

Sean Lai McMahon (SBN: 329684)
California Collaborative for Immigrant Justice
1999 Harrison St, Ste 1800
Oakland, CA 94612
(415) 875-0550
sean@ccijjustice.org

Pirzada Ahmad (*pro hac vice* application forthcoming)
Dontzin, Kolbe & Fleissig LLP
31 E 62nd St, FL 7
New York, NY 10065
(212) 717-2900
pahmad@dkfllp.com

Counsel for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

G.A.A.¹,

Petitioner,

v.

TONYA ANDREWS, in her official
capacity as Facility Administrator of
Golden State Annex Detention Facility,

MOISES BECERRA, in his official
capacity as Acting Field Office Director of
the Immigration and Customs
Enforcement, Enforcement and Removal
Operations, San Francisco,

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security; and

PAM BONDI, in her official capacity as
Attorney General of the United States,

Respondents.

No.

**PETITION FOR A WRIT OF
HABEAS CORPUS**

¹ Petitioner plans to file a motion for leave to proceed under pseudonym using Petitioner's initials, "G.A.A."

1 Petitioner G.A.A., by and through his undersigned counsel, hereby petitions for a writ of
2 habeas corpus seeking a permanent injunction barring Respondents from violating Petitioner's due
3 process rights and circumventing this Court's jurisdiction by unlawfully removing him to a third
4 country without a meaningful opportunity to be heard on a potential fear-based claim for relief.
5 This petition is brought pursuant to 28 U.S.C. § 1331, 28 U.S.C. §§ 2201 and 2202, 28 U.S.C. §
6 2241, the Immigration and Nationality Act, and the Due Process Clause of the Fifth Amendment
7 to the U.S. Constitution.

8
9
10 Dated: August 29, 2025

Respectfully submitted,

/s/ Sean Lai McMahon

Counsel for Petitioner

TABLE OF AUTHORITIES**Page(s)****Cases**

<i>A. A. R. P. v. Trump</i> , 145 S. Ct. 1364 (2025).....	12, 15, 23
<i>Aden v. Nielsen</i> , 409 F. Supp. 3d 998 (W.D. Wash. 2019).....	12, 13, 22, 24
<i>Andriasian v. I.N.S.</i> , 180 F.3d 1033 (9th Cir. 1999).....	<i>passim</i>
<i>Barajas-Romero v. Lynch</i> , 846 F.3d 351 (9th Cir. 2017).....	11, 18
<i>D.V.D. v. DHS</i> , 778 F. Supp. 3d 355 (D. Mass. Apr.18, 2025).....	<i>passim</i>
<i>Demore v. Kim</i> , 538 U.S. 510 (2003).....	26
<i>Dep't of Homeland Sec. v. D.V.D.</i> , 145 S. Ct. 2153 (2025) (Sotomayor, J., dissenting).....	14, 23
<i>DHS v. D.V.D.</i> , No. 24A1153, 2025 WL 1732103 (U.S. June 23, 2025).....	14
<i>Dzyuba v. Mukasey</i> , 540 F.3d 955 (9th Cir. 2008).....	13
<i>Gomez v. Chestnut</i> , No. 2:25-CV-00975-GMN-BNW, 2025 WL 1695359 (D. Nev. June 17, 2025).....	16, 25
<i>J.R. v. Bostock</i> , No. 2:25-CV-01161-JNW, 2025 WL 1810210 (W.D. Wash. June 30, 2025).....	16, 25
<i>Jama v. ICF</i> , 543 U.S. 335 (2005).....	12, 21, 25
<i>Johnson v. Guzman Chavez</i> , 141 S. Ct. 2271 (2021).....	11
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).....	26
<i>Melendres v. Arpaio</i> , 695 F.3d 990 (9th Cir. 2012).....	9

1	<i>Misirbekov v. Venegas</i> ,	
2	No. 1:25-CV-00168, 2025 WL 2201470 (S.D. Tex. Aug. 1, 2025)	16, 25
3	<i>Najjar v. Lynch</i> ,	
4	630 Fed. App'x. 724 (9th Cir. 2016)	8, 12, 21, 24
5	<i>Navas v. INS</i> ,	
6	217 F.3d 646 (9th Cir. 2000).....	11, 17
7	<i>Nguyen v. Scott</i> ,	
8	No. 2:25-CV-01398, 2025 WL 2097979 (W.D. Wash. July 25, 2025)	16, 25
9	<i>Phan v. Beccerra</i> ,	
10	No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735 (E.D. Cal. July 16, 2025)	16, 25
11	<i>Trump v. J. G. G.</i> ,	
12	145 S. Ct. 1003 (2025).....	21
13	<i>Vaskanyan v. Janecka</i> ,	
14	No. 5:25-CV-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. June 25, 2025)	<i>passim</i>
15	<i>Zadvydas</i> , 533 U.S. at 687-88	9, 20, 26
16	Statutes	
17	5 U.S.C. § 702	9
18	8 U.S.C. § 1158(a)(2)	10
19	8 U.S.C. § 1231	9, 12
20	8 U.S.C. § 1231(a)(1)(B)(i).....	17
21	8 U.S.C. § 1231(b)	11
22	8 U.S.C. § 1231(b)(2)(D)–(E)	12
23	8 U.S.C. § 1231(b)(3)(A)	11, 12, 25
24	28 U.S.C. § 1331	2, 9
25	28 U.S.C. § 1391(b)(2).....	9
26	28 U.S.C. § 1391(e)(1).....	9
27	28 U.S.C. §§ 2201 and 2202	2, 9
28	28 U.S.C. § 2241	2, 9
	28 U.S.C. § 2241(c)(3).....	9

1	28 U.S.C. § 2242	28
2	All Writs Act, 28 U.S.C. § 1651	9
3	Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412.....	26
4	Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 103-277, div.	
5	G, Title XXII, § 2242(a), 112 Stat. 2681, 2681–822 (1998).....	9
6	INA, 8 U.S.C. § 1101 et seq.....	9
7	INA, 8 U.S.C. § 1231(a)(6).....	25, 26
8	INA § 212(d)(5)	7
9	INA § 212(d)(5)	18
10	INA § 212(d)(5)	18
11	INA § 212(d)(5)	18
12	INA § 241(a)(3)	7, 18
13	INA § 241(b)(3)	7, 17
14	INA § 241(b)(3)(A).....	11, 18
15	Removal and Relief Under the Immigration and Nationality Act	10
16	Other Authorities	
17		
18	8 C.F.R. § 208.33(a).....	11, 17
19	8 C.F.R. § 1003.38(b)	11
20	8 C.F.R. § 1208.16(f)	11
21	8 C.F.R. § 1208.17(b)(2).....	11
22	8 C.F.R. § 1241.1(c).....	17
23	8 C.F.R. § 1241.1	11
24	8 CFR §§ 208.16(c)(4), 208.17(a) (2004).....	12, 25
25	8 CFR § 212.5(b)(1).....	18
26	88 Federal Register 31314 (May 16, 2023)	11, 17
27	Federal Rules of Civil Procedure Rule 65(b)(1)(B).....	29
28		

TABLE OF CONTENTS

<u>INTRODUCTION.....</u>	<u>7</u>
<u>JURISDICTION AND VENUE.....</u>	<u>9</u>
<u>PARTIES.....</u>	<u>10</u>
<u>LEGAL FRAMEWORK.....</u>	<u>10</u>
I. Withholding of Removal and Relief Under the Immigration and Nationality Act....	11
II. Requirements for and Reasonable Foreseeability of Lawful Third Country Removal	12
<u>STATEMENT OF FACTS.....</u>	<u>17</u>
I. Petitioner's Immigration and Custody Status.....	17
II. G.A.A. Has Expressed a Credible Fear of Removal to the Third Countries	19
Respondents Have Identified	19
<u>ARGUMENT.....</u>	<u>19</u>
I. Removal of G.A.A. to Any Third Country Without Mandatory Procedural Protections	20
Is Unlawful.....	20
<u>CLAIMS FOR RELIEF</u>	<u>24</u>
COUNT I.....	24
COUNT II.....	24
<u>PRAYER FOR RELIEF.....</u>	<u>25</u>

INTRODUCTION²

1
2 1. Petitioner G.A.A. (G.A.A. or Petitioner) is a citizen and national of Cameroon who
3 remains in the custody of the United States Department of Homeland Security (DHS), Immigration
4 and Customs Enforcement (ICE) (Government), despite winning his immigration case more than
5 six months ago. On February 6, 2025, an immigration judge (IJ) granted G.A.A. withholding of
6 removal to Cameroon under § 241(b)(3) of the Immigration and Nationality Act (INA) because
7 G.A.A. would likely be tortured and/or persecuted if deported there on the basis of a protected
8 status related to political expression and social and/or ethnic group membership. Exhibit 2 (Release
9 Request) at 11 (Exhibit B to Release Request: Order of IJ Granting Withholding of Removal).
10 G.A.A. has been detained under DHS custody at Golden State Annex Detention Facility (GSA) in
11 McFarland, California for almost 15 months.

12 2. Sometime after his Withholding of Removal Order became final, G.A.A. was
13 informed by ICE that it would attempt to remove him to a third country. Ex. 2. ICE told G.A.A.
14 that they would seek his removal to Brazil, Bolivia, Chad, Liberia, or Nigeria. *Id.* G.A.A. is not a
15 citizen of and has no connection to any of those countries. *Id.* at 16 (Exhibit C to Release Request:
16 Sworn Declaration of G.A.A.).

17 3. On August 6, 2025, G.A.A.'s counsel submitted a request to ICE for G.A.A.'s
18 immediate release from ICE custody in accord with INA § 241(a)(3) and/or on parole under INA §
19 212(d)(5) and DHS Secretary Mayorkas's Memorandum, "Guidelines for the Enforcement of Civil
20 Immigration Law," which went into effect on November 29, 2021. *Id.* Among other critical
21 positions, that request explained G.A.A. fears removal to each of the three identified countries and
22 demanded ICE comply with its obligations to provide him with sufficient notice and meaningful
23 opportunity to reopen removal proceedings upon a potential designation of any third country for
24 removal. *Id.* In other words, G.A.A.'s counsel asked that ICE give him his statutory and
25 constitutional opportunity to explain to an IJ why his life or freedom would be threatened by
26 removal to a specific third country. *Id.* Respondents have not yet responded to G.A.A.'s counsel.

27
28 ² Petitioner's counsel apologizes for any errors in this filing. We are filing as quickly as possible given the circumstances.

1 4. Tonight, Respondents appeared ready to immediately remove G.A.A. out of GSA.
2 Exhibit 1 (Affidavit of Madhavi Narayanan). They drained his commissary account, essentially
3 blocking his access to counsel. Based on Petitioner's counsel's recent experiences with another
4 client at GSA, this is a sign Respondents could remove him literally within hours. Respondents
5 have not yet told G.A.A. if/where they plan on taking him or whether they seek to imminently
6 remove him. Respondents did not even attempt to contact G.A.A.'s counsel despite knowing that
7 he is represented by counsel. Ex. 2 at 6–9 (Exhibit A: Notice of Appearance). Respondents' failure
8 to contact counsel is all the more egregious considering counsel recently submitted a release request
9 and stated G.A.A. maintains a credible fear of removal on the basis of protected status

10 5. It is apparent that if Respondents remove G.A.A. to a third country, they will do so
11 unlawfully, brazenly ignoring their statutory, regulatory, and due process obligations. On July 9,
12 2025, DHS adopted a policy memorandum stating that they would remove non-citizens to third
13 countries with only 24 hours or less notice and no meaningful opportunity to assert a fear-based
14 claim—just as G.A.A. successfully did with respect to his home country. *See* Exhibit 3 (July 9,
15 2025 Third Country Removals Memo).

16 6. Ninth Circuit precedent is clear: “Failing to notify individuals who are subject to
17 deportation that they have the right to apply for asylum in the United States and for withholding of
18 deportation to the country to which they will be deported violates both INS regulations and the
19 constitutional right to due process.” *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999)
20 (finding that “last minute” designation of alternative country without meaningful opportunity to
21 apply for protection “violate[s] a basic tenet of constitutional due process”). *See also Najjar v.*
22 *Lynch*, 630 Fed. App'x. 724 (9th Cir. 2016) (same). This Court should join a host of other recent
23 courts in enjoining Respondents from circumventing the Court's jurisdiction, INS regulations, and
24 due process by removing G.A.A. to a third country without mandatory protections. *See, e.g.,*
25 *Vaskanyan v. Janecka*, No. 5:25-CV-01475-MRA-AS, 2025 WL 2014208, at *6 (C.D. Cal. June
26 25, 2025) (holding “third-country removals are subject to the same mandatory protections that exist
27 in removal or withholding-only proceedings”).

28 7. The stakes are real. G.A.A.'s protected status is likely to subject him to persecution

1 and/or torture in other third countries that the Government has solicited to accept non-citizens
 2 subject to removal. Ex. 2. Or worse, he could be repatriated to Cameroon by way of a third country
 3 removal. *See, e.g.*, Exhibit 5 (New York Times Article Re: Eswatini Repatriating Deportees);
 4 Exhibit 6 (Reuters Article Re: Libya Repatriating Deportees). He must be given his statutory,
 5 regulatory, and constitutional right to be meaningfully heard on a fear-based claim prior to removal
 6 to a third country. Irreparable harm is obvious given the risk of persecution and torture. Moreover,
 7 it “is well established that the deprivation of constitutional rights ‘unquestionably constitutes
 8 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v.*
 9 *Burns*, 427 U.S. 347, 373 (1976)). And “it is always in the public interest to prevent the violation
 10 of a party's constitutional rights.” *Id.* (internal citation omitted).

11 8. Therefore, G.A.A. petitions this Court for a writ of habeas corpus pursuant to 28
 12 U.S.C. § 2241 to enjoin Respondents from unlawfully effectuating a third country removal without
 13 mandatory statutory, regulatory, and due process protections.

14 JURISDICTION AND VENUE

15 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, as G.A.A.
 16 is currently in federal immigration custody and seeks habeas corpus relief for ongoing violations
 17 of the U.S. Constitution, federal statutes, and applicable regulations. *See, e.g., Zadvydas*, 533 U.S.
 18 at 687-88 (“We conclude that § 2241 habeas corpus proceedings remain available as a forum for
 19 statutory and constitutional challenges to post-removal-period detention.”) This case arises under
 20 the INA, 8 U.S.C. § 1101 et seq., the regulations implementing the INA, the Foreign Affairs Reform
 21 and Restructuring Act of 1998 (FARRA), Pub. L. No. 103-277, div. G, Title XXII, § 2242(a), 112
 22 Stat. 2681, 2681–822 (1998) (codified as Note to 8 U.S.C. § 1231), and the regulations
 23 implementing the FARRA. Jurisdiction also exists under 28 U.S.C. § 1331, as this action arises
 24 under the laws and Constitution of the United States.

25 10. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, and
 26 the Court has supplemental remedial authority under the All Writs Act, 28 U.S.C. § 1651, to issue
 27 such writs as may be necessary to preserve its jurisdiction and protect Petitioner's rights. The
 28 Government has waived its sovereign immunity pursuant to 5 U.S.C. § 702.

11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because G.A.A. is detained at GSA Detention Facility in Kern County within the Eastern District of California.

PARTIES

12. Petitioner G.A.A. is a native and citizen of Cameroon who has been in ICE custody since May 30, 2024, and is detained at Golden State Annex Detention Facility in McFarland, California.

13. Respondent Tonya Andrews is the Facility Administrator of GSA. She is an employee of GEO Group, the private company that contracts with ICE to run GSA. In her capacity as Facility Administrator, she oversees the administration and management of GSA. Accordingly, Respondent Andrews is the immediate custodian of G.A.A. G.A.A. brings this action against Respondent Andrews in her official capacity.

14. Respondent Moises Becerra is the Acting Field Office Director of the ICE Enforcement and Removal Operations (“ERO”) San Francisco Field Office. In that capacity, he is charged with overseeing all ICE detention centers in Northern California, Hawaii, Guam, and Saipan and has the authority to make custody determinations regarding individuals detained there. Respondent Becerra is a legal custodian of G.A.A. G.A.A. brings this action against Respondent Becerra in his official capacity.

15. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. DHS oversees ICE, which is responsible for the administration and enforcement of immigration laws and has supervisory responsibility for and authority over the detention and removal of non-citizens throughout the United States. Respondent Noem is the ultimate legal custodian of G.A.A. G.A.A. brings this action against Respondent Noem in her official capacity.

16. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General, she oversees the immigration court system, including all IJs and the Board of Immigration Appeals, and has authority over immigration detention. G.A.A. brings this action against Respondent Bondi in her official capacity.

LEGAL FRAMEWORK

1 **I. Withholding of Removal and Relief Under the Immigration and Nationality Act**

2 17. Non-citizens in immigration removal proceedings may seek three main forms of
3 relief based on a fear of returning to their home country: asylum, withholding of removal, and
4 Convention Against Torture (CAT) relief. Non-citizens may be ineligible for asylum for several
5 reasons. *See* 8 U.S.C. § 1158(a)(2). Relevant here, under President Biden’s Circumvention of
6 Lawful Pathways Final Rule, individuals who entered the United States through a country other
7 than their origin country—i.e. individuals from countries other than Mexico who entered through
8 the southern border—without inspection from May 10, 2023 through May 10, 2025 were
9 presumptively ineligible for asylum unless they qualified for a narrow exception. *See* 88 Federal
10 Register 31314, (May 16, 2023); 8 C.F.R. § 208.33(a). There are fewer restrictions on eligibility
11 for withholding of removal, *id.* § 1231(b)(3)(B)(iii).

12 18. To be granted withholding of removal under the INA, a non-citizen must objectively
13 establish that it is “more likely than not” (i.e. 50%+) that the applicant’s race, religion, nationality,
14 membership in a particular social group, or political opinion would be “a reason” his or her “life or
15 freedom would be threatened” in the future. INA § 241(b)(3)(A); *Barajas-Romero v. Lynch*, 846
16 F.3d 351, 359 (9th Cir. 2017). The “clear probability” standard required for withholding of removal
17 is much more stringent than the “well-founded fear” standard for asylum. *Navas v. INS*, 217 F.3d
18 646, 663 (9th Cir. 2000).

19 19. When an IJ grants a non-citizen withholding or CAT relief, the IJ issues a removal
20 order and simultaneously withholds or defers that order with respect to the country or countries for
21 which the non-citizen demonstrated a sufficient risk of persecution or torture. *See Johnson v.*
22 *Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021). Once withholding or CAT relief is granted, either
23 party has the right to appeal that decision to the BIA within 30 days. *See* 8 C.F.R. § 1003.38(b). If
24 both parties waive appeal or neither party appeals within the 30-day period, the withholding or
25 CAT relief grant and the accompanying removal order become administratively final. *See id.* §
26 1241.1.

27 20. When a non-citizen has a final withholding or CAT relief grant, they cannot be
28 removed to the country or countries for which they demonstrated a sufficient likelihood of

persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.17(b)(2). While ICE is authorized to remove non-citizens who were granted withholding or CAT relief to alternative countries, *see* 8 U.S.C. § 1231(b); 8 C.F.R. § 1208.16(f), the removal statute specifies restrictive criteria for identifying appropriate countries. Non-citizens can be removed, for instance, to the country “of which the [non-citizen] is a citizen, subject, or national,” the country “in which the [non-citizen] was born,” or the country “in which the [non-citizen] resided” immediately before entering the United States. 8 U.S.C. § 1231(b)(2)(D)–(E).

II. Requirements for and Reasonable Foreseeability of Lawful Third Country Removal

21. If ICE identifies an alternative country of removal, the “noncitizen must be given sufficient notice of a country of deportation that, given his capacities and circumstances, he would have a reasonable opportunity to raise and pursue his claim for withholding of deportation.” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009 (W.D. Wash. 2019). *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (“If [non-citizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, *see* 8 CFR §§ 208.16(c)(4), 208.17(a) (2004)”).

22. Ninth Circuit precedent is clear: “Failing to notify individuals who are subject to deportation that they have the right to apply for asylum in the United States and for withholding of deportation to the country to which they will be deported violates both INS regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at 1041 (finding that “last minute” designation of alternative country without meaningful opportunity to apply for protection “violate[s] a basic tenet of constitutional due process”). *See also Najjar*, 630 Fed. App’x. 724 (“In the context of country of removal designations, last minute orders of removal to a country may violate due process if an immigrant was not provided an opportunity to address his fear of persecution in that country.”) In practice, the “guarantee of due process includes the right to a full and fair hearing, an impartial decisionmaker, and evaluation of the merits of his or her particular claim.” *Aden*, 409 F. Supp. 3d at 1010 (ordering the same for non-citizen petitioner and holding

ICE “has an affirmative obligation to make a determination regarding a noncitizen's claim of fear before deporting” them). This is because “third-country removals are subject to the same mandatory protections that exist in removal or withholding-only proceedings.” *Vaskanyan*, 2025 WL 2014208, at *3–9 (citation omitted). *See also A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1368 (2025) (“notice roughly 24 hours before removal, devoid of information about how to exercise due process rights to contest that removal, surely does not pass muster”).

23. Of course, an opportunity to present a fear-based claim is only meaningful if the noncitizen is not deported before removal proceedings are reopened. *See Aden*, 409 F. Supp. 3d at 1010 (holding that merely giving petitioner an opportunity to file a discretionary motion to reopen “is not an adequate substitute for the process that is due in these circumstances”); *Dzyuba v. Mukasey*, 540 F.3d 955, 957 (9th Cir. 2008) (remanding to BIA to determinate whether designation is appropriate).

24. Yet, since the current administration has taken office, it has been attempting to increase its deportation of non-citizens to third countries by any means necessary—mostly blatantly unlawful ones.

25. On March 23, 2025, a putative nationwide class challenged this government practice in *D.V.D. v. DHS* and obtained a temporary restraining order and later a preliminary injunction for a certified class, blocking third country removals without notice and a meaningful opportunity to seek CAT protection. *D.V.D. v. DHS*, 778 F. Supp. 3d 355, 392–93 (D. Mass. Apr. 18, 2025). Under the *D.V.D.* injunction, the government was required to provide class members the following:

- Written notice of the third country in a language that the noncitizen can understand to the individual and their attorney, if any,
- An automatic 10-day stay between notice and any actual removal,
- Ability to raise a fear-based claim for CAT protection prior to removal, and:
 - If the noncitizen demonstrates “reasonable fear” of removal to the third country, DHS must move to reopen the noncitizen’s immigration proceedings.
 - If the noncitizen does not demonstrate a “reasonable fear” of removal to the third country, DHS must provide a meaningful opportunity, and a minimum of fifteen

1 days, for the noncitizen to seek reopening of their immigration proceedings.

2 *Id.*

3 26. DHS's third-country removal policy pales in comparison to these statutorily and
4 constitutionally necessary protections. On March 30, 2025, DHS issued "Guidance Regarding
5 Third Country Removals" that "clarified DHS policy regarding the removal of aliens with final
6 orders of removal ... to countries other than those designated for removal in ... removal orders
7 (third country removals)." Exhibit 4 (March 30, 2025 Third Country Removals Memo). If DHS
8 secures acceptance of a non-citizen's deportation to a third country by that country, DHS will
9 inform the detainee of removal to that country, but "Immigration officers will not affirmatively ask
10 whether the alien is afraid of being removed to that country." *Id.* If the "alien affirmatively states a
11 fear, USCIS will ... screen the alien within 24 hours of referral." *Id.* In that scenario, "USCIS will
12 determine whether the alien would more likely than not be persecuted on a statutorily protected
13 ground or tortured in the country of removal." *Id.* "If USCIS determines that the alien has not met
14 this standard, the alien will be removed." *Id.*

15 27. Thereafter, the Government failed to comply with the *D.V.D.* district court's orders
16 at multiple points while the TRO and preliminary injunction were in place. On March 31, 2025, at
17 least six *D.V.D.* class members were removed from Guantanamo to El Salvador on a DOD plane,
18 in violation of the TRO. *See D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass. Apr. 30, 2025),
19 ECF No. 86. On May 7, 2025, the government attempted to deport a flight of class members to
20 Libya without compliance with the preliminary injunction, leading to an emergency TRO motion.
21 *See D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass. May 7, 2025), ECF No. 91. On May 20,
22 2025, while the government was again in the process of removing class members in violation of
23 the preliminary injunction (this time to South Sudan), the plaintiffs moved for another emergency
24 TRO, leading the district court order that the government to retain custody of the class members
25 and provide the preliminary injunction's protections. *See D.V.D. v. DHS*, No. 1:25-cv-10676-BEM
26 (D. Mass. May 20, 2025), ECF No. 116. On or around June 1, 2025, the Government deported a
27 group of six individuals to third-country South Sudan without affording mandatory protections. *See*
28 *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (Sotomayor, J., dissenting) ("In matters

1 of life and death, it is best to proceed with caution. In this case, the Government took the opposite
 2 approach. ... in clear violation of a court order, it deported six more to South Sudan, a nation the
 3 State Department considers too unsafe for all but its most critical personnel.”) On June 23, 2025,
 4 the Supreme Court issued a summary order that did not provide reasoning, but granted the
 5 Government’s request to stay the district court’s preliminary injunction in *D.V.D.* See *DHS v.*
 6 *D.V.D.*, No. 24A1153, 2025 WL 1732103 (U.S. June 23, 2025).

7 28. On May 16, 2025, in another case, the Supreme Court considered the Government’s
 8 attempt to remove two Venezuelan nationals who are members of a designated foreign
 9 terrorist organization on a day’s notice. See *A. A. R. P.*, 145 S. Ct. at 1368. There, the Supreme
 10 Court held: “notice roughly 24 hours before removal, devoid of information about how to exercise
 11 due process rights to contest that removal, surely does not pass muster.” *Id.*

12 29. Nevertheless, DHS felt emboldened by the Supreme Court’s stay of the injunction
 13 in *D.V.D.* and adopted a third country removal policy that clearly runs afoul of mandatory statutory
 14 and constitutional protections and the Supreme Court’s views in *A. A. R. P.*

15 30. On July 9, 2025, ICE’s Acting Director Todd Lyons issued a policy memo that states
 16 some non-citizens will be deported to third countries with ***literally no notice*** whatsoever: “If the
 17 United States has received diplomatic assurances from the country of removal that aliens removed
 18 from the United States will not be persecuted or tortured, and if the Department of State believes
 19 those assurances to be credible, the alien may be removed without the need for further procedures.”
 20 Ex. 3. Otherwise, ICE’s new standard procedure is:

- 21 • serve a notice of removal on the detainee—not their counsel if they have any;
- 22 • not affirmatively ask whether the non-citizen is afraid of being removed to the third
- 23 country;
- 24 • if the non-citizen was “provided reasonable means and opportunity to speak with an
- 25 attorney,” then remove them to the third country in as few as ***6 hours*** after serving the
- 26 notice of removal;
- 27 • if the non-citizen does not affirmatively state a fear of persecution or torture, regardless
- 28 of whether they had the opportunity to speak to counsel, then remove them in as few as

1 24 hours after serving the notice of removal;

- 2 • if the non-citizen does affirmatively state a fear if removed to the third country, USCIS
- 3 will screen the non-citizen within 24 hours and unless the non-citizen—again without
- 4 any mention of counsel—fails to establish they “would more likely than not be
- 5 persecuted on a statutorily protected ground or tortured in the country of removal,”
- 6 remove them as soon as possible;
- 7 • only if a non-citizen affirmatively states a fear of removal to a third country and they on
- 8 less than 24 hours notice establish they are more likely than not to be persecuted or
- 9 tortured upon removal will USCIS refer the matter to immigration court for further
- 10 proceeding ... or “Alternatively, ICE may choose to designate another country for
- 11 removal.

12 *Id.*

13 31. Independent of the now-stayed *D.V.D.* injunction, an increasing number of courts

14 across the country have enjoined the Government from effectuating unlawful third-country

15 removals without adhering to mandatory statutory and constitutional protections. *Vaskanyan*, 2025

16 WL 2014208, at *6–9 (holding “Petitioner’s removal to a third country without due process ... is

17 likely to result in irreparable harm” and enjoining Petitioner’s removal to a third country without

18 the same protections mandated in the *D.V.D.* injunction); *J.R. v. Bostock*, No. 2:25-CV-01161-

19 JNW, 2025 WL 1810210, at *4 (W.D. Wash. June 30, 2025) (granting TRO enjoining Government

20 from removing petitioner to “any third country in the world absent prior approval from this Court”);

21 *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2097979, at *3 (W.D. Wash. July 25, 2025) (same);

22 *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *7 (E.D. Cal. July 16, 2025)

23 (granting TRO and preliminary injunction enjoining removal of “Petitioner to a third country

24 without notice and an opportunity to be heard”); *Misirbekov v. Venegas*, No. 1:25-CV-00168, 2025

25 WL 2201470, at *2 (S.D. Tex. Aug. 1, 2025) (granting TRO barring Government “from

26 transferring, relocating, or removing Petitioner outside the Southern District of Texas without an

27 Order from the Court”); *Gomez v. Chestnut*, No. 2:25-CV-00975-GMN-BNW, 2025 WL 1695359,

28 at *4 (D. Nev. June 17, 2025) (ordering Government “shall provide 72-hours’ notice to Petitioner’s

counsel before it is the Government's intent to remove Petitioner out of the country").

STATEMENT OF FACTS

I. Petitioner's Immigration and Custody Status

32. Petitioner G.A.A. was born in Cameroon on October 20, 1996 and is a Cameroonian citizen. Ex. 2 at 16–19. He is not a citizen of any country besides Cameroon, nor does he have ties to any other country. *Id.*

33. G.A.A. suffered repeated persecution and torture in Cameroon on the basis of his protected status in connection with political expression and social group membership. *Id.* He fled Cameroon out of fear for his life. *Id.*

34. He came to the United States through the southern border while President Biden's Circumvention of Lawful Pathways rule was in effect from May 2023 to May 2025, presumptively disqualifying him from asylum. *Id.*; *see also* 88 Federal Register 31314, (May 16, 2023); 8 C.F.R. § 208.33(a). Promptly upon entry into the United States, he was brought into custody and has been in detention since then. Ex. 2. On July 5, 2024, DHS served him with a Notice to Appear (NTA), charging him as removable under two provisions of § 212(a) for being present in the United States without being admitted or paroled and without certain documents. Exhibit 5 (Notice to Appear). G.A.A. was brought to GSA, where he has been detained since. Ex. 2.

35. On February 6, 2025, an IJ granted G.A.A. withholding of removal to Senegal under § 241(b)(3) of the INA because G.A.A. would likely be tortured and/or persecuted if deported there on the basis of a protected status related to political expression and ethnic/social group membership. Ex. 2. G.A.A. was ordered removed to, and his removal withheld from, Cameroon. *Id.* On March 6, 2025, G.A.A.'s withholding of removal order became final because the appeal period expired. *See* 8 U.S.C § 1231(a)(1)(B)(i); 8 C.F.R. § 1241.1(c).

36. It is worth noting that given the "clear probability" standard required for withholding of removal is much more stringent than the "well-founded fear" standard for asylum, G.A.A. would have qualified for asylum had he entered the United States through the southern border before May 10, 2023 or after May 10, 2025—i.e., when President Biden's Circumvention of Lawful Pathways

1 rule was not in effect. *See Navas v. INS*, 217 F.3d 646, 663 (9th Cir. 2000) (comparing asylum and
2 withholding of removal standards). For reference, to be granted withholding of removal under the
3 INA, a non-citizen must objectively establish that it is “more likely than not” (i.e. 50%+) that the
4 applicant’s race, religion, nationality, membership in a particular social group, or political opinion
5 would be “a reason” his or her “life or freedom would be threatened” in the future. INA §
6 241(b)(3)(A); *Barajas-Romero v. Lynch*, 846 F.3d 351, 359 (9th Cir. 2017).

7 37. Sometime after his Withholding of Removal Order became final, G.A.A. was
8 informed by ICE that it would attempt to remove him to a third country. Ex. 2. ICE told G.A.A.
9 that it would seek his removal to Brazil, Bolivia, Chad, Liberia, or Nigeria. *Id.* G.A.A. is not a
10 citizen of and has no connection to any of those countries. Ex. 2.

11 38. On August 6, 2025, G.A.A.’s counsel submitted a request to ICE for immediate
12 release from ICE custody in accord with INA § 241(a)(3) and/or on parole under INA § 212(d)(5)
13 and a 2021 DHS Policy Memorandum. Ex. 2. That request explained that G.A.A. is not a flight risk
14 and is committed to complying with any order of supervision. *Id.* G.A.A.’s friend is his sponsor, a
15 U.S. citizen, and a resident of Maryland. *Id.* G.A.A.’s friend declared that she would be willing to
16 provide for and support G.A.A. comprehensively as G.A.A. acclimates to life in the United States
17 if released. *Id.* (Exhibit D: Signed Sponsor Letter). G.A.A. has no criminal record in the U.S. or his
18 country of origin. *Id.*

19 39. The release request explained that G.A.A.’s lawful removal does not seem to be
20 imminent in part because G.A.A. fears removal to each of the identified countries and demanded
21 ICE comply with its obligations to provide him with sufficient notice and meaningful opportunity
22 to reopen removal proceedings upon a potential designation of any third country for removal. *Id.* at
23 5.

24 40. The request also demanded release for urgent humanitarian reasons pursuant to INA
25 § 212(d)(5). *Id.* INA § 212(d)(5) provides that parole “would generally be justified” for individuals
26 “who have serious medical conditions in which continued detention would not be appropriate.” *Id.*
27 *See* 8 CFR § 212.5(b)(1). G.A.A. has “serious mental and physical health conditions” relating, in
28 part, to the persecution and torture he endured in Cameroon. Ex. 2. There are several noteworthy

1 details, but out of fear of the exigent circumstances, Petitioner's counsel cannot recount them all
2 on this quick record.

3 41. Tonight, Respondents cleared G.A.A.'s commissary account, depriving him of
4 access to counsel and based upon information and belief (and very recent experience with another
5 client) setting up imminent removal to a third country without any meaningful notice. Ex. 1.

6 **II. G.A.A. Has Expressed a Credible Fear of Removal to the Third Countries**
7 **Respondents Have Identified**

8 42. Upon information and belief, it appears Respondents are preparing to remove
9 G.A.A. to a third country without providing a meaningful opportunity to be heard on his fear-based
10 claims. As Respondents were notified through the release request, G.A.A. would move to re-open
11 his immigration case and apply for fear-based protection and withholding of removal as to certain
12 third countries. Ex. 2. G.A.A. already expressed his fear of removal to each of the countries
13 Respondents previously identified. *Id.* Respondents have not yet provided any meaningful notice—
14 and no notice to counsel, so it is difficult for G.A.A. to explain the basis for his fear-based claim as
15 to a specific country. Nevertheless, it is obvious that G.A.A.'s protected status could subject him
16 to persecution and torture in any number of third countries. See, e.g., D.V.D., 778 F.Supp.3d at
17 388.

18 43. The United States Department of State issues Country Reports on Human Rights
19 Practices for various countries. These Country Reports could illustrate part of the basis for
20 Petitioner's hypothetical fear-based protection claims. If Respondents provide notice of a particular
21 third country they seek to remove G.A.A. to, Petitioner's counsel will evaluate and supplement the
22 record with G.A.A.'s basis for a fear-based claim if applicable.

23 44. Further, based on the statements and actions of countries that have recently accepted
24 third country removals from the United States, G.A.A. would likely succeed on the claim that these
25 countries would repatriate him to Cameroon where he would face torture and/or persecution, in
26 violation of U.S. and international refugee law. See, e.g., Exhibit 5 (New York Times Article Re:
27 Eswatini Repatriating Deportees); Exhibit 6 (Reuters Article Re: Libya Repatriating Deportees).

28 **ARGUMENT**

I. Removal of G.A.A. to Any Third Country Without Mandatory Procedural Protections Is Unlawful

45. The “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693-94 (“Indeed, this Court has held that the Due Process Clause protects an alien subject to a final order of deportation.”) Accordingly, it is black letter law that G.A.A. must be provided a meaningful opportunity to apply for protection prior to removal to a third country.

46. To “establish a procedural due process violation, the plaintiff must identify a protected liberty or property interest and allege that the defendants, acting under color of state law, deprived [him] of that interest without constitutionally adequate process.” *D.V.D.*, 778 F.Supp.3d at 387 (cleaned up). The “basic purport of the constitutional requirement is that, before a significant deprivation of liberty or property takes place at the state’s hands, the affected individual must be forewarned and afforded an opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Id.* (cleaned up).

47. In the immigration context, “Congress clearly established the right to deferral or withholding of removal based on a legitimate fear-based claim.” *Id.* See also *Jama v. ICE*, 543 U.S. 335, 348 (2005) (explaining that individuals who “face persecution or other mistreatment in the country designated” as their place of removal “have a number of available remedies,” by statute, regulation, and under international law, to “ensur[e] their humane treatment”). Moreover, “[i]t is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” *Trump v. J. G. G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). This means “notice must be afforded within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs.” *Id.* To be sure, “there can be no disagreement that the same constitutional guarantees apply to withholding-only relief.” *D.V.D.*, 778 F.Supp.3d at 387.

48. That is why the Ninth Circuit held that “[f]ailing to notify individuals who are subject to deportation that they have the right to apply for asylum in the United States and for withholding of deportation to the country to which they will be deported violates both INS

1 regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at 1041 (finding that
 2 “last minute” designation of alternative country without meaningful opportunity to apply for
 3 protection “violate[s] a basic tenet of constitutional due process”). *See also Najjar*, 630 Fed. App’x.
 4 724 (“In the context of country of removal designations, last minute orders of removal to a country
 5 may violate due process if an immigrant was not provided an opportunity to address his fear of
 6 persecution in that country.”)

7 49. In practice, the “guarantee of due process includes the right to a full and fair hearing,
 8 an impartial decisionmaker, and evaluation of the merits of his or her particular claim.” *Aden*, 409
 9 F. Supp. 3d at 1010 (ordering the same for non-citizen petitioner and holding ICE “has an
 10 affirmative obligation to make a determination regarding a noncitizen’s claim of fear before
 11 deporting” them). This is because “third-country removals are subject to the same mandatory
 12 protections that exist in removal or withholding-only proceedings.” *Vaskanyan*, 2025 WL 2014208,
 13 at *6 (citing *D. V.D.*, 778 F.Supp.3d).

14 50. The Government’s March 30, 2025, and July 9, 2025 policy memorandums evince
 15 Respondents’ intent to unlawfully effectuate a third country removal, just as they have done with
 16 many others already. ICE’s new standard procedure for third-country removals is to not ask a non-
 17 citizen whether they are afraid of being removed to a specific third country. Ex. 3. If the non-citizen
 18 is provided a “reasonable means and opportunity to speak with an attorney,” then they may be
 19 removed within as few as 6 hours after notice of removal. *Id.* If they cannot speak to an attorney,
 20 they may be removed in as few as 24 hours. *Id.* If the non-citizen affirmatively states a fear of
 21 removal, USCIS is to screen them within 24 hours and unless the non-citizen—again without any
 22 mention of counsel—fails to establish they “would more likely than not be persecuted on a
 23 statutorily protected ground or tortured in the country of removal,” remove them as soon as
 24 possible. *Id.*

25 51. As detailed above, the Government has repeatedly attempted to unlawfully remove
 26 deportees to third countries:

- 27 a. March 31, 2025: unlawfully removed at least six non-citizens to El Salvador.
 28 *D.V.D. v. DHS*, No. 1:25-cv-10676- BEM (D. Mass. Apr. 30, 2025), ECF No.

86;

- b. May 7, 2025: attempted to deport a flight of non-citizens to Libya without mandatory due process protections, leading to an emergency TRO motion. *D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass. May 7, 2025), ECF No. 91;
- c. May 16, 2025: attempted to remove two Venezuelan nationals on a day's notice. *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1368 (2025);
- d. May 20, 2025: attempted to deport non-citizens to South Sudan without mandatory process. *D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass. May 20, 2025), ECF No. 116;
- e. June 1, 2025: deported six non-citizens to South Sudan without mandatory process. *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (Sotomayor, J., dissenting) ("In matters of life and death, it is best to proceed with caution. In this case, the Government took the opposite approach. ... in clear violation of a court order, it deported six more to South Sudan, a nation the State Department considers too unsafe for all but its most critical personnel.").

This list is not exhaustive, as Courts around the country have enjoined the Government from effectuating similarly unlawful third country removals.

52. Here, G.A.A. had his commissary account, cutting off access to counsel and setting up imminent transfer and removal, based on counsel's related experience with other clients. Ex. 1.

53. Respondents are on notice of such fear-based claims—in writing—and G.A.A.'s representation by counsel in connection with such fear-based claims. Ex. 2. But there is no indication that Respondents intend to provide G.A.A. with the process that he is due. They do not appear to be adhering to even their own deficient policy considering their refusal to acknowledge his assertion of a fear-based claim.

54. If given his due opportunity, G.A.A. would move to reopen his immigration proceedings for designation of a new country of removal and seek to present his fear-based claim to an IJ if applicable. *Id.* at 1, 5. G.A.A. would likely succeed in asserting such a fear-based claim given his protected status and previous grant of withholding of removal relief. *See D.V.D.*, 778

1 F.Supp.3d at 388. Further, based on the statements and actions of countries that have recently
 2 accepted third country removals from the United States, G.A.A. would likely succeed on the claim
 3 that these countries would repatriate him to Ethiopia where he would face torture and/or
 4 persecution, in violation of U.S. and international refugee law. *See, e.g.,* Ex. 5 (Eswatini repatriating
 5 deportees; Ex. 6 (Libya doing the same). But there is no indication that Respondents intend to
 6 provide G.A.A. with the process that he is due.

7 55. Accordingly, there can be no debate that Respondents' actions here and general
 8 policy guidance "violates both INS regulations and the constitutional right to due process," as
 9 enumerated by the Ninth Circuit and sister district courts. *Andriasian*, 180 F.3d at 1041 ("last
 10 minute" designation of alternative country without meaningful opportunity to apply for protection
 11 "violate[s] a basic tenet of constitutional due process"). *See also Najjar*, 630 Fed. App'x. 724
 12 (similar); *Aden*, 409 F. Supp. 3d at 1010; *Vaskanyan*, 2025 WL 2014208, at *6.

13 56. Recently, an increasing number of courts in this Circuit and across the country have
 14 found the Government's "policy or practice of executing third-country removals" fail to "provid[e]
 15 notice and a meaningful opportunity to present fear-based claims, and that such policy or practice
 16 constitutes a deprivation of procedural due process." *D.V.D.*, 778 F.Supp.3d at 387–89 ("The Court
 17 finds it likely that Defendants have applied and will continue to apply the alleged policy of
 18 removing aliens to third countries without notice and an opportunity to be heard on fear-based
 19 claims—in other words, without due process.")

20 57. This Court should join its peers in finding Respondents' third country removal
 21 process is unlawful. *D.V.D.*, 778 F.Supp.3d at 392–93 (mandating due process protections as
 22 discussed above and requested herein); *Vaskanyan*, 2025 WL 2014208, at *6–9 (holding
 23 "Petitioner's removal to a third country without due process ... is likely to result in irreparable
 24 harm" and enjoining Petitioner's removal to a third country without the same protections mandated
 25 in the D.V.D. injunction); *J.R.*, 2025 WL 1810210, at *4 (enjoining Government from removing
 26 petitioner to "any third country in the world absent prior approval from this Court"); *Nguyen*, 2025
 27 WL 2097979, at *3 (same); *Phan*, 2025 WL 1993735, at *7 (enjoining third country removal
 28 "without notice and an opportunity to be heard"); *Misirbekov*, 2025 WL 2201470, at *2 (prohibiting

1 “transferring, relocating, or removing Petitioner outside the Southern District of Texas without an
2 Order from the Court”); *Gomez*, 2025 WL 1695359, at *4.

3 **CLAIMS FOR RELIEF**

4 **COUNT I**

5 **VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)**

6 58. G.A.A. realleges and incorporates by reference the paragraphs above.

7 59. The INA and its enacting regulations mandate that a non-citizen be provided the
8 right to assert a fear-based claim for relief from removal. *See Jama*, 543 U.S. at 348 (2005) (“If
9 [non-citizens] would face persecution or other mistreatment in the country designated under §
10 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of
11 removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, *see* 8
12 CFR §§ 208.16(c)(4), 208.17(a) (2004)”); *Andriasian*, 180 F.3d at 1041 (“Failing to notify
13 individuals who are subject to deportation that they have the right to apply for asylum in the United
14 States and for withholding of deportation to the country to which they will be deported violates . .
15 . INS regulations”).

16 60. Respondents’ third country removal procedures generally and as applied to G.A.A.
17 run afoul of the INA’s statutory and regulatory protections for asserting a fear-based claim in
18 connection with removal. Therefore, Respondents have violated and intend to further violate the
19 INA.

20 **COUNT II**

21 **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
22 THE U.S. CONSTITUTION**

23 61. G.A.A. realleges and incorporates by reference the paragraphs above.

24 62. The Due Process Clause of the Fifth Amendment forbids the government from
25 depriving any person of liberty without due process of law. U.S. Const. amend. V. To comply with
26 the Due Process Clause, civil detention must “bear[] a reasonable relation to the purpose for which
27 the individual was committed,” which for immigration detention is removal from the United States.
28 *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Furthermore, “[t]he
fundamental requirement of due process is the opportunity to be heard at a meaningful time and in

1 a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal quotations
2 omitted).

3 63. Respondents’ third country removal procedures generally and as applied to G.A.A.
4 violate the Due Process Clause because they provide for third country removal without affording
5 G.A.A. mandated due process protections, including the opportunity to be heard on a fear claim.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, G.A.A. respectfully request that this Court:

8 a. Assume jurisdiction over this matter;

9 b. Declare that removal of G.A.A. without meaningful notice and opportunity to assert a
10 fear-based claim violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6) and/or
11 the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

12 c. Enjoin Respondents from removing G.A.A. from this District;

13 d. Enjoin Respondents from removing G.A.A. to a third country unless Respondents adhere
14 to the following procedures:

15 (1) provide G.A.A. and his counsel a minimum of ten (10) days to raise a fear-based
16 claim for protection prior to removal;

17 (2) if G.A.A. demonstrates reasonable fear of removal to the third country,
18 Respondents must move to reopen G.A.A.’s removal proceedings;

19 (3) if G.A.A. is not found to have demonstrated a reasonable fear of removal to the
20 third country, Respondents must provide a meaningful opportunity, and a minimum
21 of fifteen (15) days for G.A.A. to seek reopening of his immigration proceedings.

22 e. Award G.A.A. all costs incurred in maintaining this action, including attorneys’ fees
23 under the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412, and on any other
24 basis justified by law; and

25 f. Grant any other further relief this Court deems just and proper.

26 Respectfully submitted,

27 Dated: August 29, 2025

/s/ Sean Lai McMahon

Sean Lai McMahon (SBN: 329684)

1 California Collaborative for Immigrant
2 Justice
3 1999 Harrison St, Ste 1800
4 Oakland, CA 94612
5 (415) 875-0550
6 sean@ccijustice.org

7 **Pirzada Ahmad (*pro hac vice* application
8 submitted)**
9 Dontzin, Kolbe & Fleissig LLP
10 31 E 62nd St, FL 7
11 New York, NY 10065
12 (212) 717-2900
13 pahmad@dkflp.com

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242 AND LR 190

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 29th day of August 2025 in Oakland, CA.

/s/ Sean Lai McMahon

Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and L.R. 65-1, I hereby certify that on August 29, 2025, this was filed in the Eastern District of California, which effectuates service on the U.S. Attorney's Office.

Respectfully submitted,

Dated: August 29, 2025

/s/ Sean Lai McMahon

Counsel for Petitioner