

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Pauline Nadege BINAM,

Petitioner,

v.

JASON STREEVAL, Warden, Stewart
Detention Center; KRISTEN SULLIVAN,
Acting Field Office Director, Atlanta Field
Office, U.S. Immigration and Customs
Enforcement; DAVID VENTURELLA,
Acting Director, U.S. Immigration and
Customs Enforcement; MARKWAYNE
MULLIN, Secretary of the U.S. Department
of Homeland Security; TODD BLANCHE,
Attorney General of the United States, *in their
official capacities,*

Respondents.

Case No.:

**PETITION AND COMPLAINT FOR
WRIT OF
HABEAS CORPUS**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, Ms. Binam Pauline Nadege Binam (A  ("Ms. Binam"), a native and citizen of Cameroon who has lived in the United States since she was two years old, hereby files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking her immediate release from unlawful government custody. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of her rights as a member of two classes certified in *Immigration Center for Women and Children v. Noem* ("ICWC"), a class action brought on behalf of immigrant victims of domestic violence, trafficking, and other serious crimes who are on a congressionally-created pathway to lawful status. *Immigr. Ctr. for Women & Child. v. Noem*, No. 2:25-CV-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026) ("ICWC PI Order").

2. As relevant here, *ICWC* certified: (1) a class for all individuals with pending U status petitions who ICE detains or seeks to detain, and (2) a class for all individuals with a pending U petition who have requested a stay of a final order of removal and have been detained since January 30, 2025. *ICWC* also stays related 2025 guidance, include the rescission of prior policies, and stays the Blind Removal Policy, which is described further below.

3. Although Petitioner has a pending petition for U nonimmigrant status as well as a request for a stay of removal, and therefore falls within two of the *ICWC* classes, she remains unlawfully detained by Respondent U.S. Immigration and Customs Enforcement (“ICE”) at the Stewart Detention Center in Lumpkin, Georgia.

4. Petitioner is a survivor of severe domestic violence and felonious assault who cooperated with law enforcement in the investigation and prosecution of that crime. The Baltimore County District Attorney’s office certified that she was the victim of a serious crime and was helpful to law enforcement in the prosecution of that crime. On January 7, 2026, Petitioner submitted a complete and valid application for a U visa (receipt number )—a pathway to status that Congress made available to noncitizens who have suffered substantial harm as a result of having been a victim of certain crimes and who have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of the crime. 8 U.S.C. § 1101(a)(15)(U)(i)(I-IV).

5. Upon information and belief, Respondents have been aware since May 20, 2026, when the District Court issued the *ICWC* decision, that Petitioner—as a U visa applicant—is a protected class member.

6. Additionally, Petitioner filed a custody redetermination request on June 3, 2026, and a stay of removal request on June 10, 2026, both of which detailed her membership in the *ICWC* class and her eligibility for the relief it requires, including release from detention.

7. Despite having this notice, Respondents have thus far failed to comply with the district court's order in *ICWC*, and Petitioner has remained in custody unlawfully.

8. As a result of Respondents' actions, Petitioner has suffered and continues to suffer immense harm. Petitioner was previously released from ICE detention on an order of supervision ("OSUP") in September 2020, after experiencing conscience-shocking medical abuse at the Irwin County Detention Center (ICDC), including the nonconsensual and medically unnecessary removal of part of her fallopian tube. She was one of the first detainees to speak out about widespread nonconsensual, invasive, and unnecessary medical procedures suffered by many women at ICDC. Her story was covered by international media and several members of Congress intervened on her behalf, resulting in her release from detention in late 2020. After her release, Petitioner served as the primary caretaker for her U.S. citizen teen daughter, who has since experienced [REDACTED]. Since Ms. Binam's detention, her daughter has been admitted to multiple mental health facilities, and her mental condition has rapidly deteriorated. Further, Petitioner has served as a caretaker to her aging lawful permanent resident parents, one of whom has significant health issues. Ms. Binam's re-detention has exacerbated the significant trauma from her first detention and from her status as a crime victim, and continues to separate her from family members who rely on her to meet their basic needs.

9. On December 23, 2025, Petitioner filed a previous Petition for Writ of Habeas Corpus ("2025 Habeas"), case number 4:25-cv-00515, objecting to her unlawful detention on the basis that ICE violated its own policies with respect to revocation of her OSUP and that her

detention was unconstitutionally long. On January 9, 2026, Petitioner filed a Motion for Emergency Temporary Restraining Order, which Judge Land granted the same day. On March 25, 2026, Magistrate Judge Weigle issued a Report and Recommendation to dismiss the 2025 Habeas. Ms. Binam objected to the Report and Recommendation, but Judge Land upheld it on June 9, 2026.

10. Ms. Binam now brings this separate, distinct habeas corpus action, on grounds entirely unrelated to her prior claims, for injunctive and declaratory relief, asking the Court to order Respondents to immediately release her from further unconstitutional detention pursuant to *ICWC v. Noem*.

JURISDICTION AND VENUE

11. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and Art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as Petitioner is presently in custody under or by color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States.

12. The federal courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The United States Supreme Court upheld the federal courts' jurisdiction to review such claims in *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018).¹

13. Venue is proper in the United States District Court for the Middle District of

¹ 8 U.S.C. § 1252(g) and § 1252(b)(9) do not bar this Court's jurisdiction to review pure challenges to detention. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482-87 (1999); *see also Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 688-702 (2001); *Alvarez v. U.S. Immigrations and Customs Enforcement*, 818 F.3d 1194, 1205 (11th Cir. 2016).

Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391(e)(1) and 2241(d), and Local Rule 3.4, because (1) at least one Respondent is in this District and Division, (2) Ms. Binam is currently detained within this District and Division, and (3) Ms. Binam's immediate physical custodian is in this District and Division.

PARTIES

14. Ms. Binam is a national and citizen of Cameroon who has continuously resided in the United States since September 11, 1992. She is currently detained at the Stewart Detention Center. Prior to her transfer to Stewart on or about December 22, 2025, she was subject to an ICE detainer in York County, South Carolina, initially lodged on or about October 14, 2025, which, upon information and belief, precluded her from posting bond, despite her family's attempt to do so. She has been subject to a final order of removal since January 21, 2020, and was previously detained by immigration officials for thirty-five (35) months, including eight (8) months after her final order of removal. Prior to that, Petitioner resided in Lancaster, South Carolina. She applied for U nonimmigrant status on January 7, 2026.

15. Respondent Jason Streeval is sued in his official capacity as Warden of Stewart Detention Center, where Ms. Binam is currently detained, as a legal custodian of Ms. Binam.

16. Respondent Kristen Sullivan is sued in her official capacity as the Acting Field Office Director of ICE's Atlanta Field Office, which enforces immigration and customs laws within this District, where Ms. Binam is detained.

17. Respondent David Venturella is sued in his official capacity as the Acting Director of ICE, a component of the Department of Homeland Security ("DHS"). As a result, Respondent David Venturella is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Ms. Binam.

18. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of DHS. In this capacity, he directs DHS and ICE. As a result, Respondent Markwayne Mullin is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Ms. Binam.

19. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103, oversees the Executive Office of Immigration Review (“EOIR”), and is a legal custodian of Ms. Binam.

STATEMENT OF FACTS

Arrival to the United States and Family Information

20. Petitioner is a 36-year-old woman born in Douala, Cameroon.

21. Petitioner’s parents brought her to the United States in September of 1992, at the age of two, on a tourist visa. Ms. Binam has resided continuously in the United States since then. Growing up, Petitioner believed she was lawfully present in the United States and did not learn otherwise until she was nearly 18 years old.

22. Petitioner is the mother and caretaker of a seventeen-year-old United States citizen daughter, S.B.²

23. Petitioner is also a caretaker to her aging parents, Jeannette and Gabriel Binam, who are lawful permanent residents. Ms. Binam, who has significant training and experience in home health care, moved to Lancaster, South Carolina with her daughter to live with her parents and take care of her ailing father.

² The name of Ms. Binam’s minor daughter has been reduced to initials pursuant to Federal Rule of Civil Procedure § 5.2(a).

24. Petitioner has a pending U visa petition, filed on January 7, 2026, based on a certification from the Baltimore County District Attorney's office that she was the victim of a serious crime and was helpful to law enforcement in the investigation of the crime. [REDACTED]

[REDACTED] Ms. Binam made multiple reports to law enforcement, sought and obtained a protective order, reported the perpetrator's subsequent violation of the protective order, and cooperated with the District Attorney's office prosecution of her former partner.

25. Additionally, Petitioner has an approved F-4 family preference visa petition through her U.S. citizen sister with a priority date of July 31, 2019, and a pending F-2B family preference visa petition through her lawful permanent resident mother. In less than four years, upon the twenty-first birthday of her daughter S.B., Ms. Binam would be eligible to apply for lawful permanent residence as the immediate relative of a U.S. citizen.

Ms. Binam's Immigration Proceedings and Prior Detention

26. Petitioner was first placed into removal proceedings in 2014 after being arrested for a misdemeanor in North Carolina. She was released from detention on her own recognizance on August 6, 2014.

27. A few years later Petitioner was again detained by immigration authorities and transferred to the Irwin County Detention Center ("ICDC") on October 10, 2017, where she was held without bond.

28. While she was detained at ICDC, an Immigration Judge denied Petitioner's applications for cancellation of removal, withholding of removal, and protection under Convention Against Torture, and ordered Ms. Binam removed to Cameroon on June 12, 2019.

29. Petitioner timely appealed to the Board of Immigration Appeals (BIA). The BIA dismissed her appeal on January 21, 2020, resulting in a final order of removal.

30. While detained at ICDC, Petitioner, along with other women, was the victim of nonconsensual, medically unnecessary, and invasive gynecological procedures at the hands of a doctor contracted by ICE. As part of his abuse, the government's contracted doctor removed part of Ms. Binam's fallopian tube, unnecessarily and without consent, and informed her she would no longer be able to naturally conceive a child. Petitioner bravely spoke out about the widespread, shocking medical abuse at ICDC, which resulted in alleged retaliation by ICE and ICDC staff.

31. Petitioner was transferred to Montgomery Processing Center in Conroe, Texas on or about February 24, 2020.

32. After the revelations of the shocking medical abuse that Petitioner endured while detained, and upon the apparent finding that she was not a danger to the community or a flight risk, Ms. Binam was released from detention on September 19, 2020, under an OSUP.

33. In total, Petitioner was previously detained for thirty-five (35) months. She was detained for fifteen (15) months after she was initially ordered removed, eight (8) of which occurred after the Board of Immigration Appeals dismissed her appeal, resulting in a final order of removal.

Ms. Binam's Re-Detention in 2025 and ICE's Failure to Release Ms. Binam after ICWC v. Noem

34. Ms. Binam is currently physically confined in ICE custody at the Stewart Detention Center in Lumpkin, Georgia. She was transferred there on or about December 22, 2025, after having had her liberty initially restrained due to an ICE detainer lodged in the York County Jail in Rock Hill, South Carolina on or about October 14, 2025.

35. On December 19, 2025, Ms. Binam pled guilty to violating South Carolina's Public Disorderly Conduct statute, a 30-day misdemeanor, with a sentence of time served.

36. Upon information and belief, after entering her plea and being sentenced to time served in the morning of December 19, 2025, the sole reason for Ms. Binam's continued detention at the York County Jail was the aforementioned ICE hold.

37. Ms. Binam filed a § 2241 habeas corpus petition on December 23, 2025, and an amended petition on January 8, 2026. The essence of Ms. Binam's claims were that (1) Respondents did not provide her with proper written notification of the revocation of OSUP or a prompt informal post-deprivation interview after her return to ICE custody, although both are required by ICE's own regulations (*see* 8 C.F.R. § 241.4(l) and § 241.13(i)); and (2) that her continued detention in excess of cumulative six months violated the principles articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001). The petition was denied on June 9, 2026.

38. On May 20, 2026, *ICWC v. Noem*, a nationwide class action, was handed down, putting Respondents on notice that the blanket, indiscriminate detention of persons with pending U visas, like Ms. Binam, is unlawful.

39. On June 3, 2026, Ms. Binam filed a custody redetermination request with Field Director Sullivan in ICE's Atlanta Field Office, pursuant to the District Court's May 20 order in *ICWC v. Noem*. Ms. Binam subsequently filed an application for a stay of removal on June 10, 2026, based in part on that same case. The filings provided further details regarding Ms. Binam's class membership in *ICWC* and the May 20 order's reinstatement of previous ICE policies, which mandate the release of noncitizens with pending applications for victim-based immigration benefits absent "exceptional circumstances."

40. No such exceptional circumstances are present in Ms. Binam's case.

41. Despite being placed on notice of the *ICWC* order that mandates Ms. Binam's release, Respondents continue to detain her at Stewart.

42. Petitioner's re-detention has exacerbated her trauma and has separated her from her U.S. citizen daughter, who is experiencing mental health crises, and her lawful permanent resident parents, who rely on her for caregiving.

LEGAL FRAMEWORK

Creation of the U Visa

43. In 1994, Congress passed the Violence against Women Act ("VAWA") to address the widespread problem of noncitizens remaining in relationships with abusers who held the key to their eligibility for lawful immigration status in the United States. *See* Violent Crime Control and Law Enforcement Act of 1994, Title IV, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994). "[T]he goal of the bill is to 'permit[] battered immigrant women to leave their batterers without fearing deportation.'" *Hernandez v. Ashcroft*, 345 F.3d 824, 841 (9th Cir. 2003) (quoting H.R. Rep. No. 103-395, at 25).

44. In 2000, with overwhelming bipartisan support, Congress passed the Victims of Trafficking and Violence Protection Act of 2000 ("VTVPA"), which reauthorized VAWA through the Violence Against Women Act of 2000 ("VAWA 2000"). The VTVPA dramatically expanded protections for immigrant survivors.

45. Through Title 5 of VAWA 2000 – the Battered Immigrant Women Protection Act of 2000 ("BIWPA") – Congress created the U visa, providing a pathway to U.S. citizenship to noncitizen survivors of qualifying crimes who assist law enforcement in investigating or prosecuting those crimes. *See* BIWPA § 1513(a)(2)(B), (b); 8 U.S.C. § 1101(a)(15)(U).

46. A noncitizen is eligible for a U visa if (1) the petitioner “suffered substantial physical or mental abuse as a result of having been a victim of” certain explicitly identified types of crime; (2) the petitioner “possesses information concerning [the] criminal activity”; (3) the petitioner “has been helpful, is being helpful or is likely to be helpful” to government officials regarding the criminal activity; and (4) the crime occurred in the United States or violated U.S. law. 8 U.S.C. § 1101(a)(15)(U)(i)(I-IV). Children, spouses, and, for petitioners younger than 21, siblings and parents, may also receive U visas as derivative beneficiaries of the primary petitioner. 8 C.F.R. § 214.14(a)(10).

47. Among Congress’s stated purposes in creating the U visa were (1) “to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes. . . committed against [noncitizens], while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States,” and (2) to “facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused [noncitizens] who are not in lawful immigration status.” BIWPA § 1513(a)(2). As DHS has acknowledged, Congress—

created the U [visa] program out of recognition that victims without legal status may otherwise be reluctant to help in the investigation or prosecution of criminal activity. Immigrants, especially women and children, can be particularly vulnerable to criminal activity like human trafficking, domestic violence, sexual assault, stalking, and other crimes due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding U.S. laws, fear of deportation, and cultural differences.³

³ DHS, *U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies*, at 4, available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/DHS-U-and-T-Visa-Law-Enforcement-Resource-Guide-11.30.15.pdf> (last checked June 10, 2026).

48. Congress additionally authorized DHS to waive virtually *any* ground of inadmissibility to U visa petitioners. *Id.* § 1513(e); 8 U.S.C. § 1182(d)(14).

49. In 2008, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”). Pub. L. No. 110-457, 122 Stat. 5044. The TVPRA added § 237(d) to the Immigration and Nationality Act (“INA”), which authorizes DHS to issue a stay of any removal order against a U or T visa petitioner if the petition “sets forth a prima facie case for approval.” 8 U.S.C. § 1227(d)(1). Any such stay remains in effect until the U or T visa is approved or denied, during which time the applicant “shall not be removed.” 8 U.S.C. §§ 1227(d)(1)-(3).

50. Moreover, the TVPRA authorized employment for U visa petitioners who had “a pending, bona fide application” awaiting full adjudication. TVPRA § 201(c) (codified at 8 U.S.C. § 1184(p)(6)).

A. UNTIL 2025, DECADES OF AGENCY POLICY GUIDANCE PRESUMPTIVELY PROTECTED U VISA PETITIONERS FROM IMMIGRATION ENFORCEMENT

51. Consistent with Congress’s intent to encourage noncitizen victims to report crime and to protect them from adverse immigration consequences, for nearly two decades **DHS policies have required ICE to refrain from pursuing removal efforts against people with pending U visa petitions, like Petitioner**, absent serious public safety concerns.⁴ These include written

⁴ See Memorandum from William J. Howard, Principal Legal Advisor, to All OPLA Chief Counsel, *Prosecutorial Discretion* (Oct. 24, 2005), available at <https://www.aila.org/library/ice-prosecutorial-discretion-memo>; Memorandum from William Howard, Principal Legal Advisor, to All OPLA Chief Counsel, *VAWA 2005 Amendments to the Immigration and Nationality Act and 8 U.S.C. § 1367* (Feb. 1, 2007), available at https://www.ice.gov/doclib/foia/policy/memoVAWA_2005_INA_Amendments_02.01.2007.pdf; Memorandum of David J. Venturella, Acting Director, Detention and Removal Operations, to Field Office Directors, *Guidance: Adjudicating Stay Requests Filed by U Nonimmigrant Status (U-visa) Applicants*, (Sept. 24, 2009), available at https://www.ice.gov/doclib/foia/dro_policy_memos/11005_1-hd-stay_requests_filed_by_u_visa_applicants.pdf; Memorandum from Peter S. Vincent, Principal

policies issued in 2011 and 2021, which *ICWC* restored. See John Morton, ICE Policy Statement 10076.1, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs* (Jun. 17, 2011) (“2011 Policy”), at <https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf> (last checked June 10, 2026), and ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Dec. 2, 2021) (“2021 Directive”), at https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf (last checked June 10, 2026).

52. The 2011 Policy reiterated that “[a]bsent special circumstances or aggravating factors,” it is generally “against ICE policy to initiate removal proceedings against” known victims of crime. 2011 Policy at 1. Notably, the 2011 Policy explains “that a flag now exists in” DHS systems “to identify those victims of domestic violence, trafficking, or other crimes who already have filed for . . . victim-based immigration relief.” 2011 Policy at 3.

53. The 2021 Directive reaffirmed ICE’s longstanding policy to “refrain from taking civil enforcement action against” individuals “known to have a pending application” for “victim-based immigration benefits,” “absent exceptional circumstances” such as national security or public safety concerns. 2021 Directive at 1-2, 9. The 2021 Directive requires ICE to “defer” enforcement against crime victims with pending U applications until USCIS adjudicates the petition or interim benefits. *Id.* at 2. Moreover, agents must request expedited prima facie

Legal Advisor, to OPLA Attorneys, *Guidance Regarding U Nonimmigrant Status (U visa) Applicants in Removal Proceedings or with Final Orders of Deportation or Removal* (Sept. 25, 2009), available at https://www.ice.gov/doclib/foia/dro_policy_memos/vincent_memo.pdf; ICE Directive 11005.2, *Stay of Removal Requests and Removal Proceedings Involving U Nonimmigrant Status (U Visa) Petitioners*, (Aug. 2, 2019), available at https://www.ice.gov/doclib/foia/policy/11005.2_StayRemovalReqRemProcUVisaPetitioners.pdf.

adjudications from USCIS for people in ICE custody, and eligibility “for victim-based immigration benefits . . . must be considered” a “positive discretionary factor.” *Id.* at 2, 9.

54. On January 30, 2025, ICE unlawfully issued a new policy directive that, for the first time in the agency’s history, authorized the indiscriminate detention and removal of noncitizen victims of crime who had petitioned for victim-based immigration benefits, such as the U visa. *See* ICE Policy Number 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits* (Jan. 30, 2025) (“2025 Guidance”), available at <https://www.ice.gov/doclib/foia/policy/11005.4.pdf> (last checked June 10, 2026).

55. The 2025 Guidance, which was “effective immediately,” attempted to “rescind[] and supersede[]” the 2021 Directive and 2011 Policy. 2025 Guidance at 1. It thus upended Congress’s and the agency’s longstanding commitment to protect noncitizen crime victims, instead authorizing a deportation policy that ignores their eligibility for relief and statutory pathway to status. The 2025 Guidance thus marked an abrupt and unlawful departure from longstanding DHS practices, under which immigration agencies generally refrained from enforcement against crime victims absent serious adverse factors.

56. As a result of the 2025 Guidance, ICE began engaging in an unlawful policy and practice under which it routinely detains and deports people despite pending U or T⁵ visa petitions.⁶ Since the 2025 Guidance was issued, the Agency has been ignoring its earlier—and now

⁵ A T visa petition is a separate survivor-based immigration benefit program, for survivors of severe forms of human trafficking.

⁶ *See, e.g., ICWC PI Order* at 19 (explaining how Named Plaintiff Daniel H. “filed a correct and complete U visa petition . . . [and] requested an expedited prima facie determination on his pending petition, but USCIS w[ould] only consider such requests if they c[ame] from ICE, and pursuant to its Blind Removal Policy, ICE [would] not do so . . . [Daniel H.] has since been deported.”

restored—mandatory policies, which required it to refrain from removal or detention actions against persons with pending U visas, such as Petitioner.

B. PETITIONER IS A MEMBER OF THE “PENDING PETITION” CLASS OF ICWC PLAINTIFFS.

57. On October 14, 2025, several individual plaintiffs and non-profit legal organizations serving immigrant survivors filed a class action complaint in *ICWC*, challenging the lawfulness of the 2025 Guidance. *See* Compl. ¶¶ 200-233 *Immigr. Ctr. for Women & Child. v. Noem, et al.*, No. 2:25-cv-09848-AB-AS (C.D. Cal. Oct. 14, 2025) [Dkt. 1].

58. Ms. Binam filed her U petition on January 7, 2026. At this time, Respondents were made aware that she was the victim of a crime who had cooperated with law enforcement. Her detention was nonetheless continued, pursuant to the 2025 Guidance.

59. On May 20, 2026, the U.S. District Court for the Central District of California granted the plaintiffs’ Motion for Class Certification and granted in part the plaintiffs’ Motion for APA § 705 Relief and Individual and Classwide Preliminary Injunction. *See ICWC PI Order*.

60. As part of its ruling, the court provisionally certified three classes, including, as relevant here, the Pending Petition Class⁷, and stayed the 2025 Guidance, including its rescission of prior policies (the 2011 Policy and 2021 Directive). *Id.* at 96.

61. Specifically, the court concluded that the plaintiffs were likely to prevail on the merits of their claims that the 2025 Guidance was arbitrary and capricious and contrary to law under the APA. *Id.* at 68-74 (“The 2025 Guidance was issued without a reasoned explanation for disregarding the reasons underlying the prior 2011 Policy and 2021 Directive and apparently failed

⁷ The Pending Petition Class is defined by the Court as “[a]ll individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement.” *ICWC PI Order* at 38.

to consider important aspects of the problems that honoring victim-based protections was meant to address.”); *id.* at 74 (holding that the 2025 Guidance “is contrary to law because it does not protect VAWA self-petitioners or U visa or T visa petitioners from enforcement . . . undermin[ing] the legislative scheme Congress designed to protect such individuals from removal”). As a result, ICE may not detain Pending Petition Class members absent a finding of “exceptional circumstances” as defined by the 2011 Policy and 2021 Directive.

62. Here, Petitioner is a member of the Pending Petition Class in *ICWC* because she:

- a. is an individual with a pending U visa petition; and
- b. has remained in ICE detention despite her pending U visa petition and the absence of exceptional circumstances.

63. Accordingly, the 2025 Guidance may not be applied to Petitioner and her continued detention following the submission of her U petition is unlawful. Instead, the 2011 Policy and 2021 Directive now control, which require Petitioner’s release due to the lack of exceptional circumstances in her case.

64. Absent release, Petitioner will continue to experience re-traumatization and family separation.

C. PETITIONER IS A MEMBER OF THE “STAY OF REMOVAL” CLASS OF *ICWC* PLAINTIFFS.

65. As part of its ruling, the Court also provisionally certified the Stay of Removal Class.⁸

66. Petitioner is a member of the Stay of Removal Class in *ICWC* because she:

⁸ See *ICWC* PI Order at 96. The Stay of Removal Class is defined as “[a]ll individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE, and who request or requested a stay of a final removal order prior to enforcement of that removal order.” *Id.* at 38.

- a. is an individual with a pending U visa petition;
- b. was detained by ICE after January 30, 2025; and
- c. has requested a stay of final removal order prior to enforcement of that order.

67. Although Petitioner's Stay has not been pending long as of the filing of this petition and complaint, each day she remains in detention represents a greater infringement on her liberty.

CLAIMS FOR RELIEF

CLAIM ONE

Violation of APA 5 U.S.C. § 706(2)(A)

Petitioner's Detention Is Not in Accordance with Law because It Violates the ICWC PI Order and Is Based on 2025 Guidance which is Arbitrary and Capricious and Contrary to Law

68. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

69. Under the APA, courts "shall . . . hold unlawful and set aside agency action . . . found to be . . . not in accordance with law." 5 U.S.C. § 706(2)(A).

70. Respondent's detention of Petitioner constitutes final agency action under the APA. 5 U.S.C. §§ 551(c)(10) & (13), 704; *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997).

71. In *ICWC*, the court concluded that plaintiffs were likely to succeed on their claim that the 2025 Guidance is arbitrary and capricious and not in accordance with law under the APA. *See ICWC PI Order* at 68-73.

72. As a result, the court stayed the application of the 2025 Guidance, thus reinstating the 2011 Policy and 2021 Directive.

73. The stay applies to members of the Pending Petition Class and Stay of Removal Class. Ms. Binam belongs to both classes.

74. Nevertheless, Respondents have continued Ms. Binam's detention pursuant to the unconstitutional 2025 Guidance.

CLAIM TWO

Violation of APA 5 U.S.C. § 706(2)(A) and § 706(2)(C)

Petitioner's Detention Is Not in Accordance with Law because It Violates the ICWC PI Order and Is Based on 2025 Guidance which is Contrary to Law and Exceeds Statutory Authority

75. In staying the 2025 Guidance, the court also stayed the “Blind Removal Policy.” Under the Blind Removal Policy, ICE “detains or removes petitioners who have requested a stay of removal without first conducting a statutorily-required inquiry into whether the petitions present a prima facie case for approval, such as by requesting prima facie determinations from USCIS.” *Id.* at *14. Petitioner filed her stay of removal on June 10, 2026. However, her continued detention is unlawful without the appropriate inquiry into her prima facie eligibility for relief.

76. The stay applies in favor to members of the Stay of Removal Class, which includes Ms. Binam. *Id.*

77. Respondents have continued Petitioner’s detention despite the stayed Blind Removal Policy.

78. Accordingly, Respondents’ detention of Petitioner is not in accordance with law in violation of the APA, as it directly contravenes the § 705 relief issued in the *ICWC* PI Order.

CLAIM THREE

Accardi Doctrine

Petitioner's Detention Violates the PM, Regulations, and Longstanding Policy and Practice

79. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

80. The Supreme Court has long recognized that government agencies are required to follow their own procedures. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). Courts have regularly applied this principle to the immigration context. *See, e.g., Alcaraz v. I.N.S.*, 384 F.3d 1150, 1162 (9th Cir. 2004). The *Accardi* doctrine extends beyond just “regulations” to include, e.g., “internal operating procedures,” “handbook[s],” “policy statements,” and other evidence of an agency’s “usual practice.” *Id.*

81. The 2011 Policy and 2021 Directive, now restored pursuant to *ICWC*, require that the agency (1) refrain from taking negative enforcement actions against crime victims with pending U visa applications and/or stay of removal requests and (2) request expedited consideration of interim benefits such as deferred action from USCIS.

82. These documents are binding on the agency, *see, e.g., Alcaraz*, so its failure to abide by them in Petitioner's case violates the *Accardi* doctrine.

83. Prejudice is generally presumed when an agency violates its own policy. *See Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991) (“[W]e hold that a [noncitizen] claiming the INS has failed to adhere to its own regulations . . . is not required to make a showing of prejudice before he is entitled to relief. All that need be shown is that the subject regulations were for the [noncitizen]’s benefit and that the INS failed to adhere to them.”); *U.S. v. Heffner*, 420 F.2d 809, 813 (4th Cir. 1969) (“The *Accardi* doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Order Respondents to show cause why the writ should not be granted, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
- (3) Issue a writ of habeas corpus and order Respondents to immediately release Petitioner and forbid them from re-detaining Petitioner;
- (4) Declare that Petitioner's detention is unlawful;
- (5) Award reasonable costs and attorneys' fees; and
- (6) Grant such further relief as the Court deems just and proper.

Dated: June 10, 2026

Respectfully submitted,

/s/ Jason A. Cade

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Pro Bono Counsel for Ms. Binam

*Admitted in CA, pro hac vice application forthcoming

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner, Ms. Pauline Binam, because I am the attorney for Petitioner. I or my co-counsel have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: June 10, 2026

Respectfully submitted,

/s/ Kristen E. Shepherd
Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I or my co-counsel will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Jason Streeval, Warden
Stewart Detention Facility
146 Cca Road
Lumpkin, GA 31815

Kristen Sullivan, Field Office Director
Immigration and Customs Enforcement
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David Venturella, Acting Director
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Dated: June 10, 2026

Respectfully submitted,

/s/ Kristen E. Shepherd
Pro Bono Counsel for Petitioner