

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Mr. Jonny Antonio SERAQUIVE
PAQUI,

Petitioner,

v.

JOSEPH FREDEN,
in his official capacity as Field
Office Director, Buffalo Field
Office, U.S. Immigration &
Customs Enforcement;

STEVEN KURZDORFER,
In his official capacity as Acting
Field Office Director, Buffalo Field
Office, U.S. Immigration & Customs
Enforcement;

TODD LYONS,
In his official capacity as Acting
Director, U.S. Immigration and
Customs Enforcement,

KRISTI NOEM,
In her official capacity as Secretary
of Homeland Security,

Respondent.

Civil Action No. 25-cv-1029

Immigration No. A 

EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING
ORDER

Oral Argument Requested

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

1. Mr. Jonny Antonio Seraquive Paqui ("Mr. Seraquive") is a 21 year old Ecuadoran Citizen who entered the United States without inspection on or about May 10, 2024 near San Ysidro, California. He was released from ICE custody on his own recognizance and was issued a Notice to Appear (NTA) in Immigration Court. On March 19, 2025, he filed an I-360 Petition with United States Citizenship and Immigration Services (USCIS) seeking classification as a

Special Immigrant Juvenile (SIJ), which was subsequently granted. However, he was detained by ICE on or about June 30, 2025 and twice denied bond by Immigration Judges. Both Immigration Judges followed DHS and EOIR's new bond denial policies in erroneously finding that they lacked jurisdiction over bond.

2. Mr. Seraquive is presently being held without bond at the Buffalo Federal Detention Facility (BFDF). DHS and EOIR are systemically misclassifying people arrested inside the United States as being subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). This legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner. This misclassification is contrary to almost 30 years of settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country—in some cases, decades ago.

3. On July 18, 2025, Immigration Judge Dorothy Harbeck denied his request for bond, finding that he was “detained under INA 235(b)” [8 U.S.C. § 1225(b)]. See Exhibit A.

4. Again, on September 30, 2025, Immigration Judge Aviva Poczter denied him bond, stating “Respondent is an applicant for admission” and citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). See Exhibit B.

5. Mr. Seraquive is presently scheduled for an Individual Hearing before Immigration Judge Eric Schultz on November 18, 2025.

6. Despite having an approved SIJ petition, Mr. Seraquive cannot adjust status at this time because a visa number is currently not available. He will need to wait several years for his “priority date” to become current before he can adjust status. If he were not detained, the Immigration Judge could place the matter on the “status docket” or terminate the matter to allow

him to remain in the United States pending availability of a visa number. However, if he remains detained, the Immigration Judge will order him deported unless he can establish eligibility for some other form of relief.

7. If Mr. Seraquive is deported, he will not be able to return to the United States despite being the recipient of an approved SIJ petition.

8. Without relief from this Court, Mr. Seraquive faces the prospect of being ordered removed and subsequently deported at his hearing on November 18.

Therefore, Mr. Seraquive asks this court to without delay issue a temporary restraining order to require his release or for a bond hearing on the merits be held by Respondents within 7 days, as Mr. Seraquive will suffer irreparable harm due to his present detention, and the expedited immigration proceedings being held against him despite his SIJ status, in violation of his statutory and due process rights.

Dated: October 15, 2025

/s/ Matthew K. Borowski

Matthew K. Borowski
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Buffalo NY 14225
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Tel: 716-330-1503



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT**

Respondent Name:

SERAQUIVE PAQUI, JONNY ANTONIO

To:

Reyes, Marianny
199 Main Street
Ste. 608
White Plains, NY 10601

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

07/18/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- ☒ Denied, because
Respondent detained under INA 235(b). No eligible for bond.
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☒ Other:
Bond hearing was held on 7/17/2025.

D. Harbeck

Immigration Judge: Harbeck, Dorothy 07/18/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 08/18/2025

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Respondent Name : SERAQUIVE PAQUI, JONNY ANTONIO | A-Number : 

Riders:

Date: 07/18/2025 By: Harbeck, Dorothy, Immigration Judge



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT**

Respondent Name:

SERAQUIVE PAQUI, JONNY ANTONIO

To:

Reyes, Marianny
199 Main Street
Ste. 608
White Plains, NY 10601

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

09/30/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- ☒ Denied, because
Respondent is an applicant for admission. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:

AP

Immigration Judge: Poczter, Aviva 09/30/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 10/30/2025

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Respondent Name : SERAQUIVE PAQUI, JONNY ANTONIO | A-Number : 

Riders:

Date: 09/30/2025 By: PHAIR, DEANNA, Court Staff