

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARTIN HAMBARSONPOUR,
Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; CAMMILLA
WAMSLEY, Seattle Field Office
Director, United States Citizenship and
Immigration Services; BRUCE SCOTT,
Warden of Immigration Detention
Facility; and the United States
Immigration and Customs Enforcement,
Respondents.

No.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

Expedited Hearing Requested

Oral Argument Requested

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Full name: Artin Hambarsonpour
- (b) Other names used: None
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (NWIPC)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.

1 (c) Case number or numbers [ICE file number, if known]: My A# is [REDACTED]

2 [REDACTED]
3 3. I am currently being held on orders by federal authorities: United States
4 Immigration and Customs Enforcement.

5 4. I am currently being held on an immigration charge.

6 **Decision or Action You Are Challenging**

7 5. What are you challenging in this petition: immigration detention.

8 6. Provide more information about the decision or action you are challenging:

9 (a) Name and location of the agency or court: United States Immigration and
10 Customs Enforcement

11 (b) Docket number, case number, or opinion number: My A# is [REDACTED]

12 (c) Decision or action you are challenging: I am challenging my detention by
13 ICE as well as the potential for unlawful deportation.

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

15 7-9. First, second, and third appeals: None

16 10. Motion under 28 U.S.C. § 2255: N/A

17 11. Appeals of immigration proceedings:

18 Does this case concern immigration proceedings? Yes

19 (a) Date you were taken into immigration custody: March 13, 2025

20 (b) Date of the removal or reinstatement order: May 1, 2014

21 (c) Did you file an appeal with the Board of Immigration Appeals? No.

22 (d) Did you appeal the decision to the United States Court of Appeals No.

23 12. Other appeals:

24 Other than the appeals listed above, have you filed any other petition,
25 application, or motion about the issues raised in this petition? No.

1 **Grounds for Your Challenge in This Petition**

2 **I. Introduction**

3 Petitioner is presently detained at the Northwest ICE Processing Center
4 (NWIPC). He has been held in immigration custody for approximately nine months.
5 Removal to his former country of residence is not reasonably foreseeable. His
6 continued detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689
7 (2001). He seeks a) his release; b) an order preventing his removal to a third country
8 without notice and meaningful opportunity to respond in compliance with the statute
9 and due process in reopened removal proceedings; and c) an order barring his removal
10 to any third country pursuant to Respondents' punitive removal policy.

11 **II. Jurisdiction and Venue**

12 This case arises under the Constitution of the United States, the Immigration and
13 Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures
14 Act ("APA"), 5 U.S.C. §§ 500–596, 701–706.

15 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
16 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
17 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
18 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

19 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
20 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28
21 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court's
22 inherent equitable powers.

23 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
24 Respondents are agencies or officers of agencies of the United States; Respondents
25 Wamsley and Scott reside in this district; and Petitioner is detained in this district.

1 Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
2 events or omissions giving rise to Petitioner’s claims occurred in this district.

3 Because Petitioner is seeking relief related only to his custody status, which is
4 not inconsistent with an order of deportation, exhaustion of administrative remedies, if
5 any, is not required.

6 **III. Parties**

7 Petitioner Artin Hambarsonpour is detained in the control and custody of
8 Respondents at NWIPC. As such, Petitioner is a resident of Tacoma, Washington.

9 Respondent Pamela Bondi is the Attorney General of the United States. In this
10 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
11 sued in her official capacity.

12 Respondent Kristi Noem is the Secretary of the Department of Homeland
13 Security (“DHS”). In this capacity, Respondent Noem is the legal custodian of
14 Petitioner. Respondent Noem is sued in her official capacity.

15 Respondent Cammilla Wamsley is the Field Office Director for ICE
16 Enforcement and Removal Operations (“ERO”) in Seattle, Washington. As the ERO
17 Seattle Field Office Director, she is Petitioner’s immediate custodian, responsible for
18 his detention at NWIPC, and is the person with the authority to authorize detention or
19 release. Respondent Wamsley is sued in her official capacity.

20 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
21 functioning of the NWIPC, and has immediate physical custody of Petitioner pursuant
22 to a contract with ICE to detain noncitizens. Respondent Scott is sued in his official
23 capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No. C20-
24 700, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

25 Respondent United States Immigration and Customs Enforcement (hereinafter
26 ICE) is the federal executive agency responsible for the enforcement of immigration

1 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
2 legal custodian of Petitioner.

3 **IV. Background**

4 Petitioner was born in France on [REDACTED]. His parents were refugees from
5 Iran. They were granted asylum in France because, on information and belief, they risked
6 political and religious persecution in Iran due to their being Christians and ethnic
7 Armenians.

8 Petitioner came to the United States in April, 2000, at the age of 9. He was
9 travelling with his parents on a tourist visa. They overstayed their tourist visa.

10 He was convicted of theft and burglary in approximately 2013. He was detained
11 by ICE upon his release from his sentence in approximately April 2014. He was issued a
12 final order of removal, with France as the country designated for removal, on May 1,
13 2014. He was released from ICE custody in approximately September 2014.

14 He complied with the conditions of release until he was convicted of robbery in
15 2022. He was taken into ICE custody on March 13, 2025, upon release from his sentence
16 and has remained in ICE custody since then.

17 **V. Facts Pertaining to Continued Detention**

18 Petitioner cannot presently be returned to France, because he is not a citizen of
19 France. France does not have birthright citizenship. *Fitisemanu v. United States*, 1 F.4th
20 862, 878 (10th Cir. 2021) (citing Graziella Bertocchi & Chiara Strozzi, *The Evolution*
21 *of Citizenship: Economic and Institutional Determinants*, 53 J. L. & Econ. 95, 99–100
22 (2010)) (“Numerous free countries do not practice birthright citizenship, or practice it
23 with significant restrictions, including Australia, France, and Germany.”)
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25
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1 **VI. The legal framework for third country removals**

2 The immigration laws delineate the proper procedures by which a country may
3 be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in
4 incremental steps.

5 First, an individual with a removal order may designate the country to which
6 they want to be removed, and the government *shall* remove the alien to that country.
7 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if (1) the
8 individual fails to designate a country promptly; (2) the government of that country
9 does not inform the U.S. government finally, within 30 days after the date the U.S.
10 government first inquires, whether the government will accept the individual into that
11 country; (3) the government of the country is not willing to accept the alien into the
12 country; or (4) the government decides that removing the individual to that country is
13 prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

14 Second, if the individual is not removed to the country they designated under
15 § 1231(b)(2)(A), the government shall remove the individual to the country of which
16 the individual is a “subject, national, or citizen” unless the government of that country
17 does not inform the U.S. government or the individual within 30 days after first inquiry
18 or within another reasonable period of time whether the government will accept the
19 individual into the country or the country is not willing to accept the individual into the
20 country. 8 U.S.C. § 1231(b)(2)(D).

21 Third, if the individual is not removed to either the country of their designation
22 or the country of which they are a subject, national, or citizen, then the government
23 shall remove them to any of the following options: (1) the country from which the
24 individual was admitted to the United States; (2) the country in which is located the
25 foreign port from which the individual left for the United States or for a foreign
26 territory contiguous to the United States; (3) the country in which the individual resided

1 before the individual entered the United States and from which the individual entered
2 the United States; (4) the country in which the individual was born; or (5) the country in
3 which the individual's birthplace is located when the individual was ordered removed.
4 8 U.S.C. § 1231(b)(2)(E). *Only* "[i]f impracticable, inadvisable, or impossible" to
5 remove the individual to any of these countries may the government remove the
6 individual to "another country whose government will accept [them] into that country."
7 8 U.S.C. § 1231(b)(2)(E)(vii).

8 Notwithstanding any of these procedures, the statute prohibits removal to a third
9 country where a person may be persecuted or tortured, a form of protection known as
10 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government "may not
11 remove [a noncitizen] to a country if the Attorney General decides that the
12 [noncitizen's] life or freedom would be threatened in that country because of the
13 [noncitizen's] race, religion, nationality, membership in a particular social group, or
14 political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
15 a mandatory protection.

16 Similarly, Congress codified protections enshrined in the CAT prohibiting the
17 government from removing a person to a country where they would be tortured. *See*
18 Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), Public Law 105–
19 277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8 U.S.C. § 1231 note) ("It shall be
20 the policy of the United States not to expel, extradite, or otherwise effect the
21 involuntary return of any person to a country in which there are substantial grounds for
22 believing the person would be in danger of being subjected to torture, regardless of
23 whether the person is physically present in the United States."); 28 C.F.R. § 200.1;
24 §§ 208.16–208.18, 1208.16–1208.18. CAT protection is also mandatory.

25 To comport with the requirements of due process, the government must provide
26 notice of the third country removal and an opportunity to respond. Due process requires

1 “written notice of the country being designated” and “the statutory basis for the
2 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409 F.
3 Supp. 3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
4 *Sec.*, No. 25-CV-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
5 removals to third countries, i.e., removal to a country other than the country or
6 countries designated during immigration proceedings as the country of removal on the
7 non-citizen’s order of removal, must be preceded by written notice to both the non-
8 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
9 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
10 requires notice to the noncitizen of the right to apply for asylum and withholding to the
11 country where they will be removed). The government must be able to show evidence
12 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
13 378 F.3d 932, 939 (9th Cir. 2004) (“at the time the government proposes a country of
14 removal pursuant to § 1231(b)(2)(E)(vii), the government must be able to show that the
15 proposed country *will* accept the [individual]”).

16 Due process also demands that the government “ask the noncitizen whether he or
17 she fears persecution or harm upon removal to the designated country and memorialize
18 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
19 necessary information from the noncitizen to comply with section 1231(b)(3) and
20 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp. 3d at
21 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1 (“Following notice, the individual must be
22 given a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim
23 for CAT protection prior to removal.”) (emphasis omitted).

24 If the noncitizen claims fear, measures must be taken to ensure that the
25 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
26 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring

1 the government to move to reopen the noncitizen’s immigration proceedings if the
2 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
3 and a minimum of fifteen days, for the non-citizen to seek reopening of their
4 immigration proceedings” if the noncitizen is found to not have demonstrated
5 “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a
6 respondent to file a motion to reopen and seek relief).

7 Finally, notice of the country to which the noncitizen will be removed must not
8 be “last minute” because that would deprive an individual of a meaningful opportunity
9 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
10 must have time to prepare and present relevant arguments and evidence and to seek
11 reopening of their removal case.

12 VII. Facts Pertaining to Punitive Banishment to Third Countries

13 Since January 2025, Respondents have developed and implemented a policy and
14 practice of removing individuals to third countries, without first following the
15 procedures in the INA for designation and removal to a third country and without
16 providing fair notice and an opportunity to contest the removal in immigration court.

17 Respondents reportedly have negotiated with at least 58 countries to accept
18 deportees from other nations. On June 25, 2025, the *New York Times* reported that
19 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
20 Rwanda—had agreed to accept deportees who are not their own citizens.¹ Since then,
21 ICE has carried out highly publicized third country deportations to South Sudan and
22 Eswatini. It also attempted—and completed—an “end-run” around the protections of
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25 ¹ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
26 *Deportations*, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 the Convention against Torture by deporting a group of migrants to Ghana, which sent
2 them on to their countries of citizenship despite fears of persecution.

3 Punishment and deterrence appear to be the point of the Administration's third
4 country removal scheme. The Administration has reportedly negotiated with countries
5 to have deportees imprisoned in prisons, camps, or other facilities. The government
6 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
7 deported Venezuelans in a maximum-security prison notorious for gross human rights
8 abuses, known as CECOT. In February, Panama and Costa Rica took in hundreds of
9 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
10 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
11 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
12 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
13 tiny African nation of Eswatini, including one man from Vietnam, where they are
14 reportedly being held in solitary confinement.

15 The Administration has hand-selected countries known for human rights abuses
16 and instability for these third country deportation agreements to frighten people in the
17 United States into self-deporting or to accept removal to their home countries. Indeed,
18 conditions in South Sudan are so extreme that the U.S. State Department website warns
19 Americans not to travel there, and if they do, to prepare their will, make funeral
20 arrangements, and appoint a hostage-taker negotiator first.

21 On July 9, 2025, ICE issued a new memo to staff instructing that when seeking
22 to remove an individual to a country not designated on that person's removal order, that
23 ICE may deport that person without any procedures for notice or an opportunity to be
24 heard if the State Department confirms that it has received diplomatic assurances that
25 individuals will not be persecuted or tortured. If no diplomatic assurances are received,
26 the ICE memo instructs officers to serve on the individual a Notice of Removal that

1 includes the intended country of removal. It instructs officers not to ask whether the
2 individual is afraid of removal to that country. It states that officers should “generally
3 wait at least 24 hours following service of the Notice of Removal before effectuating
4 removal” but that “[i]n exigent circumstances, [ICE] may execute a removal order six
5 (6) or more hours after service of the Notice of Removal as long as the [noncitizen] is
6 provided reasonable means and opportunity to speak with an attorney prior to removal.”

7 The memo further instructs that if the noncitizen “does not affirmatively state a
8 fear of persecution or torture if removed to the country of removal listed on the Notice
9 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
10 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
11 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
12 Services (“USCIS”) for a screening for eligibility for withholding of removal and
13 protection under the Convention against Torture (“CAT”). “USCIS will generally
14 screen within 24 hours.” If USCIS determines that the noncitizen does not meet the
15 standard, the individual will be removed. If USCIS determines that the noncitizen has
16 met the standard, then the policy directs ICE to either move to reopen removal
17 proceedings “for the sole purpose of determining eligibility for [withholding of removal
18 protection] and CAT” or designate another country for removal.

19 The eight men who were ultimately deported to South Sudan all claimed fear of
20 removal to South Sudan. None of those men were provided a fear screening by a
21 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
22 on a U.S. military base in Djibouti before their final removal to South Sudan.

23 **VIII. The Law Governing Punitive Removal Practices**

24 It is bedrock law that the U.S. government may not impose or inflict an infamous
25 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
26 ruled that while deportation itself was not a punishment, the government could not

1 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
2 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
3 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

4 Importantly, the Court drew a distinction between deportation, which the Court
5 reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the
6 expulsion of a citizen from his country by way of punishment,” and government actions
7 aimed at punishment, such as imprisonment at hard labor in addition to deportation. *Id.*
8 at 236. The Court explained that deportation “is but a method of enforcing the return to
9 his own country of an alien who has not complied with the conditions upon the
10 performance of which the government of the nation, acting within its constitutional
11 authority and through the proper departments, has determined that his continuing to
12 reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730
13 (1893)). But the Court admonished that the government may not “declare unlawful
14 residence within the country to be an infamous crime, punishable by deprivation of
15 liberty and property . . . unless provision were made that the fact of guilt should first be
16 established by a judicial trial.” *Id.* at 237.

17 Deportation of individuals to third countries to be imprisoned or harmed is
18 unquestionably punishment.

19 **Grounds for Relief**

20 **Ground One: Petitioner’s Continued Detention in Immigration Custody** 21 **Violates the Due Process Clause of the Fifth Amendment to the U.S.** 22 **Constitution Because There Is No Significant Likelihood that Petitioner** 23 **Will Be Removed in the Reasonably Foreseeable Future.**

24 The allegations in the above paragraphs are realleged and incorporated herein.

25 Petitioner’s present detention is purportedly authorized under 8 U.S.C. § 1231.
26 Detention of aliens who have been ordered removed is mandatory during the so-called
90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A). This period begins, as relevant

1 here, on the “date the order of removal becomes administratively final.” 8 U.S.C.
2 § 1231(a)(1)(B)(i). Because Petitioner’s removal order became final on May 1, 2014,
3 the removal period has long since expired and detention is no longer required under
4 8 U.S.C. § 1231.

5 Not only is detention no longer required, it is no longer allowed under the facts
6 of this case. The Due Process Clause of the Fifth Amendment limits an alien’s
7 “detention to a period reasonably necessary to bring about that alien’s removal from the
8 United States.” *Zadvydas*, 533 U.S. at 689. Because of this constitutional limitation, 8
9 U.S.C. § 1231 “does not permit indefinite detention.” *Id.* After the “presumptively
10 reasonable” period of six months’ detention, when the noncitizen can “provide good
11 reason to believe that there is no significant likelihood of removal in the reasonably
12 foreseeable future,” then “the Government must respond with evidence sufficient to
13 rebut that showing.” *Id.* at 701. “A petitioner’s total length of confinement need not be
14 consecutive to reach the six-month presumptively reasonable limit established in
15 *Zadvydas*.” *Tang v. Bondi*, No. 2:25-CV-01473-RAJ-TLF, 2025 WL 2637750, at *4
16 (W.D. Wash. Sept. 11, 2025).

17 Here, the government cannot rebut the conclusion that Petitioner’s continued
18 detention in ICE custody violates the Due Process Clause of the Fifth Amendment
19 under *Zadvydas*. See *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at *28–
20 29 (W.D. Wash. Aug. 21, 2025) (granting preliminary injunction requiring release
21 under *Zadvydas*); *Tang*, dkt. 26 at 12 (same). France lacks birthright citizenship and, in
22 the six months Petitioner has most recently been in ICE custody, it has taken no steps to
23 remove him.

24 **Ground Two: Violation of the Fifth Amendment, 8 U.S.C. § 1231,**
25 **Convention Against Torture, Implementing Regulations, and the**
26 **Administrative Procedure Act**

The allegations in the above paragraphs are realleged and incorporated herein.

1 The Fifth Amendment, the INA, the CAT, and implementing regulations
2 mandate meaningful notice and opportunity to respond to any attempt to remove
3 Petitioner to a third country in reopened removal proceedings. They also require an
4 opportunity for Petitioner to make a fear-based claim against removal to a third country
5 in reopened removal proceedings. Respondents' policy for third country removals
6 violates all of these laws because it directs ICE agents to remove individuals to third
7 countries without any notice or process *at all* where diplomatic assurances are received
8 and, where no diplomatic assurances are received, to provide flagrantly insufficient
9 notice (6–24 hours) and opportunity to respond, in violation of the statute, regulations,
10 and Fifth Amendment.

11 Prior to any third country removal, Petitioner must be provided with
12 constitutionally and statutorily compliant notice and an opportunity to respond and
13 contest that removal if he has a fear of persecution or torture in that country in reopened
14 removal proceedings. *See Nguyen*, 2025 WL 2419288, at *29 (granting preliminary
15 injunction against “removing Petitioner to a country other than [home country] without
16 notice and a meaningful opportunity to be heard in reopened removal proceedings with
17 a hearing before an immigration judge”). Petitioner has not been provided such notice.

18 **Ground Three: Punitive Third Country Banishment; Violation of Fifth and**
19 **Eighth Amendments**

20 The allegations in the above paragraphs are realleged and incorporated herein.

21 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
22 answer for a capital, or otherwise infamous crime, unless on a presentment or
23 indictment of a Grand Jury;” “be subject for the same offence to be twice put in
24 jeopardy of life or limb;” or “be deprived of life, liberty, or property, without due
25 process of law.”
26

1 The Eighth Amendment provides that no “cruel and unusual punishments” may
2 be inflicted.

3 The U.S. Supreme Court long ago held that the government may not inflict upon
4 individuals an “infamous punishment” in addition to deportation as a penalty for an
5 immigration violation, absent criminal charges, a judicial trial, and attendant
6 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

7 Petitioner was convicted and completed any sentences for his criminal
8 convictions decades ago. His convictions made him removable from the United States,
9 but the convictions do not authorize the government to inflict, as a matter of executive
10 policy and discretion, additional punishment on him. Respondents’ third country
11 removal program is punitive in nature and execution.

12 The government has arranged for third countries to receive deportees and
13 imprison them on arrival, possibly indefinitely and often in abhorrent conditions. It has
14 selected countries notorious for human rights abuses and instability for third country
15 removal arrangements. It has targeted individuals with criminal convictions for third
16 country removals where they will be imprisoned and harmed and publicly broadcast
17 those removals to demonize and dehumanize the individuals subjected to these practices
18 and strike fear in the immigrant community to send a message of retribution and
19 deterrence.

20 Respondents’ third country removal program is more than a publicity stunt. The
21 hundreds of individuals who have already been subjected to it have been banished in
22 foreign prisons upon arrival without charge and often without communication with the
23 outside world, including their families and lawyers. Respondents may not subject
24 Petitioner to its third country removal program designed to impose a severe punishment
25 on its subjects. *See id.* Such conduct “shocks the conscience” under Fifth Amendment
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1 substantive due process, is cruel and unusual punishment, and may not be imposed
2 without charge and a judicial trial.

3 Respondents may not seek to remove Petitioner to a third country under their
4 punitive banishment policy and practices. *See Nguyen*, 2025 WL 2419288, at *29
5 (granting preliminary injunction against “removing Petitioner to any country where he
6 is likely to face imprisonment upon arrival”).

7 **Prayer for Relief**

8 Petitioner respectfully requests that this Court:

- 9 (a) Assume jurisdiction over this action;
- 10 (b) Order Respondents to immediately release Petitioner from custody;
- 11 (c) Order that Respondents may not remove or seek to remove Petitioner to a
12 third country without notice and meaningful opportunity to respond in compliance with
13 the statute and due process in reopened removal proceedings;
- 14 (d) Order that Respondents may not remove Petitioner to any third country
15 because Respondents’ third country removal program seeks to impose unconstitutional
16 punishment on its subjects, including imprisonment and other forms of harm; and
- 17 (e) Order all other relief that the Court deems just and proper.

18 **Verification Pursuant to LCR 100(e)**

19 Counsel verifies that this petition is authorized by Petitioner. It does not
20 personally bear Petitioner’s signature because of the significant difficulty for counsel in
21 meeting with Petitioner in person and because mailing the petition to Petitioner and
22 having it mailed back would cause delay that would only extend the period of his
23 unlawful detention. Counsel knows the facts asserted above or alleges them on
24 information and belief, based on information obtained from the government and/or
25 Petitioner.

1 DATED this 17th day of September 2025.

2 Respectfully submitted,

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4 *s/ Alan Zarky*
5 Staff Attorney
6 Federal Public Defender Office
7 Attorney for Artin Hambarsonpour
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