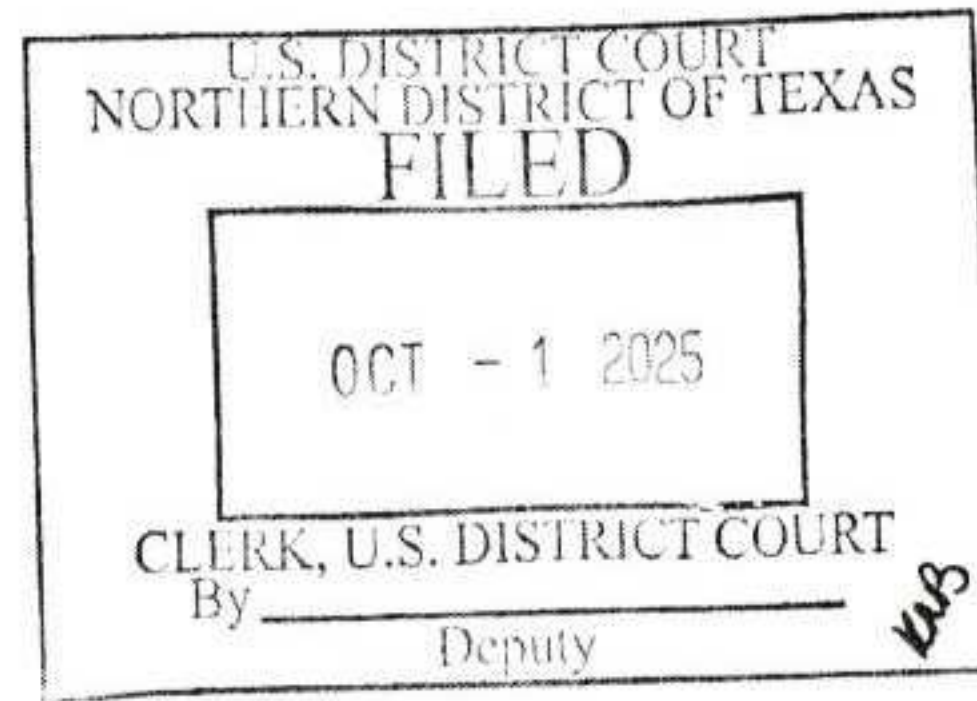


United States District Court

Case 3:25-cv-01700-K-BN Document 20 Filed 10/01/25 Page 1 of 6 PageID 72

Northern District of Texas



Liubov Kokoreva (A# [REDACTED]), Petitioner
v.
Department of Homeland Security, Respondent

Case No. 3:25-cv-01700-K-BN

PETITIONER'S RESPONSE TO DHS OPPOSITION TO WRIT OF HABEAS CORPUS

Filed by:
Liubov Kokoreva
A# [REDACTED]
Detained Petitioner

Date: 09/27/2025

Northern District of Texas

Liubov Kokoreva (A# [REDACTED]), Petitioner

v.

Department of Homeland Security, Respondent

Case: Kokoreva v. Department of Homeland Security, No. 3:25-cv-01700-K-BN

RESPONSE TO DHS OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

On behalf of Liubov Kokoreva (A# [REDACTED])

I. Introduction

I, **Liubov Kokoreva**, have been in immigration detention since February 8, 2025. I hereby submit my response to the Department of Homeland Security's (DHS) opposition to my petition for a Writ of Habeas Corpus to show how DHS's procedural violations have placed me in my current situation—separated from my husband, subjected to repeated transfers, threatened with deportation, and unable to effectively defend myself.

II. Procedural History

- **February 8, 2025:** My husband **Dmitrii Gukovskii** (A# [REDACTED]) and I arrived together in the United States through the Calexico Port of Entry, California. We had valid passports and immediately applied for asylum.
- **February 9, 2025** (shortly after detention): I was forced to sign unknown electronic documents. I was not allowed to review their contents; my requests to see the text were refused, and I was told only to "sign." These signatures cannot be considered voluntary.
- Instead of referring me to **standard removal proceedings** as required for an asylum seeker, DHS placed me in **expedited removal** under INA § 212(a)(7)(A)(i)(I), asserting I had "no valid documents." This is untrue.
- Immediately after entry, I was **forcibly separated** from my husband. This separation had severe consequences: my husband suffered panic attacks and anxiety in detention, not knowing where I was. My own mental health was also undermined. We both have been in a very difficult condition, and it has persisted for over six months. The repeated

deportation attempts have been traumatic ordeals causing serious harm.
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February 25, 2025: I had my CAT interview. My testimony was found credible, but my attorney was not permitted to participate. I was forced to remain silent for over 20 minutes, which violated my rights.

- **April 15 and May 4, 2025:** ICE attempted to deport me. DHS records say I "resisted," but this is false: I only refused to sign deportation papers, knowing I face torture and death in Russia.
- **May 15, 2025:** I filed a habeas corpus petition (initially in Arizona, then transferred on June 30 to the Northern District of Texas).
- **Late May–early June 2025:** ICE transferred me to Texas for actual deportation, despite my pending petition.
- **August 8, 2025:** The six-month period of my detention expired, yet ICE continues to hold me.
- **August 20, 2025:** USCIS conducted a credible fear interview. The record (I-870C) confirms my testimony was found credible, but denial was issued solely due to application of the CLP-bar.

III. Violations and Key Arguments

(1) My Testimony Was Found Credible

USCIS records (I-870C, CLP RP Checklist) reflect that my testimony is credible:

- my family was threatened because of political opinion;
- my husband was arrested and tortured (see I-870C, pp. 4–7);
- I fear arrest, torture, and death in Russia.

Despite this, USCIS issued a negative determination relying only on the CLP-bar. This violates **8 CFR § 208.30(d)**.

(2) Improper Application of the CLP-bar

- I left Russia lawfully—with tickets and a valid passport (departure to Cuba on July 9, 2024).
- International law (1951 Refugee Convention, Art. 31) prohibits penalizing refugees for their manner of entry.
- The CLP-bar was applied automatically, without consideration of my individual circumstances.

(3) Interview and Right-to-Counsel Violations

- My attorney was not permitted at the CAT interview.
- My attorney was present at the credible fear interview, but the process had already been compromised.

(4) Documented Torture of My Husband

My testimony (I-870C, pp. 4–7) records that my husband **Dmitrii Gukovskii** was beaten and tortured by police. We received threats of violence and death (see I-870C, pp. 6–10). These are direct grounds for CAT protection.

(5) Impossibility of Internal Relocation

I explained (I-870C, p. 7) that Russia's mandatory registration (propiska) system makes it impossible to obtain work or medical care without registration; the police can find me anywhere in the country. USCIS ignored this.

(6) Detention Exceeding Six Months

Since February 8, 2025, more than six months have passed. Under **Zadvydas v. Davis**, 533 U.S. 678 (2001), ICE must release a detainee if there is no "significant likelihood of removal."

In its opposition, DHS claims it "attempted to release me." However, by this it means deportation to Russia, not release in the United States with the ability to defend myself in court. Such actions cannot be considered "release"—on the contrary, they constitute a gross violation of rights, because deportation under threats of torture and death exposes me to mortal danger.

Thus, I have been held without lawful basis, and instead of a lawful release DHS only attempted to remove me to Russia, which in itself violates my rights and contradicts the United States' obligations under domestic and international law.

(7) Inconsistent USCIS Determinations

- My identity is confirmed (I-870C, Sec. V).
- No bars apply to me (criminal, terrorism, resettlement).
- The ultimate denial is solely based on the CLP-bar.

This is **arbitrary and capricious agency action** under APA, 5 U.S.C. § 706(2)(A).

(8) Deportation Attempts During Pending Habeas Corpus

ICE attempted to deport me three times (April 15, May 4, and the June transfer), despite a pending federal case. This is a direct violation of 28 U.S.C. § 2241.

(9) My Husband's Asylum Victory

On **September 26, 2025**, my husband **Dmitrii Gukovskii** won his asylum case. The official announcement is expected on **October 3**. We filed a joint I-589 in which I am listed as a derivative spouse.

(10) Unlawful Transfers and Conditions of Confinement

I have been repeatedly transferred among facilities in Arizona, California, and Texas. These transfers

make it impossible to prepare my case and communicate with counsel.

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In detention, I am not even provided clean paper for legal documents. These conditions undermine my rights and ability to defend myself.

I do not present a **community risk, security risk, or flight risk**. My detention is arbitrary.

(11) Consequences of Family Separation

Separation from my husband has been a severe ordeal for both of us. My husband suffered panic attacks and did not know where I was, weakening his defense. My own mental health has also been undermined. We have lived in a state of anxiety and fear throughout this period. For more than six months, every transfer and every deportation attempt has been an agonizing trial, seriously undermining our health and our ability to defend ourselves.

IV. Requests to the Court

For the reasons set forth above, I respectfully request that the Court:

1. Declare my detention unlawful.
2. Order ICE to immediately release me.
3. Enjoin DHS from taking any steps to deport me while the habeas corpus petition is pending.
4. If necessary, order USCIS to conduct a new credible fear / CAT review with counsel present and with full consideration of the evidence.
5. Enter me into **EOIR** proceedings so that my case may be consolidated with that of my husband, **Dmitrii Gukovskii**, who has been granted asylum.
6. Prohibit further transfers among detention centers, as they impede my defense and violate due process.

Liubov Kokoreva

A# 

Date: 09/27/2025

