

6. As of the date of this Petition (August 1st, 2025), almost six months have elapsed since removal proceedings were concluded, yet Petitioner's detention continues with no end in sight.

7. DHS has not made any progress indicating that Petitioner's removal is reasonably foreseeable.

8. Syria continues to be a Temporary Protected Status Designated Country, and Respondent, a member of the minority Druze community in Syria would be subject to certain persecution as recent country conditions show.

9. Under these circumstances, Petitioner's indefinite detention violates clearly established law.

10. Once removal is no longer reasonably foreseeable, continued civil immigration detention beyond a "presumptively reasonable" 6-month period is unlawful.

11. After six months, if the noncitizen provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the government must rebut that showing or release the detainee.

12. Here, nearly six months have passed since Petitioner's case was closed, and removal is not on the horizon, triggering the constitutional limits identified in *ZADVYDAS V DAVIS*, 533 U.S. 678 (2001).

13. Detaining Petitioner indefinitely serves no legitimate purpose: DHS cannot effectuate removal, yet refuses to release him.

14. The justifications for civil immigration detention – preventing flight and protecting the community – evaporate when removal is not reasonably foreseeable.

15. Petitioner has no history of violence or dangerousness, and any theoretical flight risk is "weak or nonexistent where removal seems a remote possibility".

16. His continued incarceration has thus become punitive, in violation of the Fifth Amendment's Due Process Clause.

17. Numerous courts have recognized that prolonged immigration detention without a realistic prospect of removal or a hearing raises grave constitutional concerns.

18. "Indefinite detention" and limit detention to a period reasonably necessary to secure removal is forbidden.

19. Petitioner's prolonged detention – now surpassing five months – is unconstitutional and unlawful.

20. It violates 28 U.S.C. § 2241 because he is "in custody in violation of the Constitution or laws of the United States."

21. It violates the Due Process Clause of the Fifth Amendment because it has continued long after it ceased to serve any valid governmental objective, without any individualized assessment of necessity.

22. ICE detention of the Petitioner without making progress on removal lacks any connection to the agency's detention authority and cannot be justified.

23. Petitioner seeks the most basic relief: to be released from this unlawful custody. In the alternative, at minimum, due process entitles him to a bond hearing where the government must justify any further detention.

24. Accordingly, Petitioner respectfully requests that this Court issue a writ of habeas corpus ordering his immediate release.

25. Petitioner further seeks a declaration that his continued detention is unlawful and unconstitutional.

II. JURISDICTION AND VENUE

26. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas corpus jurisdiction) and 28 U.S.C. § 1331 (federal question jurisdiction), as Petitioner is presently in custody under color of authority of the United States and claims violation of the Constitution, laws, or treaties of the United States.

27. This Court also has jurisdiction under the Suspension Clause (Article I, § 9, cl. 2 of the U.S. Constitution), which guarantees the availability of habeas corpus review for persons unlawfully detained by the government.

28. The Court may grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and may issue injunctive relief pursuant to Federal Rule of Civil Procedure 65 and its inherent equitable powers.

29. In addition, the All Writs Act, 28 U.S.C. § 1651, provides authority for the Court to issue orders in aid of its jurisdiction, including orders necessary to protect Petitioner's rights during the pendency of this action

30. No statute strips this Court of jurisdiction to consider Petitioner's challenge to his detention.

31. Petitioner is not challenging a final order of removal, but rather the legality of his indefinite detention and the failure to provide a bond hearing. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar habeas review of such detention claims. Federal district courts therefore retain jurisdiction under § 2241 to hear noncitizens' challenges to the legality of their immigration detention.

32. Venue is proper in the Western District of Texas (San Antonio Division) pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2241. Petitioner is detained within this District at the STDF in Pearsall, and the immediate custodian (the STDF Warden) is located in this District. A

substantial part of the events and omissions giving rise to this claim (namely, Petitioner's detention) are occurring in this District.

33. No rule or precedent requires that the petition be filed in any other district. Venue in this Court is therefore proper.

III. EXHAUSTION OF REMEDIES

34. Petitioner has no administrative remedies to exhaust for the claims raised in this Petition. Petitioner challenges the legality and constitutionality of his continued detention, which is a question squarely within the purview of the federal courts on habeas review.

35. There is no administrative process by which Petitioner could obtain the relief he seeks now that removal proceedings have been terminated. In particular, immigration courts lack jurisdiction to redress Petitioner's constitutional claim.

36. Thus, Petitioner has no further administrative avenue to secure his release or even a custody hearing.

37. Exhaustion is not required here in any event: to the extent Petitioner raises constitutional due process claims, no administrative agency exists that could adjudicate those claims.

38. Requiring exhaustion would cause irreparable injury through continued unlawful detention, and any delay is unwarranted.

39. Accordingly, this Petition is properly before this Court, and Petitioner's claims are ripe for judicial review.

IV. PARTIES

40. Petitioner Wael Farashi (A# ) is a citizen of Syria. He is a member of the Druze ethnic religious minority in Syria. He fled his home country due to fear of persecution and arrived in the United States in 2024 seeking protection. Petitioner was apprehended by U.S.

authorities and has been detained at the South Texas Detention Facility in Pearsall, Texas since July 2024. Petitioner is subject to a final order of removal issued on February 24, 2025; however, to date, no meaningful efforts have been undertaken by the government to effectuate his removal. As a result, he remains in prolonged immigration detention with no foreseeable prospect of release or removal, in violation of the constitutional and statutory limits governing such detention. Petitioner has no criminal record. He is the sole party on whose behalf this Petition is brought.

41. **Respondent Warden of the South Texas Detention Facility** is Petitioner's immediate custodian. The Warden is the federal official (or contractor acting under color of federal authority) responsible for the operation of STDF and for the custody of detainees held there, including Petitioner. The Warden is sued in his official capacity as the representative of ICE and DHS in custody matters at STDF. Respondent has the immediate power to release Petitioner. No other or further respondent is necessary for this habeas corpus action, as the Warden is the proper respondent under 28 U.S.C. § 2243. To the extent any additional officials (such as the San Antonio ICE Field Office Director or the Director of ICE) are deemed necessary to effectuate relief, Petitioner asks the Court to construe this Petition as including such officers as needed for full relief.

V. FACTUAL BACKGROUND

42. Syria has been gripped by civil war and political upheaval since 2011, resulting in one of the most severe humanitarian crises in the world. The country has suffered mass displacement, infrastructure collapse, famine, and prolonged armed conflict. In light of these extraordinary and life-threatening conditions, the U.S. Department of State has long designated Syria as categorically unsafe for return, and the Department of Homeland Security (DHS) has continuously extended Temporary Protected Status (TPS) for Syrian nationals on the basis of "ongoing armed conflict" and "extraordinary and temporary conditions" that prevent safe repatriation.

43. The collapse of basic state infrastructure, ongoing sectarian violence, and the absence of a unified and effective central government render repatriation to Syria both impracticable and dangerous.. U.S. authorities have been reluctant to deport people into an active conflict zone.

44. As of early 2025, Syria remains deeply affected by conflict and humanitarian crises. Nearly 7.2 million Syrians are displaced within their own country, forced to flee their homes due to violence and insecurity. More than 16 million people urgently need humanitarian aid, while over 90% of the population lives in poverty. Access to clean water, food, and medical care is extremely limited, making conditions unsafe and unstable for anyone considering return.

45. In July 2025, sustained sectarian clashes in the city of Sweida led to the deaths of more than 1,300 people and displaced nearly 93,000 individuals in a matter of days. Earlier in the year, similar unrest erupted in Jaramana, a Damascus suburb, underscoring the persistent instability and the inability of the Syrian state to ensure public safety or protect returnees.

46. In fact, the current administration has not flown any deportation flights to Syria and no plans are reasonably foreseeable or feasible.

47. There have been no routine or documented repatriation flights from the United States to Syria in recent years. The U.S. government has consistently refrained from effectuating removals to Syria, citing operational barriers, lack of diplomatic coordination, and the grave risks involved.

48. To date, the United States has not flown a single deportation flight to Syria in over a decade, and there are no publicly disclosed plans or infrastructure in place to resume such operations.

49. DHS has reaffirmed Syria's TPS designation in every review cycle since 2012, most recently extending protections based on "continuing armed conflict and extraordinary and temporary conditions that prevent nationals from safely returning."

50. In prior TPS notices, DHS has recognized that removal to Syria would "pose a serious threat to the personal safety" of those affected

51. Petitioner has been detained by ICE, with no realistic possibility of removal to Syria, as repatriation flights to Syria remain unavailable and the Syrian government is unable to accept deportees.

52. According to official ICE data, removals to Syria are virtually nonexistent. In Fiscal Years 2021 through 2024, ICE reported zero confirmed direct removals to Syria, underscoring the government's long-standing practice of suspending deportations to that country for humanitarian and logistical reasons. Unlike other countries with functioning consular relationships, Syria has no practical mechanisms for accepting deportees.

53. In addition, Petitioner lacks valid travel documents, and there is no indication that the Syrian government is willing or able to issue such documents for his repatriation.

54. This demonstrates the practical impossibility of removal.

55. Habeas corpus is therefore Petitioner's only remaining recourse to challenge the legality of his detention and to vindicate his constitutional rights.

VI. CAUSES OF ACTION

COUNT ONE: Violation of the Fifth Amendment – Unlawful Prolonged Detention (Due Process)

56. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

57. Respondent's continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

58. The Fifth Amendment guarantees that no person shall “be deprived of life, liberty, or property, without due process of law.”

59. This protection extends to all persons on U.S. soil, including noncitizens such as Petitioner, and encompasses both substantive and procedural due process rights.

60. ***Substantive Due Process Violation.*** Petitioner’s detention has surpassed a duration that is constitutionally permissible for civil immigration custody, especially given that his removal is not reasonably foreseeable. Civil detention becomes unreasonable and punitive when it is no longer tied to its regulatory purpose

61. Here, there is no legitimate governmental purpose served by continuing to detain Petitioner. Petitioner’s ongoing imprisonment is indefinite – potentially permanent – since DHS cannot effectuate removal. Under *Zadvydas*, even where detention begins as lawful, it “violates [due process]” once it extends beyond a reasonable period with no prospect of removal

62. Petitioner’s detention, with removal not in sight, constitutes an excessive and arbitrary infringement of his liberty. It is not narrowly tailored to any sufficient government interest and thus amounts to punishment, which is forbidden in civil detention

63. ***Procedural Due Process Violation:*** Petitioner’s prolonged detention without any opportunity for a hearing to contest his confinement also violates procedural due process.

64. The Fifth Amendment requires that a person detained by the government be given a meaningful opportunity to be heard at a meaningful time.

65. Yet Petitioner has been denied any hearing whatsoever to determine if his continued detention is justified. Unlike many immigration detainees who get at least one bond hearing (for example, those under 8 U.S.C. § 1226(a)), Petitioner has had zero chance to present his case for release.

66. Petitioner's detention has exceeded that point. Fundamental fairness dictates that Petitioner should receive, at minimum, an individualized hearing where the government must justify any further detention. By depriving him of this, Respondent has violated procedural due process.

67. The *Mathews v. Eldridge* balancing test confirms the procedural due process violation.

68. ***Private Interest:*** Petitioner's interest in freedom from bodily restraint is paramount – the Supreme Court recognizes physical liberty as a fundamental interest. Petitioner has now lost months of his life to prison-like confinement, which exacts a profound personal toll.

69. ***Risk of Erroneous Deprivation:*** The risk of error in Petitioner's case is exceedingly high because no neutral decision-maker has ever reviewed whether Petitioner's detention is necessary. ICE's custody decisions are entirely opaque and one-sided, with no adversarial testing of the facts. Petitioner may not be a flight risk or danger at all, but without a hearing, he remains jailed based on unreviewed assumptions. The value of additional safeguards is obvious: an independent judge could assess alternatives to detention, consider Petitioner's circumstances, and correct any mistake in keeping him locked up.

70. ***Government's Interest:*** The government's interest in detaining Petitioner is minimal or nonexistent at this stage. Because removal cannot be effectuated, continued detention no longer serves the immigration system's goals of ensuring removal or protecting the community. Petitioner has no serious criminal history and has demonstrated compliance when not detained (indeed, he has never had the chance to be on supervision). Any generalized interest in deterrence or immigration enforcement does not justify indefinite detention of an individual who cannot be removed.

71. On balance, due process required the government to provide Petitioner with a custody hearing before a neutral adjudicator. Its failure to do so is unconstitutional.

72. By detaining Petitioner for an unreasonably prolonged period with no realistic prospect of removal, and by denying him any hearing to challenge his detention, Respondent has violated Petitioner's Fifth Amendment right to due process.

73. Petitioner has suffered and continues to suffer harm as a direct and proximate result of these violations. Each additional day of unlawful detention compounds the injury to Petitioner's liberty and well-being.

74. Declaratory and injunctive relief are warranted to remedy this ongoing constitutional violation.

COUNT TWO: Violation of *ZADVYDAS V. DAVIS*, 533 U.S. 678 (2001)

75. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

76. Continued detention becomes unconstitutional when it exceeds a "reasonable period" (often cited as six months under *Zadvydas*).

77. Petitioner's detention fails *Zadvydas*'s test: "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized"

78. Because the United States currently does not conduct deportations to Syria due to ongoing armed conflict and severe diplomatic instability, removal to that country is not operationally feasible.

79. In addition, Petitioner lacks valid travel documents, and there is no indication that the Syrian government is either willing or able to issue such documents to facilitate his repatriation.

80. As a result, there is no significant likelihood that Petitioner can be removed in the reasonably foreseeable future.

81. Because Petitioner's removal is not foreseeable at all in the current posture, his detention is not authorized.

82. By detaining Petitioner in violation of the constraints recognized in *Zadvydas v. Davis*, Respondent has acted unlawfully. Petitioner asks this Court to declare his detention unlawful and order his release.

COUNT THREE: Writ of Habeas Corpus (28 U.S.C. § 2241) – Unlawful Custody in Violation of the Constitution and Laws

83. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

84. By this Count, Petitioner expressly invokes 28 U.S.C. § 2241 to challenge his custody as unlawful. The foregoing facts demonstrate that Petitioner is held in violation of both constitutional and statutory law.

85. Habeas corpus is the appropriate remedy to address his unlawful detention. Petitioner has a fundamental right to be free from restraints on his liberty except as permitted by law.

86. Respondent's actions (and inaction) have resulted in Petitioner's imprisonment "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

87. Petitioner has established multiple independent grounds for relief: (a) violation of the Due Process Clause (as alleged in Count One); (b) violation of *Zadvydas* constitutional standards; and (c) violation of DHS's own regulations and duties to effectuate removal or release within a reasonable time.

88. Any one of these grounds renders his detention unlawful; combined, they present a compelling case for immediate habeas relief.

89. Petitioner has no alternate remedy at law. Monetary damages cannot redress the loss of liberty and hardship he is enduring.

90. Only release from custody can remedy the ongoing unlawful restraint on Petitioner's freedom. Each additional day of detention is irreparable harm to Petitioner.

91. Accordingly, pursuant to 28 U.S.C. § 2241, this Court should issue the writ of habeas corpus or an equivalent order commanding Respondent to release Petitioner from custody forthwith.

92. In the alternative, the Court should order Respondent to provide Petitioner with a constitutionally adequate custody hearing by a date certain, and if release is not granted at such hearing, report back to this Court with justification for continued detention.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner Wael Farashi respectfully requests that this Court grant the following relief:

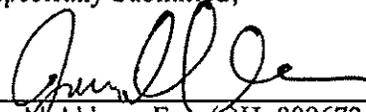
- A. **ISSUE** a Writ of Habeas Corpus (28 U.S.C. § 2241) or an order in the nature of a writ, directing Respondent to immediately **RELEASE** Petitioner from ICE custody. Petitioner is prepared to comply with any appropriate conditions of release, such as reporting or monitoring, that the Court or ICE may require to reasonably assure public safety and future appearance.
- B. **ORDER**, in the alternative to outright release, Respondent to provide Petitioner with a prompt individualized bond hearing before an immigration judge (or, if that is not available, before this Court), to take place within 14 days of the Court's order. At that hearing, the government should bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified (i.e., that he poses a flight risk

or danger that cannot be mitigated). If the government cannot meet that burden, Petitioner should be released on appropriate terms.

- C. **DECLARE** that Petitioner's continued detention is unlawful and unconstitutional. Specifically, declare that Petitioner's detention beyond five months without a foreseeable removal or a bond hearing violates the Due Process Clause of the Fifth Amendment and exceeds statutory authority.
- D. **ENJOIN** Respondent, his agents, employees, and all persons acting under his direction or control, from continuing to detain Petitioner in violation of the law. This may include a permanent injunction against Petitioner's further detention on the same basis absent a significant change in circumstances (such as securing of travel documents and a likelihood of immediate removal).
- E. **AWARD** Petitioner his reasonable attorneys' fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, or other applicable law, if Petitioner prevails in this action.
- F. **GRANT** such other and further relief as the Court deems just and proper in the interests of justice. This includes any relief necessary to ensure Petitioner's rights are protected during the pendency of this action (such as an order for periodic status reports on efforts to remove Petitioner).

Dated: August 4, 2025

Respectfully Submitted,



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VERIFICATION

Counsel for Petitioner (Counsels for Petitioner certify that, pursuant to 28 U.S.C. § 2242, this Petition is verified by the undersigned counsel upon information and belief, as Petitioner is in custody and unable to personally sign. The facts stated herein have been either directly witnessed by counsel or reliably reported by Petitioner and documentary evidence.)

