

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

A.M.,)	
)	
Petitioner,)	Case No. _____
)	
v.)	PETITION FOR WRIT OF HABEAS CORPUS
)	
KEVIN JOYCE , Sheriff, Cumberland County;)	
PATRICIA HYDE , Field Office Director;)	EMERGENCY RELIEF REQUESTED
MICHAEL KROL , HSI New England Special)	
Agent in Charge; TODD LYONS , Acting)	
Director U.S. Immigrations and Customs)	
Enforcement; KRISTI NOEM , U.S. Secretary)	
of Homeland Security; DONALD TRUMP ,)	
President of the United States,)	
)	
Respondents.)	

INTRODUCTION

“America keeps its promises, and no promise is more sacrosanct than the one we make to support and protect those who serve alongside our troops.”

- Secretary of Homeland Security Alejandro Mayorkas, August 29, 2023¹

1. Petitioner A.M.² is a citizen and national of Afghanistan in valid special immigrant status earned through his “faithful and valuable service to the United States Government” during its military missions in Afghanistan, which caused him to face an “ongoing serious threat as a consequence” of his work. Afghan Allies Protection Act of 2009, Pub. L. 111-8, 123

¹ Department of Homeland Security, *Statement from Secretary Mayorkas on the Two-Year Anniversary of Operation Allies Welcome*, U.S. DEPARTMENT OF HOMELAND SECURITY, August 29, 2023, <https://www.dhs.gov/archive/news/2023/08/29/statement-secretary-mayorkas-two-year-anniversary-operation-allies-welcome>

² As Petitioner does not have a finally approved immigration status and fears persecution in Afghanistan, a motion for pseudonym will be filed along with this motion.

Stat. 807 (2009), § 602(b)(2)(A)(ii)-(iii). In September 2021, the United States government evacuated Mr. M., his wife, and their nine children from Afghanistan. After extensive background and identity checks, the Department of Homeland Security granted the family parole into the United States.

2. Thereafter, Mr. M. applied for, and received, Chief of Mission approval (“COM approval”) from the U.S. Department of State and Special Immigrant Visa status (“approved SIV petition”) from the U.S. Citizenship and Immigration Service while in the United States. The COM approval and petition for SIV have not been revoked.
3. During Mr. M.’s time in the United States, he has peacefully resided in the Boston area with his wife and children, and welcomed two additional U.S. citizen children. Mr. M. has no criminal charges or convictions anywhere in the world. Mr. M. is awaiting his first hearing in immigration court and has never been ordered removed from the United States.
4. Mr. M. was unlawfully detained by federal immigration agents on December 5, 2025 outside his home. To vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
5. Petitioner asks this Court to find that he was unlawfully detained and order his release.

JURISDICTION

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
7. Venue is proper because Petitioner is detained in the Cumberland County Jail, within the District of Maine.

PARTIES AND FACTS ALLEGED

8. The Petitioner A.M. was paroled into the United States on September 7, 2021. He ordinarily

resides in Dorchester, Massachusetts.

9. Mr. M. was detained without cause by U.S. government officials acting in the role of immigration enforcement officers on the morning of December 5, 2025.
10. On information and belief, Mr. M. is currently in custody in the District of Maine, and one or more of the Respondents is his immediate custodian.
11. Respondent Kevin Joyce is the Sheriff of Cumberland County, Maine.
12. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
13. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
14. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
15. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
16. Respondent Donald Trump is the President of the United States.
17. All respondents are named in their official capacities.

LEGAL ARGUMENTS

18. After the U.S. military withdrew from Afghanistan in August 2021, it selected Mr. M. and his family for evacuation, based on his service with the U.S. military efforts.
19. After Mr. M. and his family left Afghanistan, they received thorough background checks.
Specifically,

DHS deployed approximately 400 personnel from U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement, the Transportation Security Administration, United States Coast Guard, and United States Secret Service ... to conduct processing, screening, and vetting in coordination with the Departments of Defense (DOD) and State (DOS) and other federal agencies, and to conduct interviews as needed...

The rigorous screening and vetting process, which is multi-layered and ongoing, involves biometric and biographic screenings conducted by intelligence, law enforcement, and counterterrorism professionals from DHS and DOD, as well as the Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and additional intelligence community partners. This process includes reviewing fingerprints, photos, and other biometric and biographic data for every single Afghan before they are cleared to travel to the United States.

Department of Homeland Security, *Operation Allies Welcome*,

<https://www.dhs.gov/archive/operation-allies-welcome> (accessed Dec. 7, 2025).

20. Mr. M. and his family completed this process. On September 7, 2025, they were paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5), INA § 212(d)(5). They received additional screening at the airport and on a military base after their arrival in the United States. *Id.* Mr. M.'s parole was initially granted for two years, and subsequently extended until September 6, 2025.
21. On May 12, 2023, Mr. M. was granted COM approval, and on August 11, 2023, his I-360 petition for Special Immigrant Visa was approved.
22. These approvals signify that the Department of Homeland Security and Department of State verified:
 - That Mr. M. was a citizen of Afghanistan;
 - That he had completed at least two years of employment between October 2001 and December 2020 for or on behalf of the US government in Afghanistan or the International Security Assistance Force or a successor mission;
 - That he had provided "faithful and valuable service" to the US government;
 - That he was experiencing an "ongoing serious threat" in Afghanistan as a direct result of his service to the United States;
 - That he was otherwise admissible to the United States under the Immigration and

Nationality Act; and

- That he posed no national security threat to the United States.

23. On October 4, 2023, Mr. M. filed an I-485 application for adjustment of status to permanent resident. On September 8, 2025, USCIS's Boston Field Office denied it and referred Mr. M. to the Immigration Court for further proceedings. The first hearing was set for February 3, 2026.

24. On December 5, 2025, U.S. government officials acting as immigration enforcement agents detained Mr. M..

25. Mr. M. has no criminal charges or convictions anywhere in the world.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process (No Changed Circumstances)

26. The decision to grant parole and the determination of when the purposes of such parole have been completed are committed to the discretion of the Secretary of DHS. 8 U.S.C. § 1182(d)(5)(A).

27. However, this discretion is not without limits. *See Zadvydas v. Davis*, 533 U.S. 678, 697 (2001) (allowing judicial review of scope of discretionary decisions). Specifically, the question in this case is whether Mr. M.'s detention is justified when there has been *no* change in his personal circumstances. If anything, he is in a more stable legal status today than he was on the date that he was paroled into the United States, due to his COM and SIV I-360 approvals.

28. As there is no reason for Mr. M. to be detained, the Respondents' decision to take him into custody now without any justification is in violation of the Due Process Clause.

COUNT TWO

Violation of Fifth Amendment Right to Due Process (Delay in Detention)

29. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of his constitutional right to due process of law.
30. By statute, when the Secretary of Homeland Security determines the purposes of parole have been served, a parolee must “forthwith return or be returned to the custody from which he was paroled.” 8 U.S.C. § 1182(d)(5)(A). Here, the Respondents did not return Mr. M. to custody “forthwith.” Instead, they chose to detain him months later, only after the President expressed animus towards Afghan nationals.
31. Between September 6, 2025 and December 5, 2025, Mr. M. was not in custody. He did not receive any written notice and determination that his parole from custody would be terminated on or near December 5, 2025, as required by 8 C.F.R. § 212.5(e).
32. As Respondents failed to return Mr. M. to custody “forthwith,” he cannot be subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A). Therefore, it is unclear under what authority he is detained, and he is entitled to a hearing in which DHS bears the burden to show that continued detention is warranted.

COUNT TWO

Violation of Fifth Amendment Right to Equal Protection

33. On information and belief, Mr. M. is currently being detained by federal agents without cause and in violation of his constitutional rights to due process of law.
34. President Trump has expressed overt discrimination towards Afghan nationals. Following a shooting in Washington, DC, the President described Afghanistan as a “hellhole on earth,” and indicated that “We must now re-examine every single alien who has entered

our country from Afghanistan through Biden.”³ He has instructed the other Respondents to focus on Afghan nationals.⁴

35. Respondents have illegally targeted Mr. M. for detention because of his Afghan nationality, rather than any individualized determination that he poses a risk of flight or danger to the community.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Maine;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (4) Declare that Petitioner’s detention violates the Due Process Clause and the Equal Protection Clause of the Fifth Amendment;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (6) Grant attorney’s fees and costs under the Equal Access to Justice Act;
- (7) Grant any further relief this Court deems just and proper.

/

/

³ The White House (@whitehouse), INSTAGRAM, <https://www.instagram.com/reel/DRI2H4BAE8h/> (last visited Dec. 6, 2025).

⁴ Hamed Aleaziz and Nicholas Nehamas, “Immigration Officials Target Afghans for Deportation in Wake of D.C. Shooting,” THE NEW YORK TIMES, Dec. 2, 2025, <https://www.nytimes.com/2025/12/02/us/politics/afghans-deportation-shooting.html> (last visited Dec. 10, 2025) (“...the administration is particularly focused on refugees from Afghanistan. Agency field offices have been instructed to submit daily reports outlining how many Afghans are being removed, arrested and investigated...”)

Dated: December 11, 2025

Respectfully submitted,

Attorneys for Petitioner,

/s/ Jenny Vi Beverly

Jenny Vi Beverly ME Bar# 005349

Haven Immigration Law

132 Spring St, Floor 1

Portland, ME 04101

Tel: 207-515-8005

Email: jb@im.law

/s/ Stephanie E.Y. Marzouk

Stephanie E.Y. Marzouk MA BBO#683291*

Marzouk Law LLC

2464 Massachusetts Ave Ste 317

Cambridge, MA 02140

Tel: 617-674-2112

Email: sym@marzouklaw.com

*motion for *pro hac vice* admission forthcoming

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, A.M., and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 11th day of December, 2025.

/s/ Stephanie E.Y. Marzouk

Stephanie E.Y. Marzouk