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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UFUK CAKIRGOZ, Petitioner, v. CHRISTOPHER LAROSE, warden of Otay Mesa Detention Center, *et al.*, Respondents.	Case No.: 26-cv-00119-TWR-AHG **RESPONDENTS' RETURN TO PETITION** [ORAL ARGUMENT NOT REQUESTED]

I

INTRODUCTION

Petitioner asks the Court to order his immediate release from Immigration and Customs Enforcement (ICE) custody. His detention, however, is mandated by 8 U.S.C. § 1225(b)(2) until the conclusion of his removal proceedings. Accordingly, the Court should deny Petitioner's requests for relief.

II

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner, a native and citizen of Turkiye, entered the United States without inspection on March 29, 2025 and was apprehended by Border Patrol the same day. Petition, ¶18, ECF No.1. Pursuant to 8 U.S.C. § 1225(b)(2)(A), he has been detained since his apprehension. *Id.*

On October 8, 2025, Petition was issued a Notice to Appear that initiated removal proceedings against him. See Ex. 1, Notice to Appear.[1] Those proceedings, which are ongoing, provide Petitioner the opportunity to apply for relief from removal before the Immigration Judge (IJ), including withholding of removal and asylum under 8 U.S.C. § 1158.[2]

While Petitioner's case was initially set for hearing on November 13, 2025, a date intended to give Petitioner sufficient time to file an asylum application and declaration, Petitioner moved for a continuance. Ex. 3, Motion for Continuance. The final merits hearing has now been scheduled for April 27, 2026. Petition at p. 7, ECF No. 1. Because Petitioner's removal proceedings are pending, there is no administratively final order of removal at this time and he remains mandatorily detained at the Otay Mesa Detention Center under 8 U.S.C. § 1225(b)(2).

III

STATUTORY BACKGROUND

Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1225, applies to an "applicant for admission," defined as an "alien present in the United States who has not been admitted" or "who arrives in the United States." 8 U.S.C. § 1225(a)(1). "[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid document." *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject

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[1] [1] The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

[2] While Petitioner's initial requests for relief under the Convention Against Torture (CAT) resulted in a negative determination, the IJ vacated this determination, finding Petitioner had established a significant possibility of eligibility for asylum, withholding of removal or relief under CAT and a reasonable possibility of persecution or torture. See Ex. 1, September 16, 2025 Order of the Immigration Judge, pp. 3-4.

to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if "the alien indicates an intention to apply for asylum . . . or a fear of persecution," immigration officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). "If the officer determines at the time of the interview that [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further consideration of the application for asylum." 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien does not indicate an intent to apply for asylum, does not express a fear of persecution, or is "found not to have such a fear," they "shall be detained . . . until removed" from the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

IV

ARGUMENT

PETITIONER IS LAWFULLY DETAINED

A. Petitioner is Mandatorily Detained under 8 U.S.C. § 1225(b)(2).

Petitioner's claim fails because he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Under 8 U.S.C. § 1225(a)(1), an "applicant for admission" is defined as an "alien present in the United States who has not been admitted or who arrives in the United States." Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings*, 583 U.S. at 287.

Section 1225(b)(2)(A) requires mandatory detention of "'an alien who is *an applicant for admission*, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted[.]'" *Chavez v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025) (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Petitioner contends that he is entitled to a bond hearing. But the Supreme Court has rejected such contention, explaining: "Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded. . . . Nothing in the

statutory text imposes any limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings." *Jennings*, 583 U.S. at 297. Except for temporary parole granted at the discretion of the Attorney General "for urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5), "there are no *other* circumstances under which aliens detained under § 1225(b) may be released." *Id.* at 300 (emphasis in original).

As Petitioner's removal proceedings are pending, and he has not been granted temporary parole, section 1225(b)(2) mandates his detention until the proceedings have concluded. *Jennings*, 583 U.S. at 297 ("Once those proceedings end, detention under § 1225(b) must end as well."). Because Petitioner is lawfully detained under section 1225(b) and the statute does not entitle him to a bond hearing at this time, his petition must be denied. *See, e.g.*, *Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to find that the petitioner had no right to release or a bond hearing under 1225(b)(1) because "[b]inding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond hearing").[3]

B. Petitioner's Detention is Not Unconstitutionally Prolonged.

Petitioner contends his less than 10-month detention violates the due process clause of the Fifth Amendment to the U.S. Constitution. Petition at pp. 12-14, ECF No. 1. The Court should reject this argument.

In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C. § 1225(b). The Supreme Court stated that, "[r]ead most naturally, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain proceedings have concluded." *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)

[3] Because he is mandatorily detained under section 1225(b)(2), Petitioner is not eligible for the relief in set forth in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025).

nor § 1225(b)(2) "impose[] any limit on the length of detention" and "neither § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings." *Id.* The Supreme Court added that the sole means of release for noncitizens detained pursuant to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300 ("That express exception to detention implies that there are no *other* circumstances under which aliens detained under [8 U.S.C.] § 1225(b) may be released.") (emphasis in original). "In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of applicable proceedings[.]" *Id.* at 302.

In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged detention without a hearing violated his constitutional rights. The Supreme Court rejected the petition, concluding that the noncitizen's continued detention did not deprive him of any due process rights, stating: "[A]n alien on the threshold of initial entry stands on a different footing: 'Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned.'" *Id.* at 212 (citation omitted).

In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020), the Supreme Court once again addressed the due process rights of inadmissible arriving noncitizens seeking initial entry into the United States. The Supreme Court stated that such individuals have no due process rights "other than those afforded by statute." *Id.* at 107; *see also id.* at 140 ("[A]n alien in respondent's position has only those rights regarding admission that Congress has provided by statute."). The Supreme Court noted that its determination was supported by "more than a century of precedent." *Id.* at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). Because the only process due Petitioner is that afforded under section 1225(b), the Court must reject his claim that

his detention violates the Fifth Amendment's Due Process Clause and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) ("The recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme Court has 'firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens.'") (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at *4 ("Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond hearing.").

Since the Supreme Court's decision in *Thuraissigiam*, numerous published decisions have acknowledged *Thuraissigiam*'s impact on the precise Fifth Amendment Due Process Clause that Petitioner might have raised in this petition: Does an alien detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond hearing after being detained for a certain period of time? The answer is no. *See Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2 (S.D. Cal. June 10, 2024) ("[T]he Court finds that Petitioner has no Fifth Amendment right to a bond hearing pending his removal proceedings."); *Zelaya-Gonzalez*, 2023 WL 3103811. *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*, 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

Even if the Court infers a constitutional right against prolonged mandatory detention, Petitioner's claim still fails. "In general, as detention continues past a year, courts become extremely wary of permitting continued custody absent a bond hearing." *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal. April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half

years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*, No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two years). Petitioner's detention falls significantly short of the length courts have found to raise due process concerns.

In similar cases, courts in this district have applied the test in *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g.*, *Sanchez-Rivera*, 2023 WL 139801, at *5 ("[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-suited to determining whether due process requires a second bond hearing, they are not particularly dispositive of whether prolonged mandatory detention has become unreasonable in a particular case."); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding "the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of the possible constitutional implications of Petitioner's ongoing detention without process.").

Under *Lopez*, to determine whether continued mandatory detention has become unreasonable, "the Court will look to the total length of detention to date, the likely duration of future detention, and the delays in the removal proceedings caused by the petitioner and the government." 631 F. Supp. 3d at 879.

Here, Petitioner has been detained for under 10 months, far less than the detentions that Courts in this district have found to be unreasonably prolonged. *See Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months); *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42 months). The length of detention "is the most important factor." *Sanchez-Rivera*, 2023 WL 139801, at *6 (citation omitted). And Petitioner's current detention cannot be called unreasonable. Moreover, the length of Petitioner's detention, by itself, does not

favor granting habeas relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12, 2025) ("The Court agrees with Respondents that the length of Petitioner's detention to date—almost 12 months—does not by itself, without more, establish prolonged detention in violation of due process.").

Not only does the length of Petitioner's detention fall comparatively short of the length courts in this district have found to warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either. The likely duration of future detention weighs against Petitioner, as his individual merits hearing is scheduled for April 27, 2026 (*see* ECF No. 1 at 7), at which point his path to release or removal should be clear. Finally, there is no indication the government has unduly delayed Petitioner's removal proceedings. To the contrary, his November 13, 2025 hearing was delayed due to Petitioner's motion. *See* Ex. 3.

Balancing the above factors, the record does not support a finding that "detention has become so unreasonable as to require an initial bond hearing," *Sanchez-Rivera*, 2023 WL 139801, at *6, or an order requiring Petitioner's release. Thus, the Court should reject Petitioner's claim that his mandatory detention entitled him to be released from ICE custody during the pendency of his removal proceedings.

V

CONCLUSION

For the reasons stated herein, Respondents respectfully request that the Court deny this petition on the merits.

DATED: January 15, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/Cindy M. Cipriani
CINDY M. CIPRIANI
Assistant United States Attorney
Attorneys for Respondents

EXHIBIT 1

Uploaded on: 10/08/2025 at 03:36:49 PM (Pacific Daylight Time) Base City: OTM
Designated Country: TURKEY

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB:
Event No:

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: FINS: File No:

In the Matter of:

Respondent: UFUK CAKIRGOZ currently residing at:

C/O DHS Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154 619-671-8700

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Turkey and a citizen of Turkey;
3. You entered the United States at or near ROMA, TX on or about March 29, 2025;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
5. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on October 21, 2025 *(Date)* at 8:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

BP 2824 FUENTES - SDDO
(Signature and Title of Issuing Officer)

Date: October 8, 2025

San Diego, CA
(City and State)

EOIR — 1 of 6

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Designated Country: TURKEY |

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is : TURKISH

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 8, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the TURKISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[redacted] H 11318 LARA RAMIREZ - Deportation Officer

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

EOIR – 2 of 6

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Designated Country: TURKEY |

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Allegations: Admitted: Charges: Sustains: 001
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Designated Country: TURKEY |

U.S. Department of Homeland Security **Continuation Page for Form** I-862

Alien's Name	File Number	Date
CAKIRGOZ, UFUK		10/08/2025

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

Signature	Title
SF 2824 FUENTES	SDDO

4 of 4 Pages

EOIR — 4 of 6

Form I-831 Continuation Page (Rev. 08/01/07)

Exhibit 2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:
CAKIRGOZ, UFUK

To:
MAHMUT BINGOL, Esq.
100 Church St, 8th Floor
Suite 870
New York, NY 10007

Riders:
In Credible Fear Review Proceedings
Initiated by the Department of Homeland Security
Date:
09/16/2025

ORDER OF THE IMMIGRATION JUDGE

On 09/16/2025, a review of the Department of Homeland Security's (DHS's) negative credible fear determination was held in this matter. This Court considered testimony and any documentary evidence submitted regarding the Applicant's fear of persecution or torture.

Upon de novo consideration, the Court makes the findings below —

[Complete section 1, then complete section 2 only if applicable.]

(1) — Final Rule ("FR") limitation on asylum eligibility

A. The Applicant

☑ Is covered by the asylum limitation at 8 C.F.R. § 1208.35(a)(1), because the Applicant entered the United States during the time and in the manner described in § 1208.13(g), and there is not a significant possibility that the Applicant could establish that they are described under section 3(b) of the Presidential Proclamation of June 3, 2024, as amended by the Presidential Proclamation of September 27, 2024. *See* 8 C.F.R. §§ 1208.13(g), 1208.35(a)(1). **[If this box is checked, proceed to Part B.]**

or

☐ Is not covered by the asylum limitation at 8 C.F.R. § 1208.35(a)(1), because there is a significant possibility that the Applicant could establish that they are described under section 3(b) of the Presidential Proclamation of June 3, 2024, as amended by the Presidential Proclamation of September 27, 2024. *See* 8 C.F.R. § 1208.35(b)(2)(ii). **[If this box is checked, proceed to Part C.]**

or

☐ Is not covered by the asylum limitation at 8 C.F.R. § 1208.35(a)(1), because there is a significant possibility that the Applicant could establish that they did not enter the United States during the time and in the manner described in § 1208.13(g). *See* 8 C.F.R. §§ 1208.13(g); 1208.35(b)(2)(i). **[If this box is checked, proceed to Section 2.]**

B. If the Applicant is covered by the limitation on asylum eligibility at 8 C.F.R. § 1208.35(a)(1)

☑ There is a significant possibility the Applicant could establish an exception based on exceptionally compelling circumstances. *See* 8 C.F.R. § 1208.35(a)(2)(i). **[If this box is checked, proceed to Part C.]**

or

☐ There is not a significant possibility that the Applicant could establish an exception based on exceptionally compelling circumstances. *See* 8 C.F.R. § 1208.35(a)(2)(i). **[If this box is checked, proceed to Part D.]**

C. **If the Applicant is not covered by the limitation on asylum eligibility at 8 C.F.R. § 1208.35(a)(1) because there is a significant possibility the Applicant could establish that they are described in section 3(b) of the Proclamation, *see* 8 C.F.R. § 1208.35(b)(2)(ii); or if there is a significant possibility they could establish an exception based on exceptionally compelling circumstances under 8 C.F.R. § 1208.35(a)(2)(i), the Applicant**

☑ Has established a significant possibility of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT). **[If this box is checked, vacate.]**

☐ Has not established a significant possibility of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT). **[If this box is checked, affirm.]**

D. **If the Applicant is covered by the limitation on asylum eligibility at 8 C.F.R. § 1208.35(a)(1), and there is not a significant possibility that they could establish an exception based on exceptionally compelling circumstances, the Applicant**

☐ Has established a reasonable probability (substantially more than a reasonable possibility, but somewhat less than more likely than not) of persecution or torture. *See* 8 C.F.R. § 1208.35(b)(2)(iii). **[If this box is checked, vacate.]**

☐ Has not established a reasonable probability (substantially more than a reasonable possibility, but somewhat less than more likely than not) of persecution or torture. *See* 8 C.F.R. § 1208.35(b)(2)(iii). **[If this box is checked, affirm.]**

(2) — Lawful pathways condition on asylum eligibility

A. **The Applicant**

☑ Is covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2),

or

☐ Is not covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2).

B. **If the Applicant is covered by the presumption of asylum ineligibility**

☐ There is a significant possibility the Applicant could establish that the presumption does not apply or that they meet an exception to or can rebut the presumption under 8 C.F.R. § 1208.33(a)(3),

or

☑ There is not a significant possibility the Applicant could establish that the presumption does not apply or that they meet an exception to or can rebut the presumption under 8 C.F.R. § 1208.33(a)(3).

C. **If the Applicant is not covered by the presumption or has rebutted the presumption, the Applicant**

☐ Has established a significant possibility of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT). **[If this box is checked, vacate.]**

☐ Has not established a significant possibility of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT). **[If this box is checked, affirm.]**

D. **If the Applicant is covered by the presumption and has not rebutted the presumption, the Applicant**

☑ Has established a reasonable possibility of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture. **[If this box is checked, vacate.]**

☐ Has not established a reasonable possibility of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture. **[If this box is checked, affirm.]**

Based on the findings above, the Court issues the following order -

IT IS HEREBY ORDERED THAT:

☐ The DHS credible fear determination is **AFFIRMED**, and the case is returned to DHS for removal of the Applicant.

☑ The DHS credible fear determination is **VACATED**.

This is a final order. There is no appeal from this decision.

Immigration Judge: ROBINSON, EUGENE 09/16/2025

Certificate of Service

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Respondent Name : CAKIRGOZ, UFUK | A-Number : [redacted]

Riders:

Date: 09/16/2025 By: GARCIA III, ROBERTO, Court Staff

Exhibit 3

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DETAINED

UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW IMMIGRATION COURT OTAY MESA, CA

In the Matter of:

Removal Proceedings
CAKIRGOZ,UFUK

File No.:

Respondent

MOTION FOR CONTINUANCE

Immigration Judge:Sameit, Mark

Next Hearing Date:11/13/2025 02:00 PM

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MOTION FOR CONTINUANCE

TO: The Honorable Immigration Judge, Detroit Immigration Court

COMES NOW the Respondent, **Mr. Ufuk Cakirgoz**, by and through undersigned counsel, and respectfully moves this Honorable Court for a brief continuance.

Respondent is **detained** and has **filed his Form I-589 asylum application**, which is pending before the Court. He recently **sent his handwritten personal declaration by mail**, but it **has not yet been received** due to detention facility and mailing delays.

This declaration contains essential details of his claim. Therefore, a short continuance is necessary to allow time for its receipt and filing. This is the **first request for continuance**, made **in good faith** and **not for delay**, but to ensure Respondent's full and fair opportunity to present his case.

WHEREFORE, Respondent respectfully requests that the Court **grant a brief continuance** to allow the missing handwritten declaration to arrive and be submitted.

Respectfully submitted,

Mahmut Bingol, Esq.
Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW IMMIGRATION COURT OTAY MESA,CA

In the Matter of:

Removal Proceedings

File No.: _____

CAKIRGOZ,UFUK

Respondent

PROOF OF SERVICE

No service is needed at this time, as the opposing party has already received the necessary documents through electronic filing with the court.

Date: November 12 , 2025

Mahmut Bingol, Esq.