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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Farhad Navaie,

10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,

13 Respondents.
14

No. 2:25-cv-3002-PHX-MTL (MTM)

Reply to Response to Order to Show Cause

15 Despite the fact that Mr. Navaie has been interviewed by representatives of the Iranian
16 Interests Section of the Pakistani Embassy twice in the last 45 days, ICE is no closer to removing
17 him than they were when Mr. Navaie filed this petition. This is so because ICE has told Mr.
18 Navaie twice in the last 45 days that travel documents are not forthcoming because he does not
19 have his original Iranian birth certificate and passport. The government has not satisfactorily
20 explained why Mr. Navaie’s removal is reasonably foreseeable. This Court should grant the
21 petition.

22 Nothing has changed with respect to the government’s ability—or, more accurately,
23 inability—to obtain travel documents for Mr. Navaie from the Iranian Interests Section. In 2001,
24 the Iranian Interests Section informed the INS that it would not issue travel documents because
25 Mr. Navaie does not have his original Iranian birth certificate and passport. (Dkt. #19 at 3; DHS-
26 75; Dkt. #29-1 at 1 ¶ 4) INS nevertheless told Mr. Navaie that his travel document was
27 forthcoming and he would be removed in the reasonably foreseeable future. (Dkt. #19 at 3) He
28

1 remained in detention. In February 2002 he filed a habeas petition with this Court, alleging that
2 his continued detention in INS custody was illegal under *Zadvydas v. Davis*, 533 U.S. 678 (2001),
3 because he could not obtain travel documents that would allow him to return to Iran. The Iranian
4 Interests Section again explained that it would not issue travel documents. (Dkt. #19 at 4; DHS-
5 374; Dkt. #29-1 at 2 ¶ 6) INS released Mr. Navaie on August 4, 2002, and the petition was
6 dismissed as moot 10 days later. (Dkt. #19 at 4; Dkt. #29-1 at 2 ¶ 9) One of the conditions of his
7 release was that he cooperate with obtaining travel documents. (DHS-357, DHS-358; Dkt. #29-1
8 at 2 ¶ 10) There has been no suggestion that Mr. Navaie has failed to comply with this
9 requirement.

10 Instead, there is no evidence before this Court that respondents or their predecessors
11 attempted to obtain travel documents for Mr. Navaie between August 2002 and March 2025,
12 when he was re-detained when he appeared for a check-in the day after it was scheduled. (Dkt.
13 #19 at 4) ICE says that after Mr. Navaie was returned to detention, it tried to obtain these travel
14 documents, but there is no indication that ICE ever successfully delivered the required
15 documents to the Iranian Interests Section, or that the Iranian Interests Section has ever
16 acknowledged or responded to ICE's requests. (Dkt. #19 at 5) ICE nevertheless told Mr. Navaie
17 that these travel document requests were "pending." (Dkt. #29-1 at 2 ¶ 12)

18 Since Mr. Navaie's current petition has been fully briefed, ICE says that it has facilitated
19 two different interviews between Mr. Navaie and the Iranian Interests Section. On October 10,
20 2025, the Iranian Interests Section apparently notified ICE that "an interview was necessary
21 before they would issue a travel document." (Dkt. #28-1 at 3 ¶ 4) This interview took place on
22 October 15. According to deportation officer Jesus Perez, the Iranian Interests Section told ICE
23 that "they needed additional documentation from the Petitioner's parent or self." (Dkt. #28-1 at
24 3 ¶ 5) This is so because the Iranian Interests Section again told Mr. Navaie that travel
25 documents would not be issued because Mr. Navaie could not produce his original Iranian birth
26 certificate and passport. (Dkt. #29-1 at 3 ¶ 13) On November 17, Mr. Navaie was taken to the
27 Otay Mesa Detention Center in San Diego for an in-person interview with the director of the
28

1 Iranian Interests Section. (Dkt. #28-1 at 3 ¶ 6; Dkt. #29-1 at 3 ¶ 14) The director told Mr. Navaie
2 that the Iranian Interests Section would not be issuing travel documents because Mr. Navaie did
3 not have his original Iranian birth certificate and passport. (Dkt. #29-1 at 3 ¶ 14) He was returned
4 to the San Luis Regional Detention Center two days later. (Dkt. #28-1 at 3 ¶ 7)

5 Mr. Perez says that these interviews are “a necessary step in obtaining a travel document
6 from Iran.” (Dkt. #28-1 at 3 ¶ 8) It is also true that another necessary step in obtaining a travel
7 document is that satisfactory documentation be provided to the Iranian Interests Section, so that
8 the travel document will be issued according to the established criteria. That has not happened—
9 not last month, not last year, not last decade, and not the decade before that. It may be technically
10 true that a response is “pending” from the Iranian Interests Section. (Dkt. #28-1 at 3 ¶ 9) But
11 ICE knows what that answer will be—and has known since 2001. The answer will be NO.

12 Mr. Navaie has met his initial burden of producing evidence that his removal is not likely
13 in the reasonably foreseeable future. Indeed, he has prevailed in this Court before on the same
14 claim. ICE is no closer to obtaining travel documents for Mr. Navaie now than it was in 2001,
15 when the Iranian Interests Section first notified the INS that travel documents would not be
16 issued. *See Senor v. Barr*, 401 F. Supp. 3d 420, 430 (W.D.N.Y. 2019). “The government has not
17 given this Court any reason to believe that removal is significantly likely to occur in the
18 reasonably foreseeable future.” *Id.* at 431. Between March and September 2025, the Iranian
19 Interests Section ignored whatever requests ICE may have made for travel documents for Mr.
20 Navaie. In the last 45 days, the Iranian Interests Section has twice told Mr. Navaie that travel
21 documents are not forthcoming. This Court must order his release. *See Zadvydas*, 533 U.S. at
22 699–701.

23 Respectfully submitted:

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