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

YRYSKELDI DZHAKENOV,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 2:26-cv-2781
	:	
JAMAL L. JAMISON, *et al.*	:	
	:	
Respondents.	:	

RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS

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*

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

v. O'Neill, Civ. No. 25-6338, 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*, Civ. No. 26-0534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases (like this one)**: 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*, Civ. No. 25-7427, 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, matter, 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*, Civ. No. 26-0421 (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

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

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, at *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. Furthermore, in the cases of individuals paroled into the United States under 8 U.S.C. § 1182(d)(5), the government contends that the language of the statute makes clear that, following the period of parole, the

individual returns to the custody from which he was paroled at the border. And while the government's position has been rejected by the vast majority of district courts to have considered it, two courts of appeals, the Fifth and Eighth Circuit Courts of Appeals, have squarely considered the argument and 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*, 170 F.4th 1128, 1134 (8th Cir. 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 Da Cunha v. Freden*, No. 25-3141-pr, 2026 U.S. App. LEXIS 12201, at *12 (2d Cir. Apr. 28, 2026) (rejecting government's position) and *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 case involves an "Arriving Alien" who the government has detained under 8 U.S.C. § 1225(b)(2)(A). Petitioner, a noncitizen from Kyrgyzstan, entered the United States at the Hidalgo, Texas Port of Entry on April 24, 2023, where he was encountered and detained by U.S. Customs and Border Protection (CBP), and requested asylum. Pet. at ¶¶ 2-3. At the time of his entry, Petitioner did not possess valid entry documents, such as an unexpired immigrant visa, reentry permit, or

border crossing card, and thus, CBP deemed him inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I). *See* Form I-213 dated April 24, 2023, attached as Exhibit "1." Following an interview, Petitioner was paroled into the United States for one year under 8 U.S.C. § 1182(d)(5) pending a hearing on his asylum application. *See* Pet. ¶ 3 and Ex. 1; *see also* Petitioner's I-94, attached as Exhibit "2," confirming the term of his parole.

On October 30, 2025, DHS issued Petitioner a Notice to Appear ("NTA") before an immigration judge on January 5, 2027, which formally initiated Petitioner's removal proceedings based on his status as an "arriving alien." *See* DHS Form I-862, attached as Exhibit "3."[3]

With his parole expired and based on his undocumented status and ongoing removal proceedings, on April 27, 2026 DHS issued and served Petitioner with an I-200 Warrant for Arrest. *See* ICE Form I-200, Warrant for Arrest of Alien, attached as Exhibit "4," and ICE Form I-213 dated April 27, 2026, attached as Exhibit "5." On April 27, 2026, DHS arrested Petitioner and detained him under 8 U.S.C. § 1225(b)(2)(A). Pet. at ¶¶ 4-5; *see also* Ex. 5. Petitioner will be given a new immigration court date. Ex. 5 at p. 2.

Thus, this 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) following

[3] While Petitioner apparently received a similar document at the time of his April 24, 2023, encounter with DHS, *see* Pet. at Ex. A, only the October 30, 2025, NTA was filed with the immigration court, rendering any prior NTA moot.

expiration of his period of parole.[4] The government expands on that argument below, addresses the particular context of Petitioner's status as an "arriving alien" whose parole has expired, and addresses Petitioner's separate argument alleging a violation of due process.

ARGUMENT

The Court should deny the petition because: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(A); (2) neither a grant of discretionary parole nor its later expiration or termination changes Petitioner's legal status as an inadmissible arriving alien subject to mandatory detention; and (3) Petitioner's detention does not violate constitutional due process.

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

A. 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).

[4] In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it does not advance 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).

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).

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). This is particularly true for inadmissible arriving aliens like

Petitioner, who are necessarily "seeking admission" by virtue of their arrival at a port-of-entry and application to enter the United States. *See* 8 C.F.R. § 1001.1(q). This is why inadmissible arriving aliens like Petitioner, even after their entry to the United States, are not permitted to request voluntary departure and instead must withdraw their application for admission should they wish to depart the United States. *See* 8 U.S.C. § 1229c(a)(4).

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).[5] But, as noted, the Fifth and Eighth Circuit Courts of Appeal have 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.'"); *Avila*, 2026 U.S. App. LEXIS 8744, at *7 ("[W]e agree with the Fifth Circuit that the ordinary meanings of the phrases 'applicant for admission' and 'seeking admission' are the same."). The *Buenrostro-Mendez* court concluded,

[5] 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.

correctly, that an "applicant for admission" is "necessarily someone who is 'seeking admission.'" *Id.* at 503; *but see Da Cunha*, 2026 U.S. App. LEXIS 12201, at *12; *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), particularly where, as discussed below, the terms of his parole expired and he has returned to his custody status at the time of entry.

B. Applicants for admission, including arriving aliens, 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 § 1225(b)(2) authorize the detention of certain aliens"). The regulations further make clear that § 1225(b) is the proper detention authority for arriving aliens, like Petitioner, who are placed into removal proceedings under section § 1229(a) of the Act rather than processed for expedited removal. *See* 8 C.F.R. § 235.3(c) ("[A]ny arriving alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings . . . *shall be detained* in

accordance with [§ 1225(b)] of the Act) (emphasis added); *but see Murodov v. Jamison, et al.*, Civ. No. 26-0594 (E.D. Pa. Feb. 13, 2026) (finding an arriving alien is not subject to mandatory detention under § 1225(b)(2) because that section includes no reference to arriving aliens); *Alekseev v. Warden, et al.*, Civ. No. 26-0462 (E.D. Pa. Feb. 13, 2026) (same).

Thus, Petitioner, by virtue of his manner of entry into the United States, 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 following his application at a port-of-entry. Consequently, he is subject to mandatory detention under § 1225(b)(2) and is ineligible for a bond hearing before an immigration judge.

II. Neither a grant of discretionary parole nor a later expiration or revocation of parole changes Petitioner's legal status as an inadmissible arriving alien.

Under the INA and its implementing regulations, Petitioner was—and remains—an inadmissible arriving alien seeking admission to the United States. Specifically:

> Arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry[ ]. . . . An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the [INA], and even after any such parole is terminated or revoked. . . .

8 C.F.R. § 1001.1(q); *see also* 8 U.S.C. § 1225(a)(1) ("An alien present in the United States who has not been admitted or who arrives in the United States (whether or

not at a designated port of arrival . . .) shall be deemed for purposes of this chapter an applicant for admission.").

As an "arriving alien"—which constitutes a distinct category of "applicants for admission" within the category considered by the Board of Immigration Appeals in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025)—Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), as discussed above. *See* 8 C.F.R. § 235.3(c)(1). Custody regulations expressly exclude arriving aliens from receiving a bond hearing, even if they have been paroled into the country. Specifically, 8 C.F.R. § 1003.19(h)(2)(i) provides that an immigration judge "may not redetermine conditions of custody" (i.e., set bond) "with respect to . . . (B) Arriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the Act." Here, Petitioner applied for admission into the United States at a port-of-entry. *See* Pet. ¶ 2. "Thus, by definition, he is an arriving alien." *Contreras v. Oddo*, Civ. No. 25-0162, 2025 WL 2104428, at *4 (W.D. Pa. July 28, 2025).[6]

"[A]pplicants for admission may be temporarily released on parole 'in a case-by-case basis for urgent humanitarian reasons or significant public benefit.'"

[6] Judge Kenney of this Court rejected a similar government argument relying on the "arriving alien" distinction but did so by placing great weight on the government's reclassification of the petitioner in a superseding Notice to Appear as an "alien present in the United States" who had "arrived in the United States" one year before. *See Vasquez-Rosario v. Noem*, Civ. No. 25-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026). By contrast, here, Petitioner's NTA and the undisputed circumstances of his entry plainly confirm his status as an "arriving alien." *See* Pet. ¶¶ 2-3; *see also* Exs. 1, 3.

Contreras, 2025 WL 2104428, at *5 (quoting 8 U.S.C. § 1182(d)(5)(A)) (citing *Pierre v. Doll*, 350 F. Supp. 3d 327, 330 (M.D. Pa. 2018) ("Decisions under § 1182 are purely discretionary")); 8 C.F.R. § 212.5(b) (setting forth general considerations for parole from custody). However,

> **[P]arole of such alien shall not be regarded as an admission of the alien** and when the purposes of such parole shall, in the opinion of the Secretary of [DHS], have been served **the alien shall forthwith return or be returned to the custody from which he was paroled** and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

Contreras, 2025 WL 2104428, at *5 (emphasis added) (quoting 8 U.S.C. § 1182(d)(5)(A) and citing *Chi Thon Ngo v. INS*, 192 F.3d 390, 392 n. 1 (3d Cir. 1999) ("When parole is revoked, the alien reverts to the status of an applicant for admission")). "In short, the decision to grant and revoke parole to an inadmissible arriving alien is discretionary." *Id.* And, at the conclusion of parole, § 1182(d)(5)(A) provides that the alien must be "returned to the custody from which he was paroled." 8 U.S.C. § 1182(d)(5)(A).

Here, therefore, although Petitioner may previously have been paroled into the United States, a later decision to terminate or revoke that parole "is left to the discretion of the Executive Branch." *Id.* And, upon the expiration, termination, or revocation of his parole, Petitioner is returned to the custody from which he was paroled—the mandatory detention required for inadmissible arriving aliens under 8 U.S.C. § 1225(b)(2)(A). In other words, following expiration or termination of parole, Petitioner is returned to his status at the time of entry, *i.e.*, an "applicant for

admission," "seeking admission," who is "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). *But see*, *e.g.*, *Piurbeev v. Rose*, Civ. No. 26-0910 (E.D. Pa. Feb. 23, 2026) (Hodge, J.) (rejecting argument that an arriving alien is still "seeking admission" once paroled into the United States); *Olimov v. Jamison*, Civ. No. 26-0532 (E.D. Pa. Mar. 3, 2026) (Wolson, J.) (same); *Lotero Cano v. Jamison*, Civ. No. 26-1140 (E.D. Pa. Mar. 3, 2026) (Scott, J.) (same). Thus, under the applicable law, Petitioner's detention is lawful.

III. No written notice is required prior to terminating parole under § 1182(d)(5)(A).

No written notice is required prior to terminating a prior discretionary parole decision under § 1182(d)(5)(A). *See* 8 C.F.R. § 212.5(e)(1)(ii) (explaining that "[p]arole *shall be automatically terminated without written notice* . . . at the expiration of the time for which parole was authorized . . . in accordance with [8 C.F.R. § 212.5(e)(2),] *except that no written notice shall be required*") (emphasis added). Only when termination of parole is not automatic under § 212.5(e)(1)—in other words, when an alien has not departed the United States or the period of parole has not expired—is notice required under § 212.5(e)(2). *But see Talabadze v. Rose*, Civ. No. 26-0360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (finding notice required prior to terminating parole); *Vasquez Diaz v. Rose*, Civ. No. 26-0342 (Gallagher, J.) (same).

Here, Petitioner's parole expired on April 22, 2024. *See* Exs. 1, 2. As a result, Petitioner is no longer in an authorized period of parole, thus returning him to custody status under 8 U.S.C. § 1225(b)(2)(A).

Furthermore, the Court lacks jurisdiction to review a parole revocation decision under 8 U.S.C. § 1252(a)(2)(B), since it is plainly a discretionary "decision or action." *Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (holding DHS's authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (same). Moreover, to the extent Petitioner alleges that revocation of parole requires a case-by-case analysis, the Court should reject this argument. While 8 U.S.C. § 1182(d)(5)(A) requires that *grants* of parole be made on a case-by-case basis, it contains no parallel language with respect to terminations, and the language of § 1182(d)(5)(A) makes clear that such a determination is left entirely to the "opinion" of the DHS Secretary.

IV. 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*.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Petition be denied. Respondents request that the Court decide this Petition on the papers.

Respectfully submitted,

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Dated: May 1, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's Case Management/Electronic Case Filing System, thereby making said filing available for viewing and download by all counsel of record.

/s/ Lauren DeBruicker
LAUREN DeBRUICKER
Assistant United States Attorney

Dated: May 1, 2026

Exhibit “1”

U.S. Department of Homeland Security Subject ID : [redacted] **Record of Deportable/Inadmissible Alien**

Family Name (CAPS)	First	Middle
DZHAKENOV, YRYSKELDI		

Sex	Hair	Eyes	Cmplxn
M	BLK	BLK	LBR

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

Height	Weight	Occupation
72	169	

U.S. Address

Scars and Marks

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
04/24/2023 13:46, HID, PEDESTRIAN	See Narrative

F.B.I. Number [redacted] ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

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

Method of Location/Apprehension: ISP

Date of Birth	Age:	Date of Action	Location Code	At/Near	Date/Hour
[redacted]	[redacted]	04/24/2023	HID		04/24/2023 13:27

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
TALAS, KYRGYZSTAN			MARTIN GARCIA

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)

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
[redacted] NATIONALITY: KYRGYZSTAN	[redacted] NATIONALITY: KYRGYZSTAN

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 / 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.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



FAMILY INFORMATION

Father: [redacted] is a citizen of KYRGYZSTAN.
Mother: [redacted] is a citizen of KYRGYZSTAN.
Spouse:Subject is not married.
Child:Subject does not have children or dependents.

CURRENT CRIMINAL CHARGES

04/24/2023 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212 ...(CONTINUED ON I-831)

MARTIN GARCIA
CBP Officer

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

Distribution:

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

Officer: MARTIN GARCIA

on: April 24, 2023 (time)

Disposition: Notice to Appear (I-862)

Examining Officer: GAYTAN, JAVIER

Form I-213 (Rev. 08/01/07)

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

Alien's Name	File Number	Date
DZHAKENOV, YRYSKELDI	[redacted] Event No: [redacted]	04/24/2023

CURRENT ADMINISTRATIVE CHARGES

04/24/2023 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

BOARDED AT

HIDALGO,

RECORDS CHECKED

TECS checked on 04/24/2023 with Negative result.NCIC checked on 04/24/2023 with Negative result.CIS checked on 04/24/2023 with Negative result.IAFIS checked on 04/24/2023 with Negative result.

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

On April 24, 2023, subjects arrived at the Hidalgo Port of Entry via Pedestrian requesting asylum. The primary CBP Officer referred the subject into secondary after receiving a negative oral declaration.

Secondary interview and CBP system checks revealed the subjects were not in possession valid entry documents to enter or reside in the United States.

Immigration Violation(s): None.

Criminal History: None.

IDENT/IAFIS: Negative.

CCDI/CIS/CLAIMS/TECS: Negative.

Consular Notification: Subjects were afforded the opportunity to make a consular notification but declined.

Credible Fear Statement: Subjects requested asylum due to fear of returning to their home country.

Health: Subjects appeared to be in good health and did not identify any medical concerns during the interview.

Disposition: Subjects were processed for NTAs and paroled into the U.S. for one year pending 240 hearings.

U.S. POC (FRIEND)
[redacted]
Philadelphia, PA [redacted]

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]

Signature	Title
MARTIN GARCIA	CBP Officer

Exhibit “2”

For: YRYSKELDI DZHAKENOV

U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [redacted]
Most Recent Date of Entry: 2023 April 24
Class of Admission : DT
Admit Until Date : 04/22/2024
Details provided on the I-94 Information form:

Last/Surname :	DZHAKENOV
First (Given) Name :	YRYSKELDI
Birth Date :	[redacted]
Document Number :	[redacted]
Country of Citizenship :	Kyrgyzstan

Get Travel History

- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111
Expiration Date: 04/30/2023

For inquiries or questions regarding your I-94, please click here

Accessibility | Privacy Policy

Privacy - Terms

Exhibit “3”

Uploaded on: 10/30/2025 at 09:29:05 AM (Eastern Daylight Time) Base City: PHI

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No: [redacted]

In the Matter of:

Respondent: YRYSKELDI DZHAKENOV 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 KYRGYZSTAN and a citizen of KYRGYZSTAN;
3. You applied for admission at Hidalgo,Texas on 04/24/2023;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

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:

Section 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.

☐ 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 01/05/2027 *(Date)* at 8:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 10/30/2025

Newark, NJ

(City and State)

Uploaded on: 10/30/2025 at 09:29:05 AM (Eastern Daylight Time) Base City: PHI

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.

Upon information and belief, the language that the alien understands is KYRGYZ.

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 10/30/2025, 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 _____ 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.

_____ Mine Karakas CAISA
(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

Uploaded on: 10/30/2025 at 09:29:05 AM (Eastern Daylight Time) Base City: PHI

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.

Exhibit “4”

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. [redacted]

Date: 04/27/2026

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that DZHAKENOV, YRYSKELDI is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☒ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Philadelphia, PA (Location)

on DZHAKENOV, YRYSKELDI (Name of Alien) on April 27, 2026 (Date of Service), and the contents of this notice were read to him or her in the KYRGYZ (Language) language.

J 7102 HOLZMAN

Deportation Officer 7102

Name and Signature of Officer

Lionbridge

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Exhibit “5”

U.S. Department of Homeland Security Subject ID : [redacted] **Record of Deportable/Inadmissible Alien**

Family Name (CAPS)	First	Middle
DZHAKENOV, YRYSKELDI		

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

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

Date, Place, Time, and Manner of Last Entry: Unknown Date Unknown Time, WI-Without Inspection

Passenger Boarded at:

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

Sex	Hair	Eyes	Cmplxn
M	BLK	BLK	LBR

Height	Weight	Occupation
72	169	UNR

Scars and Marks: None Indicated - none

F.B.I. Number: [redacted]

Marital Status: ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Method of Location/Apprehension:

Date of Birth	Age:	Date of Action	Location Code
[redacted]	[redacted]	04/27/2026	PHI/PHI

At/Near	Date/Hour
, , , ,	

City, Province (State) and Country of Birth: TALAS, KYRGYZSTAN

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

By:

NIV Issuing Post and NIV Number:

Social Security Account Name:

Status at Entry:

Status When Found:

Date Visa Issued:

Social Security Number:

Length of Time Illegally in U.S.:

Immigration Record: NEGATIVE

Criminal Record:

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

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known: [redacted] NATIONALITY: KYRGYZSTAN

Mother's Present and Maiden Names, Nationality, and Address, if Known: [redacted] NATIONALITY: KYRGYZSTAN

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:

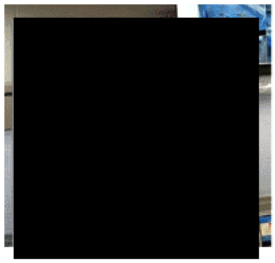
Type of Employment: Unemployed or Retired

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.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



FAMILY INFORMATION

Father: [redacted] is a citizen of KYRGYZSTAN.
Mother: [redacted] is a citizen of KYRGYZSTAN.
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)

J 7102 HOLZMAN
Deportation Officer
(Signature and Title of Immigration Officer)

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

Distribution:

File

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

Officer: J 7102 HOLZMAN

on: April 27, 2026 (time)

Disposition: Other

Examining Officer: DEMURGUIONDO, ASD8132

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

Alien's Name	File Number	Date
DZHAKENOV, YRYSKELDI	[redacted] Event No: [redacted]	04/27/2026

CURRENT ADMINISTRATIVE CHARGES

04/27/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

RECORDS CHECKED

CIS checked on 04/27/2026 with Positive result.EARM checked on 04/27/2026 with Positive result.

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

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

Subject's alienage and removability established through the following means:

1. Check of ICE related indices.
2. Field Interview
3. Biometric fingerprint match

ENCOUNTER

On April 27, 2026, Immigration and Customs Enforcement (ICE) and Removal Operations Philadelphia, PA (ERO-PHI) officers encountered Dzhakenov, Yryskeldi [redacted] herein referred to as subject, at [redacted] Philadelphia, PA 19107 as he was reporting to Philadelphia ICE/ERO for his scheduled report date. Officers established positive identification through an interview and prior immigration photo. A review of subject's case shows his next scheduled immigration court date is January 5, 2027. Subject was taken into custody due to the availability of bedspace and will be detained pending a new court date. Subject appears to have a pending Asylum and Withholding of Removal claim that has not yet been adjudicated as well as a valid Employment Authorization Card. Officers identified themselves and advised the subject he was going to be taken into custody and detained by ICE ERO. Subject was taken into the Philadelphia Field Office detention area for further processing.

IMMIGRATION HISTORY

On April 24, 2023, subjects arrived at the Hidalgo Port of Entry via Pedestrian requesting asylum. The primary CBP Officer referred the subject into secondary after receiving a negative oral declaration.

Secondary interview and CBP system checks revealed the subjects were not in possession valid entry documents to enter or reside in the United States. Subject was paroled into the United States pending 240 proceedings. On or about March 14, 2024, subject was served an I-862 Notice to Appear.

Subject was taken into ICE custody on April 27, 2026, due to the availability of bedspace. Subject will be given a new court date and detained in ICE custody.

IMMIGRATION VIOLATION

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
J 7102 HOLZMAN	Deportation Officer

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

Alien's Name	File Number	Date
DZHAKENOV, YRYSKELDI	[redacted] Event No: [redacted]	04/27/2026

HEALTH AND HUMANITARIAN

Subject claims to be in good health and does not take medication.
Subject claims that he is not married and has no children.
Subject has not served in the U.S. Military.
Subject claims fear of returning to Kyrgyzstan .
Consular notification is not mandatory.
Subject claims to reside at [redacted] Philadelphia, PA [redacted].

MISCELLANEOUS

Subject served I-200 and detained in ICE custody due to the availability of bed space. I-830 completed and uploaded to documents tab.

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]

Signature	Title
J 7102 HOLZMAN	Deportation Officer