

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

AMR AES DERHEM NAJI,

Petitioner,

v.

WARDEN, Folkston ICE Processing
Center, et al.,

Respondents.

Civil Action No.: 5:25-cv-26

PETITIONER'S STATUS UPDATE

Petitioner, by and through undersigned Counsel, file this status update pursuant to the Court's October 15, 2025 order.

1. On March 12, 2025, following the announcement of Yemen's designation and redesignation for Temporary Protected Status ("TPS"), Plaintiff submitted a Form I-821, Application for Temporary Protected Status, to United States Citizenship and Immigration Services ("USCIS"). The application was assigned to the Texas Service Center.
2. Plaintiff has been detained at the Folkston Detention Facility ("Folkston") for nearly sixteen (16) months.
3. On September 29, 2025, USCIS issued a Notice of Intent to Deny Plaintiff's I-821 application, stating that it could not be adjudicated until Plaintiff appears at an Application Support Center ("ASC") for biometrics. **See Exhibit A.**

4. Plaintiff remains detained. Folkston, as an ICE detention facility, has the capacity to collect biometrics and transmit them to USCIS, which would enable adjudication of Plaintiff's TPS application without requiring transportation to an external ASC.
5. Plaintiff has been deemed prima facie eligible for TPS and, upon biometrics processing and adjudication, will continue to receive the temporary treatment benefits afforded by statute and regulation.
6. Under 8 C.F.R. § 244.10(e)(2), once an applicant establishes prima facie eligibility, TPS "temporary treatment benefits shall remain in effect until a final decision has been made on the application for Temporary Protected Status," unless terminated earlier pursuant to § 244.13. Thus, an applicant like Plaintiff, who has made a prima facie showing, is entitled to TPS-related protections and benefits pending final adjudication.
7. *Among these benefits is protection from detention solely on the basis of immigration status. TPS confers lawful status for the duration of the designation under 8 U.S.C. § 1254a(f)(4) and 8 C.F.R. § 244.10(e).*
8. Further, the INA and DHS regulations make clear that applicants who are prima facie eligible for TPS must be protected from removal while their applications are pending.
9. Specifically, 8 U.S.C. § 1254a(a)(4)(B) provides that once an applicant establishes a prima facie case of TPS eligibility, "until a final determination with respect to the alien's eligibility ... has been made, the alien shall be provided such benefits" of TPS, including a temporary stay of removal and employment authorization.
10. Consistent with this, 8 C.F.R. § 244.10(e)(2) provides that "temporary treatment benefits shall remain in effect until a final decision has been made on the application for Temporary Protected Status" unless earlier termination is warranted under the regulation.

11. USCIS and the Folkston facility now control the only remaining step in adjudicating Plaintiff's TPS application—completion of biometrics collection. Plaintiff's continued detention despite his prima facie eligibility and eligibility for temporary treatment benefits constitutes an ongoing deprivation of protections to which he is statutorily entitled. Immediate action to facilitate biometrics collection is necessary to complete adjudication, effectuate the protections of TPS, and secure Plaintiff's release from detention.

Dated: October 24, 2025

Respectfully Submitted,

/s/ Rafael Urena

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AFFIDAVIT OF SERVICE

I, Rafael Urena, Esq., hereby certify that on October 24, 2025, a copy of the attached was made to all counsels of record through the court's electric case filing system.

Respectfully Submitted,

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