



**U.S. Department of Justice**

United States Attorney's Office  
District of New Jersey  
*Civil Division*

Frances Bajada  
Assistant United States Attorney

970 Broad Street, Suite 700  
Newark, New Jersey 07102  
frances.bajada@usdoj.gov

main: (973) 645-2700  
direct: (973) 297-2038

December 31, 2025

**BY ECF**

Hon. Karen M. Williams, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets Room 1050  
Camden, New Jersey 08101

**Re: *Tabarakifard v. Velasquez, et al.*, No. 25-18087 (KMW)  
Expedited Answer to § 2241 Petition**

Dear Judge Williams:

This Office represents Respondents in this habeas immigration matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement ("ICE") under 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court's several decisions in § 1225(b)(2) cases.<sup>1</sup>

Petitioner, a native of Iran, entered the United States in 2023, without inspection. ECF 5 (Am. Pet.) ¶ 18. On June 24, 2025, ICE officers arrested Petitioner. *Id.* ¶ 24. Petitioner is in ICE detention without bond pursuant to DHS's interpretation of "applicants for admission" under § 1225(b)(2) and the Board of Immigration Appeals' recent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petitioner argues his detention under § 1225(b)(2) is unlawful.

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<sup>1</sup> See, e.g., *Ayala Amaya v. Bondi*, No. 25-16427 (ESK), 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Smit Patel v. Almodovar*, No. 25-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Lomeu v. Lyons*, No. 25-16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-13004 (JKS), 2025 WL 2985256, at \*2 (D.N.J. Oct. 23, 2025); *Soto v. Soto*, No. 25-16200 (CPO), 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Castillo v. Lyons*, No. 25-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025).

Respondents have filed a notice of appeal in *Rivera Zumba*, which would create binding precedent concerning the § 1225(b)(2) issue in this Circuit.

Respondents contend, as they have in all prior § 1225(b)(2) matters in this District, that the Petitioner's detention is governed by § 1225(b)(2) because Petitioner is an alien who entered without inspection or parole and was initially detained by immigration authorities in the interior of the country without having been lawfully admitted. Thus, Petitioner is an "applicant for admission," who is not entitled to release or a bond hearing. *See, e.g., Lomeu v. Lyons*, No. 25-16589 (EP), ECF 7, Gov'ts' Br. at 9-18 (citing *Matter of Yajure Hurtado*). Respondents also contend that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under 8 U.S.C. § 1226(a) not immediate release. *See id.*

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in the prior § 1225(b)(2) matters, and this Petition asserts the same relevant facts as those prior cases. Respondents accordingly submit this expedited answer given the similar issues, the importance of efficient resolution of this habeas petition, and the preservation of the Court's and the parties' resources.<sup>2</sup>

We thank the Court for its attention to this matter.

Respectfully submitted,

TODD BLANCHE  
U.S. Deputy Attorney General

JORDAN FOX  
Chief of Staff & Associate Deputy  
Attorney General  
Special Attorney

By: s/Frances Bajada  
FRANCES BAJADA  
Assistant United States Attorney  
*Attorneys for Respondents*

cc: Counsel of record (by ECF)

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<sup>2</sup> In recent matters, the Court has summarily adjudicated § 1225(b)(2) habeas matters without requiring a formal answer because Respondents stipulated to material facts and legal issues. *See Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing following status conference); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF 15 (same).