

States Custom Immigration Service (USCIS) and Immigration and Customs Enforcement (ICE) since he was born in and is a refugee from Israel. Mr. ALQASEM has been detained without notice or justification after 12 years of compliance and reliance on an Order of Supervision dated 07/26/2012. Mr. ALQASEM has complied with the Supervision Order and is still Stateless as defined by USCIS. Mr. ALQASEM is not a flight risk or a danger to the community.

Prior to his detention, Mr. ALQASEM was reporting to the U.S. Immigration and Customs Enforcement (USICE) and has committed no crimes. His prolonged detention is not justified under the Constitution or the Immigration and Nationality Act (INA).

On or about March 31, 2025, Respondent Joshua Johnson arrested/detained Mr. ALQASEM and placed him in detention with ICE at the Prairieland Detention Center. Mr. ALQASEM's arbitrary detention was for the purpose of executing his removal order. Mr. QASEM ALQASEM is not detained due to any criminal activity or arrest. Mr. ALQASEM was detained by ICE in the ICE facility during his normal Conditional Supervision check-in. Respondent is not expected to obtain Mr. ALQASEM's travel documents to execute his removal order back to Israel.

Mr. ALQASEM has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. ALQASEM. Mr.

ALQASEM submits that his detention is in violation of his constitutional rights. His additional detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. ALQASEM from their custody.

CUSTODY

1. Mr. ALQASEM is in the physical custody of Respondent Joshua Johnson, Acting Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent (Name Unknown), “Warden” of the Prairieland Detention Center (PDC) in Alvarado, Texas. At the time of the filing of this petition, Petitioner is detained at the PDC in Alvarado, Texas. The PDC contracts with the DHS to detain aliens such as Petitioner. Mr. ALQASEM is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension

Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondents, Joshua Johnson and the Warden of PDC reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES/SERVICE

4. Petitioner QASEM ALQASEM entered the United States in 2005 and ordered removed on April 2, 2012. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien’s removal order.

5. Respondent Joshua Johnson is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Johnson is a custodial official acting within the boundaries of the judicial district of the United States Court for the Northern District of Texas, Dallas Division. He may be served by sending a copy of this Complaint certified mail to 8101 North Stemmons Freeway, Dallas, Texas 75247 and through the US Attorney General Office. Pursuant to Respondent Johnson’s orders, Petitioner remains detained.

6. Respondent “Warden” is the Warden of the Prairieland Detention Center facility in Alvarado, Texas and may be served by Certified Mail at 1209 Sunflower Lane, Alvarado, Texas 76009 and through the US Attorney General Office. Defendant is Petitioner’s immediate custodian and resides in the judicial district of the United States Court for the Northern District of Texas, Dallas Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. ALQASEM has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. ALQASEM’s only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner QASEM ALQASEM is a “Stateless Person” person who has been present in the United States since 2005. He was ordered removed on April 2, 2012.

11. After being ordered removed, Mr. ALQASEM was detained and entered into an Order of Supervision with the DHS. At the time of the removal order and today, Mr. ALQASEM is not a “national” or citizen of any country and is categorized as “Stateless”. Mr. ALQASEM was born in the Palestinian Territory of Israel. The Department of Homeland Security (DHS) has allowed Mr. ALQASEM

to report on an irregular basis since July 26, 2012 and has done so without any problems.

12. Mr. ALQASEM has extended family in the United States.

13. Mr. ALQASEM is married and is the sole provider for 5 US born children under the age of 12.

14. On or about March 31, 2025 Respondent Johnson through his agents detained Mr. ALQASEM at the immigration offices where Mr. ALQASEM was directed to report. The reason for his detention was not stated other than there is an order of removal from 2012.

15. However, Respondents cannot remove or deport Mr. ALQASEM to his country of birth and have been unable or unwilling to release Mr. ALQASEM.

16. Mr. ALQASEM has fully cooperated with Respondents' efforts to obtain his travel documents.

17. Respondents have reviewed Mr. ALQASEM's custody status and have determined that he should be detained even though his removal is unlikely.

18. Mr. ALQASEM has now been "Stateless" for more than 20 years 12 of which are with his pending removal. Respondents have detained Mr. ALQASEM even though it is now clear that Respondents cannot remove him.

19. Mr. ALQASEM is not a danger to the community or a flight risk. He has no pending criminal cases.

20. Mr. ALQASEM has deep roots in this community. He has five U.S. citizen children and owns a business in Plano, Texas.

21. Prior to his detention, Mr. ALQASEM was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

22. Respondents' decision to detain Mr. ALQASEM is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. ALQASEM's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

25. Petitioner alleges and incorporates by reference paragraphs 1 through 24 above.

26. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

27. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. ALQASEM on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

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VERIFICATION OF COUNSEL

I, Shawn S. Ismail, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Shawn Ismail

Shawn S. Ismail