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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

HONORIO LATYR PEREIRA BARRETO,

Petitioner,

v.

STATE OF ALASKA, Department of
Corrections; ARNALDO HERNANDEZ,
Superintendent of the Anchorage
Correctional Complex, in his official
capacity; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; DAVID
VENTURELLA, Acting Director, in his
official capacity, and LAURA
HERMOSILLO, Field Office Director,
Seattle Field Office; DEPARTMENT OF
HOMELAND SECURITY;
MARKWAYNE MULLIN, Secretary, in his
official capacity,

Respondents.

Case No. 3:26-cv-00235-SLG

NOTICE OF FILING EVIDENCE

NOTICE OF FILING EVIDENCE

Petitioner, Honorio Latyr Pereira Barreto, by and through undersigned counsel, submits this
Notice of Filing Evidence.

- A Copy of Honorio Latyr Pereira Barreto's Green Card, expired on December 3, 2022
- A Copy of the Postmarked Envelope sent by USCIS to General Delivery for Honorio Latyr Pereira Barreto
- USCIS Policy Manual Volume 1, Part C, Chapter 2, Detailing Biometrics Collection Guidance
- A Copy of USCIS Policy Alert Detailing Policy Guidance on Biometrics Collection for Aliens in Custody, dated December 5, 2025
- USCIS Policy Manual Volume 1, Part C Update for Policy on Biometrics for Detainees, dated December 5, 2025
- "Detained Immigrants Challenge Trump-Vance Policy that Forces Automatic Denial for Applications," National Immigration Project, (May 1, 2026)

RESPECTFULLY SUBMITTED this 16th day of June, 2026, in Anchorage, Alaska.

/s/ Margaret D. Stock

Margaret D., Stock, Esq.
Alaska State Bar No.: 9306036

/s/ Kristine A. Quint

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2026,
a true and correct copy of the foregoing
was served electronically on the following:

Joshua A. Trini
Josh.Traini@ujsdoj.gov
Attorney for the Federal Respondents



U.S. Citizenship
and Immigration
Services

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Chapter 2 – Biometrics Collection

Guidance

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A. Biometric Services Appointments

After an alien files an application, petition, or other benefit request, USCIS may schedule a biometric services appointment at a local Application Support Center (ASC).^[1] The appointment notice indicates the date, time, and location of the appointment. The person submitting biometrics should bring the appointment notice and valid, unexpired photo identification (for example, Permanent Resident Card (Form I-551), passport, or driver's license), or other identity documentation^[2] as authorized by USCIS to the appointment.

USCIS considers an alien to have abandoned an application, petition, or request if the alien fails to appear for the biometric services appointment unless, by the appointment time, USCIS receives a change of address or rescheduling request that it concludes warrants excusing the failure to appear.^[3]

1. Timely Requests to Reschedule

An alien who needs to reschedule a biometric services appointment should follow the instructions provided in the appointment notice. USCIS only accepts rescheduling requests made through a [myUSCIS](#) online account or to the [USCIS Contact Center](#) and does not accept requests to reschedule submitted by mail or in person at a USCIS office.^[4]

An authorized representative with a properly filed Notice of Entry of Appearance as Attorney or Accredited Representative ([Form G-28](#)) may also request to reschedule an appointment on behalf of their

client through a myUSCIS online account or the USCIS Contact Center.

Any alien required to appear for a biometric services appointment may, before the scheduled date and time, request that USCIS reschedule the appointment for good cause.^[5] For the purposes of determining whether to grant a biometric services appointment reschedule request, good cause exists when the alien provides a sufficient reason for their inability to appear on the scheduled date.

Sufficient reasons may include, but are not limited to:

- Illness, medical appointment, or hospitalization;
- Previously planned travel;
- Significant life events such as a wedding, funeral, or graduation ceremony;
- Inability to obtain transportation to the appointment location;
- Inability to obtain leave from employment or caregiver responsibilities; and
- Late delivered or undelivered biometric services appointment notice.^[6]

2. Missed Biometric Services Appointments^[7]

In accordance with regulations, USCIS considers a benefit request abandoned and denied^[8] if the alien fails to appear for a biometric services appointment unless, by the appointment time, USCIS receives a notice of a change of address or a request to reschedule the appointment that USCIS concludes warrants excusing the failure to appear.^[9]

Aliens who have filed an Application for Asylum and for Withholding of Removal ([Form I-589](#)) who fail to comply with fingerprint processing without good cause will not have their applications denied for abandonment. Instead, USCIS may dismiss^[10] the asylum application if the alien is in lawful immigration status or paroled, or refer the application to an immigration judge if the alien is not in lawful immigration status or paroled.

Timely Notice of Change of Address

Before USCIS denies a benefit request for abandonment, USCIS reviews the record of proceeding and relevant systems for evidence of a notice of a change of address.^[11] USCIS reschedules the biometric services appointment when a change of address is received by the appointment time.

Timely Request to Reschedule

Before denying for abandonment, USCIS reviews the record of proceeding and relevant systems for reschedule requests. USCIS reschedules the biometric services appointment when the alien submits, by the appointment time, a request to reschedule and provides a sufficient reason for the inability to appear.^[12]

Untimely Request to Reschedule

A benefit request is considered abandoned and is denied when an alien fails to appear for a biometric services appointment and USCIS has not received a rescheduling request by the appointment time.^[13] However, notwithstanding the regulation and based on case law, agencies have some latitude to relax procedural rules adopted for the orderly transaction of business if justice so requires under the circumstances.^[14]

Therefore, when an alien submits a request to reschedule the appointment after the appointment date has passed, and if the benefit request remains pending, USCIS may, in its discretion and based on the alien's circumstances, consider whether the benefit request has been abandoned. In considering abandonment and whether the officer should exercise discretion to reschedule based on the alien's circumstances, USCIS reviews such factors as:

- The length of time between the missed appointment and the reschedule request;
- Whether the alien has a sufficient reason^[15] for failing to appear; and
- Whether a denial would cause undue hardship or expense.

USCIS only accepts untimely rescheduling requests made to the USCIS Contact Center and does not accept untimely requests to reschedule by mail or in person at a USCIS office or through the myUSCIS online rescheduling tool.

No Evidence of Change of Address or Request to Reschedule

USCIS considers a benefit request abandoned if the alien fails to appear for a biometric services appointment and there is no evidence of a change of address or a request to reschedule.^[16]

When USCIS denies an application for abandonment, USCIS notifies the alien and the authorized representative, as appropriate, of the decision in writing.^[17] The priority or processing date of an abandoned benefit request may not be applied to a later benefit request.^[18]

B. Mobile Biometrics Collection

Mobile biometrics collection refers to a service USCIS provides in which the agency collects biometrics (for example, fingerprints and photographs, etc.) from persons with pending benefit requests (including derivatives, beneficiaries, or both), at pre-determined locations outside of an ASC. Mobile biometrics collection is typically performed by USCIS employees or contractors.^[19] USCIS has sole discretion to conduct mobile biometrics collection.^[20]

USCIS may provide domestic mobile biometric services to persons with a disability or health reason that prevents them from appearing in person at an ASC.^[21] In very limited circumstances, USCIS may, in its

sole discretion, provide domestic mobile biometric services to other aliens who are unable to attend scheduled ASC appointments in person.^[22]

Remote Locations

USCIS may, in its sole discretion and on a case-by-case basis, provide mobile biometrics collection services to aliens residing in remote locations within the United States who are unable to attend scheduled ASC appointments in person.

When determining whether to exercise its discretion after a request for mobile biometrics collection, USCIS considers circumstances such as the difficulty of travel, the distance a person must travel to an ASC, and efficient use of USCIS resources. If USCIS can provide mobile biometric services, USCIS will inform the alien.

Persons in Custody

USCIS does not grant requests to collect biometrics from aliens or other persons in custody at correctional institutions for immigration petitions or applications under USCIS' exclusive or concurrent jurisdiction.^[23] This includes requests from unaccompanied alien children, who have a pending asylum application while in removal proceedings, as USCIS has initial jurisdiction over such cases.^[24] USCIS officers and contract staff therefore do not travel to jails, prisons, or similar non-DHS or DHS detention facilities to perform biometric collections for any detained or incarcerated aliens or other persons (including applicants, petitioners, beneficiaries, derivatives, sponsors, or other requestors, regardless of their immigration status or country of citizenship). However, USCIS officers must continue to follow all applicable regulations and procedures in issuing ASC notices to those whose appearance is required for biometrics collection.

USCIS does not approve requests to reschedule a biometrics appointment for reason of detention or incarceration. The person must follow the procedures listed in the biometrics appointment notice to request his or her appointment be rescheduled.^[25]

C. Fingerprint Waivers

A person may qualify for a waiver of the fingerprint requirement if he or she is unable to provide fingerprints because of a medical condition,^[26] including but not limited to disability, birth defects, physical deformities, skin conditions, and psychiatric conditions.^[27] Only certain USCIS employees are authorized to grant a fingerprint waiver.

A USCIS employee responsible for overseeing a person's fingerprinting may grant the waiver if all of the following requirements are met:

- The alien, petitioner, beneficiary, sponsor, derivative, requestor, or individual person filing or associated with a benefit request appeared in person for the biometrics collection;

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- The officer or authorized technician attempted to fingerprint the person (or determined that such an attempt was impossible); and
- The officer determines that the person is unable to be fingerprinted at all or is unable to provide a single legible fingerprint.

A USCIS employee should not grant a waiver if the waiver is solely based on the following situations:

- The person has fewer than 10 fingers;
- The officer considers the person's fingerprints as unclassifiable; or
- The person's condition preventing the fingerprint collection is temporary.

If a fingerprint waiver is granted, the waiver is valid only for the particular application(s), petition(s), or benefit request(s) listed on the ASC notice for which biometrics are collected. The person must request a fingerprint waiver for each individual application, petition, or benefit request subsequently filed if the subsequent filing has a biometrics collection requirement.

A person who is granted a fingerprint waiver must bring local police clearance letters or other form-specific documentation^[28] covering the relevant periods to the interview. All clearance letters become part of the record. In cases where the person is granted a fingerprint waiver or has two unclassifiable fingerprint results, USCIS must take a sworn statement from the person covering the relevant periods.

USCIS' decision to deny a fingerprint waiver is final and may not be appealed.

D. Biometrics Collected [Partially Reserved]

[Partially Reserved]

1. Fingerprints [Reserved]

[Reserved]

2. Photographs

USCIS embeds a photograph when creating certain secure documents as a security feature.^[29] In limited circumstances and subject to applicable form instructions, USCIS may require a photograph to be submitted along with an application, petition, or request to produce a secure document, even when there is no associated biometrics collection requirement for that application, petition, or request. Where the applicant, petitioner, or requestor fails to attend a required Biometric Services Appointment (BSA) USCIS shall consider the application, petition, or request abandoned and denied unless by the appointment time USCIS has received a change of address or rescheduling request that the agency concludes warrants excusing the failure to appear.^[30]

USCIS may reuse a previously collected BSA photograph if, at the time of filing, no more than 36 months (3 years) have passed since the date that USCIS or an authorized entity collected the photograph at a BSA.

Photo reuse is not permitted for the Application for Naturalization ([Form N-400](#)), Application for Certificate of Citizenship ([Form N-600](#)), Application to Replace Permanent Resident Card ([Form I-90](#)), or Application to Register Permanent Residence or Adjust Status ([Form I-485](#)). These forms require the collection of new biometrics, including a new photograph.

Permitted Reuse of Photographs from Prior Biometric Services Appointment Collections

Form Type	Photograph Taken by USCIS or Authorized Entity
Form N-400 Form N-600 Form I-90 Form I-485	No photograph reuse: must attend BSA for collection of new photograph. ^{[31]}
All other benefit types	Photograph reuse permitted if photograph collected by USCIS or authorized entity is no more than 36 months (3 years), at the time of filing.

3. Signatures [Reserved]

[Reserved]

Footnotes

^{[\[1\]](#)} See [8 CFR 103.2\(b\)\(9\)](#). For aliens residing outside of the United States, USCIS may schedule biometrics collection at a USCIS office abroad, at a U.S. embassy or consulate, or at a U.S. military installation abroad. See [8 CFR 103.16](#). An exception to the requirement to collect new biometrics exists in the case of military naturalization. For military naturalization cases, a biometric background check must be performed, but USCIS may use previously collected fingerprints from a different immigration filing or may use fingerprints collected as part of enlistment processing to perform the check. For more information relating to biometrics collection for military members, see Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 6, Required Background Checks, Section C, Ways Service Members may Meet Fingerprint Requirement [[12 USCIS-PM I.6\(C\)](#)].

[^2] Some aliens classified as special immigrant juvenile (SIJs) may not have government-issued photo identification. In this situation, USCIS may accept as evidence of identity a court-issued order citing the SIJ as the subject of the order, or official documentation issued by the U.S. Department of Health and Human Services (HHS) for unaccompanied children who are or have been in the custody of HHS. For more information on how to prepare for a biometric services appointment, see the [Preparing for Your Biometric Services Appointment](#) webpage.

[^3] See [8 CFR 103.2\(b\)\(13\)\(ii\)](#).

[^4] For more information on rescheduling a biometric services appointment, see the [Preparing for Your Biometric Services Appointment](#) webpage.

[^5] See [8 CFR 103.2\(b\)\(9\)\(ii\)](#). An alien may also appear at the ASC before the scheduled date or withdraw the benefit request. See [8 CFR 103.2\(b\)\(9\)\(i\)](#) and [8 CFR 103.2\(b\)\(9\)\(iii\)](#).

[^6] Aliens may become aware of an undelivered biometric services appointment notice through their [myUSCIS](#) account or USCIS' [Case Status Online](#) tool.

[^7] This subsection does not apply to aliens who have filed an Application for Asylum and for Withholding of Removal ([Form I-589](#)). See instead [8 CFR 208.10](#) (Failure to comply with fingerprint processing without good cause may result in dismissal of the application. Failure to appear at the fingerprint appointment will be excused if the alien demonstrates that such failure was the result of exceptional circumstances.).

[^8] See Part E, Adjudications, Chapter 9, Rendering a Decision, Section B, Denials, Subsection 2, Abandonment Denials [[1 USCIS-PM E.9\(B\)\(2\)](#)].

[^9] See [8 CFR 103.2\(b\)\(13\)\(ii\)](#).

[^10] See [8 CFR 208.10](#).

[^11] Evidence of such notice may include written correspondence from the alien or authorized representative, notice of change of address to the USCIS Contact Center, U.S. Postal Service address correction services, or Alien's Change of Address Card ([Form AR-11](#)). For more information, see the [How to Change Your Address](#) webpage.

[^12] For examples of what warrants excusing a failure to appear, see Subsection 1, Timely Requests to Reschedule [[1 USCIS-PM C.2\(A\)\(1\)](#)].

[^13] See [8 CFR 103.2\(b\)\(13\)\(ii\)](#).

[^14] While generally regulations must be followed by an agency as well as the regulated public, courts have allowed agencies some latitude to relax their procedural requirements in the interest of justice. See *American Farm Lines v. Black Ball Freight Services*, 397 U.S. 533, 539 (1970).

[^ 15] For examples of sufficient reasons, see Subsection 1, Timely Requests to Reschedule [[1 USCIS-PM C.2\(A\)\(1\)](#)].

[^ 16] See [8 CFR 103.2\(b\)\(13\)](#).

[^ 17] See [8 CFR 103.3\(a\)\(1\)\(i\)](#). A denial due to abandonment may not be appealed, but an alien or petitioner may file a motion to reopen. See [8 CFR 103.2\(b\)\(15\)](#). A denial due to abandonment may only be reopened in limited circumstances. See [8 CFR 103.5\(a\)\(2\)\(i\)-\(iii\)](#).

[^ 18] See [8 CFR 103.2\(b\)\(15\)](#).

[^ 19] In some instances, USCIS may use other government agencies to perform remote biometrics collection. See Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998, Title I, [Pub. L. 105-119 \(PDF\)](#), 111 Stat. 2440, 2447-2448 (November 26, 1997). See [8 CFR 103.2\(b\)\(9\)](#) and [8 CFR 103.16\(a\)](#).

[^ 20] See [8 CFR 103.16](#) and [8 CFR 103.2\(b\)](#).

[^ 21] The USCIS website provides a definition of the term [accommodation](#); mobile biometrics is only one subset of accommodations. For more information on accommodations generally, see the [Disability Accommodations for the Public](#) webpage.

[^ 22] See the [USCIS Contact Center](#) webpage.

[^ 23] By regulation, DHS is only responsible for obtaining biometrics needed for identity and background checks when an alien is in detention, in removal proceedings, and the benefit requested is within the jurisdiction of the Executive Office for Immigration Review. See [8 CFR 1003.47\(d\)](#).

[^ 24] See [INA 208\(b\)\(3\)\(C\)](#).

[^ 25] If the person is no longer in custody, and has changed his or her address, he or she must also submit a change of address request on an Alien's Change of Address Card ([Form AR-11](#)) for the appointment to be rescheduled at the new address.

[^ 26] The regulations at [8 CFR 204.3\(c\)\(3\)](#) allow USCIS to waive the fingerprint requirement for prospective adoptive couples or additional adult members of the prospective adoptive parents' household when it determines that such adult is "physically unable to be fingerprinted because of *age* or medical condition." (Emphasis added.) As such, solely with respect to Petition to Classify Orphan as an Immediate Relative ([Form I-600](#)) and Application for Advance Processing of an Orphan Petition ([Form I-600A](#)) adjudications, USCIS must also consider whether the person is unable to be fingerprinted due to age in addition to medical condition.

[^ 27] The officer responsible for overseeing fingerprinting may request that a licensed mental health professional (that is, a psychologist, psychiatrist, or similar practitioner) or a licensed medical

practitioner who has responsibility for the person's care submit reasonable documentation in accordance with the procedure laid out in Part A, Public Services, Chapter 6, Disability Accommodation Requests [[1 USCIS-PM-A.6](#)].

[[^ 28](#)] For example, affidavits under [8 CFR 204.310\(b\)](#) for an Application for Determination of Suitability to Adopt a Child from a Convention Country ([Form I-800A](#)) if the person is "physically unable to comply" with biometrics collection.

[[^ 29](#)] For example, Permanent Resident Card ([Form I-551](#)) and Employment Authorization Document ([Form I-766](#)).

[[^ 30](#)] See [8 CFR 103.2\(b\)\(13\)\(ii\)](#).

[[^ 31](#)] In limited and rare circumstances, non-BSA photos may be collected and used as part of verified and approved medical disability accommodations.

Current as of May 08, 2026



December 5, 2025

PA-2025-28

Policy Alert

SUBJECT: Biometrics Collection for Aliens in Custody

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify USCIS policy on obtaining biometrics for detained aliens in custody with pending benefit requests with USCIS.

Background

USCIS conducts security and background checks on persons and organizations who seek an immigration benefit or other request.¹ USCIS' security and background check processes are essential to uphold the integrity of U.S. immigration laws, identify any person who may pose a risk to national security or public safety, and detect possible fraud.

In general, when requesting an immigration benefit from USCIS, a person (including aliens, petitioners, beneficiaries, derivatives, and sponsors) may be required to attend an Application Support Center (ASC) biometric services appointment for identity verification and to provide biometrics needed to conduct security and background checks. If the person fails to attend the ASC appointment without properly informing USCIS of a pertinent reason, such as a change of address, or a request to reschedule, USCIS considers that person to have abandoned the application, petition, or other benefit request.²

USCIS does not allow USCIS contractors or staff to travel to jails, prisons, or non-DHS detention facilities to collect biometrics. In addition, there is no current agreement between USCIS and U.S. Immigration and Customs Enforcement (ICE) under which ICE has agreed to collect biometrics from individuals with an immigration benefit pending with USCIS. This update removes outdated guidance that places the burden on ICE to collect biometrics of aliens in custody and clarifies guidance on USCIS' biometrics collection for detained aliens in custody in both DHS and non-DHS facilities.

This guidance, contained in Volume 1 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

¹ See [8 CFR 103.16](#) and [8 CFR 103.2](#).

² See [8 CFR 103.2\(b\)\(13\)\(ii\)](#).

Policy Highlights

- Provides that USCIS does not collect biometrics from aliens or other persons who are detained or incarcerated in any jail, prison, or similar DHS or non-DHS detention facilities and have a pending immigration petition or application with USCIS.
- Removes obsolete guidance to clarify that there is no controlling intradepartmental agreement between USCIS and ICE regarding the collection of biometrics for aliens in custody with pending USCIS benefits.
- Clarifies that DHS has no obligation to collect biometrics from aliens in detention, unless they are in removal proceedings and have an application or petition in front of the Executive Office for Immigration Review.

Summary of Changes

Affected Section: Volume 1 > Part C > Chapter 2 > Section B, Mobile Biometrics Collection

- Revises italicized subheading “Persons in Custody” in its entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 1: General Policies and Procedures, Part C, Biometrics Collection and Security Checks, Chapter 2, Biometrics Collection [[1 USCIS-PM C.2](#)].



U.S. Citizenship
and Immigration
Services

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USCIS Updates Policy on Biometrics for Detainees

Release Date : 12/05/2025

We are updating [USCIS Policy Manual Volume 1, Part C](#) to deter the filing of frivolous claims and provide operational consistency. This update clarifies that the Department of Homeland Security generally will not take biometrics of detained aliens unless they are in removal proceedings and have a pending application or petition filed with the Executive Office for Immigration Review. This guidance is effective immediately and applies to requests pending or filed on or after the publication date.

The policy guidance:

- Reiterates that USCIS does not approve requests to collect biometrics from aliens or other persons who are detained or incarcerated in any jail, prison, or similar DHS or non-DHS detention facilities and have a pending immigration petition or application with USCIS;
- Removes obsolete guidance to clarify that there is no controlling intradepartmental agreement between USCIS and Immigration and Customs Enforcement regarding the collection of biometrics for aliens in custody with pending USCIS benefit requests; and
- Affirms that USCIS will generally continue to deny immigration benefit requests based on abandonment for aliens who fail to attend their Application Support Center biometrics services appointments.

The guidance contained in the Policy Manual is controlling and supersedes any prior guidance on the topic.

For more information, see the [Policy Alert](#).

Last Reviewed/Updated: 12/05/2025



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**DETAINED IMMIGRANTS CHALLENGE TRUMP-VANCE POLICY THAT FORCES AUTOMATIC
DENIAL OF APPLICATIONS**

Detained Immigrants Challenge Trump-Vance Policy that Forces Automatic Denial of Applications

Issue area: Detention

Posted: May 1, 2026

**FOR IMMEDIATE RELEASE:**

April 30, 2026

CONTACTS:Lilly Gonzalez, media@nipnlg.orgDemocracy Forward, press@democracyforward.orgTara Tidwell Cullen, NIJC, ttidwellcullen@immigrantjustice.org, 312-833-2967***Lawsuit Seeks to Block New Policy that Keeps Noncitizens with***

Case 3:26-cv-00235-SLG Document 14-1 Filed 06/16/26 Page 17 of 22

Pending Immigration Applications from Completing Biometric Collection

Washington, D.C. — A group of detained noncitizens represented by Democracy Forward, the National Immigration Project, and the National Immigrant Justice Center filed a class action lawsuit today challenging a new Trump-Vance administration policy that blocks detained immigrants from completing biometrics processes, including fingerprints and photos, for applications filed with US Citizenship and Immigration Services (USCIS), which automatically causes their immigration applications to be denied.

The [lawsuit](#), filed in the U.S. District Court for the District of Columbia, argues that the U.S. Department of Homeland Security (DHS) has created a system that requires individuals to submit biometrics as part of their applications for immigration relief, while simultaneously refusing to collect that information from people in detention centers. As a result, eligible individuals are denied the opportunity to pursue lawful immigration status, including pathways available to survivors of human trafficking, abused and abandoned children, and those seeking to reunite with family members.

“In its zeal to block paths for lawful immigration, the Trump-Vance administration has yet again set up an unlawful trap for noncitizens, creating a system where people are required to meet a condition for relief and then blocking them from ever meeting it,” said **Skye Perryman, President and CEO of Democracy Forward**. “This policy is as unlawful as it is cruel – it strips people of their legal rights, shuts down pathways to safety and stability, and fast-tracks deportation without due process. Courts exist for moments like this. We are asking the court to restore access to legal protections Congress guaranteed.”

“The government didn’t stumble into this outcome. They engineered it,” said Michelle Mendez, Director of Legal Resources and Training at the National Immigration Project. “Require biometrics, refuse to collect them, then punish people for the gap you created. That’s not administration; that’s a trap. A deliberately broken process they’re now citing as proof that people eligible for benefits and protections deserve to be deported. We’re asking the court to see this scheme for exactly what it is.”

“The National Immigrant Justice Center represents many people trapped in Immigration and Customs Enforcement (ICE) detention centers who have submitted applications to become lawful permanent residents or to seek protection from trafficking, abuse, or persecution. Now, those applications are being derailed because ICE is blocking people from providing the biometrics information required by USCIS,” said **Mary Georgevich, a senior litigation attorney at the National Immigrant Justice Center**. “Without intervention from the court, the Trump-Vance administration will use this newest mass-deportation policy to systematically separate more families and deport more people to danger, even if they have pending applications for legal protection.”

The complaint highlights the policy's real-world impact on detained individuals with pending immigration relief applications. One plaintiff, a young survivor of abuse, has already had his application denied once because biometrics were not collected while he was in detention, and now faces the same outcome again. Another plaintiff, a survivor of human trafficking, was unable to attend a scheduled biometrics appointment because he was detained and not transported, leaving him unable to complete his application, and he is now at risk of deportation.

Federal law requires USCIS to adjudicate properly filed applications for immigration benefits, and biometrics collection is a mandatory step in that process. The lawsuit alleges that the DHS policy violates federal immigration law, the Administrative Procedure Act, and the Fifth Amendment’s due process guarantee by effectively preventing detained individuals from accessing the relief they are legally entitled to pursue.

The plaintiffs are asking the court to block enforcement of the policy, vacate it, and restore access to the application process while the case proceeds.

The case is *J. Z. et al. v. U.S. Department of Homeland Security et al.* The legal team includes Sean Ouellette, Anne Swift, Jennie Kneedler, Paul Wolfson, and Elena Goldstein of Democracy Forward; Michelle Mendez of the National Immigration Project; and Mary Georgevich, Keren Zwick, Richard Caldarone, Gerardo Romo, and Nicole May of the National Immigrant Justice Center.

Read the complaint [here](#).

A Spanish version of this press release is available [here](#).

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SIGN UP!



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