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

SANKET I. SARGARA, *Petitioner*, v. J. L. JAMISON, *et al.*, *Respondents*.	Civil Action No. 2:26-cv-02805

RESPONSE IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS

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INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(2)(A). But Petitioner is not detained under § 1225(b)(2)(A). He is detained under 8 U.S.C. § 1225(b)(1) because he was initially processed for **expedited removal** when he attempted to enter the United States without authorization. That Petitioner is no longer in expedited removal under 8 U.S.C. § 1225 and is now in standard removal proceedings under 8 U.S.C. § 1229a does not change the statutory basis for his detention.[1]

DHS processed Petitioner for expedited removal pursuant to 8 U.S.C. § 1225(b)(1) after he entered the United States without inspection in September 2024. *See* Pet., Ex. A. After Petitioner claimed and was found to have a credible fear of return to his home country, DHS placed him into standard removal proceedings under 8 U.S.C. § 1229a and paroled him into the United States pursuant to 8 U.S.C. § 1182(d)(5) to facilitate this process. *See* Ex. 1, Form I-213, Record of Deportable/Inadmissible Alien (Apr. 27, 2026) (attached hereto); Pet. ¶¶ 17-19.

Petitioner's parole has since automatically terminated and Petitioner has now returned to his detention status at the time of his parole—that is, mandatory detention under § 1225(b)(1)—during the remainder of his removal proceedings under § 1229a. Petitioner's detention thus

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[1] That said, multiple district courts in this jurisdiction have rejected this argument. *See, e.g.*, *Villarreal Torres v. Jamison*, No. 26-cv-2000, 2026 WL 937929, at *1 (E.D. Pa. Apr. 7, 2026) (Wolson, J.); *see also Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.); *Seminario-Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026) (Kearney, J.); *Vazquez-Diaz v. Rose*, No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.); *Vargas Quejada v. Jamison*, 26-cv-914 (E.D. Pa. Feb. 17, 2026 (McHugh, J.); *Nawab Ali v. Jamison*, No. 26-cv-729 (E.D. Pa. Feb. 19, 2026) (Quiñones Alejandro, J.); *Zavala Ulloa v. Jamison*, No. 26-cv-823 (E.D. Pa. Feb. 20, 2026) (Marston, J.); *Green v. Jamison*, No. 26-cv-773 (E.D. Pa. Feb. 26 2026) (Scott, J.).

comports with the INA, the bond regulations, and the Constitution, so the Court should deny the petition for a writ of habeas corpus.

BACKGROUND

I. Detention Framework Under the Immigration and Nationality Act

The INA provides a statutory scheme for the civil detention of aliens pending a decision during removal proceedings as well as once a final order of removal has been entered. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. The time and circumstances of entry, as well as the stage of the removal process, determines where an alien falls within this scheme and whether detention of the alien is discretionary or mandatory.

A. Applicants for Admission and Expedited Removal

An applicant for admission to the United States is defined as "[a]n 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." 8 U.S.C. § 1225(a)(1). As explained by the Supreme Court, "an alien who tries to enter the country illegally is treated as an 'applicant for admission,' and an alien who is detained shortly after unlawful entry cannot be said to have 'effected an entry' into the United States." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020). Put differently, an "alien who arrives at a 'port of entry,' *i.e.*, a place where the alien may lawfully enter, must apply for admission. An alien [] who is caught trying to enter at some other spot is treated the same way." *Id.* at 108. Such applicants for admission, "even those paroled elsewhere in the country for years pending removal—are 'treated' for due process purposes 'as if stopped at the border.'" *Id.* at 139 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)). Pursuant to § 1225, immigration officials have discretion to place aliens arriving in the United States in either expedited removal proceedings under 8 U.S.C. § 1225(b)(1) or standard removal proceedings under 8 U.S.C. § 1229a. Under either approach, § 1225 authorizes

detention of such individuals "throughout the completion of applicable proceedings and not just until the moment those proceedings begin." *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018).

In 1996, Congress amended § 1225(b) to add "expedited removal" procedures for certain applicants for admission. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104208, Tit. III, § 302(a), 110 Stat. 3009-579 (1996); *see also Thuraissigiam*, 591 U.S. at 109–11 (describing the expedited removal process). Section 1225(b)(1) now provides that an applicant for admission is subject to expedited removal if the applicant is: (i) inadmissible because he or she lacks valid documents or is inadmissible due to fraud; (ii) has not "been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility"; or (iii) is among those whom the Secretary of DHS has designated for expedited removal. For these individuals, once an immigration officer determines that they are inadmissible, the officer must "order the alien removed from the United States without further hearing." 8 U.S.C. § 1225(b)(1)(A)(i); *Thuraissigiam*, 591 U.S. at 109.

B. Credible Fear Determinations

If, however, the alien expresses a fear of persecution or torture in their home country, an asylum officer must determine whether the alien has a credible fear. *See* 8 U.S.C. §§ 1225(b)(1)(A)(ii) & (B); 8 C.F.R. §§ 208.30, 235.3(b)(4). If an asylum officer makes a positive finding of credible fear, the individual is placed into removal proceedings to pursue asylum under 8 U.S.C. § 1229a. *Id.*

As explained by the Supreme Court, "[a]n alien subject to expedited removal thus has an opportunity at three levels to obtain an asylum hearing, and the applicant will obtain one unless the asylum officer, a supervisor, and an immigration judge all find that the applicant has not asserted a credible fear." *Thuraissigiam*, 591 U.S. at 110–11 ("As a practical matter, then, the great majority of asylum seekers who fall within the category subject to expedited removal do

not receive expedited removal and are instead afforded the same procedural rights as other aliens."). An individual subject to expedited removal under § 1225(b)(1), however, including an individual undergoing further review of their asylum claim, "is not entitled to immediate release" regardless of whether their asylum claim is reviewed fully or in an expedited manner. *Id.* at 111; *Jennings*, 583 U.S. at 302. Rather, § 1225(b)(1)(B)(iii)(IV) provides for mandatory detention of individuals during the credible fear review process and until removal from the United States. ("Any alien subject to the procedures under this clause *shall be detained* pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed." (emphasis added)).

C. Parole for Applicants for Admission

While an applicant for admission is not entitled to release or a bond hearing by statute or regulation, the Secretary, acting through Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), has discretion to release applicants for admission from custody on humanitarian parole. *See* 8 U.S.C. § 1182(d)(5). Such a parole is done "temporarily under such conditions as [the Secretary] may prescribe [and] only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

Parole is not an "admission" to the United States. 8 U.S.C. §§ 1101(a)(13)(B), 1182(d)(5)(A). As noted above, "aliens who arrive at ports of entry—*even those paroled elsewhere in the country for years pending removal*—are 'treated' for due process purposes 'as if stopped at the border.'" *Thuraissigiam*, 591 U.S. at 139 (quoting *Mezei*, 345 U.S. at 215) (emphasis added); *see also Leng May Ma v. Barber*, 357 U.S. 185, 188–90 (1958). In other words, an applicant for admission paroled into the United States "remain[s] constructively detained at the border, *i.e.*, legally unadmitted, while their status is being resolved by immigration officials." *Ibragimov v. Gonzales*, 476 F.3d 125, 134 (2d Cir. 2007); *see also*

Duarte v. Mayorkas, 27 F.4th 1044, 1059 (5th Cir. 2022) ("[A] paroled alien is legally equivalent to an alien that is held in custody at the border while their application for admission is processed.").

ICE may terminate a parole under § 1182(d)(5)(A) when, "in the opinion of the Secretary of Homeland Security, "the purposes of such parole . . . have been served." 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i). When a Notice to Appear (NTA)—the charging document that initiates proceedings—is served on the parolee, this serves as written notice of termination of parole. *See Matter of Arambula-Bravo*, 28 I&N Dec. 388, 395 (BIA 2021) ("A charging document presumptively terminates parole because an intent to remove a noncitizen necessarily reflects a determination that the continued presence of that individual is no longer warranted."). No pre-termination hearing is required. *See Ofosu v. McElroy*, 98 F.3d 694, 700 (2d Cir. 1996) (explaining that parole "may be ended without hearings or special forms."); *Ahrens v. Rojas*, 292 F.2d 406, 410 (5th Cir. 1961) ("Neither the statute nor the regulation provides for a hearing on revocation of parole."). Further, at the expiration of the time for which parole was authorized, "[p]arole shall be automatically terminated without written notice." 8 C.F.R. § 212.5(e)(1)(ii).

D. Return to Custody After Parole Expiration or Termination

After parole expires or is terminated, "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." 8 U.S.C. § 1182(d)(5)(A) (emphasis added); 8 C.F.R. § 212.5(e)(2)(i) (explaining that after automatic termination, the alien "shall be restored to the status that he or she had at the time of parole"). Once parole is terminated, "[a]ny further inspection or hearing shall be conducted under section 235 [8 U.S.C. § 1225] or 240 [8 U.S.C. § 1229a] of the Act." 8 C.F.R. § 212.5(e)(2)(i); *see*

Ahrens, 292 F.2d at 410 (noting that after parole termination, "the plaintiff's status was the same as if he had been stopped at the border."). The grant of parole and its termination is committed to the broad discretion of the Secretary. *See 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).

II. Factual and Procedural History

Petitioner, a native and citizen of India, entered the United States without inspection on or September 10, 2024. Pet. ¶ 15. Given his time, manner, and place of entry, CBP determined that Petitioner was inadmissible to the United States and thereafter placed him into expedited removal proceedings under § 1225(b)(1). *Id.* ¶ 17; Ex. 1 at 2. After Petitioner claimed a fear of return to his home country, DHS referred Petitioner to USCIS for completion of a credible fear interview. *See* Pet. ¶ 17; Ex. 1 at 2.

On April 27, 2026, ICE detained Petitioner under § 1225(b)(1) pending completion of his removal proceedings. *See* Ex. 1 at 2.

LEGAL STANDARD

A writ of habeas corpus is an "extraordinary remedy." *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner "carries the burden of proof"); *see also* 28 U.S.C. § 2241.

Judicial review of immigration matters, including detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm.* (*AADC*), 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow*

Sun Wong, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has "underscore[d] the limited scope of inquiry into immigration legislation," and "has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens." *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79-82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."); *Jennings*, 583 U.S. at 286 ("Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made.").

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See U.S. v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) ("This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to

deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power").

ARGUMENT

As discussed below, Petitioner's detention is authorized by statute, regulation, and comports with the Constitution and the Administrative Procedure Act. As a result, the Court should deny the petition for a writ of habeas corpus.

I. Petitioner's Detention is Authorized by 8 U.S.C. § 1225(b)(1)

Petitioner's argument that his detention violates the INA is without merit because ICE's current detention of Petitioner is authorized and, indeed, mandated by statute. Petitioner attempted to enter the United States without inspection in September 2024 and was intercepted but not inspected, admitted, or paroled by an immigration officer at the time of that entry. *See* Ex. 1. Petitioner was therefore an "applicant for admission" and was accordingly processed for expedited removal under § 1225(b)(1). *See id.*

A. Petitioner Was Properly Processed for Expedited Removal

The regulations at 8 C.F.R. § 235.3(b)(2)(i) set forth a process that must be applied before removing an alien under the expedited removal process. This process involves two separate steps: (i) completion of a Form I-860, Notice and Order of Expedited Removal, which advises the alien of the charges against him; and (ii) a contemporaneously executed Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act, during which the alien will be given the opportunity to respond to the charges in the Form I-860. 8 C.F.R. § 235.3(b)(2)(i).

Here, the CBP officer who initially processed Petitioner completed a Form I-860, Notice and Order of Expedited Removal and a Form I-867A, Record of Sworn Statement, as required by

8 C.F.R. § 235.3(b)(2)(i). *See* Pet Ex. A. By completing a record of proceeding as required under 8 C.F.R. § 235.3(b)(2)(i), DHS properly initiated initial expedited removal processing.

Petitioner was not removed following this initial expedited removal processing because he expressed a fear of return to his home country during his interview. *See* Ex. 1 at 2. The fact that Petitioner is no longer in expedited removal proceedings does not preclude continued detention under § 1225(b)(1). To the contrary, when Petitioner claimed a fear of returning to his home country, he triggered the § 1225(b)(1)(B) process, which includes a referral to USCIS for a credible fear interview and further (full removal) proceedings under § 1229a to consider Petitioner's application for asylum. 8 U.S.C. § 1225(b)(1)(B); Pet. Ex. A. Until his removal proceedings under § 1229a are complete, which includes adjudication of his application for asylum, or until he withdraws his application for admission pursuant to 8 U.S.C. § 1225(a)(4), Petitioner remains in this process. And Congress has mandated that anyone going through this process "shall be detained pending a final determination of credible fear and persecution and, if found not to have such a fear, until removed." 8 U.S.C. § 1225(b)(1)(B)(ii); *see also id.* § 1225(b)(1)(B)(iii)(IV); *Jennings*, 538 U.S. at 297, 302 (explaining that § 1225(b) "mandate[s] detention of applicants for admission until proceedings have concluded.").

B. Petitioner's Release on Parole Does Not Preclude Detention Under 8 U.S.C. § 1225(b)(1)

Importantly, ICE's release of Petitioner on parole under 8 U.S.C. § 1182(d)(5) does not preclude detention under § 1225(b)(1)(B)(ii). Petitioner may try to argue that he is not subject to mandatory detention under § 1225(b)(1) because he has been paroled into the United States. *See* § 1225(b)(1)(A)(iii)(II) (applying the expedited removal provisions to certain other aliens "who have not been admitted or paroled into the United States"). But the Court should reject this argument because the Secretary of Homeland Security's 2004 Expedited Removal Designation

makes clear that this language applies only to certain categories of aliens who were admitted or paroled into the United States *following inspection by an immigration officer at a designated port-of-entry*. *See* Designating Aliens for Expedited Removal, 69 Fed. Reg. 48,877 (Aug. 11, 2004) (emphasis added); *see also* 8 U.S.C. § 1225(b)(1)(A)(iii)(I) (allowing the Secretary to designate certain aliens for expedited removal and clarifying that this designation "shall be in the sole and unreviewable discretion" of the DHS Secretary).

In this case, Petitioner entered the United States without inspection and is charged as being present in the United States without admission or parole. *See* Ex. 1. After this unlawful entry, DHS made the discretionary decision to parole Petitioner from its custody under § 1182(d)(5)(A). *See* Pet. ¶ 19; Ex. 1. Importantly, this parole did not occur following inspection by an immigration officer at a designated port of entry. So, Petitioner remains subject to the expedited removal provisions at § 1225(b)(1) and, in turn, mandatory detention.

ICE's release of Petitioner on parole pursuant to 8 U.S.C. § 1182(d)(5) does not convert DHS's detention authority from § 1225(b)(1) to § 1226 because, as noted above, parole "shall not be regarded as an admission of the alien." *Id.* § 1182(d)(5)(A). Congress was explicit: "when the purposes of such parole 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." *Id.* (emphasis added). Petitioner therefore remains subject to the same detention authority—§ 1225(b)(1)—until his claim for asylum is fully adjudicated and he is either granted asylum or removed. *Woodley v. Rokosky*, Case No. 26-cv-150 (D.N.J. Feb. 2, 2026) (denying habeas petition and finding detention lawful under § 1225(b)(1) for alien initially processed for expedited removal, notwithstanding prior grant of parole under § 1182(d)(5); *Faqirzada v.*

Rokosky, No. 25-cv-16639 (D.N.J. Jan. 8, 2026) (same). *But see Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (granting habeas petition and finding that termination of parole under § 1182(d)(5) forecloses mandatory detention under § 1225(b)).

That the Petitioner is properly detained under § 1225(b)(1) receives further support from the Attorney General's decision in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019). In *M-S-*, the Attorney General overruled as wrongly decided an earlier Board of Immigration Appeals (BIA) case, *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005), in which the BIA held that aliens transferred to full proceedings after establishing a credible fear were eligible for bond. 27 I&N Dec. at 513 – 14. The Attorney General explained that, by its plain language, applicants for admission transferred to full removal proceedings after establishing a credible fear remain ineligible for bond. *Id.* at 515. Instead, an individual in this category of applicants for admission "must be detained until his removal proceedings conclude, unless he is granted parole." *Id.* at 509. Petitioner's prior release does not change the fact that he remains subject to detention pursuant to § 1225(b)(1)(B)(ii).

C. No Written Notice Is Required Before Revoking Parole

If Petitioner argues that ICE improperly revoked his parole without first providing notice of such revocation, the Court should reject that argument. The regulations make clear that 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 parole "*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 written notice required under § 212.5(e)(2). *But see Talabadze v.*

Rose, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (finding notice required prior to revoking parole); *Vasquez Diaz v. Rose,* No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.) (same).

The Court also lacks jurisdiction to review a parole revocation decision under 8 U.S.C. § 1252(a)(2)(B) because it is plainly a discretionary "decision or action." *Samirah*, 335 F.3d at 549 (authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of discretion barred from review by § 1252(a)(2)(B)(ii)), *Hassan*, 593 F.3d at 789 (same); *see also In re Ntreh*, 401 F. App'x 686, 688 (3d Cir. 2010) ("It is also doubtful that the District Court had jurisdiction to review ICE's discretionary denial of parole."); *Naul v. Gonzales*, No. 05-cv-4627, 2007 WL 1217987, at *3 (D.N.J. Apr. 23, 2007) (Greenaway, J.) (holding that denial of parole under § 1182(d)(5)(A) is a discretionary decision that is unreviewable under § 1252(a)(2)(B)(ii)). And to the extent Petitioner is alleging that revocation of parole requires a case-by-case analysis, the Court should reject that 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. *See Doe v. Noem*, 152 F.4th 272, 286 (1st Cir. 2025) (concluding that "the statutory text . . . reflects a deliberate choice on the part of Congress to require the Secretary to implement a case-by-case approach to granting parole, but not to end such grants").

D. Petitioner Is Not Detained Under 8 U.S.C. § 1225(b)(2)

Petitioner insinuates that ICE is detaining him under § 1225(b)(2) pursuant to DHS's new policy issued on July 8, 2025. *See, e.g.*, Pet. ¶ 30. That is incorrect and contrary to the facts and procedural history of Petitioner's case. As discussed above, Petitioner was processed for expedited removal upon entry into the United States and was subsequently found to have a

credible fear of return to his home country, thus bringing him within the mandatory detention authority of § 1225(b)(1). Consequently, Petitioner is detained under § 1225(b)(1), not § 1225(b)(2). Because Petitioner is properly detained under § 1225(b)(1) and not eligible for a bond hearing, the Court should deny his petition for a writ of habeas corpus.

II. Petitioner's Detention is Constitutional

Petitioner's arguments that his detention violates due process also lack merit. The Supreme Court has long recognized that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Further, applicants for admission like Petitioner lack any constitutional due process rights with respect to admission aside from the rights provided by statute: "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned," *Mezei*, 345 U.S. at 212, and, "it is not within the province of any court, unless expressly authorized by law, to review [that] determination." *Shaughnessy*, 338 U.S. at 543; *see also Thuraissigiam*, 591 U.S. at 140 ("[T]he Due Process Clause provides nothing more.").

The Supreme Court reaffirmed "[its] century-old rule regarding the due process rights of an alien seeking initial entry" in *Thuraissigiam*, explaining that an individual who illegally crosses the border—like Petitioner—is an applicant for admission and "has only those rights regarding admission that Congress has provided by statute." 591 U.S. at 139–40. The Court explained that "[w]hile aliens who have established connections in this country have due process rights in deportation proceedings, the Court held long ago that Congress is entitled to set the conditions for an alien's lawful entry into this country and that, as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause." *Id.* at 107.

"When an alien arrives at a port of entry—for example, an international airport—the alien is on U.S. soil, but the alien is not considered to have entered the country." *Id.* at 139. The same "threshold" rule applies to individuals who are apprehended after trying "to enter the country illegally" since by statute, such individuals are also defined as applicants for admission. *Id.* at 139–40. And all applicants for admission, "even those paroled elsewhere in the country for years pending removal," "have no entitlement to procedural rights other than those afforded by statute." *Id.* at 107, 139. And the statute provides no more procedural protections than allowing an applicant for admission to seek relief from removal if he fears return to his home country, and to seek parole from the agency. *Id.* During that process, however, applicants for admission may be detained without a bond hearing pending admission or removal without running afoul of the Constitution. *Demore*, 538 U.S. at 531.

Petitioner's recent detention pending his removal proceedings thus does not violate Due Process. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). To be sure, the U.S. Court of Appeals for 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)). But Petitioner was detained on April 27, 2026 (Pet. ¶ 22), and his detention is thus nowhere near that point.

CONCLUSION

The Court should deny the petition for a writ of habeas corpus.

Dated: April 30, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 30, 2026, a true and correct copy of this Response in Opposition to Petition for Writ of Habeas Corpus was filed electronically via the Court's CM/ECF system and served via CM/ECF on all counsel of record.

/s/ Eric S. Wolfish
ERIC S. WOLFISH

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

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
SANKET ISHWARBHAI, SARGARA		

Sex	Hair	Eyes	Cmplxn
M	BLK	BLK	DBR

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

Height	Weight	Occupation
66	116	NOT

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

Scars and Marks:

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
09/10/2024 Unknown Time, LUK, WI-Without Inspection	

F.B.I. Number: 2[redacted]WD — ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

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

Method of Location/Apprehension: NCA

Date of Birth	Age	Date of Action	Location Code	At/Near	Date/Hour
[redacted]00	25	04/27/2026	PHI/PHI	See I-831	04/27/2026 13:49

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
INDIA			[redacted]

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.
	[redacted]	

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: [redacted] SH[redacted]VAJI NATIONALITY: INDIA

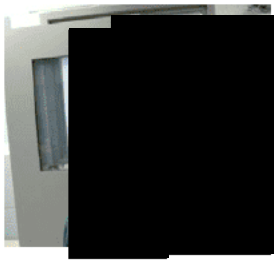
Mother's Present and Maiden Names, Nationality, and Address, if Known: [redacted] DAXABEN NATIONALITY: INDIA

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	Employed from/to
	See Narrative	Hr	

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: 1342836010 Left Index fingerprint Right Index fingerprint



FAMILY INFORMATION

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

[redacted] Deportation 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: [redacted]

on: April 27, 2026 (time)

Disposition: Other

Examining Officer: [redacted]

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
SANKET ISHWARBHAI, SARGARA	[redacted] Event No: PHI2604000496	04/27/2026

CURRENT ADMINISTRATIVE CHARGES

04/27/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)04/27/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

EARM checked on 04/27/2026 with Positive result.NCIC checked on 04/27/2026 with Negative result.TECS checked on 04/27/2026 with Positive result.

TYPE OF EMPLOYMENT

Occupation Not Reported

ARRESTED AT/NEAR

[redacted] PENNSYLVANIA, 19107, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

ENCOUNTER
On April 27, 2026, ICE Enforcement and Removal Operations Philadelphia, PA (ERO-PHI) officers encountered SANKET ISHWARBHAI, Sargara ([redacted] hereby referred to as SUBJECT, at 114 N 8th Street, Philadelphia, PA 19107 as he was reporting to Philadelphia ICE/ERO for his scheduled visit. Officers established positive identification through an interview and prior immigration photo. Officers identified themselves as ICE Officers, both verbally and physically, with agency-issued badges and advised SUBJECT he was being taken into custody pursuant to a Custody Redetermination. SUBJECT is subject to President Trump's Executive Order titled "Protecting the American People Against Invasion", signed on January 20, 2025. SUBJECT was taken into custody without incident, for further processing.

ALIENAGE AND REMOVABILITY
SUBJECT claims to be a citizen of India. SUBJECT claims he was born in the India on [redacted]00. SUBJECT claims he entered the United States near Lukeville, AZ on 09/10/2024. SUBJECT will be charged as inadmissible pursuant to violations under section 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended.

FAMILY HISTORY
SUBJECT claims his parents are citizens and nationals of India.
SUBJECT claims he is not married.
SUBJECT claims to have no children.

IMMIGRATION HISTORY
On 09/10/2024, United States Border Patrol (USBP) arrested SUBJECT near Lukeville, Arizona, who had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.
USBP processed SUBJECT for Expedited Removal.
On 10/18/2024, SUBJECT declared that he feared returning to his country of India and was therefore given an NTA and paroled into the United States.

CRIMINAL HISTORY
SUBJECT has no crimes, wants or warrants.

HEALTH AND HUMANITARIAN
SUBJECT claims to be in good health.

Signature	Title
[redacted]	

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

Alien's Name	File Number	Date
SANKET ISHWARBHAI, SARGARA	[redacted] Event No: [redacted]	04/27/2026

SUBJECT denies any significant humanitarian concerns.

PHONE CALL AND CONSULAR NOTIFICATION
SUBJECT was given a five-minute telephone call.
SUBJECT is a citizen of India. SUBJECT requested not to contact the Consulate of India about his arrest and detention. India has no mandatory consular notification.

INTEL
SUBJECT has no visible scar.
SUBJECT has no tattoos.
SUBJECT had no foreign identity documents at the time of his arrest.
SUBJECT claims fear of return to India.
SUBJECT claims he entered the United States without the aid of a smuggling group.
SUBJECT denies membership in any gang or criminal organization.
SUBJECT denies service in any branch of the U.S. military. SUBJECT denies service in any branch of the Indian military.
SUBJECT has an employment authorization card #[redacted].
SUBJECT has a SSN [redacted].
SUBJECT has a Pennsylvania Driver's License #[redacted].
SUBJECT claimed defensive asylum on 02/01/2025.

DISPOSITION
Subject served I-200 and will be detained in ICE custody. I-830E and I-213 were completed and placed in file. Office of Principle Legal Advisor (OPLA) has been notified that form I-261 will need to be completed for charge 212a7AiI.

I-77: [redacted]
DHS-58

OTHER IDENTIFYING NUMBERS

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

Signature	Title
[redacted]	

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