February 2, 2026

VIA ACMS

Catherine O'Hagan Wolfe, Clerk of the Court
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: **No. 25-1019, *Ozturk v. Hyde, et al.*, Fed. R. App. P. 28(j) Letter regarding *American Association of University Professors et al. v. Marco Rubio et al.,* 25-10685-WGY (D. Mass. Jan. 22, 2026).**

Dear Ms. Wolfe,

The court in *American Association of University Professors et al. ["AAUP"] v. Marco Rubio et al.,* 25-10685-WGY, Dkt. No. 313 (D. Mass. Jan. 22, 2026) issued a further decision and unsealed materials relevant to Ms. Öztürk.

The *AAUP* court previously determined that executive officials' efforts to detain and remove noncitizens who had engaged in pro-Palestinian speech violated the First Amendment, and found "no evidence that Öztürk did anything but co-author an op-ed that criticized the University's position on investments with Israel, that she criticized Israel, and that the organization of which she was member joined in **that** criticism with an organization that was banned on Tufts campus, with which she was not affiliated." 802 F. Supp. 3d 120, 159 (D. Mass. 2025). The district court has now unsealed:

- ICE Subject Profile: "OZTURK...is a co-author of an Op-Ed calling for divestment from Israel and associates with Tufts Students for Justice in Palestine..." *AAUP,* 25-10685-WGY, Dkt. No. 315-15 at 1.
- Memo from DHS to State Deptartment "of actions that may constitute violations of President Trump's executive orders….": "OZTURK co-authored an Op-ed article...." that "joins [TJSP] and other student groups...." *Id.*, Dkt. No. 315-17 at 7-8.
- State Department "Action Memo":

  > While OZTURK has been involved with actions protesting Tufts' relationship with Israel, DHS/ICE/HSI **has not, however, provided any evidence** showing that OZTURK has engaged in any antisemitic activity or made any public statements indicating support for a terrorist organization or antisemitism generally. While the [DHS] report implies a connection between OZTURK and the non-banned Tufts Student for Justice in Palestine (TJSP), the report **presents no evidence** other than OZTURK's membership in Graduate Students for Palestine which supported proposals to Tufts which were also supported by TSJP. **Nor has DHS/ICE/HSI shown any evidence** that OZTURK was involved in any of the activities which resulted in TJSP being suspended from Tufts.

  Id., Dkt. No. 315-18 at 17-18 (emphasis added).
- Memo from State Department to DHS approving Ms. Öztürk's visa revocation for: "co-authoring an op-ed that found common cause with an organization that was later temporarily banned from campus." *Id.*, Dkt. No. 315 at 46.

Respectfully,

/s/ Monica H. Allard

Brett Max Kaufman
Brian Hauss
Esha Bhandari
Noor Zafar
Sidra Mahfooz
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, Floor 18
New York, NY 10004
(212) 549-2500
bkaufman@aclu.org
bhauss@aclu.org
ebhandari@aclu.org
nzafar@aclu.org
smahfooz@aclu.org

Jessie J. Rossman
Adriana Lafaille
Rachel E. Davidson
Julian Bava
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF MASSACHUSETTS, INC.
One Center Plaza, Suite 850
Boston, MA 02108
(617) 482-3170
jrossman@aclum.org
alafaille@aclum.org
rdavidson@aclum.org
jbava@aclum.org

Mahsa Khanbabai
115 Main Street, Suite 1B

Lia Ernst
Monica H. Allard
ACLU FOUNDATION OF VERMONT
PO Box 277
Montpelier, VT 05601
(802) 223-6304
lernst@acluvt.org
mallard@acluvt.org

Naz Ahmad
Mudassar Toppa
Shezza Abboushi Dallal
CLEAR PROJECT
MAIN STREET LEGAL SERVICES
CUNY School of Law
2 Court Square
Long Island City, NY 11101
(718) 340-4558
naz.ahmad@law.cuny.edu
mudassar.toppa@law.cuny.edu
shezza.dallal@law.cuny.edu

Matthew D. Brinckerhoff
Katherine Rosenfeld
Vasudha Talla
Sonya Levitova
EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP
One Rockefeller Plaza, 8th Floor
New York, NY 10020
212-763-5000

North Easton, MA 02356
(508) 297-2065
mahsa@mk-immigration.com
slevitova@ecbawm.com
mbrinckerhoff@ecbawm.com
krosenfeld@ecbawm.com
vtalla@ecbawm.com

Counsel for Petitioner–Appellee