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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Pablo Antonio VILLA VICENCIO CALDERON,  
Petitioner,

18 CIVIL 5222 (PAC)

**JUDGMENT**

-v-

Jefferson B. SESSIONS III, in his official capacity  
as the Attorney General of the United States;  
Kirstjen NEILSEN, in her official capacity as  
Secretary of Homeland Security; Thomas DECKER,  
in his official capacity as New York Field Office  
Director for U.S. Immigration and Customs  
Enforcement; and the U.S. DEPARTMENT OF  
HOMELAND SECURITY,

Respondents.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated August 1, 2018, the Court grants the petition for a writ of habeas corpus. The Court concludes that Respondents have attempted to strip the Petitioner's right to seek a provisional waiver with no explanation or justification. That is a violation of the APA and the Petitioner's due process right. Accordingly, the Court orders Respondents to stay removal of Petitioner from the United States until Petitioner exhausts his right to seek a Provisional Unlawful Presence Waiver. Specifically, the Court orders Respondents to stay removal of Petitioner until the occurrence of one of the following events: (1) Denial of Petition for Alien Relative on his behalf ("Form I-130"); (2) Denial of his Application for Permission to Reapply for Admission ("Form I-212"); (3) Denial of his Application for Provisional Unlawful Presence Waiver ("Form I-601A"); or (4) Approval of Forms I-130, I-212, and I-601A. The Court further orders Respondents to immediately release Petitioner from custody while the stay of removal is in force because removal is no longer reasonably

foreseeable. Petitioner shall not be subject to ICE's supervision while the release order is in force.

**DATED:** New York, New York  
August 3, 2018

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*Kmango*

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**Deputy Clerk**