

BOARD OF IMMIGRATION APPEALS

Matter of Yujing Shentu

29 I&N Dec. 595 (BIA 2026) · No. ID 4188 · Decided April 27, 2026

SUMMARY

The Board of Immigration Appeals sustained DHS's appeal of an Immigration Judge's bond order releasing Yujing Shentu. The Board held that an FBI letterhead memorandum identifying the respondent as a potential national security risk was properly admitted and warranted significant weight, and ordered her detained without bond.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Malphrus, Chief Appellate Immigration Judge; Hunsucker, Appellate Immigration Judge; Chaban, Appellate Immigration Judge
JURISDICTION	U.S. Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals
DECIDED	April 27, 2026
DOCKET	ID 4188
DISPOSITION	vacated
PROCEDURAL POSTURE	The Department of Homeland Security appealed an Immigration Judge's order granting the respondent's request for a change in custody status and releasing her on a \$7,500 bond. The Board reviewed the custody determination de novo and considered the respondent's motions to terminate and to compel discovery or suppress evidence.
STANDARD OF REVIEW	De novo review of the Immigration Judge's bond determination.
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals
PARTIES	Department of Homeland Security v. Yujing Shentu

TOPICS

- immigration detention
- evidence
- hearsay
- foreign affairs
- agency adjudication

PRACTICE AREAS

- immigration detention
- immigration
- administrative law
- evidence
- foreign affairs

QUESTIONS PRESENTED

1. Whether an unsigned and unsworn FBI Letterhead Memorandum concerning a potential national security risk was admissible and could be considered in a section 236(a) bond proceeding.
2. Whether the respondent met her burden of demonstrating that her release would not pose a danger to persons or property.
3. Whether the Board should consider the respondent's motions to terminate removal proceedings and to compel discovery or suppress evidence in the custody appeal.

HOLDINGS

1. The FBI Letterhead Memorandum was properly admitted and could be considered in the bond proceeding because it was probative and its admission was fundamentally fair; the respondent did not establish that it was inaccurate, coerced, or otherwise fundamentally unfair.
2. The respondent failed to carry her burden of establishing that release would not pose a danger to persons or property; a facially credible FBI memorandum indicating a potential national security risk warranted significant weight and justified detention without bond.
3. The Board would not decide the respondent's motions to terminate removal proceedings or related challenges concerning the notice to appear, jurisdiction, discovery, or suppression in this custody appeal because those issues belong in the underlying removal proceedings.

KEY QUOTATIONS

“An FBI Letterhead Memorandum indicating that the respondent is a potential national security risk warrants significant weight in bond proceedings.” (597)

“In immigration proceedings, the ‘sole test for admission of evidence is whether the evidence is probative and its admission is fundamentally fair.’” (596)

“Although such factors are relevant, they are insufficient to outweigh a facially credible national security assessment by a government agency in these bond proceedings.” (597)

FACTUAL BACKGROUND

The respondent, a native and citizen of the People's Republic of China, was detained under section 236(a) of the INA after being charged with removability for being present in the United States in violation of law. DHS submitted an FBI Letterhead Memorandum stating that she was the subject of an active national security investigation and was believed to be engaged with a foreign government in a manner presenting a national security threat. The Immigration Judge discounted the memorandum and released her on bond, but the Board found that the memorandum was facially credible and that the respondent's denials, lack of criminal history, and community ties did not adequately rebut its national security concerns.

PROCEDURAL HISTORY

DHS charged the respondent with removability under section 237(a)(1)(B) of the Immigration and Nationality Act and later detained her under section 236(a). The Immigration Judge granted bond after finding that the

respondent was not dangerous and was not a flight risk. The Board sustained DHS's appeal, denied the respondent's motions, vacated the Immigration Judge's decision, and ordered the respondent detained without bond.

DISPOSITION

vacated

REMAND INSTRUCTIONS

No remand was ordered. The Board ordered the respondent detained without bond.

CASES CITED

- Matter of Salas Pena, 29 I&N Dec. 173, 174 (BIA 2025)
- Matter of Adeniji, 22 I&N Dec. 1102, 1112-13 (BIA 1999)
- Matter of Urena, 25 I&N Dec. 140, 141 (BIA 2009)
- Matter of Guerra, 24 I&N Dec. 37, 39-40 (BIA 2006)
- Matter of Fatahi, 26 I&N Dec. 791, 793-95 (BIA 2016)
- Demore v. Kim, 538 U.S. 510, 523-24 (2003)
- Matter of D-J-, 23 I&N Dec. 572, 575, 579 (A.G. 2003)
- Matter of E-F-N-, 28 I&N Dec. 591, 593 (BIA 2022)
- Matter of D-R-, 25 I&N Dec. 445, 458 (BIA 2011)
- Radojkovic v. Holder, 599 F. App'x 646 (9th Cir. 2015)
- Matter of Barcenas, 19 I&N Dec. 609, 611 (BIA 1988)
- Olender v. United States, 210 F.2d 795, 801 (9th Cir. 1954)
- Matter of O-R-E-, 28 I&N Dec. 330, 337 (BIA 2021)
- Matter of Gomez-Gomez, 23 I&N Dec. 522, 524 (BIA 2002) (en banc)
- Matter of R-A-V-P-, 27 I&N Dec. 803, 804 (BIA 2020)
- Matter of J-A-, 29 I&N Dec. 253, 255-56 (BIA 2025)
- Matter of H-L-H- & Z-Y-Z-, 25 I&N Dec. 209, 212 (BIA 2010)
- Hui Lin Huang v. Holder, 677 F.3d 130 (2d Cir. 2012)