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

HERRERA CARVAJAL, *Petitioner*, v. J.L. JAMISON, Warden, Federal Detention Center, Philadelphia, *et al.*, *Respondents*.	Civil Action No. 26-2804

RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

As reflected in court records, immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security ("DHS") to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*[1] cases**: individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);
- ***Q. Li*[2] cases**: individuals who entered the United States without inspection, were encountered near the border and detained without a warrant, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases**: individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026); and,
- **Expedited Removal cases**: individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time,

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

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

recently detained under 8 U.S.C. § 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). While there are certain legal and factual distinctions among these cases, the fundamental point of departure between the government's position and the position advanced by petitioners and adopted in over 250 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

> In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Although petitioners in these cases are indisputably "applicants for admission," *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer "seeking admission." Courts have reasoned that "seeking admission" should be given meaning beyond "applicant for admission" to avoid surplusage and have read the term to require active and ongoing efforts to be admitted at or near the border. *See, e.g., Kashranov v. Jamison*, Civ. No. 25-5555, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9. By contrast, the government contends that "applicants for admission" are necessarily "seeking admission" until they have been admitted or until their removal proceedings are complete.

While the government's position has been rejected by the vast majority of district courts to have considered it, two courts of appeals to have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals, have agreed with the government. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026) ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'"); *Avila v. Bondi*, 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"). However, the Second Circuit has rejected the government's argument. *See Cunha v. Freden*, No. 25-3141-pr, 2026 WL 1146044 (2d Cir. Apr. 28, 2026)*; see also Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

This is a "*Q. Li*" case where the government has detained Petitioner under 8 U.S.C. § 1225(b)(2)(A). Petitioner, a noncitizen, crossed the border at or near Brownsville, TX without inspection, admission or parole on or about September 3, 2023. *See* Notice to Appear, attached hereto as Exh. A; *see also* ECF No. 1, at ¶ 17. Petitioner was immediately detained, placed in removal proceedings, and released. ECF No. 1, at ¶ 18; Ex. A; Form I-213, attached hereto as Exh. B at 2. On or about April 24, 2026, Petitioner was arrested and detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A). ECF No. 1, at ¶ 21; Ex. B at 2. As of the Petition date, Petitioner was detained within the Eastern District of Pennsylvania at the Philadelphia Federal Detention Center. *See* ECF No. 1-4.

Thus, the case turns principally on the threshold question of statutory interpretation discussed above—whether petitioner is an "applicant for admission" that is "seeking admission" within the meaning of § 1225(b)(2)(A).[3] The government expands on that argument below in the context of Petitioner, who was first encountered near the border after entering without inspection (thereby falling within the scope of the BIA's decision in *Q. Li*), and addresses Petitioner's separate argument alleging a violation of due process.

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

II. ARGUMENT

Respondents request that the Court deny the petition on the basis that: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(a); and (2) Petitioner's detention comports with constitutional due process.

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

1. Petitioner is an "applicant for admission" "seeking admission."

An individual who "arrives in the United States," or is "present" in this country but "has not been admitted," is considered an "applicant for admission" under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 166 F.4th at 499. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) "serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)") (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is "not clearly and beyond doubt entitled to be admitted" to the United States. *See* 8 U.S.C. § 1225(b)(2)(A); *see also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* "[a]n alien present in the United States who has not been admitted *or* who arrives in the United States. . . .") (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as "applicant[s] for admission," regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily "seeking admission" within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 166 F.4th at 503 ("[A]n 'applicant for admission' is necessarily someone who is 'seeking admission.'"); *id*. at 502 ("When a person applies for something, they are necessarily seeking it.). Otherwise, the alien must "withdraw the application for admission and depart immediately from the United States." 8 U.S.C. § 1225(a)(4). An alien

continues to be "seeking admission" while in immigration removal proceedings to determine whether he can "be admitted to the United States." *See* 8 U.S.C. § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an "applicant for admission" be actively "seeking admission" at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, at *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).[4] And the Second Circuit now agrees with those decisions. *See Cunha*, 2026 WL 1146044. But, as noted, both the Fifth Circuit and Eighth Circuit Courts of Appeals 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*, 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"). Both courts concluded, correctly, that an "applicant for admission" is "necessarily someone who is 'seeking admission.'" *Buenrostro-Mendez*, 166 F.4th at 503; *Avila*, 170 F.4th at 1135 ("'seeking admission' . . . means virtually the same thing as 'applicant for admission'").

Thus, Petitioner, who is indisputably an "applicant for admission," is also "seeking admission" and covered by § 1225(b)(2)(A).

2. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.

Pursuant to 8 U.S.C. § 1225(b)(2)(A), "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is

[4] The government is pursuing appeals in the Third Circuit related to both the 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.

not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings]." 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 ("Both § 1225(b)(1) and § 1255(b)(2) authorize the detention of certain aliens.").

In *Q. Li*, the BIA expanded upon the Supreme Court's holding in *Jennings* and clarified the scope of § 1255(b)(2) for applicants for admission, like Petitioner, who are "arriving" in the United States. 29 I&N Dec. at 68 (citing *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (defining the term "arriving" to apply to aliens "who [are] apprehended" just inside "the southern border, and not at a point of entry, on the same day [they] crossed into the United States"). For aliens in this category, the BIA affirmed that DHS may either place the alien into expedited removal proceedings under § 1225(b)(1) or full removal proceedings under § 1229a. *Id*. For the latter category—aliens arriving in and seeking admission into the United States who are placed directly into full removal proceedings—the Board held that § 1225(b)(2)(A) mandates detention "until removal proceedings have concluded." *Id*. (citing *Jennings*, 583 U.S. at 299).

Thus, the BIA held that an applicant for admission "who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings," is detained under § 1225(b)(2) and is thus ineligible for any subsequent release on bond. *But see Cordero v. Rose*, Civ. No. 26-0534, ECF No. 5 at 5-6 (E.D. Pa. Jan. 29, 2026) (Marston, J.) (disagreeing with the United States' interpretation of *Q. Li* and concluding that the petitioner, who entered the United States more than three years ago, was not an applicant for admission that was actively "seeking admission" within the meaning of § 1225(b)(2)); *Cajas-Duchimaza v. McShane*, Civ. No. 26-0621, ECF No. 6 (E.D. Pa. Feb. 3, 2026) (similar); *Gurievi v. Rose*, Civ. No. 26-0736, ECF No. 6 (E.D. Pa. Feb. 9, 2026).

Petitioner remains an applicant for admission seeking admission, as he has not clearly and beyond doubt established that he is entitled to be admitted to the United States.

Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

B. Petitioner's detention comports with constitutional due process.

Congress broadly crafted "applicants for admission" to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.").

The Supreme Court has repeatedly recognized this profound interest. Petitioner's mandatory detention pursuant to § 1225(b) will only last the duration of his removal proceedings. *Demore v. Kim*, 538 U.S. 510, 512 (2003) ("[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings.") (emphasis in original); *see also Jennings*, 583 U.S. at 304. In light of Congress's interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Matthews v. Eldridge*, 424 U.S. 319 (1976). *See generally Demore*, 538 U.S. at 531.

Petitioner's recent detention pending his removal proceedings does not violate the Due Process Clause. *See*, *e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a "constitutionally permissible part of that process." *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)).

However, at this time, Petitioner does not challenge the length of his detention under *German Santos*, nor could he, given that he has been detained for approximately one week.

III. CONCLUSION

For the foregoing reasons, respondents respectfully request that the Court deny the petition for writ of habeas corpus. Respondents further respectfully request that the Court decide this petition on the papers.

Respectfully submitted,

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Counsel for Respondents

Dated: May 1, 2026

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

HERRERA CARVAJAL,

Petitioner,

v.

J.L. JAMISON, Warden, Federal Detention Center, Philadelphia, *et al.*,

Respondents.

Civil Action No. 26-2804

ORDER

AND NOW, this _____day of_____, 2026, upon consideration of the Petition for Writ of Habeas Corpus and the government's response thereto, it is hereby ORDERED that the petition is DENIED.

BY THE COURT:

_____
HONORABLE KAI N. SCOTT
United States District Court

CERTIFICATE OF SERVICE

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

/s/Eric S. Wolfish
ERIC S. WOLFISH
Assistant United States Attorney

Dated: May 1, 2026

Uploaded on: 09/20/2023 at 02:33:46 AM (Eastern Daylight Time) Base City: PHL

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]

Event No: [redacted]

In the Matter of:

EDUARD JOSE HERRERA CARVAJAL

Respondent: _____ currently residing at:

[redacted] PHILADELPHIA, PENNSYLVANIA, 19136

(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 VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near BROWNSVILLE, TX , on or about September 3, 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 February 10, 2025 *(Date)* at 01:00 PM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

PATRICK MCDERMOTT
Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer) (Sign in ink)

Date: September 05, 2023 HARLINGEN, TEXAS

(City and State)

EOIR – 1 of 3

Uploaded on: 09/20/2023 at 02:33:40 AM (Eastern Daylight Time) Base City: PHL

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) (Sign in ink)

BORDER PATROL AGENT

(Signature and Title of Immigration Officer) (Sign in ink)

Date: 09/05/2023

Certificate of Service

This Notice To Appear was served on the respondent by me on September 05, 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.

Refused to Sign

(Signature of Respondent if Personally Served) (Sign in ink)

FELIX GONZALEZ
Date: 2023.09.05 13:41:29 -05:00
0941423727 CBP

FELIX GONZALEZ, BORDER PATROL AGENT

(Signature and Title of officer) (Sign in ink)

EOIR – 2 of 3

Uploaded on: 09/20/2023 at 02:33:46 AM (Eastern Daylight Time) Base City: PHL

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

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

Family Name (CAPS)	First	Middle
HERRERA CARVAJAL,	EDUARD	JOSE

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

U.S. Address: 555 GEO DR PHILLIPSBURG, PENNSYLVANIA, 16866, UNITED STATES

Date, Place, Time, and Manner of Last Entry: 09/03/2023 Unknown Time, BRO, WI-Without Inspection

Passenger Boarded at:

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

Date of Birth	Age	Date of Action	Location Code
[redacted]99	Age: 27	04/24/2026	PHI/PHI

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

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

NIV Issuing Post and NIV Number:

Social Security Account Name:

Date Visa Issued:

Social Security Number:

Sex	Hair	Eyes	Cmplxn
M	BRO	BRO	MBR

Height	Weight	Occupation
70	190	UNR

Scars and Marks:

F.B.I. Number: [redacted]

☐ Single ☐ Divorced ☒ Married ☐ Widower ☐ Separated

Method of Location/Apprehension: NCA

At/Near	Date/Hour
See I-831	04/24/2026 12:42

By: ASHLEY HANN

Status at Entry:

Status When Found:

Length of Time Illegally in U.S.:

Immigration Record: NEGATIVE

Criminal Record:

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

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:

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:

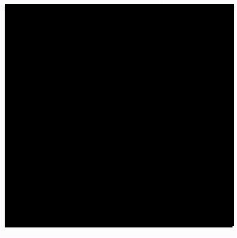
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: 1344847217

Left Index fingerprint

Right Index fingerprint







Body Worn Camera (BWC) Information

BWC footage was recorded for this enforcement activity.
BWC footage was viewed prior to the completion of this report.

FAMILY INFORMATION

Father:Subject has not provided information for Father.
Mother:Subject has not provided information for Mother.
Spouse:UNKNOWN is a citizen of VENEZUELA. ...(CONTINUED ON I-831)

ASHLEY HANN
Deportation Officer
(Signature and Title of Immigration Officer)

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

Distribution:

A File

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

Officer: ASHLEY HANN

on: April 24, 2026 (time)

Disposition: Other

Examining Officer: MCCALLION, PATRICK

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
HERRERA CARVAJAL, EDUARD JOSE	[redacted] Event No: [redacted]	04/24/2026

Child:Subject does not have children or dependents.

SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT CRIMINAL CHARGES

04/24/2026 - 8 USC 1251 - DEPORTATION ONLY

RECORDS CHECKED

CIS checked on 04/24/2026 with Positive result.NCIC checked on 04/24/2026 with Unknown result.NLETS checked on 04/24/2026 with Unknown result.CLAIM checked on 04/24/2026 with Positive result.

ARRESTED AT/NEAR

3512 LANSING ST., PHILADELPHIA, PENNSYLVANIA, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

On Friday, April 24, 2026, Immigration and Customs Enforcement (ICE) officers from the Philadelphia Office of Enforcement and Removal Operations (ERO), along with Customs and Border Protection (CBP) officers, conducted an operation targeting Eduard Herrera Carvajal (A#[redacted]) at [redacted], Philadelphia, PA 19136. At approximately 10:50 a.m., HERRERA CARVAJAL was observed outside of his residence in the back alleyway. Officers approached HERRERA CARVAJAL utilizing emergency lights and with police badges visible. HERRERA CARVAJAL began to resist arrest with Officers and did not comply with Officer commands. Eventually, HERRERA CARVAJAL was held at taser point and was subsequently placed under arrest, searched, and transported to the Philadelphia ICE ERO office without further incident.

ALIENAGE AND REMOVABILITY
HERRERA CARVAJAL is a national and citizen of Venezuela by birth on [redacted]99.
HERRERA CARVAJAL is removable pursuant to Section 212(a)(6)(A)(i) and Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended.

IMMIGRATION HISTORY
On February 23, 2026, HERRERA CARVAJAL was encountered by ICE/ERO Philadelphia CAP after his arrest by Philadelphia Police.

On September 03, 2023, HERRERA CARVAJAL was encountered and arrested by US Border Patrol at or near Brownsville, TX. HERRERA CARVAJAL was served a Notice to Appear (NTA) and released.

HERRERA CARVAJAL has an I-765 approved as of April 15, 2024

CRIMINAL HISTORY
On March 27,2026, HERRERA CARVAJAL was arrested by the Philadelphia Police Department for the offenses of Aggravated Assault-Attempts to cause serious bodily injury or causes injury with extreme indifference, Possession of an Instrument of Crime with Intent, Simple Assault, Recklessly Endangering Another Person. These charges remain pending.

Title 18 Section 2702 - Aggravated Assault - Attempts to Cause SBI or causes injury with extreme indifference - Felony, 1st Degree

Signature	Title
ASHLEY HANN	Deportation Officer

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

Alien's Name	File Number	Date
HERRERA CARVAJAL, EDUARD JOSE	[redacted] Event No: [redacted]	04/24/2026

Title 18 Section 907-Possession of Instrument of Crime with Intent-Misdemeanor, 1st Degree
Title 18 Section 2705-Recklessly Endangering Another Person, Misdemeanor, 2nd Degree
Title 18 Section 2701-Simple Assault

A copy of the above criminal complaint was included in this file.

HERRERA CARVAJAL does not have any outstanding wants or warrants.

FOREIGN IDENTITY AND TRAVEL DOCUMENTS
At the time of arrest, HERRERA CARVAJAL was not in possession of any foreign identity documents.

DISPOSTION
HERRERA CARVAJAL was served a Warrant of Arrest for Alien. An I-830 will be completed and placed in file. The Office of Principle Legal Advisor (OPLA) will be notified if an I-261 Addendum is needed. HERRERA CARVAJAL will be detained without bond at this time. Officers provided HERRERA CARVAJAL with the most recent version of the EOIR free legal services list.

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]
Other Biometric-[redacted]
State Criminal Number/State Bureau Number-[redacted] (UNITED STATES)

Signature	Title
ASHLEY HANN	Deportation Officer