

Paul S. Zoltan
 Texas Bar No. 24038129

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

ARTUR TCHIBASSA,)
)
 Petitioner,)
)
 v.)
)
 Jimmy Johnson, Facility Administrator,)
 Prairieland Detention Center; Josh Johnson, Acting)
 Director of Dallas Field Office, U.S. Immigration)
 and Customs Enforcement and Removal)
 Operations; Marcos Charles, Acting Executive)
 Associate Director, ICE Enforcement and Removal)
 Operations; Kristi Noem, Secretary of the U.S.)
 Department of Homeland Security; and Pamela)
 Bondi, Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
)

Case No. _____

**PETITION FOR WRIT OF
 HABEAS CORPUS
 ORAL ARGUMENT
 REQUESTED**

PLAINTIFF'S EXHIBITS

<u>Tab</u>	<u>Description</u>	<u>Page</u>
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3	Plaintiff's 180-day release request	9
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22061



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk



5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Zoltan, Paul Steven
Law Office of Paul S. Zoltan
P.O. Box 821118
Dallas TX 75382

DHS/ICE Office of Chief Counsel - PIS
27991 Buena Vista Blvd
Los Fresnos TX 78566

Name: TCHIBASSA, ARTHUR

A

Date of this Notice: 12/20/2024

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

1-2



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

TCHIBASSA, ARTHUR
A [REDACTED]
PRAIRIELAND DETENTION CENTER
1209 SUNFLOWER LANE
ALVARADO TX 76009

DHS/ICE Office of Chief Counsel - PIS
27991 Buena Vista Blvd
Los Fresnos TX 78566

Name: TCHIBASSA, ARTHUR

A [REDACTED]

Date of this Notice: 12/20/2024

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Arthur TCHIBASSA, A 

Respondent

FILED
Dec 20, 2024

ON BEHALF OF RESPONDENT: Paul S. Zoltan, Esquire

ON BEHALF OF DHS: Tinashe E. Chimwaza, Assistant Chief Counsel

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Los Fresnos, TX

Before: Clark, Appellate Immigration Judge

CLARK, Appellate Immigration Judge

The Department of Homeland Security (“DHS”) timely appeals from an Immigration Judge’s June 17, 2024, decision granting the respondent’s application for deferral of removal to Angola under the regulations implementing the Convention Against Torture (“CAT”).¹ 8 C.F.R. §§ 1208.16(c), 1208.17; 8 C.F.R. § 1208.18 (2020). The respondent opposes the appeal. The appeal will be dismissed.

The respondent, a native and citizen of Angola, is removable from the United States because of his 2004 federal conviction for hostage taking and related offenses (IJ at 1-2; Exhs. 1, 3, 5).² Despite that conviction, the respondent remains eligible to apply for deferral of removal under the CAT. 8 C.F.R. § 1208.17(a). To qualify for such protection, the respondent must prove that he will “more likely than not” be “tortured” if removed to Angola. 8 C.F.R. § 1208.16(c)(2). For CAT purposes, “torture” occurs when “severe pain or suffering ... is intentionally inflicted on a person ... by, or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.” 8 C.F.R. § 1208.18(a)(1) (2020).³

¹ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994).

² In this order, citations to the Immigration Judge’s decision are to the decision of June 17, 2024.

³ Pursuant to the preliminary injunction in *Pangea Legal Servs. v. U.S. DHS*, 512 F. Supp. 3d 966, 969–70 (N.D. Cal. 2021), we apply 8 C.F.R. § 1208.18(a) as in effect prior to the January 11, 2021, effective date of the final rule published at 85 Fed. Reg. 80,274 (Dec. 11, 2020).

22062

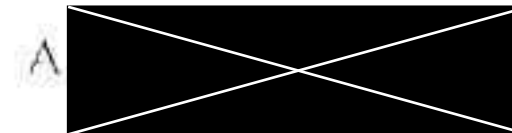
Enforcement and Removal Operations

U.S. Department of Homeland Security
Dallas Field Office
3101 North Stemmons Freeway
Dallas, TX 75247



U.S. Immigration
and Customs
Enforcement

Tchibassa, Artur
c/o Immigration and Customs Enforcement
Dallas Field Office



Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of any information you submitted to ICE's reviewing officials, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below ICE has determined to maintain your custody because:

TCHIBASSA travel document request under Section 241 of the Immigration and Nationality Act (INA) submitted to Honduras.

ICE has made such determination based upon the following:

TCHIBASSA criminal convictions for Conspiracy to Commit Hostage Taking, Hostage Taking, and Aiding and Abetting. (ERO) Dallas is still awaiting a decision from Honduras regarding acceptance of the individual under Section 241 of the Immigration and Nationality Act (INA).

Based on the above, you are to remain in ICE custody pending your removal from the United States, as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12th Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.

To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You (and your representative who has filed a *Form G-28, Notice of Entry of Appearance*, if any) will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may

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Decision to Continue Detention
Tchibassa, Artur
Page 2



PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I A. Hudson, D.O.
Name of ICE Officer Title

certify that I served Tchibassa, Artur with a copy of
Name of detainee

this document at PDC on 3/18/25 at 8:35 AM
Institution Date Time

(b) I certify that I served the custodian _____
Name of Official
_____ at _____ on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served Tchibassa, Artur and the custodian _____
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____
Institution Date

Detainee Signature: _____

Date: _____

() cc: Attorney of Record or Designated Representative
(X) cc: A-File



LAW OFFICE OF PAUL S. ZOLTAN
P. O. Box 821118
DALLAS, TEXAS 75382

PHONE: (214)320-3400

FAX: (214)320-3487

June 3, 2025

ICE Enforcement and Removal Operations (ERO)
8101 N. Stemmons Fwy
Dallas, Texas 75247

Respondent: Artur Tchibassa, 

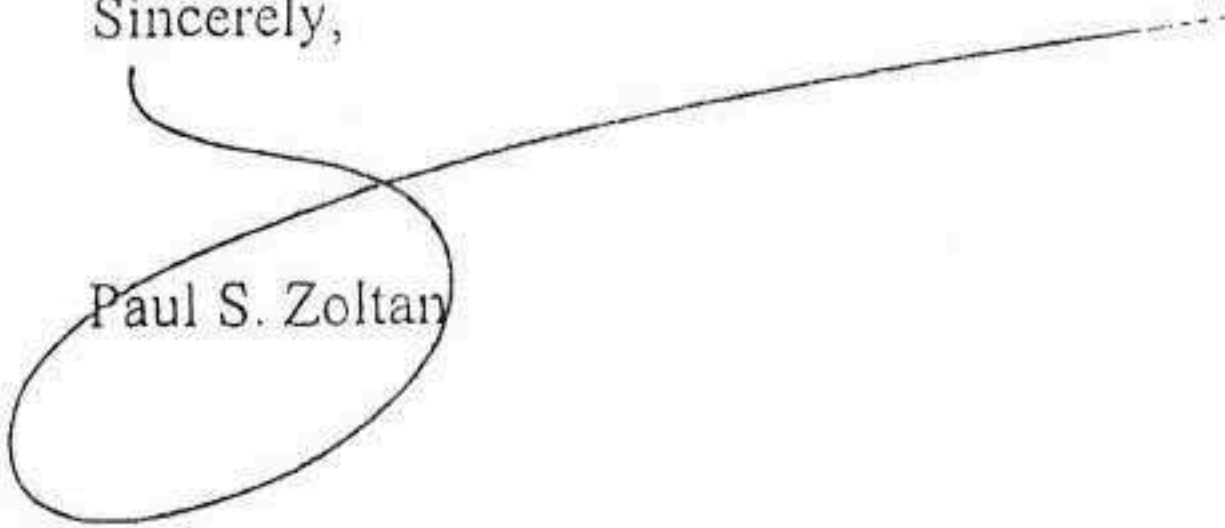
To whom it may concern:

Enclosed please find Artur Tchibassa's 180-day custody review packet. The applicant's identifying documents are in ICE custody. Please refer to his file for those documents. I've included a letter from the president of the nonprofit agency Amanecer, Charles P Barnett, pledging his financial support for Mr. Tchibassa, and a letter from Mr. Ziad Taha confirming that he will provide meals and lodging to Mr. Tchibassa upon the latter's release.

Mr. Tchibassa suffers from advanced Parkinson's disease. He has also been diagnosed with colon cancer. His medical condition requires he take daily medications. Confined to a wheelchair, this frail and elderly man poses no flight risk or danger to the community.

Thank you for your kind attention to this matter.

Sincerely,


Paul S. Zoltan



May 22, 2025

Paul Zoltan, Esq.
Zoltan Law
8610 Greenville Ave,
Dallas, TX 75243

Dear Attorney Zoltan

This letter is to verify that Amanecer is prepared to furnish a one-time contribution to the subsistence, medical care and other charitable needs of Mr. Artur Tchibassa in the amount of \$4,000.00 (Four Thousand Dollars) whenever the need arises as determined by yourself in consultation with Charles Barrett, President of Amanecer.

Please feel free to use this letter in support of proceedings or negotiations on Mr. Tchibassa's behalf.

Sincerely,

Charles P Barrett

President

May 23, 2025

Re: Mr. Artur Echibassa

To whom it may concern:

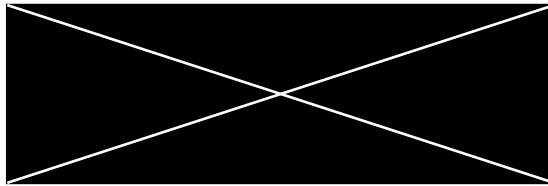
I Dr. Ziad Taha will be willing to provide Artur meals and lodging as long as he needs it. The reason I am willing to do that help to a fellow human that's needs it especially at his age and condition.

Thank you for understanding and accommodating in the matter.

If you have any questions, please do not hesitate to contact me.



Dr. Ziad Taha






LAW OFFICE OF PAUL S. ZOLTAN
P. O. Box 821118
DALLAS, TEXAS 75382

PHONE: (214) 320-3400

FAX: (214) 320-3487

April 15, 2025

Field Office Director, U.S. Immigration and Customs Enforcement
Department of Homeland Security
8101 N Stemmons Freeway
Dallas, Texas 75247

RE: Artur Tchibassa, 

Articulation of Fear of Persecution or Torture in Identified Countries and
Demand for Stay of Removal and Reopening if DHS Intends to Remove to Any
of the Identified Countries

To the Director

I represent Artur Tchibassa, who is presently detained at the Prairieland Detention Center. On December 20, 2024, the Board of Immigration Appeals dismissed DHS' appeal from the immigration judge's grant of deferral of removal under the United Nations Convention Against Torture. As such, the Department of Homeland Security (DHS) cannot deport Mr. Tchibassa to Angola.

I understand that the current administration is actively pursuing removals to countries that were not designated by an immigration judge as either the country of removal or an alternative country of removal. By this letter, I am articulating a fear of persecution and torture on behalf of Mr. Tchibassa if he is removed to either Honduras or El Salvador.


Should DHS intend to deport Tchibassa to either of these countries, DHS must comply with its obligations to:

- 1) Provide notice of the intent to deport to one of the designated countries;
- 2) Notify the ICE Office of the Principal Legal Advisor so that it can move to reopen removal proceedings to designate a new country of removal and allow Mr. Tchibassa to present his fear-based claim to an immigration judge; and
- 3) Stay Mr. Tchibassa's removal until his fear-based claim is adjudicated by an immigration judge.

Failure to comply with these obligations would violate Mr. Tchibassa's statutory, regulatory, and due process rights, and the United States' commitment to non-refoulement under international law. *See* Immigration and Nationality Act § 241(b)(3); Due Process Clause of the Fifth Amendment; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, div. G, tit. XXII, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (codified at Note to 8 U.S.C. § 1231); *see also* 8 C.F.R. § 1240.10(f); 8 C.F.R. § 1240.11(c)(1)(i).

Thank you for your prompt attention to this matter. We hope that your office will comply with its legal obligations to ensure that Mr. Tchibassa is not deported to a country in which he fears torture without meaningful notice and opportunity to pursue a protection claim so that we may avoid pursuing other avenues to seek redress of any violation.

Sincerely,


Paul S. Zoltan

Attachment: Form G-28 (Notice of Appearance of Attorney or Representative)
Order Granting Withholding of Removal or CAT Protection



LAW OFFICE OF PAUL S. ZOLTAN
P. O. Box 821118
DALLAS, TEXAS 75382

PHONE: (214) 320-3400

FAX: (214) 320-3487

June 30, 2025

Field Office Director, U.S. Immigration and Customs Enforcement
Department of Homeland Security
8101 N Stemmons Freeway
Dallas, Texas 75247

RE: Artur Tchibassa, [REDACTED]

Articulation of Fear of Persecution or Torture in Identified Countries and
Demand for Stay of Removal and Reopening if DHS Intends to Remove to Any
of the Identified Countries

To the Director

I represent Artur Tchibassa, who is presently detained at the Prairieland Detention Center. On December 20, 2024, the Board of Immigration Appeals dismissed DHS' appeal from the immigration judge's grant of deferral of removal under the United Nations Convention Against Torture. Because of this, the Department of Homeland Security (DHS) cannot deport Mr. Tchibassa to Angola.

Since DHS is actively pursuing removals to countries that were not designated by an immigration judge as either the country of removal or an alternative country of removal, I write to express Mr. Tchibassa's fear of torture if he is sent to any of the following countries *in addition to Honduras and El Salvador*:

- | | | |
|---------------------|------------------------|--------------------|
| Afghanistan | Barbados | Burma |
| Albania | Belarus | Burundi |
| Algeria | Belize | Cabo Verde |
| Andorra | Benin (Dahomey) | Cambodia |
| Angola | Bolivia | Cameroon |
| Antigua and Barbuda | Bosnia and Herzegovina | The Cayman Islands |
| Argentina | Botswana | Central African |
| Armenia | Brazil | Republic |
| Azerbaijan | Brunei | Chad |
| The Bahamas | Bulgaria | Chile |
| Bahrain | Burkina Faso (Upper | China |
| Bangladesh | Volta) | Colombia |

Comoros	Korea	Russia
Cook Islands	Kosovo	Rwanda
Costa Rica	Kuwait	Saint Kitts and Nevis
Cote d'Ivoire	Kyrgyzstan	Saint Lucia
Croatia	Laos	Saint Vincent and the Grenadines
Cuba	Latvia	Samoa
Cyprus	Lebanon	San Marino
Czechia	Lesotho	Sao Tome and Principe
Democratic Republic of the Congo	Liberia	Saudi Arabia
Djibouti	Libya	Senegal
Dominica	Lithuania	Serbia
Dominican Republic	Madagascar	Seychelles
Ecuador	Malawi	Sierra Leone
Egypt	Malaysia	Singapore
El Salvador	Maldives	Slovakia
Equatorial Guinea	Mali	Slovenia
Eritrea	Malta	Solomon Islands, The
Estonia	Marshall Islands	Somalia
Eswatini	Mauritania	South Africa
Ethiopia	Mauritius	South Sudan
Fiji	Mexico	Sri Lanka
Gabon	Micronesia	Sudan
The Gambia	Moldova	Suriname
Georgia	Mongolia	Syria
Ghana	Montenegro	Tajikistan
Grenada	Mozambique	Tanzania
Guatemala	Namibia	Thailand
Guinea	Nauru	Timor-Leste
Guinea-Bissau	Nepal	Togo
Guyana	Nicaragua	Tonga
Haiti	Niger	Trinidad and Tobago
Honduras	Nigeria	Tunisia
Hungary	Niue	Turkey
India	North Macedonia	Turkmenistan
Indonesia	Oman	Tuvalu
Iran	Pakistan	Uganda
Iraq	Palau	Ukraine
Ireland	Panama	The United Arab Emirates
Israel	Papua New Guinea	Uruguay
Jamaica	Paraguay	Uzbekistan
Japan	Peru	Vanuatu
Jordan	Philippines	Venezuela
Kazakhstan	Qatar	Vietnam
Kenya	Republic of Korea	Yemen
Kiribati	Republic of the Congo	
	Romania	

Zambia

Zimbabwe

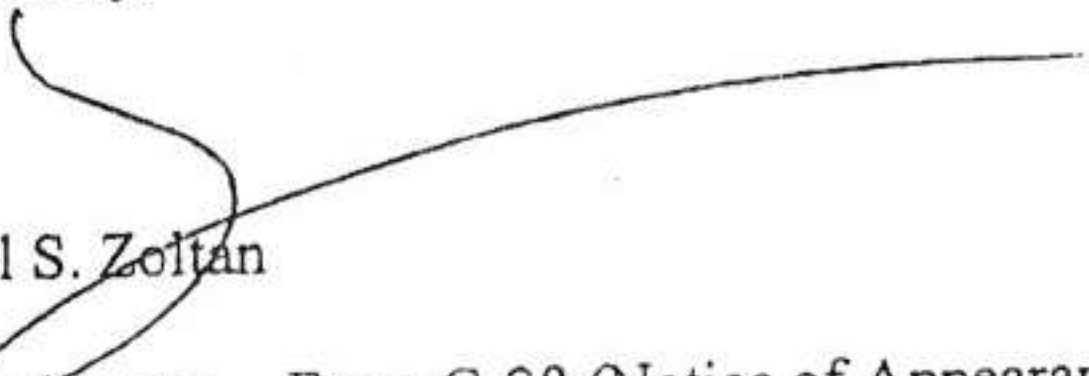
Should DHS intend to deport Tchibassa to any of these countries, DHS must comply with its obligations to:

- 1) Provide notice of the intent to deport to one of the designated countries;
- 2) Notify the ICE Office of the Principal Legal Advisor so that it can move to reopen removal proceedings to designate a new country of removal and allow Mr. Tchibassa to present his fear-based claim to an immigration judge; and
- 3) Stay Mr. Tchibassa's removal until his fear-based claim is adjudicated by an immigration judge.

Failure to comply with these obligations would violate Mr. Tchibassa's statutory, regulatory, and due process rights, and the United States' commitment to non-refoulement under international law. *See* Immigration and Nationality Act § 241(b)(3); Due Process Clause of the Fifth Amendment; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, div. G, tit. XXII, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (codified at Note to 8 U.S.C. § 1231); *see also* 8 C.F.R. § 1240.10(f); 8 C.F.R. § 1240.11(c)(1)(i).

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Sincerely,


Paul S. Zoltan

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LAW OFFICE OF PAUL S. ZOLTAN
P. O. Box 821118
DALLAS, TEXAS 75382

PHONE: (214) 320-3400

FAX: (214) 320-3487

September 19, 2025

Field Office Director, U.S. Immigration and Customs Enforcement
Department of Homeland Security
8101 N Stemmons Freeway
Dallas, Texas 75247

RE: Artur Tchibassa, 

Articulation of Fear of Persecution or Torture if DHS Intends Removal to Ghana

To the Director:

I represent Artur Tchibassa, who is presently detained at the Prairieland Detention Center. On December 20, 2024, the Board of Immigration Appeals dismissed DHS' appeal from the immigration judge's grant of deferral of removal under the United Nations Convention Against Torture. Because of this, the Department of Homeland Security (DHS) cannot deport Mr. Tchibassa to Angola.

In April I notified you of Mr. Tchibassa's fear of torture if he is sent to El Salvador or Honduras. In June I listed an additional 171 countries where Mr. Tchibassa fears he would be tortured. Though the latter list includes Ghana, recent events compel me to emphasize that removal to Ghana *specifically* exposes Mr. Tchibassa to the grave risk of torture.

Three days ago, a federal district court judge castigated DHS for removing to Ghana noncitizens whose circumstances closely resemble Mr. Tchibassa's. Despite alleged assurances from the Ghanaian government that "it would not send Plaintiffs to countries where they would likely be tortured... one Plaintiff was almost immediately sent back to his home country and is currently in hiding." *D.A. v. Noem*, Civil Action No. 25-cv-3135 (TSC), 2025 U.S. Dist. LEXIS 180319, at *5 (D.D.C. Sep. 15, 2025).

Without retracting or modifying the assertions made in his correspondence of April 15 and June 30, I demand that, should DHS intend to deport Tchibassa to Ghana, DHS must comply with its obligations to

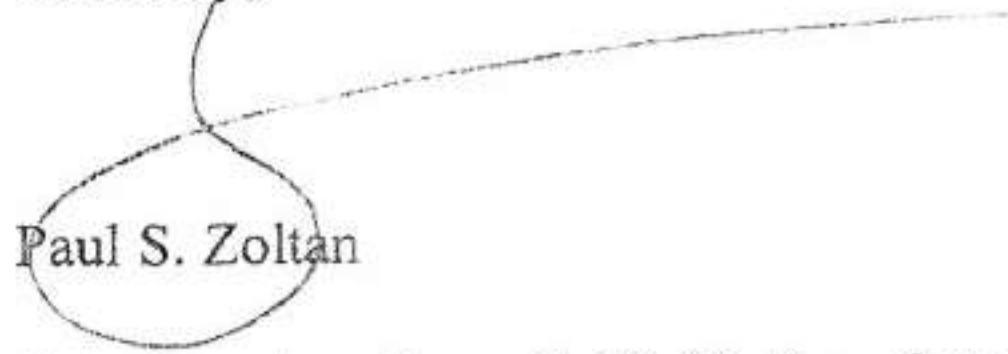
- 1) Notify Mr. Tchibassa and undersigned counsel;

- 2) Notify the ICE Office of the Principal Legal Advisor so that it can move to reopen removal proceedings to designate a new country of removal and allow Mr. Tchibassa to present his fear-based claim to an immigration judge; and
- 3) Stay Mr. Tchibassa's removal until his fear-based claim is adjudicated by an immigration judge.

Failure to comply with these obligations would violate Mr. Tchibassa's statutory, regulatory, and due process rights, and the United States' commitment to non-refoulement under international law. *See* Immigration and Nationality Act § 241(b)(3); Due Process Clause of the Fifth Amendment; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, div. G, tit. XXII, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (codified at Note to 8 U.S.C. § 1231); *see also* 8 C.F.R. § 1240.10(f); 8 C.F.R. § 1240.11(c)(1)(i).

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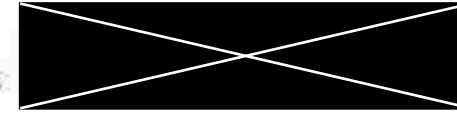
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Law Office of Paul S. Zoltan
P.O. Box 821118
Dallas TX 75382

DHS/ICE Office of Chief Counsel - PIS
27991 Buena Vista Blvd
Los Fresnos TX 78566

Name: TCHIBASSA, ARTHUR

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Date of this Notice: 12/20/2024

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Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

v- 24



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

TCHIBASSA, ARTHUR
A [REDACTED]
PRAIRIELAND DETENTION CENTER
1209 SUNFLOWER LANE
ALVARADO TX 76009

DHS/ICE Office of Chief Counsel - PIS
27991 Buena Vista Blvd
Los Fresnos TX 78566

Name: TCHIBASSA, ARTHUR

A [REDACTED]

Date of this Notice: 12/20/2024

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Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure


Userteam: Docket

6-25

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Arthur TCHIBASSA, 

Respondent

FILED
Dec 20, 2024

ON BEHALF OF RESPONDENT: Paul S. Zoltan, Esquire

ON BEHALF OF DHS: Tinashe E. Chimwaza, Assistant Chief Counsel

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Los Fresnos, TX

Before: Clark, Appellate Immigration Judge

CLARK, Appellate Immigration Judge

The Department of Homeland Security ("DHS") timely appeals from an Immigration Judge's June 17, 2024, decision granting the respondent's application for deferral of removal to Angola under the regulations implementing the Convention Against Torture ("CAT").¹ 8 C.F.R. §§ 1208.16(c), 1208.17; 8 C.F.R. § 1208.18 (2020). The respondent opposes the appeal. The appeal will be dismissed.

The respondent, a native and citizen of Angola, is removable from the United States because of his 2004 federal conviction for hostage taking and related offenses (IJ at 1-2; Exhs. 1, 3, 5).² Despite that conviction, the respondent remains eligible to apply for deferral of removal under the CAT. 8 C.F.R. § 1208.17(a). To qualify for such protection, the respondent must prove that he will "more likely than not" be "tortured" if removed to Angola. 8 C.F.R. § 1208.16(c)(2). For CAT purposes, "torture" occurs when "severe pain or suffering ... is intentionally inflicted on a person ... by, or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity." 8 C.F.R. § 1208.18(a)(1) (2020).³

¹ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994).

² In this order, citations to the Immigration Judge's decision are to the decision of June 17, 2024.

³ Pursuant to the preliminary injunction in *Pangea Legal Servs. v. U.S. DHS*, 512 F. Supp. 3d 966, 969-70 (N.D. Cal. 2021), we apply 8 C.F.R. § 1208.18(a) as in effect prior to the January 11, 2021, effective date of the final rule published at 85 Fed. Reg. 80,274 (Dec. 11, 2020).