

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Hugo Romero v. Jeff Crawford, et al.

Civil Action No. 3:25-cv-00788-HEH · No. Civil Action No. 3:25-cv-00788-HEH · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia grants Hugo Romero's amended habeas petition seeking a bond hearing under 8 U.S.C. § 1226(a). The court analyzes whether an unlawfully present noncitizen who is deemed an applicant for admission under § 1225(a)(1) is nevertheless subject to discretionary detention under § 1226(a) rather than mandatory detention under § 1225(b)(2)(A). Relying principally on statutory text and constitutional concerns arising from prolonged detention without a bond hearing, the court orders that Romero receive a § 1226(a) bond hearing.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Henry E. Hudson
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	January 13, 2026
DOCKET	Civil Action No. 3:25-cv-00788-HEH
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas, declaratory, and injunctive relief requiring a bond hearing under 8 U.S.C. § 1226(a) while detained in immigration custody. The district court granted the amended petition and ordered that a bond hearing be provided.
STANDARD OF REVIEW	Statutory interpretation and review of the legality of immigration detention; the opinion does not identify a separately stated standard of review.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Hugo Romero v. Jeff Crawford, et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether an unlawfully present noncitizen who has not been admitted is an applicant for admission under 8 U.S.C. § 1225(a)(1).
2. Whether Romero's detention was governed by mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or by the discretionary detention provisions of § 1226(a).
3. Whether Romero's more than four months of physical presence and detention in the United States entitled him to Due Process Clause protections requiring a bond hearing under § 1226(a).

HOLDINGS

1. An alien physically present in the United States who entered unlawfully and has not been inspected and admitted by an immigration officer is deemed an applicant for admission under § 1225(a)(1), regardless of the length of the alien's physical residence in the country.
2. Romero was entitled to a bond hearing under § 1226(a) because his prolonged physical presence and detention in the United States brought him within the protections of the Due Process Clause, and the court would not construe § 1225 as permitting prolonged detention without a bond hearing absent clearer direction from a higher court.

KEY QUOTATIONS

“lawful status and admission, ... are distinct concepts in immigration law: Establishing one does not necessarily establish the other.” (at 5)

“The Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” (at 11)

“Given, however, that he has unlawfully lived physically within the United States for over a decade and that he has already been detained for a significant period of time, Zadvydas and Thuraissigiam lead this Court to conclude that he is entitled to the protections of the Due Process Clause, and that he is accordingly entitled to a § 1226(a) bond hearing.” (at 12)

FACTUAL BACKGROUND

Hugo Romero is a Guatemalan citizen who entered the United States unlawfully and had physically resided there since 2014. ICE apprehended him near his worksite on August 16, 2025, and he was detained at the Farmville Detention Center in Virginia. The Government sought to treat him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), while Romero sought a discretionary bond hearing under § 1226(a).

PROCEDURAL HISTORY

Romero, a Guatemalan citizen detained by Immigration and Customs Enforcement, filed an amended habeas petition and complaint against federal immigration officials. The Government opposed the petition, and Romero replied. The court proceeded to the merits without deciding exhaustion because the Government did not raise failure to exhaust, and granted the petition.

DISPOSITION

other

REMAND INSTRUCTIONS

The court granted the amended petition and directed that Romero receive a bond hearing under 8 U.S.C. § 1226(a); the court did not order release, determine removability, or decide when Romero should be removed.

CASES CITED

- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Biden v. Texas*, 597 U.S. 785 (2022)
- *Vartelas v. Holder*, 566 U.S. 257 (2012)
- *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020)
- *Sanchez v. Mayorkas*, 593 U.S. 409 (2021)
- *Bracamontes v. Holder*, 675 F.3d 380 (4th Cir. 2012)
- *United States v. Guzman*, 998 F.3d 562 (4th Cir. 2021)
- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Esquivel-Quintana v. Sessions*, 581 U.S. 385 (2017)
- *Gonzales v. Carhart*, 550 U.S. 124 (2007)
- *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Martinez v. Hyde*, 792 F. Supp. 3d 211 (D. Mass. 2025)
- *Azumah v. United States Citizenship & Immigr. Servs.*, 107 F.4th 272 (4th Cir. 2024)
- *Othi v. Holder*, 734 F.3d 259 (4th Cir. 2013)
- *Torres v. Barr*, 976 F.3d 918 (9th Cir. 2020)
- *L.N.S. v. Cardoza-Fonseca*, 480 U.S. 421 (1987) (Scalia, J., concurring)
- *Landon v. Plasencia*, 459 U.S. 21 (1982)
- *Duarte Escobar v. Perry*, No. 3:25CV758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)
- *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957 (D. Minn. 2025)
- *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
- *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025)

- Rodriguez v. Bostock, No. 3:25-cv-5240, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025)
- Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025)
- Soto v. Soto, et al., No. 25-cv-16200, 2025 WL 2976572 (D.N.J. Oct. 22, 2025)
- Coronado v. Sec'y, Dep't of Homeland Sec., No. 1:25-CV-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025)
- Chavez v. Noem, No. 3:25-cv-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)
- Vargas Lopez v. Trump, No. 8:25CV526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)

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