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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GOKHAN POLAT; 
Petitioner,

v.

LUIS SOTO, in his official capacity as Warden of Delaney Hall Detention Facility; JOHN TSOUKARIS, in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Newark Field Office; TODD LYONS, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, and PAMELA BONDI, in her official capacity as United States Attorney General.

Respondents.

Case No. 2:25-cv-16893

**APPLICATION FOR ISSUANCE
OF ORDER TO SHOW
CAUSE**

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court “forthwith” issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.
2. Petitioner challenges his unlawful detention by Respondents. Petitioner is detained pending his removal proceedings without access to a hearing conducted by a neutral decisionmaker—a federal judge or an immigration judge—to determine whether his detention is warranted based on a danger or flight risk.
3. He is detained pursuant to the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA's interpretation in this decision conflicts with the plain language and structure of the Immigration and Nationality Act, as well as decades of uncontroverted agency practice. Therefore, Respondents’ application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). *See* Pet. for Writ of Habeas Corpus, Dkt. No. 2:25-cv-16893.
4. The Petitioner was detained while attending his Credible Fear Interview, conducted at the USCIS Asylum Office in Bethpage, New York. The Petitioner was found to have a credible fear of persecution if returned to Turkey and was issued a Notice to Appear. *See* Exs. B, D.

5. The Petitioner is a citizen of Turkey of Kurdish ethnicity, who suffered persecution, including violent beatings as a child by Turkish Police due to his Kurdish ethnicity. *See* Ex. B. The Petitioner fled Turkey at the age of 19 and entered the United States, without inspection, on or about, May 28, 2022, to seek freedom here in the United States. *See* Exs. B, D. He was subsequently given an Expedited Order of Removal and paroled into the United States. *See* Exs. E, G.
6. The Petitioner moved to Brooklyn, New York, where he began to live and eventually met his now wife, Leman Polat. Leman is a United States citizen, and they were married in September. Leman filed an I-130 visa petition for the Petitioner on September 29, 2025. He concurrently filed for his lawful permanent residence (Form I-485). *See* Ex. C.
7. This young couple had just begun their married life together when the Petitioner was arrested by ICE while attending his scheduled Credible Fear Interview on October 20, 2025. *See* Ex. D. The Petitioner's wife has been struggling emotionally and mentally since her new husband's arrest and detention, causing her increased anxiety and depression.
8. The Petitioner's best language is Kurdish, which creates a challenge for detained representation as Kurdish interpreters are difficult to come by and generally require utilizing an interpretation service, which can be difficult to arrange for detained clients. The difficulty in obtaining a Kurdish interpreter is evidenced

by the Petitioner's Credible Fear Interview, in which the USCIS Asylum Office attempted three times to connect with a Kurdish interpreter, to no avail. *See Ex. B* at 7.

9. Continued unlawful detention of the Petitioner not only constitutes a real hardship to his United States citizen wife, but also impedes the proper preparation of his asylum claim.
10. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
11. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
12. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
13. In addition, Section 2243 states that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.
14. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondent(s) to file a return within three

days of the Court's order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within 3 days after Respondent(s) file the return.

15. Giving Respondent(s) additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the impediments in properly preparing his asylum application due to the availability of Kurdish language interpreters and the coordination of said interpreters with the detention facility, as well as the irreparable harm faced by his United States citizen wife's emotional and mental health and Grant such further relief as the Court deems and proper.

Dated: October 24, 2025

Respectfully submitted,

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