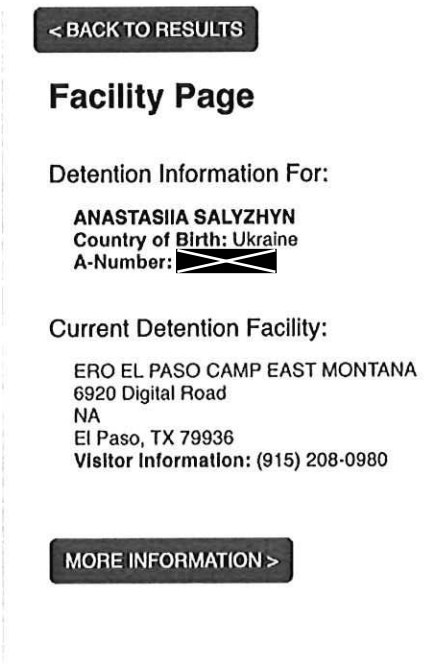
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ANASTASIIA SALYZHYN, *Petitioner,* v. **WARDEN/FACILITY ADMINISTRATOR, Camp East Montana ICE Detention Facility;** **FIELD OFFICE DIRECTOR,** El Paso Field Office, U.S. Immigration and Customs Enforcement (ICE); **DAVID VENTURELLA,** Acting Director of U.S. Immigration and Customs Enforcement; **MARKWAYNE MULLIN,** Secretary of the U.S. Department of Homeland Security; and **TODD BLANCHE,** Attorney General of the United States, *Respondents.*	Civil Action No.: **3:26-cv-2219** **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** **A#** [redacted]

INTRODUCTION

1. Petitioner, Anastasiia Salyzhyn, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of her arrest and present immigration detention. Petitioner is a national of Ukraine who [redacted] She was inspected at John F. Kennedy International Airport and paroled into the United States on October 8, 2023, under Section 212(d)(5)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(d)(5)(A), through the Uniting for Ukraine ("U4U") process. Since her release on parole, Petitioner has lived in Pittsford,

New York with her husband, complied with every condition of her release, and worked lawfully under employment authorization issued by DHS. Notwithstanding this, officers of U.S. Immigration and Customs Enforcement ("ICE") abruptly detained Petitioner on or around August 23, 2026, and transported her out of New York State. Respondents first held her at the Mahoning County Jail in Youngstown, Ohio, and then transferred her a second time to the Richwood Correctional Center in Richwood, Ouachita Parish, Louisiana. On or about August 27, 2026, Respondents transferred her a third time, to Camp East Montana, an ICE detention facility located on the Fort Bliss military installation in El Paso, El Paso County, Texas, where she is presently detained, nearly two thousand miles from her home. *See the ICE Detainee Locator Website Screenshot, accessed on August 27, 2026.*


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Facility Page

Detention Information For:

ANASTASIIA SALYZHYN
Country of Birth: Ukraine
A-Number: [redacted]

Current Detention Facility:

ERO EL PASO CAMP EAST MONTANA
6920 Digital Road
NA
El Paso, TX 79936
Visitor Information: (915) 208-0980

MORE INFORMATION >

2. Petitioner holds a currently valid, unexpired grant of parole issued by USCIS. On January 28, 2026, USCIS issued Petitioner a Form I-797C, Notice of Action, Receipt No. [redacted], bearing the Notice Type "Approval Notice" and stating on its face "Valid from: 10/07/2025 to 10/06/2027." Upon information and belief, Respondents have never

terminated that parole by written notice as 8 C.F.R. § 212.5(e)(2)(i) requires. Respondents have therefore detained an individual whom their own agency has affirmatively authorized to remain in the United States until October 6, 2027.

3. Petitioner brings this petition on procedural-due-process grounds. Petitioner was released on parole under § 212(d)(5)(A), has lived in the United States for nearly three years after DHS paroled her, and has complied with every term of her release. Upon information and belief, Petitioner has no criminal convictions. Due process required — and DHS failed to provide — an individualized hearing before a neutral decisionmaker before revoking her liberty and re-detaining her.

4. For the reasons stated below, Petitioner respectfully asks this Court to grant her habeas petition, declare her detention unlawful, order her immediate release, and grant such further relief as justice requires.

JURISDICTION

5. This action arises under the Constitution, laws, and treaties of the United States, including 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (the Suspension Clause). Relief is also authorized by the All-Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

6. Federal courts possess jurisdiction under 28 U.S.C. § 2241 to order the release of any person held in custody of the United States in violation of federal law or the Constitution. 28 U.S.C. § 2241(c).

7. Petitioner is in the physical custody of Respondents and is being detained at Camp East Montana in El Paso, El Paso County, Texas, which lies within the jurisdiction of this Court.

VENUE

8. Venue is proper in this District because, at the time this Petition was filed, the Warden/Facility Administrator of Camp East Montana, El Paso, Texas, within the El Paso Division of this District, exercised custody and control over Petitioner. Petitioner is confined within this District, and the district of confinement is the proper forum for a challenge to present physical custody.

9. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. While persons seeking habeas relief typically must first exhaust available administrative remedies, the exhaustion requirement in the immigration detention context is prudential rather than jurisdictional.

11. Recent district court decisions have found that exhaustion would be "an exercise in futility" where the Board of Immigration Appeals ("BIA") has issued binding precedent adverse to a petitioner's statutory claim, such that there is little prospect the BIA would reconsider its position. Multiple courts have likewise held there is no further requirement to exhaust administrative remedies when challenging detention procedures on constitutional grounds. *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668 (W.D. Tex. 2025); *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-773-JKP, 2025 WL 2976923, at *7 (W.D. Tex. Oct. 21, 2025).

12. Exhaustion is futile here for a reason specific to parolees. Respondents treat noncitizens paroled into the United States at a port of entry as "arriving aliens,", and the governing regulation strips immigration judges of jurisdiction to redetermine the custody of "[a]rriving aliens in removal proceedings.". An immigration judge therefore has no

authority to grant Petitioner the relief she seeks, and a custody motion would be denied for want of jurisdiction without any consideration of flight risk or danger.

13. DHS has separately taken the position that noncitizens who lack a formal admission are categorically subject to mandatory detention, and the BIA has affirmed that view. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Accordingly, there are no administrative remedies that she could meaningfully exhaust before seeking habeas relief.

14. Administrative exhaustion is also not required because neither an immigration judge nor the BIA can rule on Petitioner's constitutional claims, such as the due process claims raised in this petition. *See Matter of R-A-V-P-*, 27 I&N Dec. 803, 804 n.2 (BIA 2020); *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.").

PARTIES

15. Petitioner Anastasiia Salyzhyn is a native and citizen of Ukraine. She is presently detained at Camp East Montana in El Paso, Texas. Her Alien Number is [redacted].

16. Respondent, the Warden (also styled Facility Administrator) of Camp East Montana in El Paso, Texas, the facility in which Petitioner is confined, is Petitioner's immediate custodian. The Warden is sued in his or her official capacity.

17. Respondent Field Office Director, El Paso Field Office, U.S. Immigration and Customs Enforcement, oversees ICE detention at Camp East Montana and is responsible for Petitioner's detention. The Field Office Director is sued in his or her official capacity.

18. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. As the head of ICE, he is responsible for decisions related to the detention and removal of noncitizens, including Petitioner. He is sued in his official capacity.

19. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA) and oversees ICE, which is responsible for Petitioner's detention. He has ultimate custodial authority over Petitioner and is sued in his official capacity.

20. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates are component agencies. He is sued in his official capacity.

STATEMENT OF FACTS

21. Petitioner Anastasiia Salyzhyn is a native and citizen of Ukraine. She was seventeen years old when [redacted] and eighteen when she arrived in the United States.

22. Following the invasion, the United States established the Uniting for Ukraine process, under which displaced Ukrainian nationals with a supporter in the United States could seek advance travel authorization and, upon arrival, a grant of parole under INA § 212(d)(5)(A). DHS issued Petitioner a written travel authorization under that process.

23. On October 8, 2023, Petitioner presented herself for inspection at John F. Kennedy International Airport, a designated port of entry, and was paroled into the United States by U.S. Customs and Border Protection under INA § 212(d)(5)(A). *See* Exhibit 1, Form I-94 (Arrival/Departure Record).

24. Petitioner was therefore not a person "present in the United States without being admitted or paroled." She was inspected by a federal immigration officer at a port of entry, presented

a valid passport and a DHS-issued travel authorization, and was affirmatively paroled by the United States.

25. Since her October 2023 parole, Petitioner has resided continuously in the United States for nearly three years. She and her husband, Vadym Potabenko — also a Ukrainian parolee — reside in Pittsford, New York. The Social Security Administration issued Petitioner a Social Security number, and USCIS issued her successive Employment Authorization Documents under Category (c)(11), in reliance on which she has worked lawfully.

26. Petitioner has complied with every condition of her parole. She has never failed to appear for any immigration appointment.

27. On May 1, 2025, USCIS received an application from Petitioner on Form I-131 and assigned it Receipt No. [redacted].

28. On January 28, 2026, USCIS approved that application. USCIS issued Petitioner a Form I-797C, Notice of Action, bearing the Notice Type "Approval Notice" and stating on its face, "Valid from: 10/07/2025 to 10/06/2027." The notice advises that "[a]s long as you maintain a valid period of parole, you will be considered as being in, and maintaining, lawful status as a nonimmigrant for purposes of adjustment of status under INA sec. 245(a)." It further states, under the heading "Termination of Parole," that "[y]our parole period ends on the end date reflected on this notice, upon departure from the United States, or if DHS decides to terminate your parole upon notice." *See* Exhibit 2, Form I-797C, Notice of Action.

29. None of those three things has occurred. The end date reflected on the notice is October 6, 2027. Petitioner has not departed the United States. And, upon information and belief, Respondents have never issued the written notice of termination that both 8 C.F.R. §

212.5(e)(2)(i) and USCIS's own Approval Notice require. Upon information and belief, no Notice to Appear has been served on Petitioner.

30. Upon information and belief, Petitioner has no criminal convictions. On August 7, 2026, the Ontario County Sheriff's Office issued Petitioner a Uniform Appearance Ticket charging three misdemeanors arising from a single alleged incident on July 18, 2026 in Victor, New York. The Sheriff's Office did not seek Petitioner's pretrial detention; it released her the same morning on a written promise to appear in the Town of Victor Court on August 19, 2026.

31. On or around August 23, 2026, ICE officers arrested Petitioner. She was taken into custody without a judicial warrant, without prior notice, without any written notice of parole termination, without a pre-deprivation hearing, and without any individualized assessment of flight risk or dangerousness.

32. Respondents then transported Petitioner out of New York State and held her at the Mahoning County Jail in Youngstown, Ohio. On or about August 26, 2026, Respondents transferred Petitioner a second time, to the Richwood Correctional Center in Richwood, Ouachita Parish, Louisiana, a privately operated facility. On or about August 27, 2026, the very next day, Respondents transferred Petitioner a third time, to Camp East Montana, an ICE detention facility located on the Fort Bliss military installation in El Paso, El Paso County, Texas. In the five days since her arrest, Respondents have moved Petitioner through three facilities in three different States. She is now held nearly two thousand miles from her home and from her husband, who was arrested in the same enforcement action and remains detained at the Buffalo Federal Detention Facility in Batavia, New York. Petitioner is presently held at Camp East Montana.

33. Respondents have provided Petitioner with no custody redetermination, no hearing of any kind, and no statement of the statutory authority under which they claim to hold her.

34. Based on these facts, Petitioner files this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of her detention.

LEGAL BACKGROUND

I. Respondents Have Not Terminated Petitioner's Parole Under 8 C.F.R. § 212.5(e)

35. Parole under INA § 212(d)(5)(A) is a formal status conferred by the Executive, and the governing regulation prescribes only two ways it ends. First, parole "shall automatically terminate" without written notice upon the parolee's departure from the United States or upon expiration of the authorized parole period. 8 C.F.R. § 212.5(e)(1). Second, in all other cases, "parole shall be terminated *upon written notice to the alien*." 8 C.F.R. § 212.5(e)(2)(i). Service of a charging document may constitute that written notice. *Id.*

36. Neither circumstance occurred here. USCIS's Approval Notice of January 28, 2026 states that Petitioner's parole is "Valid from: 10/07/2025 to 10/06/2027." That period has not expired. Petitioner has not departed the United States. And, upon information and belief, Respondents have served no written notice of termination. Under the plain text of the regulation, Petitioner is a parolee today.

37. Nor has DHS terminated parole for Ukrainian parolees as a class. DHS terminated the parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans by Federal Register notice, and separately terminated the Family Reunification Parole processes by Federal Register notice. It has published no such notice for Uniting for Ukraine. That process has been paused as to *new* arrivals; existing grants of parole and case-by-case re-parole remain in force.

38. Where the Executive has conferred a status and has not revoked it through the process its own regulations prescribe, its agents remain bound by that status. Respondents cannot detain a parolee whose parole they have never terminated, and they bear the burden of identifying the lawful authority for the confinement they have imposed.

II. Due Process Rights of Noncitizens under the *Mathews v. Eldridge* Factors

39. The Due Process Clause prohibits the government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. The Supreme Court has emphasized that "[f]reedom 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." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. Because the Fifth Amendment entitles all "persons" to due process of law, noncitizens are entitled to challenge the legality of their detention through habeas corpus. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025); *Boumediene v. Bush*, 553 U.S. 723, 771 (2008); *Demore v. Kim*, 538 U.S. 510, 523 (2003).

41. "Once it is determined that due process applies, the question remains what process is due." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). In *Mathews v. Eldridge*, the Supreme Court set forth three factors for resolving due process challenges to procedures that would deprive an individual of liberty: (1) the private interest affected by the official action; (2) the risk of erroneous deprivation through the procedures used, and the probable value of additional or substitute safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that the additional safeguards would entail. 424 U.S. 319, 334–35 (1976); *Lopez-Arevelo*, 801 F. Supp. 3d at 685.

III. Petitioner's Liberty Interest in Her Continued Release

42. Individuals released on parole or other forms of conditional release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

43. Due process requires that if DHS seeks to re-arrest a person like Petitioner—who has lived in the United States for years after DHS first released her, and has complied with the terms of her release—the government must afford a hearing before a neutral decisionmaker to determine whether re-detention is justified, and whether the person is a flight risk or danger to the community.

44. To protect against arbitrary re-detention and to ensure the right to liberty, due process requires "adequate procedural protections" that test whether the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (citation modified). Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual's release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970); *see also Morrissey*, 408 U.S. at 485.

45. Numerous courts have recognized that these principles apply with respect to the re-detention of noncitizens whom DHS has recently begun taking back into custody, often after such persons have been released for months or years. Some of these cases deal with noncitizens released on parole, while others involve release on recognizance or an order of

supervision, but the legal analysis is the same. *See, e.g., E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316 (W.D. Wash. 2025); *Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June 18, 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. July 24, 2025); *J.C.L.A. v. Wofford*, 2025 WL 2959250, at *4-7 (E.D. Cal. Oct. 17, 2025) (applying *Mathews* to hold that petitioner's re-detention could not occur absent a pre-deprivation bond hearing).

LEGAL CLAIMS

Violation of Due Process: Revocation of Release without Notice or Hearing

Application of the *Mathews* Factors

46. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

47. Having established that Petitioner is entitled to due process protections, "the question remains what process is due." *Morrissey*, 408 U.S. at 481. The *Mathews* factors guide this analysis.

A. Petitioner's private interest in being free from detention is strong.

48. As to the first element of the *Mathews* test, "[f]reedom 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." *Zadvydas*, 533 U.S. at 690. The Supreme Court has repeatedly affirmed that "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). "[C]ivil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protections." *Addington v. Texas*, 441 U.S. 418, 425 (1979).

49. Petitioner's private interest here is especially weighty. She arrived in this country at eighteen, having fled a war, and built a life in Pittsford, New York over nearly three years. She holds a grant of parole valid on its face until October 6, 2027. Her present detention separates her from her home, her employer, her community, and her husband, who was seized in the same operation, and Respondents have compounded that separation by transferring her three times — first to a county jail in Ohio, then to a privately operated detention facility in Louisiana, and now to a tent facility on a military installation in El Paso, Texas, nearly two thousand miles from her home. The first *Mathews* factor weighs heavily in favor of relief.

B. The risk of erroneous deprivation is high.

50. Under the second *Mathews* factor, courts consider "whether the challenged procedure creates a risk of erroneous deprivation of individuals' private rights and the degree to which alternative procedures could ameliorate these risks." *Lopez-Arevelo*, 801 F. Supp. 3d at 686. Without an individualized pre-deprivation hearing, there is substantial risk that noncitizens with a substantial presence in the United States who pose neither flight risk nor danger to the community will be detained. An individualized assessment before a neutral decisionmaker substantially reduces this risk.

51. Here, the risk of an erroneous deprivation is not merely high; it has been realized. The Government has detained an individual holding a facially valid USCIS Approval Notice granting her parole through October 6, 2027.

52. Nor does the misdemeanor matter reflected in the August 2026 appearance ticket supply the individualized determination that is missing. The only neutral actor to have assessed Petitioner's risk in connection with those allegations — the law enforcement agency that

investigated them — concluded that Petitioner could be released on a written promise to appear. Respondents reached the opposite conclusion with no hearing, no findings, and no opportunity for Petitioner to be heard.

53. An individualized analysis also ensures the purpose of detention is not punitive. By paroling Petitioner in 2023, granting her re-parole in January 2026, and permitting her to remain at liberty throughout, the government has already concluded — and re-concluded — that Petitioner does not present a flight or security risk. Without evidence of a change in her individualized circumstances, there is no reason to believe that re-detention serves any permissible purpose of confinement. The allegations underlying the August 2026 appearance ticket do not supply such evidence: the authority that investigated them determined that Petitioner could be released on a written promise to appear.

54. In short, to satisfy the requirements of due process, Petitioner, as a noncitizen who has established a substantial presence in the United States, is entitled to individualized findings justifying her detention. Petitioner was not afforded an individualized hearing before a neutral decisionmaker, either prior to her placement in ICE custody or at any time thereafter. Thus, this factor weighs heavily in Petitioner's favor.

C. The government's burden does not outweigh Petitioner's interests.

55. While providing a hearing or other form of due process prior to depriving someone of their liberty poses some degree of "fiscal and administrative burden," *Mathews*, 424 U.S. at 335, the government has not provided any evidence that the burden would be a significant one. In immigration court, custody hearings are routine and impose a minimal cost. *J.C.L.A.*, 2025 WL 2959250, at *7.

56. Moreover, Petitioner's continued detention has already caused—and will inevitably continue to cause—far greater expenses than the cost of conducting a hearing, thereby placing an unnecessary burden on the public fisc and adversely affecting the interests of taxpayers.

57. This factor therefore weighs in favor of Petitioner, especially when balanced against the significant liberty interest at stake and the need for adequate procedural safeguards to prevent the erroneous deprivation of that interest.

58. In sum, Respondents incarcerated Petitioner without affording adequate process to determine whether any change in circumstances justified revoking her prior release, relying instead on a blanket policy applied without any meaningful opportunity to be heard. Petitioner's arrest and detention were not the result of any individualized determination. Due process required a pre-deprivation, individualized assessment before a neutral decisionmaker—not a belated, post hoc hearing after liberty had already been extinguished. Because Petitioner possessed a protected liberty interest in her continued release, the Government's failure to provide these fundamental procedural safeguards resulted in an unlawful and unconstitutional deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment.

SCOPE OF RELIEF

59. District courts have the power and authority to dispose of habeas corpus matters "as law and justice require." 28 U.S.C. § 2243. In essence, habeas is "a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). "The typical remedy is, of course, release." *Id.*; *see also Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103,

107 (2020) ("Habeas has traditionally been a means to secure release from unlawful detention.").

60. "In recent months, courts across the country have ordered the release of detainees in similar situations." *Moctezuma v. Henkey*, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026); *Cruz-Reyes v. Bondi*, 2026 WL 332315, at *13 (S.D. Tex. Feb. 3, 2026) ("[D]ue process concerns weigh heavily in favor of granting immediate release."); *Santiago v. Noem*, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025); *Ambroladze v. Maldonado*, 2026 WL 280182, at *3 (E.D.N.Y. Feb. 3, 2026); *E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316 (W.D. Wash. 2025) (a post-deprivation hearing "cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty").

61. The flexibility of habeas relief allows the Court to restore Petitioner to the position she would have occupied had DHS adhered to constitutional requirements. In light of Respondents' failure to provide constitutionally adequate process before revoking Petitioner's liberty, and consistent with the Court's authority to "dispose of the matter as law and justice require," 28 U.S.C. § 2243, immediate release is the appropriate remedy. *See Cifuentes v. Soto*, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025).

62. Immediate release is particularly appropriate here because Respondents never lawfully terminated the status under which Petitioner was at liberty. The remedy is not to give her a hearing she should have received; it is to restore the parole she never lost.

63. Even if an immigration judge were to hold a hearing and grant release, it is a "foregone conclusion under [Yajure] Hurtado" that ICE would succeed in reversing that decision on appeal. *Carlos v. Noem*, 2025 WL 2998184, at *4 (D. Nev. Oct. 24, 2025). Petitioner's arrest was therefore unlawful from the outset, as it was effectuated without proper legal

grounds and without an individualized assessment of risk. Such a fundamental violation cannot be remedied through any means other than the immediate release of the Petitioner.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a) Assume jurisdiction over this matter;

b) Order that Petitioner shall not be removed from the United States without an order by this Court allowing such removal and shall not be transferred, except to the current detention facility, absent further order of this Court;

c) Expedite consideration of this Petition under 28 U.S.C. § 1657 ("the court shall expedite the consideration of any action brought under chapter 153," which includes petitions for habeas corpus);

d) Issue an Order to Show Cause directing Respondents to explain why the writ should not be granted within three days, as required by 28 U.S.C. § 2243;

e) Declare Petitioner's detention unlawful;

f) Order Petitioner's immediate release;

g) Order enjoining Respondents from re-detaining Petitioner absent an individualized determination of flight risk or danger to the community and a pre-deprivation hearing before a neutral decisionmaker;

h) Order limiting Respondents to the restraints on Petitioner's liberty that existed prior to her re-detention on or around August 23, 2026. *See Khabazha v. United States Immigr. & Customs Enf't*, No. 25-cv-5279, 2025 WL 3281514, at *8 (S.D.N.Y. Nov. 25, 2025);

i) Order Respondents to return to Petitioner any and all funds or property seized from Petitioner at the time of her arrest;

j) Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

k) Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Date: August 27, 2026.

/s/ Arif Gozel
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agozel@gozellaw.com
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner Anastasiia Salyzhyn as her attorney. I have not personally met with Petitioner. Rather, I have reviewed the documents referenced herein. Based on my review of the records provided, and on information and belief, I hereby verify that the factual statements made in the foregoing Verified Writ of Habeas Corpus under 28 U.S.C. § 2241 are true and correct to the best of my knowledge.

Date: August 27, 2026.

/s/ Arif Gozel
Arif Gozel, Esq.
Attorney for Petitioner

EXHIBITS

Exhibit 1, Form I-94 (Arrival/Departure Record)

Exhibit 2, Form I-797C, Notice of Action (Approval Notice)