

FILED 05 MAR 25 10:32 USC-ORP

UNITED STATES COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TAREQ ZIAD FOUAD ZAKARNEH

Plaintiff

CASE NO. 3:25-cv-00394 JE

V.

Defendant

**ICE AND JUDGE JOHN ODELL
AFFILIATION**

**IMMIGRATION CUSTOM
ENFORCEMENT AND IMMIGRATION
COURT JUDGE JOHN ODELL**

JURISDICTION

The court has Jurisdiction on this matter, the Plaintiff resides in Portland, Oregon as the defendant located at Portland, Oregon as the immigration court is located in Tacoma, Wa at the detention center, as it comes to the record the Plaintiff has the right to file his compliant based on his residency location area.

1| ICE and Judge John Odell affiliation

Complaint

On Feb,4,2025 Mr.Zakarneh had hearing to leave the detention facility of NW ice processing center and be released from and unlawful detention after his motion to stay has been granted on December,5,2025 by the ninth circuit EX.1, ICE objected and refused to release and apologize to Mr.Zakarneh, Attorney on record for ICE contact Mr. Eric Welsh to talk to Mr.Zakarneh to stop protesting at his cell to force ICE and the detention company GEO corporation to open his cell door and let him go on December,5,2024.

ICE attorney indicate to Mr.Eric Welsh that his client is opposing to release Mr. Zakarneh, and they are not willing to work with him to release him, as they will keep him in custody, Mr.Eric Welsh filed on December,13,2025 a motion to release for Mr.Zakarneh, the motion was not put on record until January,9,2025 , the court represented by Judge John Odell did not give a hearing day until January,28,2025 after a request and many phone calls to the court from Mr. Zakarneh friends and partners as they asked for a different Judge if the Judge John Odell will not give a hearing day for Mr.Zakarneh which it was prejudice because that increase Mr.Zakarneh pain and suffering, the clerk finally announce that to the Judge John Odell then finally the Judge decide to give a hearing day on Feb,4,2025 then he denied Mr.Zakarneh release with prejudice (Case No. 207079225 Judgement Ex.1) as he deny before with prejudice on July,16,2025 see EX.1.

2| ICE and Judge John Odell affiliation

The Government did not submit their respond to Mr.Zakarnah attorney motion to release until Feb,3,2025 by passing the time frame to respond as they did not ask in special motion to get more time to respond for Mr.Zakarnah motion, which its violation of the court procedure protocol how the judge allowed this action, in purpose from the Judge and the ICE to make Mr.Zakarnah and his attorney to ask for more time to respond for mystery respond based on the reports from the FBI and the HSI of a previous investigation that was not part of the immigration record as it should not be considered by the court according to our constitution and our federal court procedures as half of it was redacted from as an anonymous source informer statement which it is not legal, the purpose of ICE attorney and other agencies of the FBI and HSI is to keep Mr.Zakarnah in custody until he gave up and does not practice his rights to refile his law sue against USCIS and other agencies in Federal district court in Portland, Oregon, accusing Mr.Zakarnah belong to a terrorist Organization in Palestinian territories under 236(c)(1)(d) without a valid evidence or testimony or give him the chance to examine these officers of the FBI and HSI and their source as the FBI and HSI must provide a valid evidence and facts see Ex.1(DHS report Jan,2016) never ever that Mr.Zakarnah was told about denying his I -751 application based on other fraudulent factors from the FBI and the HSI, as an indication that there was no charge or Judgment against Mr.Zakarnah from a federal court because immigration court does not have the right or jurisdiction to decide in a matter like related to a federal charge, the government must press charge in federal court as Mr.Zakarnah did when he pressed charge against the USCIS and their forces on his FOIA case and an injunction relief case# 3-22-1812-SI EX.1 which it has been refiled on Feb,21,2025, It is not constitutional to keep Mr.Zakarnah in custody for non valid

3| ICE and Judge John Odell affiliation


evidence the government and the court commit a crime when they present a fabricated reports as the court accept it, its not constitutional to keep Mr.Zakarnah in custody after the government attorney Mr.Thomas Molloy admit in that Mr.Zakarnah marriage is legit and no issue about it on the hearing day on Feb,4,2025, while ICE and USCIS alleged that Mr.Zakarnah marriage was fraudulent to deny his I-751 application twice, Mr.Zakarnah Knows well officer Benjamin Long from the FBI and officer Tad Foy from the HSI and DHS, he had many communication emails and text messages with officer Tad Foy as he shared a lot of the political opinion about the peace process between the Israeli government and the Palestinian factions based on their request as the report that has been provided by Benjamin Long and Ethan through their JT Tad Foy describe Mr.Zakarnah as he is working for them which he does not as its a redacted reports with a general information from aljazeera program's channel and some of his family life and Palestinian people life about Gaza strip and West Bank that anyone can know about it and educate himself as it was redacted and it has a fraudulent information to show Mr.Zakarnah as a Hamas member or any other Palestinian faction or party which its not true as putting Mr.Zakarnah life at risk in case he went back to visit his family in case the country will have a peaceful life in West Bank at Jenin City and cause for him an issue and interrogations with the Israeli border forces as putting him in custody under investigations, the USCIS and DHS and the FBI as ICE should have been told Mr.Zakarnah about these reports to be able to clarify it without redaction or manipulation of it, Mr.Zakarnah on July,2019 stopped communications with officer Tad Foy after he noticed that they are trying to use him in non official way for their own interest while officer Tad Foy who introduced Mr.Zakarnah to officer Benjamin from the FBI and officer Ethan FBI

4| ICE and Judge John Odell affiliation

Reports EX.1, as the officer Benjamin Long and Doug Emry from DHS were trying to get deportation order against Mr.Zakarnah without notifying him, whats going and why? they presented in his immigration court trial on December,2018 & June,2019 in favor of guiding ICE attorney Sara Bar and Xchalia Huan.

As Mr.Zakarnah will provide the evidence for the court of his communication with DHS agency, DHS was represented by officer JT Tad Foy that he agreed to pass it to him based on his request, Mr.Zakarnah suggest on officer Tad Foy based on his request to contact the Palestinian parties directly through an entity that they will hire which it include every party too.

ICE attorney Thomas Molloy alleged on the hearing date February,4,2025 that Mr.Zakarnah does not comply with 236(a) to get a travel document for his passport, its prejudice and races for USCIS and ICE to refuse to comply with 5USC §552 FOIA request, While Mr.Zakarnah is not obligated to comply with ICE request while he is residing at the state legally as he is practicing his rights according to freedom of Act, as Mr.Zakarnah is a successful person who is building his own company at the state of Oregon and he is benefiting the American economy as the American society, as Mr.Zakarnah does not have any criminal or violence related to terrorist organization on his record, he has clean criminal record and he is a beneficial person for the American society as he is challenging his case legally at the court system and he is still in litigation at the Ninth circuit and the BIA as a desired citizen, as he has an EB2 application visa pending with the USCIS since September,2023 EX.1.

Mr. Thomas Molloy tried to attack Mr. Zakarneh physically at the hearing day on Feb, 4, 2025. Judge John Odell did not act to stop Thomas Molloy toward Mr. Zakarneh. Declaration of Mr. Eric Welsh testimony EX.1, Mr. Zakarneh is asking the court to force the immigration court Judge to release him as soon as possible and do his job, the immigration Judge discriminated against Mr. Zakarneh with the government attorney's, as he is asking the court to compensate him for his attorney's fees and pain and suffering that has caused for him and his family, the government already violated Mr. Zakarneh rights when they arrested him. He has an executive order as a Palestinian under citation No.  see EX.1, as the gov attorney tried to approve a faulty and fraudulent information that does not have any basis or real evidence that Mr. Zakarneh belongs to a terrorist organization in Palestinian Territories, now it comes to the record that the FBI and HSI represented by ICE wants to harm Mr. Zakarneh to prevent getting his American Citizenship as he will be subjected for interrogation and questioning by the Israeli authorities in case he went back in the future to visit his family in Palestinian Territories West bank and Gaza Strip, as the government attorney's trying to approve fraudulent information to apply 237(a)d, which they are not entitled to because the Ninth circuit renewed Mr. Zakarneh Motion to Stay on December, 5, 2024 EX.1 as Mr. Zakarneh is still in litigation at the BIA too which it gives him the right to continue his litigation as a green card holder A#207.....225, As Mr. Zakarneh has another application that has been pending since September, 2023 under the NIW act for an EB2 visa see EX.1 with the USCIS.

Judge John Odell discriminated against Mr. Zakarneh based on his nationality and his religion when he neglect all of these facts are indicating that Mr. Zakarneh has

clean criminal record, as Mr.Zakarnah still in litigation at the ninth circuit as Mr, Zakarnah has an EB2 application based on the National interest program based on his engineering skills and his company Complex Technology as Mr.Zakarnah is protected under Deferred Enforced departure citation notice. 89FR26167, Mr.Zakarnah has also a motion to reopen with asylum application pending on the BIA EX.1 with motion to stay is pending too, the Judge John Odell deny all of this facts and factors for Mr. Zakarnah and refused to release him on Feb,4,2025 (Judgment decision Ex.1) while Mr.Zakarnah is not a danger to the community or a flight risk the court represented by the judge John Odell discriminate with the ICE attorney discriminate against Mr.Zakarnah when they affiliated to keep him in custody for no valid reason as using a fabricated and redacted anonymous HSI and FBI (EX.1) reports, as it was redacted for their own interest with a violation of the evidence and facts under rule (37) this a fraudulent documents, Mr. Zakarnah provided the government of his company address too, as he is still working on his cases and did not miss any court hearing as he is challenging them with two law firm, after almost ten months in detention since May,22,2024, Mr.Zakarnah lost all of his money and his business collapse which caused him pain and suffering and a punitive damage on daily basic of 15,000 dollar per day till the day he filed this complaint on March,7th, 2025 in total of almost \$ 4,170,000.

As it comes to the record that the government attorney on March, 3th,2025 filed a respond at the BIA for my attorney Eric Welsh through mail service, the defendant indicate the same document that has been presented to the immigration court was the same redacted report from the FBI and the DHS that alleging Mr.Zakarnah is a member of a terrorist organization in the Palestinian Territories asking the court to

7| ICE and Judge John Odell affiliation

deny his motion to stay as to deny his motion to reopen with an asylum application under section 212(a)(3) of the immigration nationality Act .

It comes to the record that any denial outcome that comes for Mr.Zakarneh of his Ninth circuit appeal of his immigration case should not affect this complaint.

Mr.Zakarneh prayers to the court to rule in his favor and get him the justice that the immigration courts neglect based on the federal law and our constitution.

DATED this 28th day of February,2025

/S/ Tareq Zakarneh
Tareq Zakarneh, Plaintiff

EX. 1

- 1- Court of Appeals Ninth Circuit order.
- 2- Copy of DED executive order Covered Population for Palestinians.
- 3- Mr. Eric Welsh Testimony for Feb,4,2025 hearing day.
- 4- Mr. Eric certificate of service of the BIA motions for the asylum application.
- 4- FBI & HSI redacted reports.
- 5- EB2 application receipt September,2023.
- 6- Immigration Court judgment Judge John Odelle.
- 7- Copy of the refiled case # 3:22-1812-SI.

EX. 1

- 1- Court of Appeals Ninth Circuit order.
- 2- Copy of DED executive order Covered Population for Palestinians.
- 3- Mr. Eric Welsh Testimony for Feb,4,2025 hearing day.
- 4- Mr. Eric certificate of service of the BIA motions for the asylum application.
- 4- FBI & HSI redacted reports.
- 5- EB2 application receipt September,2023.
- 6- Immigration Court judgment Judge John Cadele.
- 7- Copy of the refiled case # 3:22-1812-SI.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 5 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TAREQ ZIAD FOUAD ZAKARNEH,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-1604

Agency No.

A 

ORDER

Before: PAEZ, TALLMAN, and R. NELSON, Circuit Judges.

Upon a majority vote of the panel, Petitioner's renewed motion to stay removal (Dkt. 67) is granted pending issuance of the court's mandate. *See Nken v. Holder*, 556 U.S. 418 (2009); *Leiva-Perez v. Holder*, 640 F.3d 962 (9th Cir. 2011):



DEPARTMENT OF HOMELAND SECURITY

HOMELAND SECURITY INVESTIGATIONS

REPORT OF INVESTIGATION



OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE

11/14/2024 14:40 EST

Page 1 of 3

CASE NUMBER

CASE OPENED

1/21/2016

CURRENT CASE TITLE

TAREQ ZAKARNEH

REPORT TITLE

INTERVIEW OF [REDACTED]

SYNOPSIS

On January 8, 2016, Homeland Security Investigations (HSI) Jerusalem Special Agent Edward Moore, Federal Bureau of Investigations (FBI) Special Agent Jared Wise and Diplomatic Security Service (DSS) Special Agent Chris Vega interviewed [REDACTED], West Bank in reference to [REDACTED] Tareq Ziad Fouad ZAKARNEH who is currently residing in the United States as a Lawful Permanent Resident and Tareq's potential link to the Foreign Terrorist Organization HAMAS. This ROI documents the interview of [REDACTED]

REPORTED BY

EDWARD P MOORE III

ICE ASST ATTACHE

APPROVED BY

PATRICK DICKINSON

ICE ATTACHE

DATE APPROVED

2/10/2016

Current Case Title

TAREQ ZAKARNEH

ROI Number

Date Approved

2/10/2016

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE

Exh. B2 - Adm. This document is loaned to you for official use only and remains the property of the Department of Homeland Security. Any further request for disclosure of this document or information contained herein should be referred to HSI Headquarters together with [REDACTED]

DHS Bond - 13

**DEPARTMENT OF HOMELAND SECURITY****HOMELAND SECURITY INVESTIGATIONS****REPORT OF INVESTIGATION****OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE**

11/14/2024 14:40 EST

Page 2 of 3

DETAILS OF INVESTIGATION**REPORT OF INVESTIGATION:**

On January 8, 2016, HSI Jerusalem special Agent Edward Moore, FBI Special Agent Jared Wise and Diplomatic Security Service special Agent Chris Vega interviewed [REDACTED] (Palestinian national residing in the West Bank) in [REDACTED] West Bank in reference to [REDACTED] Tareq Ziad Fouad ZAKARNEH who is currently residing in the United States as a Lawful Permanent Resident and has potential links to the Foreign Terrorist Organization HAMAS.

[REDACTED]

[REDACTED] stated to the interviewers that [REDACTED] was very surprised that Tareq was able to get a visa to the U.S. because [REDACTED] knew that Tareq was a member of HAMAS. [REDACTED] also stated that [REDACTED] (Tareq's father) complained [REDACTED] about Tareq's membership in HAMAS.

[REDACTED]

[REDACTED] further stated that Tareq gave several public pro HAMAS speeches. [REDACTED] said that [REDACTED] does not know if Tareq ever conducted violent terrorist activities for HAMAS.

[REDACTED] said that Tareq was denied a job with the Palestinian Authority due to his known HAMAS membership. [REDACTED] also stated that after HAMAS won local elections in Jenin, West Bank [REDACTED] was able to get a job in the Jenin local government ministry.

[REDACTED] stated that [REDACTED] knew nothing about Tareq's marriage to a USC and could not address any issue of marriage fraud. [REDACTED] further stated that [REDACTED] does not know if Tareq has any children.

[REDACTED] stated that [REDACTED] has not spoken to Tareq in over eight years. [REDACTED] did state that [REDACTED] believed that Tareq is continuing his HAMAS activities inside the U.S.

[REDACTED] stated [REDACTED] believes Tareq is recruiting for HAMAS in the United States.

The investigation continues

Current Case Title

TAREQ ZAKARNEH

ROI Number



Date Approved

2/10/2016

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE



DEPARTMENT OF HOMELAND SECURITY

HOMELAND SECURITY INVESTIGATIONS

REPORT OF INVESTIGATION

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE



11/14/2024 14:40 EST

Page 3 of 3

EOIR - 20 of 82

Current Case Title

TAREQ ZAKARNEH

ROI Number



Date Approved

2/10/2016

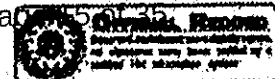
OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE

Exh. B2 - Adm. This document is loaned to you for official use only and remains the property of the Department of Homeland Security. Any further request for disclosure of this document or information contained herein should be referred to HSI Headquarters together with a request for the document.

DHS Bond - 15

FD-302 (Rev. 5-8-10)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-12-2017 BY 312092764 NSICG



This redacted copy only

FEDERAL BUREAU OF INVESTIGATION

Date of entry 05/13/2013

TAREQ ZAKARNEH [REDACTED] date of birth [REDACTED],
passport number [REDACTED] (issued by Palestinian Authority), cellular phone
number [REDACTED] was interviewed at a Starbucks on SW Canyon Road in
Beaverton, Oregon. Also present were FBI SA Benjamin Long and JTTF TFO Tad
Foy. After being advised of the identities of the interviewing Agents and
the nature of the interview, ZAKARNEH provided the following information:

ZAKARNEH is in the United States on a Non-Immigrant F1 Visa which
expires 04/08/2014. ZAKARNEH seeks to enroll at Portland State University
to obtain a Masters of Business Administration in International Business.
Prior to enrolling, ZAKARNEH must pass the TOEFL, a test of English
language proficiency, for which ZAKARNEH is currently preparing.

ZAKARNEH was born in Jenin, which is under the control of the
Palestinian Authority in the West Bank. ZAKARNEH attended college in the
West Bank and received a Bachelors of Science degree in Computer
Information Systems. After graduation, ZAKARNEH worked in the Ministry of
Elections for the Palestinian Authority and also at a foreign currency
exchange house. More recently, ZAKARNEH worked as a tour guide.

ZAKARNEH's customers are comprised mainly of Non-Governmental
Organizations (NGOs) who want to see the Palestinian Territory. ZAKARNEH
has given tours for USAID and other similar agencies.

ZAKARNEH stated that his boss at the Ministry of Elections was a
member of Hamas. Hamas is comprised of three separate sections. One
section is responsible for providing charitable works for the Palestinian
Territories. They provide food, health care and education to people in

Investigation on 05/08/2013 at Beaverton, Oregon, United States (In Person)

File # [REDACTED] Date dictated 05/13/2013

by Ethan A. Via, Benjamin Andrew Long

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not
to be distributed outside your agency.

DHS Bond - 10

[REDACTED]

Continuation of FD-302 of Interview of Tareq Zakarneh, On 05/08/2013, Page 2 of 3

need. The second section is Hamas' political arm and is comprised of elected government officials. The third section is Hamas' military arm. Generally only the most senior and trusted people involved in the other two arms interact with the military arm of Hamas.

[REDACTED] Most people living in the Palestinian territories have a negative view of the United States, but ZAKARNEH believes that is only because the media there only report stories indicating the United States and Israel are working together to repress them. ZAKARNEH believes the United States is a good place to live and that most people would quickly drop their negative opinion of the United States if they spent some time here. They would see that the United States does actually support the Palestinian Authority's efforts to create it's own nation-state.

[REDACTED] ZAKARNEH indicated there are approximately 1,200 underground tunnels between Egypt and the Gaza Strip, and since the Muslim Brotherhood have taken over the government of Egypt, it is much easier to move things through the tunnels. Anyone can use the tunnels to travel or move items, provided you have enough money to pay for it. ZAKARNEH indicated it would cost somewhere in the tens of thousands of dollars to use a tunnel. Travel between the West Bank and the Gaza Strip requires several administrative steps. You have to ask the Israeli government's permission prior to traveling and tell them why you want to go to Gaza. If you get permission, you are screened again upon leaving the West Bank, and then screened again upon entering Gaza.

[REDACTED] ZAKARNEH has an uncle who is a retired Imam at a mosque in Jenin. ZAKARNEH's parents are also retired. They were both previously employed as high school science teachers. ZAKARNEH was once arrested by jumping over the wall into Jerusalem (NFI) where he was detained by Israeli Authorities. The Israeli's waited until the "US Embassy closed for the day" and then let him go.

[REDACTED] ZAKARNEH came to Portland, Oregon because a friend lives in the area. ZAKARNEH had arranged for his friend's brother, residing in the West Bank, to get a Visa to come to the United States. In return, the friend said ZAKARNEH could live with him while ZAKARNEH got settled prior to attending graduate school. Upon ZAKARNEH's arrival, the friend said that

[REDACTED]

[REDACTED]

Continuation of FD-302 of Interview of Tareq Zakarneh, On 05/08/2013, Page 3 of 3

plans had changed and that ZAKARNEH could not stay with him. ZAKARNEH is now looking to lease an apartment instead.

DECLARATION OF ERIC R. WELSH

I, Eric R. Welsh, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California, in the U.S. Supreme Court, in the United States District Court for the Central and Southern Districts of California, in the U.S. Courts of Appeals for the Ninth and Sixth Circuits, before the United States Immigration Courts, and before the Board of Immigration Appeals. I am submitting this declaration at the request of my client, Tareq Zakarneh, for any legal purpose that it may serve. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify thereto.

2. Immigration and Customs Enforcement (ICE) has detained Tareq since May 22, 2024. ICE is currently detaining Tareq at the Tacoma Northwest Detention Center in Tacoma, Washington.

3. On Tareq's behalf, I made several outreaches to ICE to request his release. ICE declined or ignored all these requests. We filed a request for custody redetermination (bond), but the immigration judge denied the request for lack of jurisdiction.

4. After the Ninth Circuit granted our motion to reinstate the stay of removal on December 6, 2024, I reached out to ICE again to request reconsideration of Tareq's release. The ICE Deportation and Removal office referred my request to the Office of the Principal Legal Advisor (OPLA). A few days later, I received a call from an OPLA attorney. He told me that ICE had no intention of releasing Tareq. I asked him why ICE would not consider his release since he has no criminal record and a pending case, and he responded that ICE had sole jurisdiction to decide Tareq's custody, and that ICE would not be releasing him.

5. We filed another bond motion since the Ninth Circuit stay had reestablished jurisdiction. The immigration judge agreed that the court had jurisdiction over the custody request, and that the government had the burden to prove that Tareq's continued detention was justified as a flight risk or a danger to the community. During the hearing, I witnessed the OPLA attorney, Thomas Malloy, making an aggressive gesture toward my client. Mr.

1 Malloy appeared to be gesturing as if to challenge Tareq to fight. Tareq turned away when
2 he made this gesture.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct. Executed this 7th day of February, 2025, at
5 Pasadena, California.



Eric R. Welsh

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TAREQ ZIAD FOUAD ZAKARNEH

CASE NO.3:22-1812-SI

Plaintiff

V.

UNITED STATES CITIZENSHIP &

IMMIGRATION SERVICES

Defendant

**REFILING AMENDED COMPLAINT
FOR DECLARATORY & INJUNCTIVE
RELIEF**

REFILING AMENDED COMPLAINT

Plaintiff alleges as follows

JURISDICTION

1. This is an action under the Freedom of information Act (FOIA), 5 USC §552 et seq, challenging the failure of Defendant to provide to plaintiff (both as a person with standing, as well as to his attorney and representative) with records in the care, custody and control of Defendant which would be relevant to case involving

plaintiff and /or were relied upon, in whole or in part, by the Defendant to make decisions affecting plaintiff, after request for said records were made by plaintiff, after requests for said records were made by Plaintiff and by and through his attorney(s), said failure to provide requested records being violate of FOIA.

VENUE AND JURISDICTION

2. This court has jurisdiction over this action pursuant to 5 USC §552 et seq, and 28 USC 1331.
3. Plaintiff resides in Portland, Oregon and has been seeking immigrant status working through the Defendant offices in Portland, Oregon.
4. Plaintiff is deemed to have exhausted administrative remedies pursuant to 5 USC 552(a)(6)(C)(i) because the agency has either refused to release requested records and /or all applicable time limits provisions for production of records have been exceeded by Defendant.

PARTIES

5. Plaintiff Tareq Zakarneh is a legal permanent resident who is seeking to appeal or otherwise review the decision of an immigration Law Judge in his case, and has requested records from Defendant , both informally and through the FOIA, that are relevant in his case, and has done so personally as as by and through his attorney, Elizabeth Raynes, a member of the Massachusetts Bar, working on Plaintiff's behalf.

6. Plaintiff seeks the court's leave to proceed in forma pauperis, and for appointment of counsel to assist him in his claim.
7. The United States Citizenship and Immigration Services (USCIS) is an agency of the United States and maintains in the regular course of its business the records requested , and has said records in its possession.

STATEMENT OF FACTS

8. Plaintiff has exhausted all administrative remedies prior to approaching this honorable court, as follows:
9. On August 28, 2019, Plaintiff, by and through his attorney Raynes requested from the Defendant video and audio recordings of I-751 interviews of Plaintiff.
10. On September 9, 2019, Defendant sent a letter through the above – said request for information, indicating that the Defendant was proceeding request.
11. Defendant did not describe or allege any unusual circumstances that would justify any delay in the processing of the above- stated request for information, nor did defendant seek any extension of time.
12. On December 1, 2019, Defendant sent a letter through the USCIS Portal to Plaintiff's attorney, Raynes, stating that Defendant had completed the request and have "identified 233 pages that are responsive to your request. Enclosed are 233 pages released in their entirety." The Same letter also stated that "the media (presumably video and audio recordings) located in the file will be addressed in a separate cover".
13. Defendant did not include any enclosures with its letter, no did it ever

send the promised media under a separate cover at that time or any time thereafter.

14. On January 7th, 2020 Plaintiff sent a letter via US Mail to Defendant at the Portland Field Office indicating that the FOIA request had not been completed, and specifically requested copies of the video/audio file.
15. On February 5, 2020 Plaintiff sent an email to Defendant explaining that the request had not been fulfilled by defendant, explaining the relevance and importance of the requested information, thereby giving Defendant yet another opportunity to comply with the FOIA request.
16. Unto this date, Plaintiff has never received the records responsive to the written FOIA request of August 28, 2019, the letter sent on January 7, 2019, or to the email sent on February 5, 2019.
17. From 2018 to present, Plaintiff and his attorney have made several email and portal requests for the same information, and still the records have not been released.
18. On December 19, 2022 Plaintiff received an email from Public Liaison FOIA claiming and asserting that "the disc was sent to your [Plaintiff's] attorney's office [on October 21, 2021], but Plaintiff's attorney has never received said disc.
19. On October 21, 2021 Defendant sent to Plaintiff's attorney a responsive letter saying that Defendant had reviewed 2457 pages responsive to the request for information, has released 1955 pages in entirety and another 294 pages in part, and further stating that 205 pages were being withheld from Plaintiff as "exempt". Neither the exempt nor even the non-exempt pages, alleged to have been sent, in fact were never received; only the letter dated

October 21,2021 received.

FIRST CLAIM FOR RELIEF

20. Plaintiff re-alleges paragraphs 1 through 8 above, and further alleges that on December 21,2022, Plaintiff, by and through his attorney aforementioned, resubmitted a FOIA request for substantially the same information as is described herein above, in a renewed effort to ensure that all administrative remedies have been exhausted.
21. The Freedom of Information Act(FOIA) requires agencies of the federal government, upon request, to release information to the public unless one of nine specific statutory exemptions applies, per 5 USC §552.
22. Within twenty (20) working days of receiving the FOIA request, Defendant agency USCIS is required to notify Plaintiff or his attorney, the requesting party, the determination as to which records will be produced and which will be withheld, 5 USC §552(a)(6)(A)(i). Defendant has not complied with this statutory requirement.
23. FOIA does not permit an agency such as Defendant to delay more than 30 days without specific exception. 5 USC §552(a)(6)(B), and no exception applies in the case at bar.
24. Defendant is in violation of the FOIA because it failed to respond within 30 working days of the request. The thirtieth (30th) working day for the August 28,2019 request was October 9,2019.
26. On December 30,2022, Plaintiff, through his attorney, received a response that did not fulfill the request and was therefore another denial and failure to comply with the FOIA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this court:

1. Assume jurisdiction over this action;
2. Grant Plaintiff's in forma pauperis request;
3. Find that Defendant has violated the FOIA by failing to comply with the request in a timely and forthright, comprehensive fashion.
4. Declare that the Plaintiff shall not be assessed any fees associated with search for or duplication of records due to the Defendant's violation of FOIA;
5. Enjoin the Defendant from continuing to withhold an agency records requested by Plaintiff of Plaintiff's attorney(s);
6. Order the immediate production of records requested but still withheld from Plaintiff;
7. Award Plaintiff reasonable costs and fees pursuant to 5 USC §552(a)(4)(E) (i), and;
8. Respecting the 205 pages of records alleged by Defendant to be "exempt" from release, the court conduct its own in camera review of the said 205 pages to ensure that there is no lawful way of viewing said records as "non- exempt, even in some redacted form, and;

9. Award further relief as this Honorable Court deems just, equitable a necessary to fulfill the loft intent of FOIA.

DATED this 21th day of February, 2025.

/S/ Tareq Zakarneh
Tareq Zakarneh, Plaintiff

**U.S. Citizenship
and Immigration
Services**[Home](#) > [Humanitarian](#) > [Deferred Enforced Departure](#) > [DED Covered Population – Palestinians](#)

DED Covered Population – Palestinians

ⓘ ALERT: On Feb. 14, 2024, President Biden issued a [memorandum on DED for Palestinians](#) authorizing Deferred Enforced Departure (DED) and employment authorization for 18 months for eligible Palestinians through Aug. 13, 2025. Eligible Palestinians include those who were present in the United States on Feb. 14, 2024, and have continuously resided in the United States since then. For more information, see the [Federal Register notice](#).

DED Period:	Feb. 14, 2024 – Aug. 13, 2025
Federal Register Notice Citation:	89 FR 26167

On Feb. 14, 2024, President Biden issued a [memorandum on DED for Palestinians](#) to defer for 18 months the removal of certain Palestinians who were present in the United States on Feb. 14, 2024, except for those:

- Who voluntarily returned to the Palestinian Territories after Feb. 14, 2024;
- Who have not continuously resided in the United States since Feb. 14, 2024;
- Who are inadmissible under section 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or deportable under section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- Who have been convicted of any felony or 2 or more misdemeanors committed in the United States, or who meet the criteria in section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));
- Who are subject to extradition;
- Whose presence in the United States the secretary of homeland security has determined is not in the interest of the United States or presents a danger to public safety; or
- Whose presence in the United States the secretary of state has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

Employment Authorization

You are eligible for employment authorization under the DED period if you:

- Are a Palestinian as described in the Federal Register notice cited above;
- Were present in the United States on Feb. 14, 2024;
- Have continuously resided in the United States since Feb. 14, 2024; and

**Need Help?**
Chat with Emma™

- Are otherwise eligible for DED.

***PLEASE NOTE:** A Palestinian is defined as an individual of any nationality, or without nationality, who possesses any of the documents listed below, regardless of current validity or expiration. You may submit copies of any of these documents to establish your **Palestinian identity**:

- A Palestinian Authority Passport;
- A Palestinian Authority Identification Card;
- A birth certificate or birth extract verified or issued by a recognized governmental authority identifying the holder as having been born in the Palestinian territories;
- An identification document issued by a third country, the United Nations, its specialized agencies and related organizations, or the International Committee of the Red Cross indicating the holder is a Palestinian; or
- A travel document issued by a third country, the United Nations, its specialized agencies and related organizations, or the International Committee of the Red Cross identifying the holder as a Palestinian.

On June 14, 2007, the designated foreign terrorist organization Hamas took de facto administrative control of Gaza, to include issuing civil documents for that territory. The U.S. government does not accept documents issued by Hamas in Gaza unless the documents are verified by the Palestinian Authority in the West Bank. It is the responsibility of the applicant submitting a document issued after June 14, 2007, from any governmental agency in Gaza to obtain verification from the Palestinian Authority. The U.S. Consulate General in Jerusalem does not assist in this process.

Examples of documents that you can submit to establish **presence or continuous residence** include, but are not limited to, copies of any of the following:

- Passport;
- Form I-94, Arrival-Departure Record;
- Employment records;
- Rent receipts, utility bills (gas, electric, telephone, etc.) or receipts, or letters from companies showing dates when the applicant received service;
- Passport entries;
- Bank books with dated transactions;
- Selective Service card;
- Attestations of your residence by churches, unions, or other organizations;
- Affidavits;
- Money order receipts for money sent into or out of the United States;
- Birth certificates of children born in the United States;
- Correspondence between you and others; or
- Your Social Security card.

How to Apply for an Employment Authorization Document

If you are covered under DED for Palestinians and you want a DED-based Employment Authorization Document (EAD) valid through Aug. 13, 2025, follow the instructions provided in the Federal Register notice to apply for an EAD.

You must file Form I-765, Application for Employment Authorization, and pay the associated fee (or request a fee waiver). On Form I-765, indicate that you are covered under DED for Palestinians by putting "(a)(11)" in response to Question 27. You may request a fee waiver by submitting Form I-912, Request for Fee Waiver, or a written request.

If we need biometrics to produce a secure EAD, we will notify you of your appointment to appear at a USCIS Application Support Center.

You may check general processing times for Form I-765 on our processing times page.

How to Request Authorization to Travel Outside the United States

DHS may provide travel authorization as a discretionary benefit of DED for eligible Palestinians. You must file for advance parole if you wish to travel outside of the United States temporarily. Advance parole authorizes U.S. Customs and Border Protection (CBP) to allow you to return to the United States during a specified period. A CBP inspector will make the final decision on your reentry. If you leave the United States without first receiving advance parole, you may no longer be eligible for DED and may not be permitted to reenter the United States.

Please also be advised that if you return to the Palestinian Territories, you will not be permitted to resume DED in the United States. The presidential memorandum providing for DED for Palestinians excludes individuals who voluntarily return to the Palestinian Territories after Feb. 14, 2024.

To request advance parole, you must file Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records, and pay the associated fee. The filing instructions on Form I-131 list all the documents you must provide. You may also find information about acceptable documentation and DED eligibility on USCIS' Deferred Enforced Departure webpage.

You may file Form I-765 and Form I-131 together or separately.

If you are...	Mail your completed form to...
Mailing your form through the U.S. Postal Service	USCIS Attn: DED for Palestinians P.O. Box 805283 Chicago, IL 60680-5283
Using FedEx, UPS, or DHL	USCIS Attn: DED for Palestinians (Box 805283) 131 South Dearborn Street 3rd Floor Chicago, IL 60603-5517

Last Reviewed/Updated: 10/11/2024



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

Respondent Name:

ZAKARNEH, TAREQ ZIAD FOUAD

To:

**Welsh, Eric
2 North Lake Ave.,
Suite 950
Pasadena, CA 91101**

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

07/16/2024

ORDER OF THE IMMIGRATION JUDGE

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is **HEREBY ORDERED** that:

Order:

☐ No Action: withdrawn by party

☒ ORDERED No Jurisdiction:

☐ Arriving Alien.

☐ Mandatory Detention under 235(b)(1), (b)(2)(A)

☐ Mandatory Detention under 236(c).

☐ Reinstated Order of Removal / Final Order of Removal

☐ Withholding Only Proceedings

☒ Does not meet the 180-day requirement.

☐ Other:

☐ ORDERED that the request for a change in custody status be denied.
Bond to remain at \$ _____ OR REMAINS AT NO BOND.

☐ ORDERED that the request be granted and that respondent be released from custody under bond of \$ _____

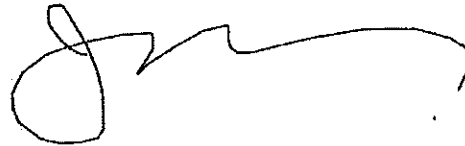
☐ Danger to Community / Flight Risk.

☐ OTHER: Conditional release is: granted / denied / was not requested / any conditions set by ICE/DHS.

☐ OTHER: Ability to pay considered.

☐ OTHER: By agreement of parties.

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Appeal Packet ☐ Other:



Immigration Judge: ODELL, JOHN 07/16/2024

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☐ waived ☒ reserved


Appeal Due: 08/15/2024

Certificate of Service

This document was served:

Via: ☐ M Mail | ☐ P Personal Service | ☐ E Electronic Service

To: ☐ Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ E Noncitizen's atty/rep. | ☐ E DHS

Respondent Name : ZAKARNEH, TAREQ ZIAD FOUAD | A-Number : 

Riders:

Date: 07/16/2024 By: Kendra Lubchenco, Court Staff



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

Respondent Name:

ZAKARNEH, TAREQ ZIAD FOUAD

To:

Welsh, Eric
2 North Lake Ave.,
Suite 950
Pasadena, CA 91101

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

02/04/2025

ORDER OF THE IMMIGRATION JUDGE

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is **HEREBY ORDERED** that:

Order:

☐ No Action: withdrawn by party without prejudice.

☐ ORDERED No Jurisdiction:

☐ Arriving Alien.

☐ Mandatory Detention under 235(b)(1), (b)(2)(A)

☐ Mandatory Detention under 236(c).

☐ Reinstated Order of Removal / Final Order of Removal

☐ Withholding Only Proceedings

☐ Does not meet the 180 day requirement.

☒ ORDERED that the request for a change in custody status be denied. No bond.

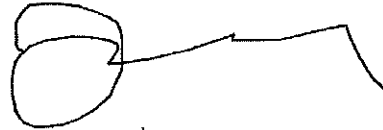
☐ ORDERED that the request be granted and that respondent be released from custody under bond of \$ ____.

☒ Danger to Community and a Flight Risk by clear and convincing evidence.

☒ OTHER: Conditional release is: denied.

☐ OTHER: Ability to pay considered.

☐ OTHER: By agreement of parties.



Immigration Judge: ODELL, JOHN 02/04/2025

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

Appeal Due: 03/06/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable



To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : ZAKARNEH, TAREQ ZIAD FOUAD | A-Number : 

Riders:

Date: 02/04/2025 By: NDLT, Court Staff

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE September 29, 2023									
CASE TYPE I-140, Immigrant Petition for Alien Worker		USCIS ALIEN NUMBER A									
RECEIPT NUMBER LIN2390270249	RECEIVED DATE September 27, 2023	PAGE 1 of 1									
PRIORITY DATE September 27, 2023	PREFERENCE CLASSIFICATION 203 B2 NATL INTEREST WAIVER	DATE OF BIRTH 									
TAREQ Z. ZAKARNEH C/O JINKYOO LEE PASSAGE IMMIGRATION LAW PO BOX 4245 PORTLAND, OR 97208 		PAYMENT INFORMATION: Application/Petition Fee: \$700.00 Total Amount Received: \$700.00 Total Balance Due: \$0.00									
APPLICANT/PETITIONER NAME AND MAILING ADDRESS											
<p>We have received your form and are currently processing the above case for the following beneficiaries:</p> <table border="1"><thead><tr><th>Name</th><th>Date of Birth</th><th>Country of Birth</th><th>Class (If Applicable)</th></tr></thead><tbody><tr><td>ZAKARNEH, TAREQ</td><td>7/4/1982</td><td>JORDAN</td><td></td></tr></tbody></table> <p>If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.</p> <p>If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.</p> <p>If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.</p>				Name	Date of Birth	Country of Birth	Class (If Applicable)	ZAKARNEH, TAREQ	7/4/1982	JORDAN	
Name	Date of Birth	Country of Birth	Class (If Applicable)								
ZAKARNEH, TAREQ	7/4/1982	JORDAN									
USCIS Office Address: USCIS Nebraska Service Center P.O. Box 82521 Lincoln, NE 68501-2521		USCIS Contact Center Number: (800)375-5283 ATTORNEY COPY 									

CERTIFICATE OF SERVICE

In the Matter of:

Tareq Ziad Fouad Zakameh [A 

I, Eric Welsh, certify that on January 21, 2025, I served a copy of the attached RESPONDENT'S MOTION TO REOPEN REMOVAL PROCEEDINGS TO APPLY FOR ASYLUM BASED ON CHANGED COUNTRY CONDITIONS on Immigration and Customs Enforcement by electronic service through the ICE e-Service portal.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Pasadena, California on January 21, 2025.



Eric R. Welsh
Reeves Immigration Law Group
2 North Lake Avenue, 9th Floor
Pasadena, CA 91101