

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

ALI RIZA ANSARI,

Petitioner,

-against-

PATRICIA HYDE, IN HER OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; VERMONT SUB-OFFICE DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; TODD M. LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; MARCO RUBIO, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE; AND PAMELA BONDI, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL,

Respondents.

**PETITION
FOR WRIT
OF
HABEAS
CORPUS**

Case No. 2:25-CV-578

INTRODUCTION

1. Petitioner Ali Riza Ansari is an asylee in the United States on the pathway to lawful permanent residency. On April 29th, 2023, he was approved for asylum in the United States out of the Chicago Aylum Office. This case concerns the government's inability to articulate why they are detaining Ali Riza Ansari.

2. Ali Riza was born and raised in Afghanistan, where he lived until the country collapsed due to US Military withdrawal in August 2021. Ali Riza was then

admitted into the United States through the military evacuation process known as “Operation Allies Welcome.” He was admitted to the United States on August 27th, 2021, under Humanitarian Parole code “OAR.”

3. On or about June 6th, 2025, Ali Riza erroneously exited the United States near St. Alban’s, Vermont. At the time of his exit, Ali Riza was operating a tractor-trailer—which is his profession—and made a wrong turn resulting in an unintended exit from the United States.

4. Upon immediate return to the United States, Ali Riza was detained at the St. Albans Service Port by U.S. Customs and Border Protection. Days later he was transferred to the Northwest State Correctional Facility where he is currently being held.

5. It appears that Respondents seek to detain Ali Riza, but it is unclear on what grounds they are detaining him on as he has been unable to speak to legal counsel for one full week.

PARTIES

6. Petitioner Ali Riza Ansari is an Afghan national who was born and raised in Afghanistan and was brought to the United States by the United States government through “Operation Allies Welcome.” He is an asylee (approved asylum petition) of the United States and has a pending adjustment of status application to become a legal permanent resident of the United States.

7. Respondent Patricia Hyde is named in her official capacity as the Acting Field Office Director of the Boston Field Office for Immigration and Customs Enforcement (“ICE”) within the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. At all times

relevant hereto, Respondent Hyde's address is Boston ICE Enforcement and Removal Operations Field Office, 1000 District Avenue, Burlington, MA 01803.

8. Respondent the Director of the Vermont Sub-Office of ICE Enforcement and Removal Operations, whose name is currently unknown to the undersigned, is named in his or her official capacity as the Director of the Vermont Sub-Office of the Boston Field Office for

Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. At all relevant times, the Director's address is 64 Gricebrook Road, St. Albans, VT 05478.

9. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. He administers and enforces the immigration laws of the United States, routinely conducts business in the District of Vermont, is legally responsible for pursuing efforts to remove the Petitioner, and as such is the custodian of the Petitioner. At all times relevant hereto, Respondent Lyons's address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

10. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the District of Vermont; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. At all times relevant hereto, Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King

Jr. Ave. SE, Washington, DC 20528-0485.

11. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. She routinely transacts business in the District of Vermont in this capacity; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(g) (2007); and as such is a custodian of the Petitioner. At all times relevant hereto,

Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

JURISDICTION & VENUE

12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and 28 U.S.C. § 2201 (Declaratory Judgement).

13. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201 and this Court has authority to grant declaratory and injunctive relief. *Id.* § 2201, 22023. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

14. Venue is proper in the District of Vermont under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. At the time this proceeding was initiated, Ali Riza was detained in Vermont. The petitioner has been and is presently being detained in Vermont and a substantial part of the events giving rise to this petition occurred within this district.

FACTS

15. Ali Riza is an Afghan national. He was granted asylum in the United States

and has maintained his approved asylee status for the last two years.

16. Ali Riza was born and raised in Afghanistan. In 2021, he welcomed to the United States through the support of the U.S. Armed Forces through "Operation Allies Welcome." He was paroled into the United States under category "OAR."

17. On or about June 6th, 2025, Ali Riza erroneously departed the United States while operating his tractor-trailer for work near the St. Albans, Vermont and Canadian border.

18. Upon immediate return to the United States, Ali Riza was detained by U.S. Customs and Border Protection (CBP).

19. Ali Riza was later transferred to the Northwest State Correction Facility where he is currently being held.

20. Per the EOIR system, Ali Riza is currently not in immigration removal proceedings.

21. Ali Riza has been unable to speak with legal counsel since he has been in detention. Which is further complicated by the fact that he doesn't speak English.

22. An electronic request for bond has been pending for over 24 hours and has not been reviewed by ICE.

23. Legal Counsel has contacted ICE by phone and email and has had no response to any requests to communicate with Ali Riza.

24. Legal Counsel has contacted the detention facility that Ali Riza is currently being held at over a dozen times in the last three days with no answer or response to voicemails left.

25. At this time, it is entirely unclear why Ali Riza has been held by CBP and

ICE for over a week.

CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution

26. Petitioner realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

27. The Due Process Clause of the United States Constitution applies to “all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).

28. Immigration detention must further the twin goals of ensuring a noncitizen’s appearance during removal proceedings and preventing danger to the community.

29. In light of these goals, Ali Riza’s detention is wholly unjustified. Indeed, it bears no reasonable relation to any legitimate government purpose.

30. Ali Riza is not a flight risk. He does not own a valid passport and has legitimate fears of persecution in Afghanistan—so much so that USCIS granted his asylum case.

31. Ali Riza is not a danger to the community. He is a hard-working individual who was literally working when he was detained by CBP.

32. Because Ali Riza’s detention bears no reasonable relation to a legitimate government purpose, it is punitive.

33. At this time it is completely unclear what the basis of his detention is because he has been unable to access counsel and nothing in any of the DHS or ICE systems indicate his is in removal proceedings.

34. The justification of "preventing flight ... is weak or nonexistent where removal seems a remote possibility at best." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;
- 3) Order the immediate release of Petitioner pending these proceedings;
- 4) Order the release of Petitioner;
- 5) Declare that Respondents' actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
- 6) Award reasonable attorneys' fees and costs for this action; and
- 7) Grant such further relief as the Court deems just and proper.

Respectfully Submitted on June 13, 2025.



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*Motion for admission pro hac
vice forthcoming