IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LUIS SANTIAGO VILLARREAL MENESES

Petitioner,

v.

WARDEN, Irwin County Detention Center; KRISTEN SULLIVAN, Acting Field Office Director, Atlanta Field Office; DAVID VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Department of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States.

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Civil Action No. _____

INTRODUCTION

1. Petitioner Luis Santiago Villarreal Meneses ("Mr. Meneses" or "Petitioner") petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to compel his release from custody, as his current civil immigration detention violates the Due Process Clause of the United States Constitution, the Administrative Procedure Act ("APA"), and the Immigration and Nationality Act ("INA")

2. Mr. Meneses is a noncitizen who is currently detained by the Department of Homeland Security ("DHS") at the Irwin County Detention Center in Ocilla, Georgia. He is an asylum seeker from Colombia who entered the United States at age 14 without inspection. He turned himself in to Customs and Border Protection ("CBP") after entering and then was released into the United States on or about July 16, 2022, subject to the requirement that he report to ICE annually. After residing

in the community in full compliance with ICE reporting requirements, Mr. Meneses was re-arrested four years later within the interior of the United States, placing him squarely within the scope of 8 U.S.C. § 1226(a)'s statutory scheme addressing detention rather than the detention mandates of 8 U.S.C. § 1225(b)(2).

3. At the time of his entry to the United States, Mr. Meneses was 14 years old; he is currently an 18-year old about to enter his senior year of high school. Mr. Meneses is not and has never been placed in expedited removal proceedings. He was released into the interior on July 16, 2022, and has been at liberty until his sudden re-detention on or about July 21, 2026. He has fully complied with the terms of his release, including attending every annual ICE check-in.

4. Mr. Meneses's abrupt arrest and continued confinement were executed without any material change in circumstances and without a warrant and without the procedural protections required by law. His detention violates the Due Process Clause of the Fifth Amendment, the APA, and the INA.

5. Mr. Meneses is charged, *inter alia*, as an individual present in the United States without admission or inspection pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I). He has been placed in full removal proceedings under INA § 240, which means his detention is governed by 8 U.S.C. § 1226(a). His removal proceedings remain pending before the Executive Office for Immigration Review ("EOIR").

6. Mr. Meneses has no criminal convictions, no history of violence, no pending criminal charges, and has consistently complied with all immigration requirements. His continued detention is not based on any individualized finding that confinement is necessary to serve a legitimate governmental purpose.

7. Mr. Meneses's continued detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, the Suspension

Clause of the United States Constitution, and binding agency regulations. DHS's legally incorrect reliance on 8 U.S.C. § 1225(b)(2)(A) as a bar to release has resulted in prolonged civil confinement without adequate procedural safeguards or meaningful judicial review.

8. Under the INA, individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge ("IJ").

9. Recent Eleventh Circuit precedent is directly on point and requires that, at minimum, Mr. Meneses be accorded a bond hearing to seek relief from detention. In *Hernandez Alvarez*, the Eleventh Circuit held that § 1225(b)(2)(A) reaches people seeking lawful entry to the country, not noncitizens who are "simply present" in the interior. *See Hernandez Alvarez v. Warden, Fed. Det. Ctr.*, 175 F.4th 1258, 1262 (11th Cir. 2026). Mr. Meneses, who resided in the community for more than four years before his detention at an ICE check-in, is precisely the type of interior noncitizen whose detention the Eleventh Circuit has held to be governed by § 1226(a). *See id.* at 1281 (holding that 8 U.S.C. § 1225(b)(2) only applies to those aliens "who have not yet entered the United States, but are 'seeking admission' at the border"); *see also J.A.M. v. Streeval*, No. 4.25-CV-342-CDL, 2025 WL 3050094, at *3, *5 (M.D. Ga. Nov. 1, 2025).

10. Mr. Meneses's continued detention contravenes the decisions of this Court and Eleventh Circuit. He seeks a writ of habeas corpus directing Respondents to release him from custody immediately or to provide him, within 7 days, a prompt, individualized, substantive bond hearing before a neutral adjudicator under § 1226(a), at which the Government bears the burden to show by clear and convincing evidence that Mr. Meneses is a danger or flight risk. Mr. Meneses also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

CUSTODY

11. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at Irwin County Detention Center, an immigration detention facility, in Ocilla, Georgia. Petitioner is under the direct control of Respondents and their agents. *See* 28 U.S.C. § 2241(a).

JURISDICTION

12. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

15. Venue is proper in this District under 28 U.S.C. § 2241(a) because Petitioner is currently detained in this District and Division *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.") (citing 28 U.S.C. § 2241).

PARTIES AND BACKGROUND

16. **Petitioner Luis Santiago Villarreal Meneses** (A# [redacted]) is a Colombian national who has a pending asylum application. Mr. Meneses is 18 years old and lives with his father, mother, and 15-year-old brother in Charlotte, North Carolina. Mr. Meneses is scheduled to begin his senior year of high school in one month. Mr. Meneses has strong ties to his community and has no criminal history. He is neither a danger nor a flight risk. Mr. Meneses is currently detained by Respondents at Irwin County Detention Center. Mr. Meneses is "in custody" for the purpose of 28 U.S.C. § 2241 because he is detained by Respondents.

17. **Respondent Warden** is the Warden of the Irwin County Detention Center, where Petitioner is being held. Respondent Warden is a legal custodian of Petitioner, and he is sued in his official capacity.

18. **Respondent Kristen Sullivan** is the Acting Field Office Director for ICE Enforcement and Removal Operations ("ERO") in Atlanta, Georgia. The ERO Atlanta Field Office is responsible for the enforcement of U.S. immigration laws in the states of Georgia, North Carolina, and South Carolina. She is sued in her official capacity.

19. **Respondent David Venturella** is Acting Director of Immigration and Customs Enforcement ("ICE"). ICE is the federal agency responsible for custody decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. As Acting Director of ICE, Respondent Venturella has authority over its actions, including Petitioner's detention. He is sued in his official capacity.

20. **Respondent Markwayne Mullin** is Secretary of the United States Department of Homeland Security ("DHS"). DHS is the federal agency with authority over the actions of ICE. As Secretary of DHS, Respondent Mullin has authority over its actions, including Petitioner's detention. He is sued in his official capacity.

21. **Respondent Todd Blanche** is the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice. He is sued in his official capacity. In that capacity, Respondent Blanche has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Blanche is responsible for decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. Therefore, he is also Petitioner's legal custodian.

REQUIREMENTS OF 28 U.S.C. § 2243

22. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v Noia*, 372 U.S. 391, 400 (1963) (emphasis added) (quoting *Sec'y of State for Home Affs. v. O'Brien* (1923) AC 603 (HL) 609), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72, 73 (1977)).

23. A district court's power includes jurisdiction to hear habeas challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Indeed, noncitizens in immigration proceedings are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

24. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the respondents "forthwith," unless it appears from the application that the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

STATEMENT OF FACTS

25. Petitioner Luis Santiago Villarreal Meneses is a citizen of Colombia. He came to the United States in 2022 at age 14 with his mother, father, and brother. He entered the United States without inspection on July 16, 2022. Upon entry, Mr. Meneses and his family turned themselves in to CBP. After a brief period of detention, Mr. Meneses was released into the United States subject to reporting requirements. Mr. Meneses has fully complied with all conditions imposed upon him, has no criminal history, and poses no danger to the community nor risk of flight.

26. Mr. Meneses was not placed in expedited removal proceedings, nor was he served with a Notice to Appear initiating proceedings under Section 240 of the Immigration and Nationality Act,

8 U.S.C. § 1229(a). Instead, as a condition of his release from DHS custody in 2022, Mr. Meneses is required to attend yearly check-ins at the nearest DHS office. He has attended all required check-ins since arriving in the United States and has complied with all conditions of release ordered by DHS.

27. In addition, Mr. Meneses affirmatively sought protection by filing an application for asylum with U.S. Citizenship and Immigration Services (USCIS).

28. Mr. Meneses is currently 18 years old and is scheduled to begin his senior year of high school in one month. After graduating high school, he wants to study gastronomy and become a chef. Mr. Meneses is active in his church community. He attends worship services and church activities regularly. Mr. Meneses also serves as a worship musician with the youth worship team of the [redacted] in Charlotte, North Carolina. In his free time, Mr. Meneses plays the drums and watches soccer.

29. Despite his pending application for relief and prior release, Mr. Meneses was taken into custody by ICE officers on or about July 21, 2026, during a routine check-in appointment.

30. His detention, occurring in the course of his good-faith compliance with ICE reporting requirements, undermines the integrity of the reporting system and violates the Due Process Clause.

31. Mr. Meneses was arrested without a warrant, in violation of 8 U.S.C. § 1226(a). Respondents did not revoke or formally modify the prior release determination, nor did they provide any process before re-detaining him.

32. The specific basis for the arrest remains unclear, as DHS has not produced a Form I-213 or otherwise identified the charges underlying the arrest.

33. After Mr. Meneses was arrested, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229(a) before the Stewart Immigration Court. ICE has charged Mr. Meneses with being

inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) and § 1182(a)(7)(A)(i)(I) as an individual who entered the United States without inspection and lacks necessary immigration documents. *See* Exhibit A, Notice to Appear.

34. Mr. Meneses is struggling physically and mentally due to the bleak conditions at Irwin. Many of the detainees are sick and are not receiving any care. Mr. Meneses asked for a mask to cover his face, but officers refused to provide him with one. Mr. Meneses reported that he barely sleeps, and the food is severely undercooked.

35. Earlier today, July 31, 2026, Mr. Meneses appeared for his bond hearing before Immigration Judge Chad Bayse. IJ Bayse found that the immigration court lacked jurisdiction to consider bond because Mr. Meneses is an "arriving" noncitizen under 8 U.S.C. § 1225(b)(2) and therefore subject to mandatory detention. IJ Bayse also held that the Eleventh Circuit's ruling in *Hernandez Alvarez* only applies to individuals who entered without inspection and were detained in the interior. According to IJ Bayse, Mr. Meneses is subject to mandatory detention.

36. Contrary to IJ Bayse's finding, the Eleventh Circuit's recent decision in *Hernandez Alvarez* is dispositive in this case. In a comprehensive, published opinion, the Eleventh Circuit held that 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), governs the detention of noncitizens apprehended in the interior of the United States. That binding authority compels the conclusion that Mr. Meneses is entitled to immediate release or, in the alternative, an individualized bond hearing.

37. Without intervention from this Court, Mr. Meneses faces prolonged detention in immigration custody while his asylum proceedings remain pending.

38. Mr. Meneses's mental health has deteriorated significantly since his detention. Mr. Meneses, who is only 18 years old, is currently suffering from depression and anxiety as a result of the detention and being separated from his mother and brother. Mr. Meneses's continued detention would prevent him from attending his senior year of high school, which is due to commence in one month.

39. Mr. Meneses's detention violates the Fifth Amendment, the APA, and the INA. Because Respondents have used an inapplicable mandatory detention provision to detain Mr. Meneses and deny him the procedural safeguards guaranteed by statute, immediate release is the appropriate remedy. In the alternative, and at a minimum, Mr. Meneses is entitled under 8 U.S.C. § 1226(a) to an individualized bond hearing with full procedural protections. Continued detention without release—or without the bond hearing mandated by statute is arbitrary, unreasonable, and contrary to the INA, APA, and the Constitution.

40. Mr. Meneses requests either immediate release, or in the alternative, a bond hearing in which the Government bears the burden of showing he is a danger to the community or a flight risk. The overwhelming majority of district courts and the First and Second Circuits have held that the Government must bear the burden of proof to justify a noncitizen's detention pending removal proceedings *See Hernandez-Lara v. Immigr. & Customs Enf't, Acting Dir.*, 560 F. Supp. 3d 531, 540 (D.N.H. 2019), *reversed in part on other grounds by Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021); *Hernandez-Lara*, 10 F.4th at 39; *Velasco Lopez v. Decker*, 978 F.3d 842, 855–57 (2d Cir. 2020). And this Court has repeatedly ordered bond hearings that "comport with all requirements of due process, including the requirement that the Department of Homeland Security shall bear the burden of establishing by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk." *See, e.g., J.G. v. Warden, Irwin Cnty. Det. Ctr.*, 501 F. Supp. 3d 1331, 1335 (M.D. Ga. 2020); *D.Y.E.H. v. Warden, Irwin Cnty. Det. Ctr.*, --- F. Supp. 3d ---, 2026 WL 1230386, at *6 (M.D. Ga. Apr. 6, 2026)

41. Mr. Meneses is neither a flight risk nor a danger to the community, as demonstrated by the fact that:

- He has no criminal history.
- He is an 18-year-old about to begin his senior year of high school in North Carolina.

- He has complied with all of the terms of his release since coming to the United States.
- His lives with his father, mother, and brother, each of whom have also complied with their respective terms of release since coming to the United States.
- He is deeply committed to his church and congregation.

42. Mr. Meneses has strong claims for immigration relief and is actively working with his immigration attorney to obtain such relief.

43. Despite no change in individual circumstances that would justify detention, Mr. Meneses was arbitrarily detained at his routine, annual check-in, in violation of his rights under the Fifth Amendment of the U.S. Constitution and in violation of the APA and INA. Therefore, to remedy the due process violations at issue in this case, this Court should order immediate release. In the alternative (and at minimum), the Court should order a bond hearing within 7 days where the Government bears the burden to show by clear and convincing evidence that Mr. Meneses is a danger or flight risk. The Court should further order that if Mr. Meneses is not granted a bond hearing within 7 days, he must be released.

LEGAL FRAMEWORK

A. Immediate Release Is the Only Adequate Remedy

44. As relevant here, due process requires that immigration detention "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)).

45. Specifically, immigration detention must be reasonably related to the Government preventing flight and protecting the community from harm and must be accompanied by adequate procedural protections to ensure that those goals are being served. *See Zadvydas*, 533 U.S. at 690–91.

46. Chief among these procedural protections is the guarantee of "an impartial and disinterested tribunal," which the Due Process Clause requires "in both civil and criminal cases." *Marshall v.*

Jerrico, Inc., 446 U.S. 238, 242 (1980). That tribunal must also make an "individualized" determination that detention is reasonably related to the purpose of confinement. *See D.Y.E.H.*, 2026 WL 1230386, at *5.

47. The immigration court system has been transformed into a body that is structurally incapable of upholding Petitioner's statutory and constitutional rights. The immigration court system is not an independent adjudicative body. It operates under the Department of Justice ("DOJ"). In the last year, the DOJ and its sub-agencies, the EOIR and the Board of Immigration Appeals ("BIA"), in apparent coordination with the Department of Homeland Security ("DHS"), have systematically dismantled the integrity of the immigration court system to turn it into an extension of DHS' deportation and detention operations.

48. The structural limitations imposed by recent agency interpretation of the relevant statutes prevent the provision of a genuinely neutral and effective custody determination.

49. As of September 26, 2025, the administration had terminated 128 immigration judges ("IJs"). Former New York IJ David K.S. Kim explained the targeting criteria: "I do not know the exact reason for my termination, but most of those dismissed, including myself, were judges with high asylum approval rates."[1]

50. Former Virginia IJ Emmett Soper stated: "I think the current administration of the immigration courts does not fundamentally see the immigration courts as neutral decision makers. I think that they see the immigration courts as a tool for this administration to advance its policy objectives."[2]

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[1] Woo-Sun Lim, Former judge highlights legal failures in U.S. worker detentions, The Dong-A Ilbo (Sept. 20, 2025), https://www.donga.com/en/article/all/20250920/5859412/1.

[2] Geoff Bennett & Ali Schmitz, Ousted Immigration Judge Describes Deepening Court Backlog, PBS NewsHour (Nov. 12, 2025), https://www.pbs.org/newshour/show/ousted-immigration-judge-describes-deepening-court-backlog.

Former Massachusetts IJ George Pappas was even more direct: "We were told to facilitate deportation . . . Due process is dead in immigration courts."[3]

51. There is a documented and pervasive climate of fear designed to ensure compliance in immigration court proceedings. Former Virginia IJ Anam Petit observed: "Judges feel like, if they step a toe out of line right now . . . or they're one [asylum] grant away from being fired because of the arbitrary nature of the firings."[4] Former New York IJ Carmen Maria Rey Caldas similarly described judges working under "constant threat" of getting fired if they don't follow certain rules from leadership."[5]

52. As all of this evidence shows, the immigration courts are inevitability compromised of judicial independence because self-preservation requires favoring the Government. No adjudicator can remain impartial when faced with the choice between upholding due process and keeping their position. Any immigration judge assigned to Petitioner's bond hearing now operates under the understanding that granting bond may cost them their livelihood.

53. Under these circumstances, ordering a bond hearing would not cure the constitutional violation. A custody determination conducted within a structurally compromised system—one that prioritizes enforcement of presidential policy goals over judicial neutrality and that has already denied Petitioner due process—cannot provide the meaningful process the Constitution requires. Due

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[3] Marco Poggio, Judges See an Immigration Court Gutted from Inside, Law360 (Oct. 31, 2025), https://www.law360.com/articles/2381003/judges-see-an-immigration-court-gutted-from-inside.

[4] Eric Katz, 'Climate of Fear': Immigration Judges Say Functioning of Their Court System Is in Jeopardy Due to Trump's Firings, Gov't Executive (Nov. 14, 2025), https://www.govexec.com/management/2025/11/climate-fear-immigration-judges-say-functioning-their-court-system-jeopardy-due-trumps-firings/409544/

[5] Isabela Dias, "Fired for No Reason": Former Immigration Judges Speak Out Against Trump's Assault on the Courts, Mother Jones (Oct. 9, 2025), https://www.motherjones.com/politics/2025/10/immigration-court-judge-trump-assault-purge-dhs-ice/

process guarantees not the mere formality of a hearing, but a fair and impartial adjudication. Where the adjudicatory mechanism itself has been rendered incapable of delivering that protection, additional process becomes illusory.

54. Accordingly, because Petitioner's detention lacks lawful statutory authority and because no neutral forum presently exists to review its necessity, immediate release is the only remedy capable of fully vindicating his statutory and constitutional rights.

B. <u>At Minimum, Petitioner Is Entitled to a Bond Hearing under 8 U.S.C. § 1226(a)</u>

55. Petitioner maintains that immediate release is the only remedy capable of addressing the constitutional and statutory violations at issue in this case. Nevertheless, to preserve alternative relief, Petitioner requests that if the Court declines to order immediate release, the Court order, at minimum, an individualized bond hearing under 8 U.S.C. § 1226(a) to take place within 7 days.

56. Petitioner sets forth below the legal foundations supporting his entitlement to a bond hearing under § 1226(a) and its implementing regulations.

57. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for an alien arrested and detained pending a decision on removal, unless § 236(c) applies. Section 236(a) authorizes release on bond and gives Immigration Judges custody-redetermination authority by regulation. *See* 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a). By contrast, Section 235(b) of the INA, 8 U.S.C. § 1225(b), governs the inspection and treatment of "applicants for admission" who are "arriving" at the border or ports of entry. Under § 1225(b)(2)(A), noncitizens who are "applicant[s] for admission" and are "not clearly and beyond a doubt entitled to be admitted" "shall be detained" pending removal proceedings.

58. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208,

Div. C, §§ 302–03, 110 Stat. 3009-546, 582–583, 585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

59. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not detained under § 1225 but were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (explaining that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

60. Thus, in the three decades that followed, individuals who entered without inspection and were subsequently placed in removal proceedings received bond hearings if ICE chose to detain them, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

61. However, on July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of agency practice.

62. The new policy, titled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection are subject to mandatory detention without bond under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months

or even years. The BIA then adopted this position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

63. In decision after decision, federal courts—both nationwide and here in the Middle District of Georgia—have rejected Respondents' sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are found in the country unlawfully and are subsequently arrested. *See e.g.*, *J.A.M. v. Streeval*, No. 4:25 CV 342 CDL, 2025 WL 3050094, at *3 (M.D. Ga. Nov. 1, 2025). On May 6, 2026, the Eleventh Circuit rejected *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), and held that § 1225(b)(2)(A) does not apply to unadmitted aliens present in the country's interior, but only those actively seeking lawful entry after inspection by an immigration officer. *Hernandez-Alvarez*, 175 F.4th at 1269. Instead, § 1226(a) governs the detention of such individuals, making them generally eligible for bond. *Id.*

64. Section 1225(b)(1) is also inapplicable. Section 1225(b)(1) applies only to noncitizens subject to expedited removal for fraud under § 1182(a)(6)(C) or lack of proper documentation under § 1182(a)(7), and only when encountered at a port of entry. *See* 8 U.S.C. § 1225(b)(1)(A)(i).

65. In this case, the Respondents themselves validated the propriety of placing Petitioner in full removal proceedings under INA § 240, as reflected in the Notice to Appear issued in this case just weeks ago and by their decision to release him shortly after his apprehension at the border nearly four years ago. *See* Ex. A. By issuing an NTA and initiating regular removal proceedings—rather than placing him in 1225(b) expedited removal—Respondents confirmed that his case falls outside the scope of § 1225(b)(1).

66. Because neither subsection of § 1225(b) applies to Petitioner, his detention must be analyzed under 8 U.S.C. § 1226(a). Section 1226(a) governs individuals detained "pending a decision on whether the alien is to be removed from the United States." Removal proceedings under § 1229(a) determine inadmissibility or deportability, and the text of § 1226 expressly contemplates custody

determinations for individuals charged as inadmissible—including those present without admission.

67. The structure of the statute confirms this conclusion. Congress created specific mandatory detention categories in § 1226(c), including for certain inadmissible individuals. *See* 8 U.S.C. § 1226(c)(1)(E). By carving out those limited mandatory categories within § 1226 itself, Congress demonstrated that § 1226(a) is the default detention authority for individuals in removal proceedings. As courts have explained, when Congress creates specific exceptions within a statutory framework, it confirms that the general rule otherwise applies. *See Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025).

68. If individuals like Petitioner who were arrested in the interior after years of residence—were already subject to mandatory detention under § 1225(b)(2), Congress would not have needed to enact additional mandatory detention provisions in § 1226(c). Respondents' interpretation collapses the statutory distinction between border detention and interior detention and renders § 1226's structure superfluous.

69. Accordingly, because § 1225(b) does not apply, Petitioner is being detained under an inapplicable mandatory detention provision. Petitioner's detention is governed by 8 U.S.C. § 1226(a), which permits detention "[o]n a warrant issued by the Attorney General." His detention lacks statutory authority. Habeas relief is therefore proper. Absent intervention by this Court, Mr. Meneses will remain confined without lawful authorization and without the individualized custody review Congress expressly provided under § 1226(a).

70. For these reasons, Petitioner's detention is not only contrary to the statutory scheme—it is unconstitutional. Respondents have invoked an inapplicable mandatory detention provision and, in doing so, have deprived Petitioner of the individualized custody determination Congress requires and the Constitution demands. When detention lacks lawful statutory authority and is

imposed without the procedural safeguards guaranteed by the Fifth Amendment, continued confinement cannot be justified. Further, Mr. Meneses's arbitrary re-detention without a change in his circumstances constitutes an independent constitutional violation under the Fifth Amendment. Therefore, release is not merely appropriate—it is constitutionally compelled. This Court should grant the writ and order Petitioner's immediate release from custody.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION
(against all Respondents)

71. Petitioner realleges and incorporates by reference each and every allegation contained above.

72. Respondents' detention of Petitioner violates the Fifth Amendment because Petitioner was re-detained after being released from detention in 2022, with no alleged violation of the terms of his release.

73. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

74. Additionally, individuals who are released from government custody have a protected liberty interest in remaining out of custody. The Government's decision to release an individual from custody creates "an implicit promise" that their liberty "will be revoked only if [they] fail[ ] to live up to the . . . conditions [of release]." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *see also Garro Pinchi v. Noem*, 813 F. Supp. 3d 973 (N.D. Cal. 2025).

75. To determine whether civil detention violates a detainee's due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts consider

(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *See id.* at 335.

76. Here, all three factors favor Petitioner. He has a significant private interest at stake. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (freedom from physical detention is "the most elemental of liberty interests"), *see also Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects."). Petitioner is experiencing severe deprivations that result from physical detention, including separation from his family and community, disruption to his education, and significant deterioration of his physical and mental health.

77. Next, there is a substantial risk of erroneous deprivation of Petitioner's liberty interest through the procedures used in the immigration court proceedings. As discussed above, the Attorney General and his appointees within the DOJ'S EOIR have systematically transformed the immigration courts from a neutral, administrative adjudicatory body into an instrument of the current administration's immigration enforcement agenda, unilaterally and dramatically expanding the number of noncitizens subject to detention without bond and to fast-track removal proceedings. They have fired more than 100 IJs who are perceived to not be aligned with the administration's political agenda and have sought to replace them with inexperienced or underqualified military attorneys[6] and "deportation judges."[7] As explained by one former IJ: "I can tell you that today, the

[6] Designation of Temporary Immigration Judges, 90 Fed. Reg. 41,883 (Aug. 28, 2025).

[7] Josh Marcus, "DOJ put out provocative ads to hire 'deportation judges.' This is how many

immigration courts are substantively dead They are completely absent of due process Of fair hearings. They exist only for show, and in name only. Period. The courts are dead. If you're concerned about doing due process of fair hearings, they're gone."[8]

78. These actions have rendered the immigration court structurally incapable of providing Mr. Meneses with the impartial tribunal and individualized assessment that due process requires. For those reasons, Petitioner requests immediate release or, in the alternative, a bond hearing at which the Government bears the burden to establish, by clear and convincing evidence, that Mr. Meneses poses a flight risk or danger to the community.

79. Finally, to the extent there is any government interest in detention, it is minimal compared to Petitioner's liberty interest. "When the Government incarcerates individuals it cannot show to be a poor bail risk for prolonged periods of time . . . it separates families and removes from the community breadwinners, caregivers, parents, siblings and employees." *Velasco Lopez*, 978 F.3d at 855. "Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents." *Hernandez-Lara*, 10 F 4th at 33 Respondents cannot articulate a public interest served by unnecessary detention.

80. Respondents are detaining Petitioner, an 18-year-old high school student who lives with his parents, under the wrong statute and in an arbitrary manner in violation of his due process rights. Petitioner's re-detention was not the result of a rational and individualized determination as to whether he is a danger to his community or a flight risk.

81. Having been unlawfully detained under an inapplicable statutory provision and without the

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responded," The Independent, (Feb. 25, 2026), https://www.the-independent.com/news/world/americas/us-politics/doj-deportation-judge-application-responses-b2927218.html.

[8] Radley Balko, "'The courts are dead.' An interview with a fired immigration judge," The Watch (Jan. 8, 2026), https://radleybalko.substack.com/p/the-courts-are-dead-an-interview.

procedural protections required by law, Petitioner seeks the only appropriate relief available in habeas: release from unlawful custody. *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).

82. There is no logical alternative avenue for release. Respondents have categorically deemed individuals in Petitioner's position ineligible for bond, despite binding Eleventh Circuit precedent.

83. Petitioner was re detained following a routine check in with ICE, despite a pending asylum case and no change in circumstances. Petitioner faces a substantial risk of prolonged or indefinite detention under penal-like conditions without any finding that his confinement is necessary to serve the Government's legitimate interests.

84. The constitutional infirmity is not merely the length of detention but the complete absence of any meaningful custody process. Petitioner is detained pursuant to a regime in which: (a) No immigration judge may conduct a bond hearing; (b) DHS is not required to justify continued detention with evidence; and (c) No neutral decisionmaker is empowered to order release, regardless of the Petitioner's lack of danger or flight risk.

85. This categorical denial of any individualized custody determination violates procedural due process. Fundamental fairness requires, at a minimum, a meaningful opportunity to be heard before a neutral adjudicator when the Government restrains physical liberty for a prolonged period. *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 333.

86. As the Immigration Judge has disclaimed jurisdiction and DHS has provided no alternative constitutionally adequate custody process, habeas corpus is the only effective mechanism by which Petitioner may test the legality of his confinement.

87. Petitioner's continued detention without an individualized custody determination violates the Fifth Amendment as applied to him.

88. Accordingly, the Court should exercise its equitable authority to order Mr. Meneses's immediate

release. At a minimum, it should order a bond hearing at which the Government bears the burden to show by clear and convincing evidence that Petitioner is a danger or flight risk.

89. Because ordering another bond hearing before EOIR——a clearly compromised adjudicatory body——would not properly redress the constitutional violations present in this matter, Petitioner urges the court to immediately release him

90. Mr. Meneses is 18 years old and scheduled to begin his senior year of high school in one month. He has no criminal history, has significant familial and community ties to the United States, and has complied with all restrictions and obligations ordered by DHS since coming to the United States.

91 No reasonable adjudicator could find that he is a danger to other persons or property, or that he is not likely to appear at future hearings. "Without a legitimate interest in [his] detention, immediate release appropriately remedies Respondents' violation of [Petitioner's] due process rights through [his] continued detention." *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025). Thus, immediate release is the most appropriate remedy here.

92. To avoid any potential retaliation, this Court should also enjoin Respondents from imposing any conditions of release (such as electronic monitoring) that were not in effect before his re-detention in July 2026, unless and until there is a material change in Mr. Meneses's circumstances warranting such action.

93. Should the Court order a new bond hearing before EOIR, the Court should mandate additional procedural safeguards to ensure that Petitioner's due process rights are respected. Specifically, the Court should order:

- DHS shall bear the burden of establishing by clear and convincing evidence that Petitioner poses a danger or flight risk to "reflect[] the concern that '[b]ecause the alien's potential loss of liberty is so severe . . . he should not have to share the risk of error equally.'" *See Arevelo*

v. Ripa, 801 F. Supp. 3d 668, 688 (W.D. Tex. 2025) (quoting *German Santos v. Warden, Pike Cnty. Corr. Facility*, 965 F.3d 203, 214 (3d Cir. 2020)); *see also Velasco-Lopez*, 978 F.3d at 855 n.14; *Hernandez-Lara*, 10 F.4th at 41.

- The IJ shall state, orally and/or in writing, what evidence submitted by DHS satisfies that burden, if any. In conducting that analysis, the IJ must first determine whether DHS's evidence, standing alone, meets that burden. Only after making that determination may the IJ consider whether any evidence submitted by Mr. Meneses rebuts, mitigates, or otherwise undermines DHS's showing.
- The IJ must also explicitly consider whether any amount of bond and/or additional conditions of release would be sufficient to mitigate any perceived flight risk and must consider Mr. Meneses's ability to pay in setting bond. *See Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).
- Retain jurisdiction to review the immigration judge's bond decision to ensure compliance with the Court's order and due process.

COUNT TWO

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT,
5 U.S.C. § 706(2)(A)
Not in Accordance with Law and in Excess of Statutory Authority
Violation of 8 U.S.C. § 1226(b)
(against all Respondents)

94. Petitioner realleges and incorporates by reference each and every allegation contained above.

95. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

96. Congress has made clear that mandatory detention under 8 U.S.C. § 1225(b) applies to "applicant[s] for admission" who are determined to be "seeking admission." By contrast, Congress

permits other noncitizens who are arrested on a warrant issued by the Attorney General to be detained, but such noncitizens are also eligible for release on bond. 8 U.S.C § 1226(a).

97. The Eleventh Circuit has also interpreted § 1225 to apply to arriving noncitizens while § 1226 applies to noncitizens already in the United States. *See Hernandez-Alvarez*, 175 F.4th at 1281.

98 Respondents re-detained Petitioner based on their determination that Petitioner is "seeking admission" under § 1225(b)(2) and is therefore subject to mandatory detention. However, Petitioner was not arriving in the United States at the time of his arrest. Rather, he had been physically present in the United States for more than 4 years prior to his detention. Accordingly, his custody is not governed by 8 U.S.C. § 1225 but by 8 U.S.C. § 1226(a), which provides for discretionary detention pending removal proceedings

99. Respondents have revoked or are revoking Petitioner's prior custody determination as a result of a categorical policy prepared by and implemented by unidentified federal government officials in Washington, D.C., not through the individual exercise of discretion required by law. Therefore, Respondents have acted unlawfully and in excess of statutory authority.

100. Under the plain text of the relevant statutes and the Eleventh Circuit's holding in *Hernandez Alvarez*, Petitioner is not subject to mandatory detention under § 1225(b)(2). *See Hernandez Alvarez,* 175 F.4th at 1281 (8 U.S.C. § 1225(b)(2) only applies to those aliens "who have not yet entered the United States, but are 'seeking admission' at the border").

101. Respondents' determination is not in accordance with law and in excess of statutory authority.

COUNT THREE

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT,
5 U.S.C. § 706(2)(A)
Arbitrary and Capricious and Abuse of Discretion
Violation of 8 U.S.C. § 1226(a)
(against all Respondents)

102. Petitioner realleges and incorporates by reference each and every allegation contained above.

103. Under the APA, a court shall "hold unlawful and set aside agency action" that is "arbitrary, capricious, [or] an abuse of discretion." 5 U.S.C. § 706(2)(A).

104. For more than four decades, the ICE Atlanta Field Office adhered to a policy that barred officers from re-arresting or re-detaining individuals who had previously been released from immigration custody absent an individualized determination that a material change in circumstances justified re detention ("the Changed Circumstances Policy").

105. Under the Changed Circumstances Policy, ICE officers could not re-arrest or re-detain a previously released individual without first determining that new, material facts demonstrated the person had become either a danger to the community or a flight risk. This policy was consistent with DHS's statutory and regulatory framework and reflected a basic principle of due process: When the Government conditionally releases an individual, it makes "an implicit promise" that their liberty will not be revoked unless they fail to satisfy their conditions of release. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). It also conformed with the Fourth Amendment's prohibition on repeated seizures based on the same probable cause without a material change in circumstances. *See United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971) (Stevens, J.).

106. Noncitizens, including Mr. Meneses, relied on the Changed Circumstances Policy to build their lives without fear of arbitrary arrest. The Changed Circumstances Policy provided assurance that release from detention would not be revoked, so long as Mr. Meneses continued to pose no danger or flight risk, *i.e.*, avoided criminal activity and complied with his obligations under the immigration laws.

107. That settled Changed Circumstances Policy came to an abrupt halt in 2025. After DHS and ICE leadership made clear that increasing immigration arrests had become a national priority, regardless of people's individualized circumstances, the Atlanta Field Office abandoned the Changed Circumstances Policy and in its place, adopted a new policy of re-arresting and re-

detaining individuals whom DHS had already determined did not pose a danger to the community or a flight risk and were still in full compliance with all of their conditions of release, without first making an individualized determination that their circumstances had materially changed.

108. At its core, this campaign specifically targets noncitizens who are following the rules and doing exactly what the Government told them to do.

109. As a result of the Re-Detention Policy, individuals, including Mr. Meneses, are being re arrested during routine, mandatory check-ins with ICE.

110. The consequences of the Re Detention Policy have been immediate and drastic for Mr. Meneses. He has been torn apart from his mother and brother, he is separated from his community, his education will soon be disrupted, and he is suffering from increased depression and anxiety in custody.

111. The Re-Detention Policy, which is a dramatic shift from recent and longstanding agency policy and practice, has undermined the integrity of the immigration system itself by targeting and arresting individuals like Mr. Meneses who are attempting to comply with the law.

112. The Re-Detention Policy radically upends longstanding federal policy and practice without any reasoned explanation or consideration of the relevant factors—including the reliance interests of those who have been released, fundamental due process principles requiring an individualized determination of flight risk and danger to the community prior to re-detention, and the Fourth Amendment's prohibition on unreasonable seizures.

113. As relevant here, by detaining Mr. Meneses under the new Re-Detention Policy, Respondents have acted in an arbitrary and capricious manner and abused their discretion.

114. Upon entry to the United States, Respondents had already considered Mr. Meneses's facts and circumstances and determined that he was not a flight risk or danger to the community. There have been no changes to Mr. Meneses's facts or circumstances justifying re-detention.

115. The fact that Mr. Meneses has already been granted release by Respondents under the same facts and circumstances shows that Respondents do not consider him, on an individualized basis, to be a danger to the community or a flight risk

116. Mr. Meneses was re-detained under Respondents' new Re-Detention Policy. That categorical policy is arbitrary and capricious, and Respondents' unjustified revocation of Petitioner's release on the basis of that policy was arbitrary and capricious, and an abuse of discretion. 5 U.S.C. § 706(2)(A). Because the agency action at issue is Petitioner's detention, "set[ting] aside" that action means ending his detention. Petitioner is therefore entitled to immediate release.

COUNT FOUR

VIOLATION OF THE INA
(against all Respondents)

117. Petitioner realleges and incorporates by reference each and every allegation contained above.

118. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States before being apprehended and placed in removal proceedings by the Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231

119. Mr. Meneses is not subject to § 1225(b)(1), § 1226(c), or § 1231.

120. Mr. Meneses's detention is governed by § 1226(a) because he is a noncitizen "simply present" in the United States and was not seeking admission at the time of his detention in the interior. *See Hernandez Alvarez*, 175 F.4th at 1262.

121. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

122. Petitioner's detention further violates the INA because he was arrested and detained without a warrant issued by the Attorney General or an authorized officer, as required under § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days pursuant to 28 U.S.C. § 2243;
3. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of these proceedings;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, and the Immigration and Nationality Act;
5. Issue a Writ of Habeas Corpus ordering Respondents to:
   i. Immediately release Petitioner from custody or, in the alternative,
   ii. Provide, within 7 days, a bond hearing under 8 U.S.C. § 1226(a) where the Government bears the burden to demonstrate by clear and convincing evidence that Petitioner is a flight risk or danger to the community, and
   iii. Immediately release Petitioner from custody if a bond hearing is ordered but does not occur within 7 days;
6. Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7. Grant all other relief that this Court deems just and proper.

Dated: July 31, 2026

Respectfully submitted,

/s/ Cory Isaacson
Cory Isaacson
Ga. Bar No. 983797
American Civil Liberties Union Foundation of Georgia
P.O. Box 570738,
Atlanta, GA 30357
cisaacson@acluga.org
(770) 415-5490
Corina Scott*
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T: (919) 627-3309
* pro hac vice motion forthcoming

COUNSEL FOR PETITIONER

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner the events described in this Petition. 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.

Date: July 31, 2026

/s/Corina Scott
Corina Scott
NC Bar No. 64573

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event No: [redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: LUIS SANTIAGO VILLARREAL MENESES currently residing at:

132 Cotton Dr Ocilla, GEORGIA 317742340 [redacted]
(Number, street, city, state and ZIP code) (Area code and phone number)

[ ] You are an arriving alien.

[X] You are an alien present in the United States who has not been admitted or paroled.

[ ] You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of COLOMBIA and a citizen of COLOMBIA;
3. You entered the United States at or near unknown place, on or about unknown date,
4. You were not then admitted or paroled after inspection by an immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

[ ] This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

[ ] Section 235(b)(1) order was vacated pursuant to: [ ] 8CFR 208.30 [ ] 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA
(Complete Address of Immigration Court, including Room Number, if any)

on August 17, 2026 *(Date)* at 8:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

C 7592 MARSINKEVICH - SDDO
(Signature and Title of Issuing Officer)

Date: July 21, 2026

Charlotte, NC
(City and State)

ROTR - 1 of 8

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days. More information is available online at **https://www.uscis.gov/addresschange.** **This obligation is in addition to your obligation to notify the Immigration Court of your change of address.**

Representation: If you choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the immigration judge of any relief from removal for which you may appear eligible, including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the Immigration Judge. At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross-examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589**. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. **This obligation is in addition to your obligation to notify DHS of your change of address.**

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the Immigration Judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of $5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of $500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from $1,000 to $5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations. To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

EOIR – 3 of 8

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 21, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

REFUSED TO SIGN
(Signature of Respondent if Personally Served)

Z. 13669 RUSSELL Deportation Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 5 of 8

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
VILLARREAL-MENESES, LUIS SANTIAGO	[redacted]	07/21/2026

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
C 7592 MARCINKEVICH	SDDO

4 of 4 Pages

EOIR – 7 of 8

Form I-831 Continuation Page (Rev. 08/01/07)