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EXHIBIT

TAB

ONE

AD 458 (Rev. 06-09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

BICHARA, ABDELKERIM BICHARA

*Plaintiff*

v.

SEE ATTACHED

*Defendant*

Case No. A



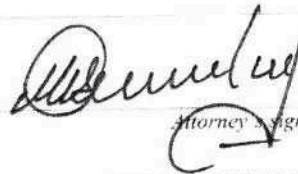
APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

BICHARA, ABDELKERIM BICHARA

Date: 07/13/2025

A handwritten signature in black ink, appearing to read 'Misbah Chaudhry'.

*Attorney's signature*

MISBAH CHAUDHRY 4955209

*Printed name and bar number*

231 BELLA KATY DR, KATY TEXAS, 77494

*Address*

LAWOFFICES@MISBAHCHAUDHRY.COM

*E-mail address*

(281) 870-1300

*Telephone number*

(281) 859-6886

*FAX number*

**ADDITIONAL INFORMATION FOR AO 485**

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RESPONDENT

- **NORBAL VASQUEZ:** WARDEN OF RIO GRANDE PROCESSING CENTER
- **DONALD KUSSER:** IMMIGRATION AND CUSTOMS ENFORCEMENT –  
FIELD OFFICE DIRECTOR OF THE LAREDO FIELD OFFICE
- **KRISTI NOEM:** DEPARTMENT OF HOMELAND SECURITY–SECRETARY OF  
THE DEPARTMENT OF HOMELAND SECURITY
- **PAM BONDI:** DEPARTMENT OF JUSTICE –ATTORNEY GENERAL OF THE  
UNITED STATES



EXHIBIT

TAB

TWO

JS 44 (Rev. 03/24)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

BICHARA, ABDELKERIM BICHARA

(b) County of Residence of First Listed Plaintiff CHAD  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
(See additional Document)**DEFENDANTS**

(See additional Document)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care: Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3720(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 2241Brief description of cause:  
INDEFINITE DETAINMENT WITH NO FORESEEABLE MEANS OF REASONABLE REMOVAL IN A TIMELY MANNER**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions).

JUDGE BROCK TAYLORDOCKET NUMBER A249075637

DATE

7/14/2025

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**ADDITIONAL INFORMATION FOR CIVIL COVER SHEET**

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**JS 44**

I.C: Attorney(s)

- **MISBAH CHAUDHRY:** MISBAH CHAUDHRY AND ASSOCIATES PLLC, 231 BELLA KATY DRIVE, KATY, TX 77494, 281-870-1300

DEFENDANTS

- **NORBAL VASQUEZ:** WARDEN OF RIO GRANDE PROCESSING CENTER
- **DONALD KUSSER:** IMMIGRATION AND CUSTOMS ENFORCEMENT – FIELD OFFICE DIRECTOR OF THE LAREDO FIELD OFFICE
- **KRISTI NOEM:** DEPARTMENT OF HOMELAND SECURITY–SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY
- **PAM BONDI:** DEPARTMENT OF JUSTICE –ATTORNEY GENERAL OF THE UNITED STATES



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

EXHIBIT

TAB

THREE



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**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

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**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

BICHARA, ABDELKERIM BICHARA

*Petitioner*

v.

SEE ADDITIONAL DOCUMENT

Case No.

A [REDACTED]  
(Supplied by Clerk of Court)

*Respondent*

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: BICHARA, ABDELKERIM BICHARA  
(b) Other names you have used:
2. Place of confinement:  
(a) Name of institution: RIO GRANDE PROCESSING CENTER  
(b) Address: 1001 SAN RIO BOULEVARD, LAREDO, TX 78046  
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: N/A  
(b) Docket number of criminal case: N/A  
(c) Date of sentencing:  
☒ Being held on an immigration charge  
☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention  
☒ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain):

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: IMMIGRATION AND CUSTOMS ENFORCEMENT  
1001 SAN RIO BLVD, LAREDO, TX 78046
- (b) Docket number, case number, or opinion number: A
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
PETITIONER'S REDETAINMENT BY ICE, DESPITE HIS REGULAR ATTENDANCE OF CHECK-INS WITH ICE, WITH NO FORESEEABLE DATE OF PROCURING THE DOCUMENTS TO PROPERLY REMOVE HIM.
- (d) Date of the decision or action: 04/07/2025

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: OTERO IMMIGRATION COURT
- (2) Date of filing: 04/22/2025
- (3) Docket number, case number, or opinion number: A
- (4) Result: DENIAL BASED ON EVIDENCE DISPUTE AND CLAIM OF FULL AND FAIR HEARING
- (5) Date of result: 04/23/2025
- (6) Issues raised: (1) RESPONDENT HAS PROFFERED NEW FACTS, SUPPORTED BY EVIDENCE, THAT WERE PREVIOUSLY UNAVAILABLE TO HIM, AND THAT ARE MATERIAL TO HIS CLAIM FOR RELIEF; (2) RESPONDENT WAS DEPRIVED A FULL AND FAIR HEARING WHEN HE WAS NOT PROVIDED WITH A SUDANESE-ARABIC TRANSLATOR; (3) RESPONDENT DID NOT RECIEVE ADEQUATE NOTICE OF HIS CHARGES;(4) CHANGES IN CIRCUMSTANCES SINCE RESPONDENT'S HEARING MERITS A REHEARING OF HIS CLAIM.

(b) If you answered "No," explain why you did not appeal: N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No



AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised:

N/A

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number:

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised:

N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 04/07/2024

(b) Date of the removal or reinstatement order: 07/11/2024

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes

☐ No



AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: 06/13/2025

(2) Case number: A ~~XXXXXXXXXX~~

(3) Result: IT HAS BEEN SUBMITTED AND IS IN PROCESS, WE DON'T YET HAVE A RESULT

(4) Date of result:

(5) Issues raised: (1) RESPONDENT HAS PROFFERED NEW FACTS, SUPPORTED BY EVIDENCE, THAT WERE PREVIOUSLY UNAVAILABLE TO HIM, AND THAT ARE MATERIAL TO HIS CLAIM FOR RELIEF. (2) RESPONDENT WAS DEPRIVED OF A FULL AND FAIR HEARING WHEN HE WAS NOT PROVIDED WITH A SUDANESE-ARABIC OR FRENCH TRANSLATOR. (3) RESPONDENT DID NOT RECIEVE ADEQUATE NOTICE OF HIS CHARGES. (4) CHANGES IN CIRCUMSTANCES SINCE RESPONDENT'S HEARING MERITS A REHEARING OF HIS CLAIM.

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: INDEFINITE DETAINMENT WITH NO FORESEEABLE MEANS OF REMOVAL**

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

AFTER BEING MARKED FOR REMOVAL PETITIONER HAS BEEN DETAINED FOR AN EXCESS OF 90 DAYS HE WAS RELEASED ONTO HIS OWN RECOGNIZANCE, WHERE HE DUTIFULLY ATTENDED MEETINGS WITH ICE AS APPROPRIATE. HE WAS REDETAINED AT ONE OF THESE CHECK-INS TO THE PRESENT FOR A DURATION IN EXCESS OF 80 DAYS. ATTEMPTS TO INQUIRE ABOUT REMOVAL WITH OFFICER REVEALED THAT THERE WAS NO FORSEEABLE DATE TO OBTAIN THE PROPER DOCUMENTS

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

**GROUND TWO: N/A**

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

**GROUND THREE: N/A**

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**GROUND FOUR:** N/A

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: DUE TO LANGUAGE BARRIER ISSUES PETITIONER DID NOT KNOW HE HAD AN ORDER OF FINAL REMOVAL. ONCE MADE AWARE OF THE ORDER, HIS LEGAL COUNSEL SOUGHT TO CHALLENGE THE ORDER. IT WASN'T UNTIL HE WAS REDETAINED THAT IT WAS NECESSARY TO CHALLENGE THE LACK OF FORESEEABLE DATE OF REMOVAL.

**Request for Relief**

15. State exactly what you want the court to do: WE REQUEST FOR THE COURT TO RELEASE THE PETITIONER IN ADDITION TO GRANTING A STAY OF REMOVAL.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 7/22/2025

W/P Bichara ABDELKERIM  
Signature of Petitioner (MIC)



Signature of Attorney or other authorized person, if any

**ADDITIONAL INFORMATION FOR AO 242**

---

RESPONDENT

- **NORBAL VASQUEZ:** WARDEN OF RIO GRANDE PROCESSING CENTER
- **DONALD KUSSER:** IMMIGRATION AND CUSTOMS ENFORCEMENT –  
FIELD OFFICE DIRECTOR OF THE LAREDO FIELD OFFICE
- **KRISTI NOEM:** DEPARTMENT OF HOMELAND SECURITY–SECRETARY OF  
THE DEPARTMENT OF HOMELAND SECURITY
- **PAM BONDI:** DEPARTMENT OF JUSTICE –ATTORNEY GENERAL OF THE  
UNITED STATES



EXHIBIT

TAB

FOUR

A 

No. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

BICHARA ABDELKERIM BICHARA,

A 

vs.

PETITION FOR WRIT OF HABEAS  
CORPUS

**NORBAL VASQUEZ**, IN HIS OFFICIAL  
CAPACITY AS WARDEN OF RIO GRANDE  
PROCESSING CENTER;

**DONALD KUSSER**, IN HIS OFFICIAL  
CAPACITY AS FIELD OFFICE DIRECTOR  
OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, ENFORCEMENT AND  
REMOVAL OPERATIONS LAREDO FIELD  
OFFICE;

**KRISTI NOEM**: IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND SECURITY

**PAM BONDI**: IN HER OFFICIAL CAPACITY  
AS ATTORNEY GENERAL OF THE UNITED  
STATES

INTRODUCTION

- 1) This is a petition for a writ of habeas corpus filed on behalf of Petitioner, BICHARA ABDELKERIM BICHARA (Incorrectly registered with only his surname 'ABDELKERIM BICHARA'), a noncitizen from Sudan, seeking relief to remedy petitioner's indefinite detection by Respondents.
- 2) As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a

1 presumption that detention after a final order of removal was permissible for the six  
2 months, approximately 180 days. Detention after a final order may be unlawful even  
3 when six months have not elapsed if it is clear that the United States will not be able to  
4 effect a noncitizen's removal. After that six-month period, once a noncitizen provides  
5 "good reason to believe that there is no significant likelihood of removal in the  
6 reasonably foreseeable future, the Government must respond with evidence sufficient to  
7 rebut that showing." *Id.* 701. Under the framework of *Zadvydas*, Petitioner is entitled to  
8 release, unless the government promptly demonstrates that there is a significant  
9 likelihood of removal in the reasonably foreseeable future.  
10

- 11
- 12 3) Petitioner respectfully requests the court to use its authority under 28 U.S.C. § 2243 to  
13 order the Respondents to file a return within three days, unless they can show good cause  
14 for additional time. *See* 28 U.S.C. § 2243 (stating that an order to show cause why a  
15 petition for a writ of habeas corpus should be denied is returnable "within three days  
16 unless for good cause additional time, not exceeding twenty days, is allowed").  
17
- 18 4) In order to permit full judicial review of the claims herein and requested relief, Petitioner  
19 respectfully requests that the Court order Respondents not to transfer Petitioner outside  
20 the jurisdiction of this Court (*The Southern District of Texas*) pending consideration of  
21 this Petition.  
22

### 23 CUSTODY

- 24 5) Petitioner NORBAL VASQUEZ is the Warden of the RIO GRANDE PROCESSING  
25 CENTER, which holds detainees for ICE. He has immediate physical custody of  
26 Petitioner, and is thus a legal custodian of the Petitioner pursuant to his station with the  
27  
28

A 

1 RIO GRANDE PROCESSING CENTER. Mr. ABDELKERIM BICHARA is under the  
2 direct control of NORBAL VASQUEZ and his agents.

- 3  
4 6) Respondent KRISTI NOEM as head of the U.S. Department of Homeland Security  
5 (DHS). DHS oversees ICE, which is responsible for administering and enforcing the  
6 immigration laws. Secretary NOEM is the ultimate legal custodian of Petitioner. She is  
7 sued in her official capacity.

8  
9 **JURISDICTION**

- 10  
11 7) This action arises under the Constitution's 5<sup>th</sup> amendment ("Due Process Clause"), *U.S.*  
12 *Const.* amend. V as well as the suspension clause. *U.S. Const.* art. I § 9, cl. 2, which  
13 grants the Court federal question jurisdiction as per 28 U.S.C. § 1331. Federal District  
14 Courts, such as the Court, have jurisdiction to hear habeas claims by non-citizens  
15 challenging the lawfulness of their detection. *See Zadvydas*, 533 U.S. at 687 (2001). This  
16 court may grant relief under 28 U.S.C. § 2241 (habeas corpus), as well as 5 U.S.C. § 702  
17 (establishing the right of review for a person suffering a legal wrong due to agency  
18 action).

19  
20  
21 **VENUE**

- 22  
23 8) At the time of filing this action, the Petitioner is detained in the Rio Grande Processing  
24 Center in Laredo Texas, which lies within the United States District Court for the  
25 Southern District of Texas. The respondents are acting in their official capacities, and are  
26 heads of agencies of the United States, thus the venue is proper under 28 U.S.C. §  
27 1391(e)(1), and 28 U.S.C. § 2241(c)(3); *see also Plyer v. Doe*, 457 U.S. 202, 210 (1982)  
28



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1 (“Aliens, even aliens whose presence in this country is unlawful, have long been  
2 recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth  
3 Amendments.”).

4  
5  
6 **PARTIES**

7 9) Mr. BICHARA ABDELKERIM BICHARA is a noncitizen who was ordered removed on  
8 July 11<sup>th</sup>, 2024, and released on his own recognizance on December 3<sup>rd</sup>, 2024, after being  
9 found inadmissible and denied asylum, deferment of removal, and redetained at a check-  
10 in. He has an appeal pending with the Board of Immigration Appeals (“BIA”). He is  
11 currently detained at the Rio Grande Processing Center. His total time in official  
12 detainment is in excess of 220 days

14 10) NORBAL VASQUEZ is the Warden of Rio Grande Processing Center, a jail in Laredo,  
15 Texas, that contracts with ICE to detain non-citizens. He is responsible for overseeing  
16 Caroline’s administration and management. Mr. VASQUEZ is Petitioner’s immediate  
17 custodian. He is sued in his official capacity.

19 11) DONALD KUSSER is the Field Office Director of the ICE Enforcement and Removal  
20 Operations (ERO) Laredo Field Office (“WAS ICE”) and is the federal agent charged  
21 with overseeing all ICE detention centers in Laredo, Texas. Mr. KUSSER is a legal  
22 custodian of the Petitioner. He is sued in his official capacity.


24 12) KRISTI NOEM is Secretary of the U.S. Department of Homeland Security (DHS). The  
25 DHS oversees ICE, which is responsible for administering and enforcing the immigration  
26 laws. Secretary NOEM is the ultimate legal custodian of Petitioner. She is sued in her  
27 official capacity.  
28



A. 

1 13) PAM BODI is the Attorney General of the United States. She oversees the immigration  
2 court system, which is housed within the Executive Office for Immigration Review  
3 (EOIR) and includes all IJs and the Board of Immigration Appeals (BIA). She is sued in  
4 her official capacity.  
5

6 **STATEMENT OF FACTS**

7 14) Petitioner was born  1993. (See Exhibit 17) He was detained upon entry to the  
8 United States on April 7<sup>th</sup>, 2024, and was held at the Otero Processing Center in  
9 Chapparral, New Mexico. (See Exhibit 17)  
10

11 15) Petitioner was ordered removed on July 11, 2024. (See Exhibit 7) As Petitioner did not  
12 know he was ordered removed, he did not immediately appeal.

13 16) Approximately five months later, on December 3, 2024, Respondent was released on his  
14 own recognizance and resettled in Brooklyn, New York. (See Exhibits 11 and 12). He  
15 promptly notified ICE of his new address and fully complied with his bond check-in  
16 obligations. (See Exhibit 10)  
17

18 17) Respondent subsequently arranged and attended appointments with Lutheran Social  
19 Services of New York on March 5<sup>th</sup>, 17<sup>th</sup>, and 28<sup>th</sup> of 2025, where he met with volunteer  
20 advocate Owen Anderson to prepare his Motion to Reopen. (Exhibit 19) Further meetings  
21 were planned to finalize the application. (See Exhibit 13 for the result).  
22

23 18) On April 7, 2025, Respondent appeared for an ICE check-in at 26 Federal Plaza in New  
24 York, where he was taken into custody and detained overnight. The following day, he  
25 was transferred first to Plymouth County Correctional Facility in Massachusetts and then  
26 to Karnes Detention Center in Texas, where he remained for seven weeks before being  
27 moved again to the Rio Grande Detention Center in Laredo, Texas. (See Exhibit 6).  
28

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1 19) When his attorney of record (regarding his BIA appeal mentioned in Exhibit 15) James  
2 Carlson contacted the Petitioner's detention officer, Martin Osorio, he was told that until  
3 they obtained travel papers for the Petitioner, he wouldn't be removed in the foreseeable  
4 future. (See Exhibit 8 and 9). This could be exasperated by conditions in Sudan, as well  
5 as the fact the US Embassy in Sudan has suspended operations. (See Exhibit 16 and 18).

6  
7 20) In total it has been over 365 days since Petitioner's final removal order was determined.  
8 He has been directly detained for more than 210 days.

9 21) To date, the validity of Respondent's removal order has not been subject to judicial  
10 review, and Respondent is not the subject of any criminal proceedings. See 8 C.F.R. §  
11 1003.3(e). His appeal of the denial of the Motion to Reopen remains pending with the  
12 BIA. (See Exhibit 15) The request for a stay of removal was denied. (See Exhibit 20)  
13  
14

### 15 CLAIMS FOR RELIEF

#### 16 CONSTITUTIONAL CLAIM

17  
18 Petitioner alleges and incorporates by reference paragraphs 1 through 21 above.

19 22) The Due Process Clause applies to all persons in the United States, "whether their  
20 presence here is lawful, unlawful, temporary, or permanent." *Zadvydas* 687. The  
21 Supreme Court emphasized that, "[f]reedom from imprisonment—from government  
22 custody, detention, or other forms of physical lies at the heart of the liberty that [the Due  
23 Process] Clause protects." 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80  
24 (1992)). The Court specifically noted that "[a] statute permitting indefinite detention of  
25 an alien would raise a serious constitutional problem." *Id.*  
26  
27  
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1 23) Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal “shall” be  
2 detained during the first 90 days—the “removal period”—and they “shall” be removed  
3 during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government  
4 “may” continue detention beyond the 90-day removal period if a noncitizen falls within  
5 certain broad categories of removability or is determined “to be a risk to the community  
6 or unlikely to comply with the order of removal.” 8 U.S.C. §1231(a)(6). As ICE released  
7 Petitioner in his own recognizance, and he regularly checked in with ICE (see Exhibit  
8 10), he doesn’t qualify for detention beyond 90 days. In *Zadvydas*, the Supreme Court  
9 construed 8 U.S.C. §1231(a)(6) to authorize detention only where it is significantly likely  
10 that removal will occur in the reasonably foreseeable future, in order to avoid the serious  
11 due process concerns that would be presented by permitting detention for an indefinite  
12 period of time. *Zadvydas* 678. After a noncitizen meets his or her initial burden to show  
13 that no such likelihood of removal exists, the burden shifts to the Government to  
14 “respond with evidence sufficient to rebut [the alien’s] showing.” *Id.* at 701.

15 24) Courts have rejected claims by ICE agents in regard to requiring the submission of  
16 concrete factual information about scheduled flights or repatriation agreements, that  
17 removal is imminent. “[A] theoretical possibility of eventually being removed does not  
18 satisfy the government’s burden once the removal period has expired and the petitioner  
19 establishes good reason to believe his removal is not significantly likely in the reasonably  
20 foreseeable future.” *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6143643, at 5 (W.D.  
21 La. Sept. 17, 2020) (internal quotation marks and citation omitted). “[I]f [ICE] has no  
22 idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly  
23 cannot conclude that [a] removal is likely to occur—or even that it might occur—in the  
24  
25  
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1 reasonably foreseeable future.” Id. at \*5 (internal quotation marks and citation omitted).  
2 *See also, Gomez Barco v. Witte*, No. 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec.  
3 16, 2020) (ordering release of a petitioner who was detained longer than six months  
4 because ICE had not been able to secure necessary travel documents, noting that the ICE  
5 officer “clearly has no factual basis for his ‘belief’ that there is no foreseeable  
6 impediment to Petitioner’s removal or that her removal is imminent,” and that there was  
7 no foundation for the “expectation” that the COVID-19 related travel restrictions in place  
8 would soon be lifted); *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6064881 (W.D. La.  
9 Oct. 14, 2020) (same).

10  
11  
12 25) Under *Zadvydas*, courts have found that there is no significant likelihood of removal and  
13 granted relief where:

- 14 a. No country will accept the petitioner. See, e.g., *Jabir v. Ashcroft*, No. 03-2480,  
15 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner  
16 detained for more than fourteen months after numerous countries refused to  
17 repatriate the petitioner).  
18  
19 b. The petitioner’s country of origin refuses to issue a travel document. See, e.g.,  
20 *Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011)  
21 (granting habeas relief to petitioner detained for approximately one year due to  
22 the Haitian government rejecting the quality of identity documents provided);  
23 *Fermine v. Dir. of Immigr. & Customs Enf’t*, No. 2:06-cv-1578, 2007 WL  
24 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained  
25 for fifteen months due to Trinidad’s refusal to issue travel documents); *Lijadu v.*  
26 *Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting  
27  
28



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1 habeas relief to petitioner detained nineteen months because Nigeria refused to  
2 issue travel documents due to petitioner's HIV status).

3 c. There is no removal agreement between the United States and a country. In these  
4 scenarios, courts have found that the lack of a formal agreement regarding  
5 repatriation, lack of diplomatic relationship, and lack of a functioning government  
6 support a finding that there is no significant likelihood of removal. See, e.g.,  
7 *Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007)  
8 (granting habeas relief to petitioner detained for approximately one year because  
9 the United States did not have a repatriation agreement with Ethiopia and Ethiopia  
10 would not issue travel documents because one of petitioner's parents was not  
11 Ethiopian).

12 d. There is either no response from a country designated for removal or a significant  
13 delay in receiving a response. See, e.g., *Gonzalez-Rondon v. Gillis*, 5:19-cv-109  
14 DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief  
15 to petitioner detained thirteen months where there was no response from  
16 Venezuelan officials).

17 e. ICE fails to take action to secure travel documents for a prolonged period. See,  
18 e.g., *Senor*, 401 F. Supp. 3d at 430–31 (granting habeas relief after ICE initially  
19 requested travel documents but where “there [wa]s no indication from the record  
20 that anyone ha[d] taken any further action in the eight months since that time . . .  
21 to facilitate Senor's receipt of the necessary travel documents”).

22 26) Under these guidelines, the Petitioner's situation falls under ICE's inability to secure his  
23 travel documents for a prolonged period of time. (As seen in Exhibits 8 and 9).

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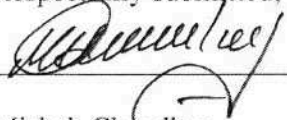
**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

27) Mr. BICHARA ABDELKERIM BICHARA has exhausted his administrative remedies to the extent required by law. (1) He had submitted an Emergency Appeal to Reopen after being made aware of his Final Order of Removal, which was denied (see Exhibit 13); (2) He submitted an appeal, which was rejected (see Exhibit 14); and (3) submitted a brief to the BIA, which is still in process. (See Exhibit 15 and 20) He has fully cooperated with the Respondents and has not delayed or obstructed his detention, complying with authorities each time. (See Exhibit 10). Petitioner's only remedy against unlawful detention is immediate release.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully prays this Court to grant the following relief: (1) To assume jurisdiction over this matter; (2) Issue an order directing Respondent to show cause why the writ should not be granted; (3) grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody, and any further relief the Court sees fit.

Respectfully submitted,

  
Misbah Chaudhry

Immigration Attorney

*Counsel for Petitioner*

Dated: July 22nd, 2025

A 

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, BICHARA ABDELKERIM BICHARA, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 22nd day of July, 2025.

  
Misbah Chaudhry

EXHIBIT

TAB

FIVE



No. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

**BICHARA ABDELKERIM BICHARA,**

A 

vs.

**ORDER TO SHOW CAUSE**

**NORBAL VASQUEZ, IN HIS OFFICIAL  
CAPACITY AS WARDEN OF RIO GRANDE  
PROCESSING CENTER;**

**DONALD KUSSER, IN HIS OFFICIAL  
CAPACITY AS FIELD OFFICE DIRECTOR  
OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, ENFORCEMENT AND  
REMOVAL OPERATIONS LAREDO FIELD  
OFFICE;**

**KRISTI NOEM: IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND SECURITY**

**PAM BONDI: IN HER OFFICIAL CAPACITY  
AS ATTORNEY GENERAL OF THE UNITED  
STATES**

A249-075-637

1 Upon consideration of Petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. 2241, and  
2 memorandum of law that requests, *inter alia*, the issuance of an Order to Show Cause pursuant to  
3 28 U.S.C. §2243, IT IS HEREBY ORDERED that:  
4

- 5 1. Respondents are ORDERED to file a return on the Order to Show Cause why the Petition  
6 for a Writ of Habeas Corpus should not be granted by 07/28/2025.
- 7 2. Petitioner shall have an opportunity to reply by 08/11/2025
- 8 3. A hearing on this case shall be set on. \_\_\_\_\_  
9

10 And such other and further relief as the Court may find appropriate.  
11

12  
13 IT IS SO ORDERED.  
14

15 Dated: \_\_\_\_\_  
16

17 UNITED STATES DISTRICT COURT  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A249-075-637

EXHIBIT

TAB

SIX



Report

Main Menu

## Search Results: 1

**ABDELKERIM BICHARA**

**Country of Birth :** Chad

**A-Number:** 

**Status :** In ICE Custody

**State:** TX

**Current Detention Facility:** RIO GRANDE PROCESSING CENTER

*\* Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

### Related Information

#### Helpful Info

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[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

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EXHIBIT

TAB

SEVEN



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT

Respondent Name:

BICHARA, ABDELKERIM

To:

BICHARA, ABDELKERIM  
26 MCGREGOR RANGE RD  
CHAPARRAL, NM 88081

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

07/11/2024

**ORDER OF THE IMMIGRATION JUDGE**

- ☒ This is a summary of the oral decision entered on 07/11/2024. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☒ Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Deferral of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. § 1208.20

B. Cancellation of Removal

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

**III. Voluntary Departure**

- ☒ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☒ post-conclusion voluntary departure under INA § 240B(b) was ☒ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by



relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- ☐ the presumptive civil monetary penalty amount of \$3,000.00 USD
- ☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### IV. Removal

- ☒ Respondent was ordered removed to Chad
- ☒ In the alternative, Respondent was ordered removed to Sudan
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
- ☐ terminated without prejudice ☐ administratively closed.



- ☐ Respondent's status was rescinded under INA § 246.  
☐ Other:



Immigration Judge: Taylor, Brock 07/11/2024

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


Appeal Due:

#### Certificate of Service

This document was served:

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

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

Respondent Name : BICHARA, ABDELKERIM | A-Number : 

Riders:

Date: 07/11/2024 By: RAMOS, PRESTON, Court Staff

EXHIBIT

TAB

EIGHT

EXHIBIT

TAB

NINE

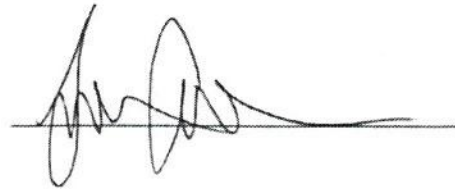
**AFFIDAVIT OF FACTS**

My name is James Carlson, and I am currently practicing at the Law Office of James Carlson at 237 14th Street, Brooklyn, NY 11215. My phone number is (315) 427-8293.

I hereby solemnly affirm and declare under oath the following facts:

- I am one of the attorneys of record regarding Bichara Abdelkerim Bichara.
- On June 18th, 2025, around 1:41PM, I received a phone call from Martin Osorio, a deportation officer, regarding the removal process for Bichara Abdelkerim Bichara.
  - Please see the attached screenshot, which details the contact, phone number, time, date, and duration of the call.
- It was said that no further action could be taken until they had secured travel documents for Bichara Abdelkerim Bichara.
- It was also said that there was no foreseeable date by which such documents could be procured.

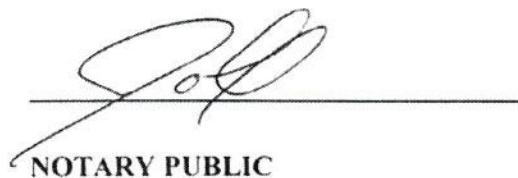
Signature:



Subscribed and sworn to before me, the undersigned notary public, on this 7<sup>th</sup> day of

July 2025.

JOSE F GUZMAN  
Notary Public - State of New York  
No. 01GU0022159  
Qualified in Kings County  
My Commission Expires March 13, 2028



NOTARY PUBLIC



EXHIBIT

TAB

TEN



**U.S. Department of Homeland Security**  
Immigration and Customs Enforcement

---

Enforcement & Removal Operations  
New York Field Office  
26 Federal Plaza, 9<sup>th</sup> Floor  
New York, New York 10278

February 10, 2025

US Department of Homeland Security  
Citizenship & Immigration Services

Re: Bichara, Abdelkerim [REDACTED]

This letter serves as official notice regarding the status of; Bichara, Abdelkerim [REDACTED] On December 23, 2024, Bichara, Abdelkerim [REDACTED] was enrolled on the Intensive Supervision & Appearance Program (ISAP). He has been compliant with the Order as well as the conditions of the Program since that time. This compliance includes his participation with the requirement of face-to-face visits with the Program contractor, Behavioral Interventions, Inc. Bichara, Abdelkerim [REDACTED] is currently in the Post Order phase of the Program. Please contact me if you have any questions or concerns.

Respectfully,

JULISSA  
GUILLIANI

Digitally signed by JULISSA  
GUILLIANI  
Date: 2025.02.10 10:05:19 -05'00'

Julissa Guilliani  
Deportation Officer

EXHIBIT

TAB

ELEVEN

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT  
CHAPPARAL, NEW MEXICO

In the Matter of:

ABDELKERIM, BICHARA

*Respondent*

File No.: A

AFFIDAVIT OF  
BICHARA ABDELKERIM

I, BICHARA ABDELKERIM BICHARA, certify the following under penalty of perjury under the laws of the United States of America.

1. My name is Bichara Abdelkerim Bichara. (My name was incorrectly registered by ICE and EOIR as "Abdelkerim Bichara," but that is just my surname.) I am a native of Sudan and naturalized citizen of Chad, and a member of the Arab-Zaghawa ethnic group that is indigenous to the region on the Chad-Sudan border. I was born on 1993 and am 32 years old. I am currently detained in ICE's custody at the Plymouth County Correctional Center at 26 Long Pond Road, Plymouth, MA, 02360. I write this affidavit in support of my motion to re-open proceedings and stay my removal from the United States.



2. I prepared this statement with the assistance of a Sudanese-Arabic interpreter and my attorney, who helped me organize my words into this format and correct my grammar. This statement has been translated to me in Sudanese-Arabic before signing.

### **My Childhood during the Genocide in Darfur**

3. For the first ten years of my life, I was born and raised in Dokat, a neighborhood in Geneina, Sudan, a city in West Darfur in southwest Sudan, which is about 20 km from the Chadian border. As a child, I lived with my parents and four siblings, and was close to my large extended family, which is part of the Zaghawa-Arab ethnic community. I grew up speaking a dialect of Sudanese-Arabic specific to my region in Darfur.
4. When I was around ten years old, the genocide began in Darfur. The national government armed militia forces to eliminate rebel groups in my region. In the genocide, the Sudanese Armed Forces and militias on both sides tortured and murdered countless innocent people in Darfur simply because we were from marginalized ethnic communities like the Zaghawa, Fur, and Masalit ethnic communities. These factions exploited longstanding ethnic tensions to recruit and conscript fighters for their side, resulting in more in bloodshed and genocide. Over the next two years, the fighting would claim over 200,000 lives and displace another 2.7 million people.
5. In the chaos, my family was targeted by the government as well as by non-Arab Zaghawa tribes in our region who wanted to take over our land and steal our animals and possessions. They killed my father, uncle, and other members of my family, but we could not report them to the authorities because the authorities were also perpetrating a genocide against us for being Zaghawa-Arab, so my mother, my siblings and I fled to Chad with only the clothes on our backs, abandoning our land and all our possessions.

**My Attempt to Resettle in Chad**

6. My surviving family – including me, my mother, my four siblings, and around fifty members of my extended family -- initially resettled in the Gaga Refugee Camp in Id el Gara, Chad, 120 kilometers from my hometown in Sudan. We were issued temporary status as refugees. After several months, we moved to the Farchana Refugee Camp, and then to another camp. These were a large, decentralized camps where we were always under threat of being attacked or robbed because we were vulnerable refugees.
7. In 2006, my mother and siblings returned to Sudan, and I moved by myself to Abeche to be in a city where I can attend grade school. In 2008, I moved to the capital city, N'Djamena, just as the Civil War spilled into the city. As I will explain later, this was the first time that I was kidnapped and tortured because of my ethnicity.
8. In the meantime, I was trying to make a good life for myself. While I was still a teenager and going to school, I volunteered for the Red Cross and Oxfam, helping to fight the cholera epidemic, and was issued a certificate from the United Nations. I graduated high school in 2015 and was admitted to pursue my secondary education baccalaureate in corporate communications at HEC-Chad University. As part of my enrolment in the university, I was issued a Chadian National Identity Card. On December 26, 2019, I was issued my higher education certificate in corporate communications. I received my professional license on February 22, 2021. I soon found a job at a major telecommunications firm. That same year, I received my Chadian passport by paying the required application fee. I received my passport in 2022.
9. I married my wife Aicha Aboubacar Moussa on March 16, 2022. Our daughter [REDACTED] was born [REDACTED] 2023. Unfortunately, before she was born, I was forced to flee Chad and Sudan for my life.

### **My History of Persecution in Chad and Sudan**

10. Although many parts of my life in Chad were going well, I could not escape the fact that I was a Zaghawa-Arab refugee living in Chad, which made me a target for persecution and violence, especially since as I was speaking out on behalf of the rights of refugees. Between 2008 and 2023, I was kidnapped at least seven times by government and paramilitary or militia forces. Each time, I was detained for a week or longer and severely beat and tortured, while also being called my racist slurs. On some occasions, they attempted to conscript me into the Joint Forces, the paramilitary wing of the Sudanese military, and tortured me and killed my friends when I refused.
11. The first time this happened was in February 2008, when three rebel groups launched an attack on N'Djamena during the Chadean Civil War. I had recently moved to the capital city to attend school. After the rebels left the city, the government came in to reclaim the city and detain anyone in certain neighborhoods who looked like me as a perceived rebel. One day, a group of uniformed Zaghawa soldiers from the government came to my home in an armored military vehicle and kidnapped me. I was held and tortured for two or three weeks. They held me down and beat me all over my body with every type of tool they had, at all hours of the day every single day. They told me that if I tried to escape they would kill me. Eventually, I was dropped off at a random location. I collapsed and someone took me to the hospital.
12. This happened again in April 2013. Again I was kidnapped and detained and tortured by uniformed Zaghawa members of the Chadian military because of my ethnic and tribal affiliation.
13. The next instance was after I graduated high school in 2015. I travelled to Dokat, Sudan to show my mother my degree. Upon returning, six militia members from the dominant



Zaghawa ethnic group on the Chadian side of the border attacked people from my tribe and detained me. Some were wearing security uniforms, others were wearing street clothes, but all of them were carrying guns. I was blindfolded and brought to a secret location where I was held for about a month. Almost every day, I was beaten and tortured. [REDACTED]

their bodies to harm me. Eventually I was released.

14. About two years later, in 2017, while I was still in school, I had a speaking engagement in N'Djamena to talk about the conditions for refugees in Chad. Again, Zaghawa members of the Chadean security forces, wearing street clothes again but armed and carrying handcuffs, captured me and told me I didn't have the right to speak up for the rights of refugees. They took me to an undisclosed location and started torturing and beating me. I was tied up with my hands behind my head. They would burn plastic and let it drip on my skin and put cigarettes out on my body, leaving me with many scars and markings. They did whatever they wanted to me, [REDACTED]

[REDACTED] After I was released, I had to spend one or two months in the hospital. I don't remember the rest of that year very well.

15. In 2019, members of the same Zaghawa militia group abducted me while I was walking home from my university in N'Djamena. Four people, each in their late 20s and wearing street clothes and carrying guns, shoved me into a black car while I was coming back from University. I was beaten with sticks in the car as they took me to a secret location where I was held for about two weeks. Again, I was beaten and tortured throughout this time. They told me they were doing this because they did not like my tribe or my color and did not want us in Chad as refugees. Eventually, I was released again.



16. There were other incidents over the years, but they are difficult for me to remember. I get bad headaches when I try to think about them. One time it happened when I was going to a party. They came looking for me specifically. They called for me by name and knew exactly where to find me. Every time, it was the same thing: I was taken to a different location and tortured for a week or more before I would be released.
17. After a final incident in 2023, I was left with no choice but to flee. My wife and I had been visiting Sudan when the Sudanese Civil War broke out around April 2023. The Sudanese army car came and detained and handcuffed me while approaching the Chadian border and demanded that I agree to come serve in the Sudanese army. When I refused, they beat me badly and brought me to a military camp, leaving my family behind. I don't know where I was taken because I was blindfolded. At the camp, they tortured me and killed two of my friends in front of me. They said they would kill me too if I did not agree to fight. Still, I refused. I told them that I was not a fighter, that I had spent my life trying to get away from the fighting to care for my family and pursue my career. They did not care and continued to torture me. They called me racial slurs that translate to "dog," "donkey," and "black," denigrating my skin color and my tribe, and said they would kill me for being an Arab-Zaghawa person. After two weeks, I was able to escape this camp by foot. I got out of the country as quickly as I could. I crossed the border to Abrat, Chad, then to Bushat, then Jumani, and then I flew to Turkey. This was very dangerous for me, because there are security forces everywhere looking for me and people like me.
18. I did not have a lawful status in Turkey. I was threatened with arrest and my brother was arrested. Eventually I was able to arrange to leave. From Turkey, I flew to Mexico, where

I also had no lawful status, to seek asylum at the U.S. border. I travelled through these countries only to reach the U.S. and seek asylum.

19. In each of these many incidents from 2008 to 2023, I was kidnapped and tortured because of my Zaghawa-Arab race, ethnicity, skin tone, and ethnic and tribal affiliations, as well as my status as a Darfuri refugee in Chad, and also because of my political opinions, including my refusal to join the Sudanese armed forces and my acts of speaking out for the rights of refugees in Chad.

20. I was taken to the hospital several times after these kidnappings. On some occasions I needed intensive care. However, I have not been able to obtain records of this from the United States because it is not safe or feasible for me to do so. As a result of this torture, I still have scars and experience permanent pain all over my body.

21. I never went to the police about these kidnappings because my kidnappers were members of the Chadian military and militias. I knew that going to the police would not help me and would put me in a high risk of being captured and tortured again.

22. Meanwhile, after I fled, things only got worse for my family. In 2023, the Sudanese army bombed and raided my village, killing my mother, my grandmother, two of my siblings, my aunt, and other family members. My village was destroyed and everyone who survived fled. There's no one left there. Then my brother was murdered by Sudanese soldiers in 2024. People from my community are being hunted.

#### **My Detention and my Immigration Case in the United States**

23. I entered the United States on April 7, 2024 at Door 36 in El Paso, Texas. I was detained by ICE at a facility in Texas. It was extremely hot and I wasn't able to eat for six days while held in Texas. As a result, I got heat stroke and dehydration, passed out from

dehydration. I had a video call with a doctor, then was brought to the hospital. Three days later it happened again, I passed out and woke up at the hospital. To this day, I still have chronic headaches and nausea from this experience.

24. Eventually I was transferred to the detention center in Chapparal, New Mexico. I was given a Credible Fear screening on April 16, 2024, with an interpreter who spoke standard modern Arabic. It was difficult to understand the questions or respond correctly because I speak Sudanese Arabic. As a result, the officer denied my interview. However, a judge for the immigration court overturned that finding on April 23.
25. I was orally presented with a Notice to Appear on May 14, 2024 charging me with being removable for unlawful presence and correctly alleging that I am a native and citizen of Sudan. In June, I submitted my Form I-589 application for asylum. On July 5, Government amended my NTA to incorrectly allege I am native and citizen of Chad in lieu of my native citizenship in Sudan. I did not understand any of this because it was not translated to me in my language.
26. In July 2024, I was given a hearing. Unfortunately, I couldn't get a lawyer to represent me after reaching out to the legal support numbers I was given. The judge chastised me for not having a lawyer, but I tried, and it was not possible. My hearing lasted five or six hours but was not very productive. Again, I was given an interpreter who only spoke standard Arabic, so it was very difficult to understand anything that was going on. I would have preferred a Sudanese Arabic interpreter, or even a French interpreter, but every time I tried to tell the interpreter I did not understand, she chastised me and talked over me. Every time I was speaking, my interpreter would interrupt me and translate before I was finished. I would try to continue what I was saying, but she would stop me



and move on to the next question. Things became very confused by the constant interruptions. They never asked me if I could understand or checked if the interpreter was translating my words faithfully.

27. Almost half of the hearing was spent asking about why I have a Chadian identity card and why my 2022 visa application to the United States said I had a Chadian passport. The judge said I had lied to the United States and so he had to cancel my application. I tried to explain what happened to me in Chad and how I obtained a Chadian passport, but it was frustrating because the judge and I could not understand each other, so we were not able to discuss my situation in detail. At the end, the Judge rejected my application and asked if I wanted to appeal. I said no because I didn't understand what that meant or what was happening. I would have said yes if I had understood.

28. Because I was in ICE detention in Chaparral, New Mexico during this time, I had no access to any information or resources to aid me in my language in obtaining legal advice or filing an appeal or motion to reopen my case. I was severely depressed.

#### **Release on Order of Supervision**

29. Eventually, on December 3, 2024, I was released on an Order of Supervision. I moved to Brooklyn, New York. I informed ICE of my move and complied with all the terms of my supervision. I began to look for a lawyer who could advise me about my case. I contacted several free legal aid organizations, who told me that they did not have capacity.

30. Eventually, in early February, I received a short, informal consultation with attorney James Carlson while he and I were at a community center together. Nour Lotfy-Nassar served as our interpreter, although she speaks standard Arabic, so we had the usual difficulties in translating between us because I speak Sudanese Arabic. Mr. Carlson



looked up my immigration file with the court and informed me that I had been ordered removed. I did not understand what this meant. Mr. Carlson advised me that it might be possible to correct this but that he did not have the ability to assist me. He advised me to consult with another attorney to see what could be done. Mr. Carlson agreed to prepare my work permit application so that I could begin to support myself.

31. I continued to attend my ICE-check ins and began to look for a lawyer again. I contacted the International Child Program, which referred me to Lutheran Social Services of NY (LSSNY). There, I received a consultation with Owen Anderson, a paralegal at Lutheran Social Services of New York for March 5, 2025, using a French telephonic interpreter. Using a French interpreter was much easier for me than using a standard Arabic interpreter, but it was still hard for me to express myself properly in my second language, since it involved complex and extremely traumatic events. I had two more appointments after that with Mr. Anderson to help me prepare a motion to reopen my case. For these appointments, Mr. Anderson found a Sudanese-Arabic interpreter, which made it much easier to communicate. I attended both of those appointments on March 17 and March 28, and intended to continue to prepare and submit my application with Mr. Anderson's help. However, I was detained on April 7 during an ICE-check in and taken into custody at Plymouth Correctional Center.

32. When I was taken into custody, I called the attorney Mr. James Carlson, who agreed to prepare my motion to reopen my case and stay my removal. Mr. Carlson has agreed to do this work for free, knowing I will be tortured again or killed if I return to Chad or Sudan. He also found a Sudanese-Arabic interpreter for me, after we were unable to communicate using a standard Arabic interpreter.

33. I want to pursue my asylum case and to be safe in the United States. I fear that if I return to Sudan or Chad I will be arrested, tortured, and killed for my ethnicity, beliefs, and status as a Zaghawa-Arab, Darfuri refugee. I ask the court to please reopen my immigration case and allow me to pursue my asylum claim.

Wherefore, I declare under penalty of perjury, that the above statement is true and correct to the best of my knowledge and belief.



---

Bichara Abdelkerim Bichara

April 22, 2025

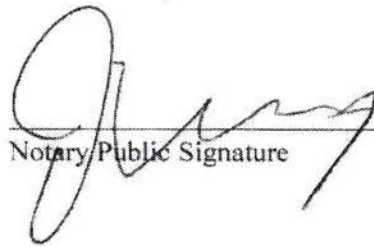
### Notary Attestation

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, County

On this 22nd day of April, 2025, before me, the undersigned notary public, personally appeared **Bichara Abdelkerim Bichara**, who proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she/they) signed it voluntarily for its stated purpose.

As witness my hand and official seal.

  
Notary Public Signature



Jonathan M. Whiting  
NOTARY PUBLIC  
Commonwealth of  
Massachusetts  
My Commission Expires  
9/23/2027

Notary Public Name: Jonathan Whiting

My Commission Expires: 9/23/2027

EXHIBIT  
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TWELVE



To Whom It May Concern:

I, Nour Hany Lotfy-Nassar, certify the following under penalty of perjury:

My name is Nour H. Lotfy-Nassar. I live at [REDACTED] and was born on [REDACTED] I am 23 years old and work as a Tour Manager, Lighting Designer, and Merchandise Manager with the GRAMMY award winning band Steep Canyon Rangers, and Steve Martin & Martin Short.

I met Bichara Abdelkerim while volunteering for a community organization that provides hot meals to newly arrived migrants in Brooklyn. Bichara and I started talking at these distributions and got to know each other a little better. Bichara has always struck me as such a kind and sweet person. He was always eager to help serve the food that was delivered and always stuck around to clean up after. Everyone in our community has come to know and love Bichara as a vital member of our circles.

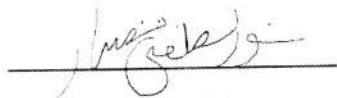
I was lucky enough to get to know him on an individual level and through that heard a lot from him about his journey to the US and his past in Chad and Sudan. Bichara's experience is nothing short of heartbreaking – after being originally displaced from Darfour to Chad, he expressed his frustrations with coming to find a lot of the same experience in Chad. It spoke to the way these conflicts can transcend borders and how persecution was still able to follow him because of his identity. It was always very hard for Bichara to go into too much detail with me, as it very obviously gave him a lot of pain to speak about. He talked with me about his family members being murdered; his mother, father, and several of his siblings were all killed in these conflicts. He mentioned to me that he had gone through torture both in Sudan and Chad and couldn't find any solace or safety from the governments in either place, which ultimately led to his tumultuous journey to the United States.

In January of 2025, Bichara asked me to help him find a lawyer and find out how to get status and a work permit in the United States. I helped him set up a consultation with attorney James Carlson, and volunteered to interpret their consultation, since Egyptian/Standard Arabic is my first language. At our meeting in early February, Mr. Carlson pulled up Bichara's case and told Bichara that he is under a final removal order. This was the first time that Bichara had heard this, and he seemed extremely confused. It seemed like what I was translating still was quite unclear to him because of the differences in our dialects. He didn't seem to understand exactly what the state of his status meant. He expressed that the entire trial process was confusing to him from the start and that he had a lot of trouble with the interpreters that were provided during his time in Immigration Detention. Mr. Carlson agreed to help Bichara apply for a work permit *pro bono* and suggested that Bichara speak to another attorney about his immigration case. However, he did not advise Bichara of his right to file a Motion to Reopen or tell him about the filing deadlines for this motion.

Our consultation was complicated by the fact that it was difficult or impossible for me to adequately translate. As an Egyptian/Standard Arabic speaker, I too struggled with interpreting for Bichara and struggled to fully understand him. The Darfour Arabic dialect is fairly difficult for me to understand at all times so I see how this easily affected his due

process After Bichara was taken back into ICE custody on April 7th, I sought out a Sudanese, and specifically Darfour, interpreter so that Bichara can adequately prepare his motion. Bichara has really appreciated feeling better understood with the sensitivity of what he is sharing, and I am really glad he is able to feel that way through interpreters that are closer to his dialect. Even though we come from neighboring countries (Egypt and Sudan) the Arabic language varies vastly from region to region. I have had difficulties understanding some of my own family members from different regions in Egypt, so it comes as no surprise that it was difficult at times to interpret sensitive information with an attorney.

I have come to know and love Bichara as a friend and older-brother figure. I really hope that he is able to get the support he needs to be able to return into our community and find some safety after such difficult years and loss in his life.

A handwritten signature in black ink, appearing to read 'Nour Hany Lotfy-Nassar', is written over a horizontal line.

Nour Hany Lotfy-Nassar

April 17, 2025

EXHIBIT  
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THIRTEEN



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT

Respondent Name:

BICHARA, ABDELKERIM

To:

Carlson, James  
237 14TH STREET  
BROOKLYN, NY 11215

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

04/23/2025

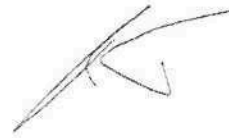
ORDER OF THE IMMIGRATION JUDGE

☒ Respondent ☐ the Department of Homeland Security has filed a motion to reopen these proceedings. Upon reading and considering the motion, and any opposition from the non-moving party, the motion is ☐ granted ☒ denied for the following reason(s):

- ☐ The motion is untimely and fails to meet any exceptions. *See* 8 C.F.R. § 1003.23(b)(1),(4).
- ☐ The motion is numerically barred and fails to meet any exceptions. *See* 8 C.F.R. § 1003.23(b)(1),(4).
- ☒ The moving party failed to provide evidence demonstrating changed circumstances that is material and that was unavailable or could not have been discovered or presented at the previous proceedings. *See* 8 C.F.R. § 1003.23(b)(4)(i).
- ☐ The moving party failed to submit the appropriate application for relief and any accompanying documents. *See* 8 C.F.R. § 1003.23(b)(3).
- ☐ The Respondent has been removed or otherwise departed from the United States. *See* 8 C.F.R. § 1003.23(b)(1).
- ☒ Other:

Respondent received a full and fair hearing on his claims. The Court appropriately denied relief from removal.





Immigration Judge: Taylor, Brock 04/23/2025

**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

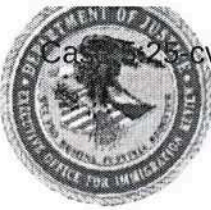
Respondent Name : BICHARA, ABDELKERIM | A-Number :



Riders:

Date: 04/23/2025 By: Taylor, Brock, Immigration Judge

EXHIBIT  
TAB  
FOURTEEN



*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

Carlson, James  
Law Office of James Carlson  
237 14TH STREET  
BROOKLYN, NY 11215

DHS/ICE OPLA-OTERO  
26 MCGREGOR RANGE ROAD, OPLA SUITE  
CHAPARRAL, NM 88081

Name:  
BICHARA, ABDELKERIM

A

Type of Proceeding: Removal

Date of this notice: 5/23/2025

Type of Appeal: Appeal of IJ MTR

Filed By: Alien

**NOTICE -- BRIEFING SCHEDULE**

- o Enclosed is a copy of the decision of the Immigration Judge. If you are receiving this notice electronically, the Immigration Judge's decision is viewable online in the electronic record of proceedings.
- o Appealing party is granted until 6/13/2025 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 6/13/2025 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o **IJ/MTR** - Transcripts are not prepared for appeals from an Immigration Judge's decision on a motion to reopen or reconsider. If you wish to listen to the audio recording of the hearing or obtain copies of audio recordings, you should contact the Immigration Court for assistance. You may also address the need for a transcript in your brief to the Board.

**WARNING:** If you indicate on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file a brief or statement within the time set for filing in this briefing schedule, the Board of Immigration Appeals (Board or BIA) may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

If you are the respondent/applicant and you received this notice, you are not represented by an attorney or accredited representative. An attorney or accredited representative must file a Notice of Entry of Appearance (Form EOIR-27) to represent you. 8 C.F.R. §§ 1003.3(a)(3) and 1003.38(g). Until a Form EOIR-27 is received, you are responsible for submitting a brief, and any submissions by anyone other than you will be rejected.

**FILING INSTRUCTIONS -- In General.**



IMPORTANT: Briefs should always be paginated. Parties should limit their briefs to 30 pages unless directed by the Board. For spacing, parties should use double-spaced text and single-spaced footnotes. Parties are reminded to consult Chapter 3 (Filing with the Board) and Chapter 4.6 (Appeal Briefs) of the BIA Practice Manual, found within EOIR's Policy Manual, which is available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Motions to accept briefs that exceed the page limitation established by the Board are disfavored, and will not be granted absent a showing of extraordinary and compelling circumstances. If a party files a motion to increase the page limit, the motion and the brief need to be filed together.

The Board has included two copies of this notice. Please attach/submit one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for your records. Thank you for your cooperation.

The parties may address any allegations of transcript error or deficiency in the appeal brief. See Chapter 4.2(f)(3) (Defects in the transcript) of the BIA's Practice Manual, found within EOIR's Policy Manual available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir). Please note defects do not excuse the parties from existing briefing deadlines. Those deadlines remain in effect until the parties are notified otherwise. See Chapter 4.7(c) (Extensions) of the BIA's Practice Manual.

A fee is not required for the filing of a brief. Your brief must be RECEIVED at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. As a reminder, electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS** section below is encouraged to ensure timely filing.

It is NOT sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

If you have any questions about how to file something at the Board, please review the BIA Practice Manual, found within EOIR's Policy Manual available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director for HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

#### **FILING INSTRUCTIONS -- Extension Request.**

Extension requests must be RECEIVED by the Board by the brief's original due date; however, requests filed the same day as a brief is due are particularly disfavored and granted only in the most compelling of circumstances. Extension requests received after the due date will not be granted.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time are not favored. There is no automatic entitlement to an extension of the briefing schedule by either party. See Chapter 4.7(c) (Extensions) of the BIA's Practice Manual, found within EOIR's Policy Manual available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir). It is also the Board's policy not to grant second briefing extension requests. Second requests are granted only in extraordinary circumstances.

All extension requests must be in writing. Telephonic, e-mail, or fax request will not be accepted.



**FILING INSTRUCTIONS -- REMINDER**

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address below is encouraged to ensure timely filing.

**FILING ADDRESS:**

Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Kyerewam  
User team: PCM

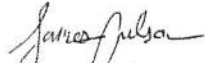
EXHIBIT

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FIFTEEN

**PROOF OF SERVICE**

On June 13, 2025, I, James Carlson, served a copy of the "**RESPONDENTS' BRIEF ON APPEAL OF EMERGENCY MOTION TO REOPEN** " on the Office of Chief Counsel via ECAS.



James Carlson, Esq.

Date: June 13, 2025

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SIXTEEN



## Sudan Travel Advisory

Travel Advisory  
April 22, 2023

Sudan - Level 4: Do Not  
Travel



Reissued with updates to the security situation and post departure status.

Do not travel to Sudan due to armed conflict, civil unrest, crime, terrorism, and kidnapping.

On April 22, 2023, the U.S. Embassy in Khartoum suspended its operations, and the Department of State ordered the departure of U.S. direct hire employees and eligible family members from Embassy Khartoum due to the continued threat of armed conflict in Sudan. The U.S. government cannot provide routine or emergency consular services to U.S. citizens in Sudan, due to the current security situation.

Armed conflict is ongoing throughout Sudan and includes heavy fighting between various political and security groups. The situation is violent, volatile, and extremely unpredictable, particularly in the capital city Khartoum. Electrical and communication disruptions, including internet and cell phone service, can occur at any time. Khartoum International Airport and Sudan's border with Chad are currently closed.

**Country Summary:** Armed conflict, crime, such as kidnapping, armed robbery, home invasion, and carjacking occur.

Members of known terrorist groups and individuals sympathetic to these groups in Sudan could attack with little or no warning, targeting foreign and local government facilities, and areas frequented by Westerners.

Violence continues along the border between Chad and Sudan and areas that border South Sudan (including the disputed Abyei area). Armed



opposition groups are active in Central Darfur state and parts of Blue Nile and South Kordofan states. Intercommunal clashes can occur throughout the country and can result in the declaration of localized States of Emergency.

Read the [country information page](#) for additional information about travel to Sudan.

If you decide to travel to Sudan:

- Exercise extreme care in all parts of the country, including Khartoum.
- Visit our website for [Travel to High-Risk Areas](#).
- Have a personal emergency action plan that does not rely on U.S. government assistance.
- Monitor local media for breaking events and be prepared to adjust your plans.
- Be aware of your surroundings.
- Stay alert in areas frequented by Westerners.
- Review your personal security plan and visit our page on travel to high-risk areas.
- Draft a will and designate appropriate insurance beneficiaries and/or power of attorney.
- Discuss a plan with loved ones regarding care/custody of children, pets, property, belongings, non-liquid assets (collections, artwork, etc.), funeral wishes, etc.
- Share important documents, log-in information, and points of contact with loved ones so that they can manage your affairs if you are unable to return as planned to the United States. [Find a suggested list of such documents here](#).
- Develop a communication plan with family and/or your employer or host organization so that they can monitor your safety and location as you travel through Sudan. This



plan should specify who you would contact first, and how they should share the information.

- Avoid demonstrations and public gatherings. Even events intended to be peaceful can become violent.
- Enroll in the Smart Traveler Enrollment Program (STEP) to receive Alerts and make it easier to locate you in an emergency.
- Follow the Department of State on Facebook and Twitter.
- Review the Country Security Report for Sudan.
- Prepare a contingency plan for emergency situations. Review the Traveler's Checklist.





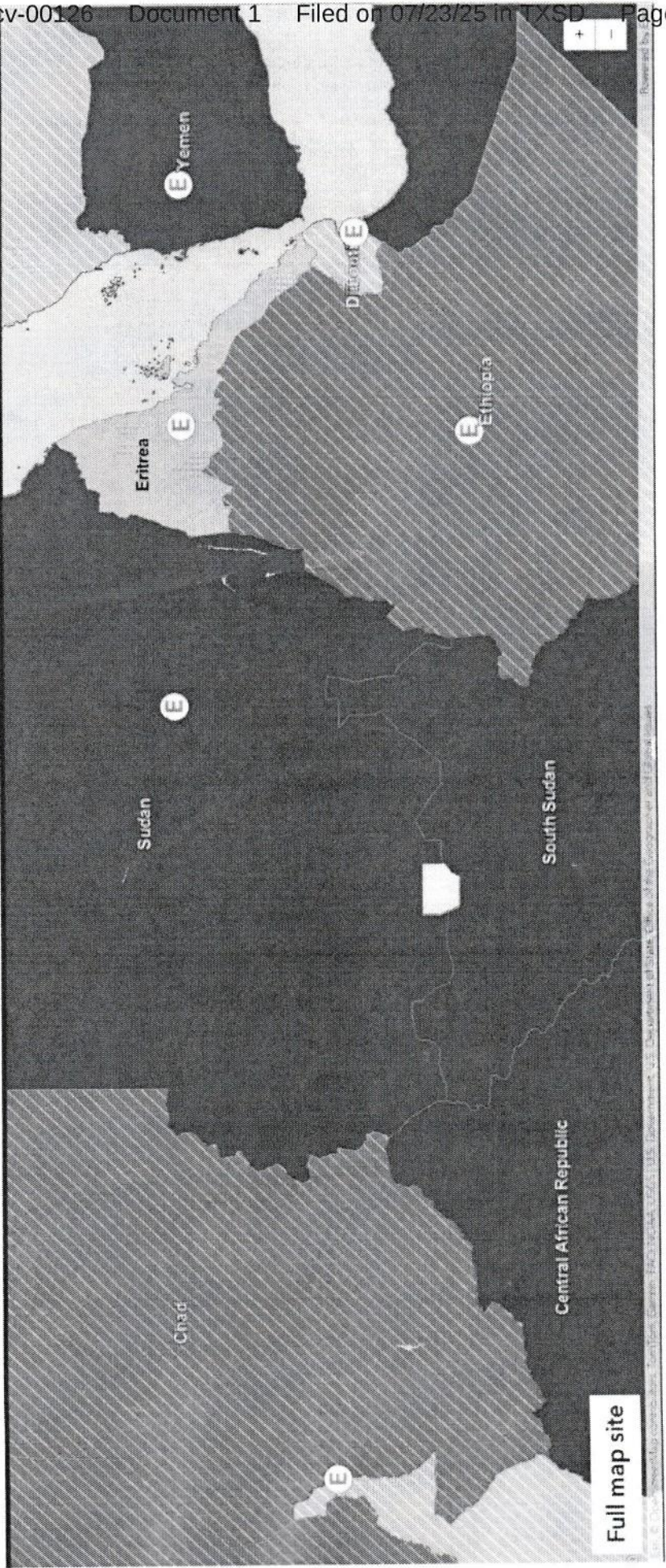




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FORM I-870 (Rev 05/12/2023)

**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
**Record of Determination/Credible Fear Worksheet**

<b>ZHN</b> Asylum Office Code	 A-File Number	<b>BICHARA</b> Noncitizen's Last/ Family Name
<b>Khadejah Harden</b> Asylum Officer	<b>SUDAN</b> Noncitizen's Nationality	

***All statements in italics must be read to the applicant***

**SECTION I: INTERVIEW PREPARATION**

1.1 Date of Arrival: **Apr 7, 2024** 1.2 Place of Encounter: **Inland**  
1.3 Detention status at interview: **Detained** 1.4 Date of Detention: **Apr 7, 2024**  
1.5 Place of Detention: **OTERO CO PROCESSING CENTER, 26 MCGREGOR RANGE RD, CHAPARRAL NM, 880810000**  
1.6 Intended destination upon release from detention or non-detained address in the U.S.: **New York**  
1.7 Date of Interview: **2024-04-16**  
1.8 Interview Site (applicant's location): **OTRPCNM - OTERO CO PROCESSING CENTER**  
1.9 Interview mode: **Telephonic**  
1.10 Applicant received and signed Form M-444 and relevant pro bono list: **Yes**  
Date signed: **Apr 9, 2024**  
1.11 If orientation more than one week from date of detention, explain delay: **-**  
1.12 Does applicant have consultant(s)/representative? **No**  
1.13 Persons present at the interview (select which apply and indicate if in person or by telephone or video conference): **No one other than applicant, officer, and interpreter (if applicable)**  
1.14 Language used by applicant in interview:

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**ARABIC**

1.15 Interpreter used in interview?

**Yes**

Was the interpreter a contractor or provided by the applicant?

**Contractor**

1.16 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

**Yes**

*The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today will be used in deciding your claim and may be used in any future immigration proceedings. It is important that we understand each other. If at any time you do not understand me, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.*

**SECTION II: BIOGRAPHIC INFORMATION**

2.1 Last Name / Family Name:

**BICHARA**

2.2 First Name:

**ABDELKERIM**

2.3 Middle Name:

**-**

2.4 Date of Birth:

**[REDACTED]**

2.5 Gender:

**Male**

2.6 Other names and dates of birth used:

**[REDACTED]**

2.7 Country of Birth:

**Sudan**

2.8 Country(ies) of citizenship:

• **SUDAN**

2.9 Address prior to coming to the U.S. (list address, city/town, province, state, department and country):

**I lived in Istanbul in Turkey I don't know the address**

2.10 Applicant's race or ethnicity:

**Black**

2.11 Applicant's religion:

**Muslim**

2.12 All languages spoken by applicant:

• **ENGLISH**

2.13 Marital Status:

**Married**

2.14 Did spouse arrive with applicant?

**No**

2.15 Is spouse included in applicant's claim?

**No**

2.16 If currently married (including common law, informal marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

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**Full Name: Aicha Abu Baker Mousa | Date of Birth: [REDACTED] | Citizenship: Chad | Present Location: Chad**

2.17 Children:

Yes

2.18 List any children:

**1) Full Name: [REDACTED] B [REDACTED] A [REDACTED] | Date of Birth: [REDACTED] 2023 | Citizenship: Chad | Present Location: Chad A-Number: | Arrived with Applicant: NO | Included in Applicant's Claim: NO**

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists?

Yes

Explain Medical Condition:

**I experience emotional problems my 2 sisters and mother have passed and 2 days ago my grand-mother is deceased**

2.20 Has applicant notified the facility of medical condition?

No

2.21 Does applicant claim that the medical condition relates to torture?

No

2.22 Does applicant have an email address?

Yes

2.23 If yes, please list all email addresses for the applicant:

**bicharabenabdelkerim@gmail.com**

2.24 If yes, can the applicant receive confidential information related to their asylum case at the above email address(es)?

Yes

2.25 Does applicant have a U.S. phone number?

No

2.26 If yes, please list phone number and type (mobile/landline)

N/A

2.27 What is the highest level of education the applicant has completed?

**Post-Secondary**

### SECTION III: CREDIBLE FEAR INTERVIEW

**The attached notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for the purposes of this threshold screening.**

The asylum officer shall elicit all relevant and useful information bearing on whether the applicant has a credible fear of persecution or torture. Typed Question and Answer (Q&A) interview notes and a summary of material facts as stated by the applicant, any additional facts relied upon by the officer, and analysis of the claim must be attached to this form for all credible fear decisions. These Q&A notes must reflect that the

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applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear of persecution or torture.

☒ 3.1 At the conclusion of the interview, the asylum officer must read the following to the applicant:

*If USCIS determines you have a credible fear of persecution or torture, or, if applicable, a reasonable possibility of persecution or torture, your case will either be referred to an Immigration Judge or may be retained for an asylum merits interview with a USCIS asylum officer, where you may seek asylum or related protection known as withholding of removal. If you are detained, U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection will also consider whether you may be released from detention. If USCIS determines that you do not have a credible fear of persecution or torture, or where applicable that you do not have a reasonable possibility of persecution or torture, you may ask an Immigration Judge to review the determination. If you are found not to have a fear of persecution or torture, and you do not request review from an immigration judge, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?*

☒ 3.2 At the conclusion of the interview, the asylum officer must read a summary of the claim to the applicant.

#### SECTION IV: CREDIBLE FEAR FINDINGS

#### **A. CREDIBLE FEAR DETERMINATION (AND REASONABLE POSSIBILITY DETERMINATION, WHERE APPLICABLE)**

##### **CREDIBILITY**

- ☒ 4.1 Applicant found credible  
☐ 4.2 Applicant found not credible

##### **NEXUS**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 4.3 Race                                    | <input type="checkbox"/> 4.4 Religion                       | <input type="checkbox"/> 4.5 Nationality         |
| <input type="checkbox"/> 4.6 Membership in a Particular Social Group |   |  |
| <input type="checkbox"/> 4.7 Political Opinion                       | <input type="checkbox"/> 4.8 Coercive Family Planning (CFP) | <input checked="" type="checkbox"/> 4.9 No Nexus |

##### **CREDIBLE FEAR FINDING**

- ☐ 4.10 Credible fear of persecution established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution established.
- ☐ 4.11 Credible fear of torture established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of torture established.
- ☒ 4.12 Credible fear of persecution NOT established and credible fear of torture NOT established, or in the case of a noncitizen determined to have no credible fear of persecution because they are ineligible

for asylum pursuant to 8 CFR 208.33(a), reasonable possibility of persecution NOT established and reasonable possibility of torture NOT established.

## B. POSSIBLE BARS

☐ 4.13 There are reasonable grounds to believe that the applicant may be subject to a bar(s) to asylum or withholding of removal (select all that apply):

☐ 4.14 Particularly Serious Crime

☐ 4.15 Security Risk

☐ 4.16 Aggravated Felon

☐ 4.17 Persecutor

☐ 4.18 Terrorist

☐ 4.19 Firmly Resettled

☐ 4.20 Serious Non-Political Crime Outside the United States

☒ 4.21 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal

## C. IDENTITY

☒ 4.22 Applicant's identity was determined with a reasonable degree of certainty (select all that apply):

☒ 4.23 Applicant's own credible statements (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty)

☐ 4.24 Passport which appears to be authentic

☐ 4.25 Other evidence presented by applicant or in applicant's file

☐ 4.26 Applicant's identity was not determined with a reasonable degree of certainty (Explain in additional information field below)

## SECTION V: ASYLUM OFFICER / SUPERVISOR NAME AND SIGNATURES

**Khadejah Harden**

5.1 Asylum Officer

Signed by: Khadejah Harden on

Tuesday, April 16, 2024, 5:05 pm

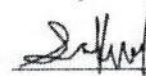
5.2 Asylum Officer's Signature

**2024-04-16**

5.3 Asylum Officer's Decision Date

**S.Kinay**

5.4 Supervisory Asylum Officer



5.5 Supervisory Signature

**2024-04-18**

5.6 Date Supervisor Approved Decision

## ADDITIONAL INFORMATION/CONTINUATION

Noncitizen is subject to the condition on asylum eligibility at 8 CFR 208.33(a) and has not shown a significant possibility that they are excepted from the condition or can rebut the presumption against eligibility. Therefore, the noncitizen has not established a significant possibility of establishing eligibility for asylum and has received a negative credible fear of persecution determination. Noncitizen was then screened

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for eligibility for statutory withholding of removal or CAT protection under a "reasonable possibility of persecution" and "reasonable possibility of torture" standard.

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U.S. EMBASSY IN SUDAN

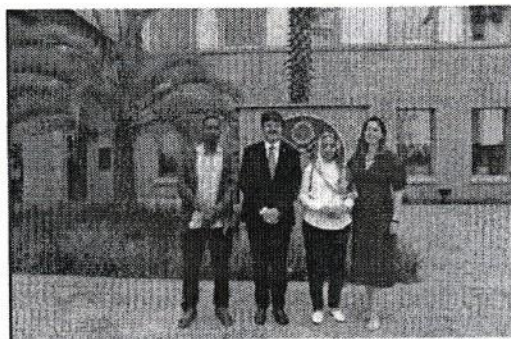
### Suspension of Operations at Embassy Khartoum

The U.S. Embassy in Khartoum suspended its operations (to include visa, passport, and other routine consular services) on April 22, 2023.



### Deputy Secretary Landau's Meeting with the United Arab Emirates, Saudi...

U.S. DEPARTMENT of STATE



[Deputy Secretary Landau's Meeting with the United Arab Emirates, Saudi...](#)

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To whom it may concern,

My name is Owen Anderson. I am a paralegal for Lutheran Social Services of New York (LSSNY)'s Immigration Legal Program, Legal Support Center located at 413 East 120<sup>th</sup> Street New York, NY 10035. I hereby certify that the following is a true and correct accounting of the legal services that Abdelkerim BICHARA received on a *pro se* basis from LSSNY:

1. I had an in-person legal consultation with Abdelkerim Bichara on March 5, 2025, at LSSNY's office at 413 East 120<sup>th</sup> Street. He was originally referred to LSSNY by International Child Program (ICP), a nonprofit that is contracted by the New York City Mayor's Office of Immigrant Affairs (MOIA), which oversees and partially funds LSSNY's Legal Support Center project in East Harlem. International Child Program receives newly arrived African community members and refers them to LSSNY to be screened for immigration benefit eligibility.
2. Using telephonic French interpretation, Abdelkerim was able to express to me that he was in ICE detention at the Otero County Processing Center in New Mexico. He was in ICE detention from his time of arrival in the US on April 9, 2024 until his release on December 4, 2024. He did not have access to interpretation in his native dialect of Sudanese Arabic at any time during his detention. He was ordered removed in July 2024 while still in ICE detention. Abdelkerim explained that upon his release from ICE custody, he was severely traumatized and depressed. He explained that suffered extreme violence in Sudan and Chad and continues to suffer the effects of this persecution today.
3. After determining with my supervising attorneys that he was eligible for services at LSSNY, I scheduled Abdelkerim to return to the office on March 17, 2025 and begin preparing a *pro se* Motion to Rescind/Reopen his case in Removal Proceedings. The same day, I drafted Form I-589 to include as a supplemental exhibit in the motion which Abdelkerim signed. French interpretation was used once again for this session.
4. On March 28, 2025, Abdelkerim returned to the office again to prepare an affidavit, also to be included as a supplemental exhibit in his motion to reopen. Sudanese Arabic interpretation via Language Line Solutions LLC was used for this session. To prepare the affidavit, Abdelkerim provided additional information about the extent of his persecution in Sudan and Chad, highlighting the fact that he and his family belong to the *Zaghawa-Arab* ethnic minority group in Sudan and were victims of the Darfur and Masalit massacres of 2003 and 2023, which claimed the lives of most of his family members.
5. During our third in-person session on March 28, 2025, Abdelkerim shared with me copies of a tourist Visa application to the US that he submitted while he was living in Chad as a refugee. He explained to me that he was pressured by Chadian authorities to claim he was a Chadian national who was born in N'Djamena in order to apply for a passport. He

expressed that he feared for his life in Chad because he had been arrested and tortured several times by the authorities for refusing to be conscripted into the Chadian army. Abdelkerim believed this Visa application was the only option to flee Chad; although the Chadian authorities knew he was a Sudanese refugee, he said that Chadian authorities often force refugees to make such false claims on their applications. Because of this, Abdelkerim expressed a strong fear of returning to both Sudan, his country of birth, and Chad, where he was threatened and tortured by the army and forced to submit documents claiming he is a Chadian national, which is untrue. He explained to me that Sudanese refugees, especially ethnic minorities such as Zaghawa-Arab people, often suffer further persecution and continued racial/ethnic oppression after fleeing Sudan.

Sincerely,



Owen C. Anderson

Paralegal | Lutheran Social Services of New York

75 West 125<sup>th</sup> Street 4<sup>th</sup> Fl., New York, NY 10027

Phone: (212) 265-1826



EXHIBIT  
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TWENTY



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*

*Office of the Clerk*

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*5107 Leesburg Pike, Suite 2000*

*Falls Church, Virginia 22041*

**Carlson, James**  
**Law Office of James Carlson**  
**237 14TH STREET**  
**BROOKLYN NY 11215**

**DHS/ICE OPLA-OTERO**  
**26 MCGREGOR RANGE ROAD, OPLA SUITE**  
**CHAPARRAL NM 88081**

**Name: BICHARA, ABDELKERIM**

A 

**Date of this Notice: 7/21/2025**

Enclosed is a copy of the Board's stay decision.

Sincerely,

A handwritten signature in black ink, appearing to read "John Seiler", is positioned above the printed name and title.

John Seiler  
Acting Chief Clerk

Enclosure

Userteam: Paralegal

**NOT FOR PUBLICATION**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

Abdelkerim BICHARA, A 

Respondent

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**FILED**

Jul 21, 2025

ON BEHALF OF RESPONDENT: James Carlson, Esquire

IN REMOVAL PROCEEDINGS  
On Motion for Stay of Removal before the Board of Immigration Appeals

Before: Goodwin, Appellate Immigration Judge

GOODWIN, Appellate Immigration Judge

**STAY ORDER**

The respondent has filed a request for a stay of removal while his appeal of an Immigration Judge's denial of a motion to reopen is pending with the Board of Immigration Appeals. After consideration of all the information, the Board has concluded that a stay of removal is not warranted.

Accordingly, the following order shall be entered.

ORDER: The request for stay of removal is denied.