



release Petitioner from detention.

2. Pending adjudication of these claims, Petitioner seeks a temporary order staying Mr. Zarefard's removal, enjoining his removal from the U.S. while his habeas proceedings are pending.
3. Mr. Zarefard is a citizen of Iran born on [REDACTED]. He entered the country on or about April 24, 2024 at San Ysidro, California.
4. Mr. Zarefard was taken into custody upon entry, at which time he told immigration officials that he feared for his life in Iran and wanted to apply for asylum. He was detained at Adams County Correctional Center in Natchez, Missouri, after which he was placed in expedited removal proceedings.
5. On April 24, 2024, he was given a credible fear interview, of which he did not receive a positive determination. Mr. Zarefard expressed during this interview that he was afraid of returning to Iran because [REDACTED] [REDACTED] suffering extreme physical violence as a result. Therefore, he feared persecution in Iran [REDACTED]. The interviewing officer found that Mr. Zarefard was credible and had established a nexus to [REDACTED] requirements for being found to have a credible fear of persecution.
6. However, the interviewing officer ultimately found that Mr. Zarefard was subject to the conditions on asylum eligibility under 8 C.F.R. § 208.33(a), and therefore had not established a credible fear of persecution with respect to his application for asylum.
7. On May 14, 2024, Mr. Zarefard was given another opportunity to seek asylum relief. He was given a reasonable fear interview, of which he received a positive determination. The interviewing officer found that Mr. Zarefard established that he had experienced past harm

in Iran, specifically [REDACTED]

[REDACTED] The officer found that the presumption of past persecution had not been rebutted and that the persecution was based on [REDACTED]

[REDACTED] Mr. Zarefard expressed a fear of returning to Iran on account of [REDACTED]

[REDACTED] In his final analysis, the officer found that there was a reasonable possibility that

13 Mr. Zarefard could establish in a full hearing that he suffered past persecution on the basis of [REDACTED]

8. As a result of the positive reasonable fear determination, Mr. Zarefard was issued a Notice to Appear (NTA) dated May 23, 2024, which placed him in removal proceedings. [REDACTED]

9. On May 31, 2024, Mr. Zarefard was transferred to River Correctional Center in Ferriday, Louisiana, where he remains today. [REDACTED]

10. Mr. Zarefard filed his I-589 application before the Jena, Louisiana Immigration Court.

14 Unfortunately on July 30, 2024, Mr. Zarefard's I-589 Application for Asylum, Withholding of Removal, and Protection under the Convention Against the Torture was denied. His application for pre-conclusion and post-conclusion voluntary departure was also denied. 15 Consequently, Mr. Zarefard was ordered removed to Iran.

11. On October 28, 2024, after 180 days in detention had passed, Petitioner's immigration counsel submitted an urgent request for custody review pursuant to 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13. [REDACTED]

12. On January 20, 2025, a Post-Order Custody Review (POCR) was conducted by U.S. Immigration and Customs Enforcement (ICE). Unfortunately, that custody review resulted in Mr. Zarefard not being released and instead remaining in detention. It should be noted that during this interview, Mr. Zarefard gave no testimony to show that there was a

significant likelihood of removal in the foreseeable future. This should come as no surprise, as the U.S. and Iran do not have diplomatic relations. Furthermore, he gave no testimony to support a finding that he is a flight risk or danger to the community. He rightfully fears returning to Iran, has family in the United States, and has no criminal history. Nonetheless, he unjustly remains in custody.

13. As of this petition, it has been over 400 days that Mr. Zarefard has been in detention, and over 330 days since the removal order was issued. Nonetheless, Mr. Zarefard has not been released or removed to Iran. Furthermore, Respondents have not shown that they will be able to remove Petitioner to Iran, which is highly unlikely, given that there are no diplomatic relations between Iran and the United States. It seems as though Respondents are determined to unlawfully keep Petitioner in custody and have no plan to effectuate his removal, putting him in a state of perpetual detention.

14. Mr. Zarefard therefore hereby seeks a Petition for Writ of Habeas Corpus to immediately release him from detention by Respondents.

15. Without this Court's intervention, Respondents will continue to unlawfully detain Mr. Zarefard, with no possibility of resolution.

16. Mr. Zarefard respectfully requests that the Court immediately issue an emergency temporary stay of removal pursuant to the All Writs Act and Suspension Clause. See *Kabenga v. Holder*, 76 F. Supp. 3d 480,486 (S.D.N.Y. 2015) (ordering a stay of removal pending consideration of petitioner's habeas challenge); *Ragbir v. Sessions*, No. 1:18-cv-236 (KBF) (S.D.N.Y. Jan. 29, 2018) (same); *Hamama v. Adducci*, 261 F. Supp. 3d 820 (E.D. Mich. 2017) (same); *Ibrahim v. Acosta*, No. 17-cv-24574-GAYLES (S.D. Fla. Dec. 19, 2017) (same); *Devitri v. Cronen*, No. 17-11842-PBS (D. Mass.

Sept. 26, 2017) (same); *Neth v. Marin*, No. SACV 17-O1898-CJC(GJSx) (C.D. Ca. Dec. 14, 2017) (same); *Sied v. Duke*, 17-cv-O6785-LB (N.D. Cal. Dec. 11, 2017) (same); *Pangemanan v. Tsoukaris*, No. 18-1510 (ES) (D.N.J. Feb. 2, 2018) (same); *Darweesh v. Trump*, 17-cv-480 (AMD) (E.D.N.Y. Jan. 28, 2017) (same).

17. The federal habeas corpus statute provides that “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
18. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
19. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
20. Section 2243 further provides that the court “shall summarily hear and determine the fact, and dispose of the matter as law and justice require.”
21. Mr. Zarefard’s continued detention violates the INA and its regulations, the APA and the U.S. Constitution’s due process guarantee. *See* Verified Petition.
22. In light of the fact that Petitioner has a likelihood of success on the merits of his claim, there will be minimum harm to the government if he remains in the United States pending these proceedings.
23. Unless this application is granted, Mr. Zarefard is facing imminent and irreparable harm

with his continued detention, and if removed from to Iran, a country he has a credible fear of persecution.

24. Pursuant to 28 U.S.C. § 2243, and in the light of Petitioner's continued unlawful detention, Petitioner respectfully requests that the Court immediately issue an Order to Show Cause against the Respondents and a temporary order staying Petitioner's removal.

Dated: July 14, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Kishen Y. Barot, Esq., hereby certify that on June 24, 2025, I caused a copy of *Petitioner's Application For Order to Show Cause* to be served upon Respondents' Counsel, the United States Attorneys' Office for the Western District of Louisiana at 300 Fannin Street, Suite 3201 Shreveport, LA 7110.

Dated: July 14, 2025

Respectfully submitted,

/s/ Kishen Barot

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