER PATROL AGENT

(Signature of Respondent if Personally Served)

MATTHEW D BUCKNER
Date: 2023.11.23 07:02:12 -07:00
0289321046 CBP

(Signature and Title of officer)

EOIR – 2 of 3

Uploaded on: 02/09/2024 at 11:11:43 AM Eastern Standard Time from Base City, PH

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.

EOIR – 3 of 3