

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

|                                        |   |                       |
|----------------------------------------|---|-----------------------|
| JOSE ARNULFO GUERRERO ORELLANA,        | ) |                       |
|                                        | ) |                       |
| Petitioner,                            | ) |                       |
|                                        | ) |                       |
| v.                                     | ) | Case No. 25-12664-PBS |
|                                        | ) |                       |
| ANTONE MONIZ, Superintendent, Plymouth | ) |                       |
| County Correctional Facility, et al.,  | ) |                       |
|                                        | ) |                       |
| Respondents.                           | ) |                       |
|                                        | ) |                       |

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**AFFIDAVIT OF ANNELISE ARAUJO, ESQ.**

I, Annelise M. Jatoba de Araujo do hereby swear and affirm:

1. The following statements are based on my personal observation or knowledge.
2. I am a member in good standing of the Massachusetts bar and am counsel for Mr. Jose Arnulfo Guerrero Orellana in this action and in the Immigration Court. I have been practicing routinely in the Immigration Court since 2007.
3. In the course of my representation of Mr. Guerrero Orellana, I have collected and reviewed documents and other information relating to his immigration case.
4. It is my understanding that Mr. Guerrero Orellana has resided in the United States for over 12 years, since 2013. He presently resides in Massachusetts. He lives with his wife and their one-year-old U.S. citizen daughter.
5. Mr. Guerrero Orellana was arrested by federal agents acting on behalf of U.S. Immigration and Customs Enforcement (“ICE”) on or about September 18, 2025. My understanding is that he was arrested while riding as a passenger in a vehicle that was stopped by ICE. I have not seen any records indicating that he was a target of the arrest operation.

6. Mr. Guerrero Orellana is presently being held in civil immigration detention by ICE at the Plymouth County Correctional Facility (“PCCF”). PCCF is a state-operated house of correction.

7. As far as I can determine, there is no record of any prior contact between Mr. Guerrero Orellana and the immigration authorities prior to his arrest by ICE on or about September 18, 2025.

8. The government has not provided me with any records indicating that Mr. Guerrero Orellana has ever been charged with or convicted of any crime. As far as I have been able to determine in my preliminary investigation of his case, he appears to have no criminal record.

9. Mr. Guerrero Orellana appears to be eligible for cancellation of removal for non-lawful permanent resident under INA 240A(b). This is a form of relief from removal that can be pursued in his removal proceeding in the Immigration Court.

10. Mr. Guerrero Orellana has been served a Notice to Appear (“NTA”) for removal proceedings before the Chelmsford Immigration Court and has a Master Calendar Hearing scheduled for October 2, 2025. The NTA alleges that he was not previously admitted or paroled into the United States, and that he is present in the United States without a valid entry document. The government also served Mr. Guerrero Orellana with a Warrant of Arrest pursuant to INA 236 (which is codified at 8 U.S.C. § 1226). A true and accurate copy of the NTA and Warrant, as retrieved from the Immigration Court’s filing system, and with certain personal information redacted, is attached hereto as Exhibit A.

11. Prior to *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), people arrested inside the United States and placed in removal proceedings were generally eligible for a bond hearing, even if (as in Mr. Guerrero Orellana’s case) the government alleged the person had entered the

country without being admitted or paroled. Given Mr. Guerrero Orellana's lack of criminal history, length of residence in the United States, family circumstances, and eligibility for relief from removal, it is highly likely he would be granted release on a bond and/or conditions if he received a bond hearing.

12. However, after *Matter of Hurtado*, there has been a very significant change in the operation of the Immigration Courts. The Immigration Judges that I have appeared before have all taken the position that an individual who entered without inspection cannot have a bond hearing before the Immigration Court because the court lacks jurisdiction to hear such a request. It is my understanding that the Immigration Judges are required to take this position in all cases as a result of *Matter of Hurtado*.

13. This change has had an enormous impact on all my clients who entered without inspection, regardless of how long they have been in the United States. Some people charged with civil immigration violations have elected to forgo their applications for relief because they fear prolonged detention. Many others have had to file petitions in federal court to attempt to secure a bond hearing, which often comes with significant legal expense and extended detention.

14. I have also observed the impact on their family members who are emotionally devastated when a person remains detained. The detained person is often an important source emotional support, income, and childcare for their family. The separation and months of detention create terrible hardship for many families, and I have seen many detained noncitizens reduced to tears by the seemingly insurmountable obstacle and hardship created by the government's new policy under *Matter of Hurtado*.

15. For many people, this situation is made worse because ICE appears to have adopted a practice of routinely transferring people to detention facilities outside of Massachusetts, often

the same day they are arrested. Between the arrest and the person's transfer out of state, ICE generally does not allow them to communicate with their counsel. Consequently, it is sometimes impossible to file a petition for writ of habeas corpus before the person has left the state. When the person arrives in their destination state, it is often difficult for them to access legal resources to file a habeas petition there, and consequently they may have no practical ability to seek relief from an unlawful bond hearing denial under *Matter of Hurtado*.

16. To litigate an application for relief in removal proceedings for a detained client it often takes over six months before the Immigration Judge. If the application is denied and the client appeals, the appeal will also take many months to conclude, during which time the client generally remains detained. Similarly, if the application is allowed, the government may appeal and is often asserting authority to detain the client for the pendency of its appeal process. On a recent detained case my office handled, the initial removal proceedings before the Immigration Judge took nine months, the matter is now being appealed, and the appeal has already been pending for four months.

Signed under the pains and penalties of perjury, this 23<sup>rd</sup> day of September 2025,

A handwritten signature in cursive script, reading "Annelise de Araujo", written over a horizontal line.

Annelise M.J. de Araujo, Esq.

# EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: BOS250900125C

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

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: JOSE GUERRERO-ORELLANA

currently residing at:

See Continuation Page Made a Part Hereof

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ 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 EL SALVADOR and a citizen of EL SALVADOR;
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:

150 APOLLO DRIVE, STE. 100, STE 100 CHELMSFORD, MASSACHUSETTS 01824. CHELMSFORD-PLYMOUTH ICE DETA  
(Complete Address of Immigration Court, including Room Number, if any)

on October 2, 2025 at 9:00 am to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

S05838 LAPOINTE - SDDO  
(Signature and Title of Issuing Officer)

Date: September 18, 2025

Burlington, MA  
(City and State)

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so 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 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten 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 will be provided with this notice.

**Conduct of the hearing:** 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. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. 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. You will be advised by the immigration judge before whom you appear 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.

**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](http://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 section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

### 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 September 18, 2025, 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.

X [Signature]  
(Signature of Respondent if Personally Served)

[Signature] JOSHUA MARTINEZ -- DO 11761  
(Signature and Title of officer)

**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.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                      |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------|
| Alien's Name<br>GUERRERO-ORELLANA, JOSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | File Number<br>[REDACTED]<br>Event No: BOS2509001258 | Date<br>09/18/2025 |
| CURRENTLY RESIDING AT:<br>-----<br>Plymouth County Correctional Facility 26 Long Pond Rd Plymouth, MASSACHUSETTS 02360                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                      |                    |
| 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:<br>-----<br>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.<br><br>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<br>S05838 LAPOINTE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Title<br>SDDO                                        |                    |

## U.S. DEPARTMENT OF HOMELAND SECURITY

## Warrant for Arrest of Alien

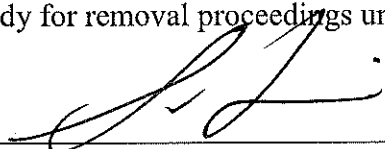
File No. [REDACTED]Date: 09/18/2025

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that GUERRERO-ORELLANA, JOSE is removable from the United States. This determination is based upon:

- ☒ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

  
(Signature of Authorized Immigration Officer)

S05838 LAPOINTE - SDDO

(Printed Name and Title of Authorized Immigration Officer)

### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Burlington, MA  
(Location)

on GUERRERO-ORELLANA, JOSE on September 18, 2025, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the SPANISH language.  
(Language)

JOSHUA MARTINEZ

DO 11761

  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)