



U.S. Department of Justice

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

Jake A. Nussbaum
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, New Jersey 07102
jake.nussbaum@usdoj.gov

main: (973) 645-2700
direct: (973) 645-2752
fax: (973) 297-2010

January 9, 2026

Via ECF

Honorable Edward S. Kiel, U.S.D.J.
U.S. District Court for the District of New Jersey
4th & Cooper Streets
Camden, NJ 08101

Re: *Salama v. Luis Soto, et. al.*, No. 25-18990; Response to January 8, 2026 Order

Dear Judge Kiel:

This Office represents Respondents in the above-referenced habeas matter. We write in response to the Court's January 8, 2026 order, ECF No. 6, seeking clarification whether petitioner is subject to a final order of removal. *Id.* ICE has informed this Office that Petitioner does not have a final order of removal but confirmed he is subject to an administratively final expedited removal order. *See Ex. A.* However, because Petitioner claimed a credible fear, he was referred to the Asylum Office for a credible fear determination. The Asylum Office found a credible fear and issued a Notice to Appear, which was filed with the immigration court. Removal proceedings then commenced and are currently pending.

The lack of a final order of removal does not entitle Petitioner to release from detention while his removal proceedings are pending. As another court in this district recently held, "humanitarian parole" does not "change Petitioner's status as an applicant for admission subject to detention under § 1225(b)(1) because Petitioner is treated legally as if he remained at the border for the duration of that parole." *Faqirzada v. Rokosky, et. al.*, No. 25-16639 (MAS), 2026 WL 63614, at *2 (D.N.J. Jan. 8, 2026). Petitioner, thus, remains "subject to both the removal procedures, and accompanying mandatory detention, which applies to aliens detained under § 1225(b)(1)." *Id.* Accordingly, we respectfully request that Your Honor deny the Petition.

Thank you very much for your consideration of this matter.

Respectfully submitted,

TODD BLANCHE
U.S. Deputy Attorney General

JORDAN FOX
Chief of Staff to the
Deputy Attorney General
Associate Deputy Attorney General
Special Attorney

By: *s/Jake A. Nussbaum*
Jake A. Nussbaum
Assistant United States Attorney
Attorneys for Respondents