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14 UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ARIZONA

16 Viengkone SIKEO,

17 Petitioner-Plaintiff,

18 v.

19 John E. Cantu, Field Office Director,  
20 U.S. Immigration and Customs Enforcement,  
21 U.S. Department of Homeland Security;  
22 Kristi Noem, Secretary of U.S. Department of  
23 Homeland Security; and Pam Bondi,  
24 Attorney General of the United States,  
25 Warden, Florence Detention Center; in their  
26 official capacities;

27 Respondents-Respondents.

28 Case 2:25-cv-03191-SHD (CDB)

**PETITIONER'S REPLY TO  
RESPONDENTS' COMPLIANCE**

1       **I. INTRODUCTION**

2       Petitioner-Plaintiff, Mr. Viengkhone Sikeo (“Petitioner” or “Mr. Sikeo”) through  
3 undersigned Counsel, respectfully submits this Reply to Respondents’ Compliance to the Court’s  
4 Order of September 8, 2025 (Dkt. 13).

5       **II. ARGUMENT**

6           **A. MR. SIKEO HAS NEVER BEEN DETERMINED TO BE, AND ALMOST  
7 CERTAINLY STILL IS NOT, A CITIZEN OF LAOS**

8       Respondents allege that their attached documents, despite obvious inconsistency between  
9 Laos and Thailand, still show that, without dispute, Mr. Sikeo is a citizen of Laos. They are wrong,  
10 and their submission does not comply with this Court’s order.

11       Based on the evidence presented by Respondents, it is extremely likely that Mr. Sikeo was  
12 born outside of Laos, that he never had a birth certificate from Laos, that he was never registered  
13 with the government of Laos as having been born in that country or having any citizenship in that  
14 country, and that he never was accorded such citizenship in Laos at any time in his life. Not only  
15 does the alleged travel document not specify his citizenship, but now he presents additional  
16 evidence showing why he is almost certainly still stateless. See Declaration of Lorena C. Castillo  
17 dated Sept. 11, 2025 (Second Castillo Decl.).

18       Dr. Thao Ha, a sociologist and professor at MiraCosta College, with extensive knowledge  
19 regarding Laotian citizenship, Laotian refugee history, and current Laos and United States  
20 relations, analyzed all the documents submitted by Respondents in this case. Dkt. 14. The  
21 documents, she states, are a direct reflection of how refugees from the countries of Southeast Asia  
22 were classified in terms of citizenship in the aftermath of war in those countries. Second Castillo  
23 Decl. at Exh. A (Dr. Ha Declaration). During the 1970s and 1980s, many Laotians fled Laos to  
24 refugee camps in Thailand. *Id.* One of the most commonly used camps in Thailand was called Na  
25 Pho. *Id.* Because this camp shared a name with another village inside of Laos, it was often  
26 confused with that village, especially when it was new and was used by fast escaping refugees.  
27 *Id.*

28       During the 1980s, the United Nations High Commissioner for Refugees (UNHCR)

1 processed individuals in the Na Pho camps to register them as refugees on their way to the United  
2 States. *Id.* Because, at the time, Laos did not have regulations defining citizenship for those born  
3 in refugee camps (outside of the country of Laos), UNCHR instead assigned citizenship based on  
4 the child's parents' nationality. *Id.* This meant that refugees, who the Laotian government never  
5 considered as Laotian citizens, entered the United States classified as Laotian citizens – simply  
6 because of an arbitrary decision by the individual or organization who helped prepare their  
7 paperwork and had to complete requested biographical information. *Id.* Because of their Laotian  
8 ethnic background, many of these refugees might have legally been stateless but refer to  
9 themselves as "Laotian citizens," despite no legal basis for it. *Id.*

10 Dr. Ha analyzed all of Respondents' exhibits, including page 4 of Dkt. 14-1, which is a  
11 document titled "Registration for Classification as Refugee Status," and discussed them in her  
12 declaration. As to page 4 of Dkt. 14-1, she notes that the document includes a handwritten phrase  
13 "UNHCR = WB # 008155," which she believes means that the U.S. Department of Justice (DOJ)  
14 "relied on this UNCHR document that stated his Laotian citizenship due to his parents' Laotian  
15 citizenship," when writing Mr. Sikeo's country of birth. Second Castillo Decl. at Exh. A (Dr. Ha  
16 Declaration). She further notes that, despite the place of birth noted as "Laos," the document is in  
17 Vietnamese and English, which indicates that this document was produced in Thailand (i.e. not  
18 in Laos). *Id.* Furthermore, Mr. Sikeo's family, through declarations signed under penalty of  
19 perjury, confirmed that Mr. Sikeo's parents left Laos before having children, gave birth to Mr.  
20 Sikeo in Thailand, and his parents never returned to Laos after leaving. Second Castillo Decl. at  
21 Exhs. B–E. They further confirm that, based on the language people spoke around them, they  
22 were always in the refugee camp in Thailand, and Mr. Sikeo was born there. *Id.*

23 Given the combination of all the above, Dr. Ha states that it is in her "professional opinion  
24 that Mr. Sikeo was born in Thailand, but UNCHR classified him as a Laotian citizen just as they  
25 did with other children born in refugee camps at the time." Second Castillo Decl. at Exh. A (Dr.  
26 Ha Declaration). Dr. Ha mentions that the only unequivocal way to have Laotian citizenship was  
27 for a "family member to go to their local police station in Laos to obtain a stamped document  
28 proving citizenship. Because refugees do not get this document, they cannot unequivocally be

1 classified as Laotian citizens. *Id.* These refugees, Dr. Ha states, are considered stateless. *Id.*

2 Respondents have not provided any unequivocal proof of Mr. Sikeo's Laotian citizenship  
 3 nor birth, and Dr. Ha has confirmed that the documents provided were based on a UNHCR  
 4 classification of citizenship without any basis of Laotian nationality law. Therefore, Mr. Sikeo  
 5 was not only born in Thailand, but he does not have Laotian citizenship. He is, and has been for  
 6 his entire life, stateless.

7 **B. RESPONDENTS HAVE NOT SHOWN THAT LAOS WILL ACCEPT MR.  
 8 SIKEO**

9 Contrary to Respondents' claim, the evidence does not show that Mr. Sikeo can be  
 10 removed to Laos despite his removal order designating the country of removal, because he is  
 11 stateless and even the travel document seems to confirm that. Under 8 U.S.C. § 1231(b)(2),  
 12 possible countries of removal include a country designated by the noncitizen, their country of  
 13 citizenship, their "previous country of residence," "country of birth," and the country from which  
 14 they "departed for the United States."

15 None of the above apply to Mr. Sikeo. He is not a citizen of Laos, the previous country he  
 16 lived in before entering the United States was Thailand, he was born in Thailand, and the country  
 17 from which he departed for the United States was Thailand.

18 Even if Mr. Sikeo were to designate Laos as the country of removal, or if Laos is  
 19 considered an "alternative country," under 8 U.S.C. § 1231(b)(2)(D) or an "additional removal  
 20 countr[y]," under 8 U.S.C. § 1231(b)(2)(E), Mr. Sikeo cannot be removed to Laos because Laos  
 21 will constructively not accept him. This is the proper analysis because, if all other options for  
 22 removal are "impracticable, inadvisable, or impossible," then the noncitizen can be removed to  
 23 "another country whose government will accept the [noncitizen] into their country." *Jama v.*  
*24 Immigr. & Customs Enf't*, 543 U.S. 335, 341–42, 125 S. Ct. 694, 700, 160 L. Ed. 2d 708 (2005)  
 25 (emphasis added).

26 The "acceptance" requirement is "neither settled judicial construction nor one which [the  
 27 Court] would be justified in presuming Congress, by its silence, impliedly approved," *Id* at 336  
 28 (citing *United States v. Powell*, 379 U.S. 48, 55, n. 13, 85 S.Ct. 248, 13 L.Ed.2d 112), in its most

1 recent reenactment of § 1231(b)(2). Acceptance can likely mean that “the appropriate government  
 2 had to indicate whether it would accept the alien prior to the time the deportation order is entered,  
 3 so that the alien’s status is not left in doubt until he steps on the other shore.” *Chi Sheng Liu v.*  
 4 *Holton*, 297 F.2d 740, 743 (9th Cir. 1961).

5 Here, despite a notably incomplete travel permit that does not list Mr. Sikeo’s nationality  
 6 or place of birth, circumstances indicate that Laos will not accept Mr. Sikeo. Prior to 2025, Dr.  
 7 Ha states, Laos “did not accept ethnically Laotian refugees born in refugee camps outside of  
 8 Laos,” because there was “no way to determine citizenship.” Second Castillo Decl. at Exh. A.  
 9 Any deportees Laos *did* accept were only those that they were able to confirm that the deportee  
 10 “had living relatives in Laos.” *Id.* However, Dr. Ha stresses that this did not mean that Laos  
 11 considered them as citizens but more that this was their way of accepting deportees. *Id.*

12 Recently, due to pressure from the Trump Administration, Laos has started to provide  
 13 travel permits for deportees.<sup>1</sup> Due to the large influx of deportees that Laos would otherwise not  
 14 accept, it is “unclear how Laos is determining citizenship” based on the “documentation from  
 15 ICE.” Second Castillo Decl. at Exh. A. As recently as a month ago, Laos began providing travel  
 16 permits only to those that have living relatives in Laos. *Id.* However, in practice, there are still  
 17 people without living relatives who still obtain travel permits. *Id.* The result is that refugees, now  
 18 considered as stateless, may be physically in Laos but unable to function in any normal way  
 19 because they cannot access resources due to their statelessness. *Id.*

20 The travel permit produced by Respondents here is notably lacking. *See* Dkt. 14-1 at Exh.  
 21 4. It does not indicate any nationality for Mr. Sikeo (the space is left blank). *Id.* It does not indicate  
 22 any place of birth (that space is also left blank). *Id.* The circumstances in which Laos would accept  
 23 him are thus extremely unclear and in doubt. Despite being unable to properly authenticate  
 24 lineage, Laos is purported to have provided a travel permit that (1) is incomplete (2) is similar in  
 25 nature to those that have not resulted in the ability to actually enter Laos, (3) still leave a  
 26 deportee’s status in doubt, and (4) do not make up for the stateless status and the problems that a

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 28 <sup>1</sup> Asian Law Caucus, *Resources for Southeast Asian Refugees Facing Deportation* (Jul. 29,  
 2025), available at <https://www.asianlawcaucus.org/news-resources/guides-reports/resources-southeast-asian-refugees-facing-deportation>

1 stateless deportee will face if actually accepted into Laos. Nothing about these circumstances  
 2 suggests that Laos will accept him freely or provide protection like stated on their travel  
 3 document.

4 Therefore, given the remaining lack of clarity in his situation, Respondents have not  
 5 shown that Laos will accept Mr. Sikeo.

6 **C. REGARDLESS OF THE INTENTION OF THE GOVERNMENT OF  
 7 LAOS, BECAUSE MR. SIKEO IS STATELESS, HE HAS THE RIGHT TO  
 8 APPLY FOR PROTECTION UNDER THE CONVENTION AGAINST  
 9 TORTURE**

10 Regardless of Laos' acceptance of him or not, due to the fact of Mr. Sikeo's de facto  
 11 stateless status, Laos is effectively a "third" country in the sense of being a country other than  
 12 that of his citizenship, and due to these new circumstances where Laos is prepared to accept a  
 13 stateless individual, Mr. Sikeo is newly on notice now—for the first time—of the risk of removal  
 14 to a country other than that of citizenship and as such should be allowed to apply for protection  
 15 under the convention against torture.

16 For individuals in removal proceedings, the designation of a country of citizenship (or, at  
 17 times, countries in the alternative that the immigration judges designates) on the record provides  
 18 notice and an opportunity to permit a noncitizen who fears persecution or torture in the designated  
 19 country (or countries) to file an application for protection. *See* 8 C.F.R. § 1240.10(f) (stating that  
 20 "immigration judge shall notify the [noncitizen]" of proposed countries of removal); 8 C.F.R. §  
 21 1240.11(c)(1)(i) ("If the [noncitizen] expresses fear of persecution or harm upon return to any of  
 22 the countries to which the [noncitizen] might be removed pursuant to § 1240.10(f) . . . the  
 23 immigration judge shall . . . [a]dvise [the noncitizen] that he or she may apply for asylum in the  
 24 United States or withholding of removal to those countries[.]").

25 Pursuant to 8 U.S.C. § 1231(b)(3)(A), courts have repeatedly held that individuals cannot  
 26 be removed to a country that was not properly designated by an immigration judge if they have a  
 27 fear of persecution or torture in that country. *See Andriasian v. INS*, 180 F.3d 1033, 1041 (9th  
 28 Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d  
 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att'y Gen.*, 149 F. App'x 947, 953 (11th Cir. 2005)  
 (per curiam) (permitting designation of third country where individuals received "ample notice

1 and an opportunity to be heard"). Since it has been confirmed that Mr. Sikeo is stateless, Laos is  
2 equivalent to a newly designated country and he should be allowed to apply for protection under  
3 the Convention Against Torture (CAT).

4 The fact that the Immigration Judge had previously designated Laos as the country of  
5 removal does not preclude the reopening of Mr. Sikeo's case on account of new information. At  
6 that time, the designation of Laos was legally meaningless on account of Mr. Sikeo being stateless  
7 and not having any reasonable basis for thinking he could in fact be removed there. The record  
8 further indicates both that he would have been considered stateless his entire life, and that as such  
9 Laos would not consider him a citizen or consider accepting him for removal. The fact that  
10 conditions have now changed such that Laos would consider accepting him despite his  
11 statelessness is a significant transformation of which he did not previously have any notice. The  
12 existence of this change must certainly require that he be provided sufficient notice, equivalent to  
13 notice of another third country being designated for removal, and the chance to express his fear  
14 of such removal.

15 Based on these drastically changed circumstances, Mr. Sikeo should be allowed to reopen  
16 his removal case so that he can apply for protection under the CAT, especially given the  
17 conditions in which his parents had fled that country, never to return. A motion to reopen to apply  
18 or reapply for fear-based relief, including asylum, withholding of removal, and/or CAT, based on  
19 changed country conditions that could not have been discovered or presented at the prior hearing,  
20 may be filed at any time. *See* 8 U.S.C. § 1229a(c)(7)(C)(ii); 8 C.F.R. § 1003.2(c)(3)(ii); *Agonafer*  
21 *v. Sessions*, 859 F.3d 1198, 1203–04 (9th Cir. 2017) ("[T]he ninety-day deadline and one-motion  
22 limit do not apply if the motion to reopen is based on changed country conditions.") Here, Laos'  
23 changes in their treatment of deportees counts as a changed circumstance that is inarguably  
24 material. For this reason, this Court should extend its stay of removal to permit Mr. Sikeo to seek  
25 such reopening.

26 **III. CONCLUSION**

27 For all the foregoing reasons, Mr. Sikeo respectfully requests that the Court convert his  
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1 TRO into a PI and maintain the stay of removal to Laos or any other country because Mr. Sikeo  
2 is stateless.

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4 Dated: September 11, 2025

Respectfully submitted,

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/s/ Lorena Castillo

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Lorena Castillo

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Zachary Nightingale

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Lorena C. Castillo

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Attorneys for Mr. Sikeo

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