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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Jalal Al Chair,

Petitioner-Plaintiff,

v.

John Cantu, Field Office Director of Phoenix Office of Detention and Removal, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security;

Pamela Bondi, in her Official Capacity, Attorney General of the United States;

Kristi Noem, in her Official Capacity, Secretary, U.S. Department of Homeland Security;

Todd Lyons, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; and

Fred Figueroa, in his Official Capacity, Warden, at Eloy Detention Center, Eloy, Arizona

Respondents-Defendants.

Case No. TBD

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Challenge to Unlawful Incarceration Under Color of Immigration Detention Statutes; Request for Declaratory and Injunctive Relief

INTRODUCTION

1. Petitioner, Jalal Al Chair ("Mr. Al Chair"), by and through his undersigned counsel, hereby files this petition for habeas corpus and complaint for declaratory and injunctive relief to compel his immediate release from immigration detention, where he has been held by the U.S. Department of Homeland Security ("DHS") since June 2024, and his detention is unconstitutionally indefinite because there is no substantial likelihood that he will be removed in the reasonably foreseeable future.

2. On January 29, 2025, an Immigration Judge ("IJ") ordered Mr. Al Chair removed to Syria, with an alternate order of removal to Venezuela, after denying his applications for asylum, withholding of removal, and protection under the regulations implementing the Convention Against Torture ("CAT"). Mr. Al Chair has complied with all requests necessary to obtain travel documents for his removal, but upon information and belief, Immigration and Customs Enforcement ("ICE") has not obtained such documents as to Syria, Venezuela, or any country where he does not fear persecution and torture. Furthermore, Mr. Al Chair cannot be repatriated to Syria due to the suspension of diplomatic relations between the U.S. and Syria.[1]

3. Therefore, there is no substantial likelihood that Mr. Al Chair will be removed from the United States in the reasonably foreseeable future, and his continued

[1] The U.S. Department of State updated the Syria Travel Advisory on March 3, 2025, noting "[t]he U.S. government suspended operations in 2012…Do not travel to Syria for any reason." U.S. Department of State, Syria Travel Advisory (March 3, 2025), available at: https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/syria-travel-advisory.html.

detention in immigration custody is unlawful and unconstitutional because it is indefinite. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Accordingly, Petitioner requests that the Court order his immediate release from custody.

4. Additionally, Mr. Al Chair has never been ordered removed to any country other than Syria or Venezuela or notified of such potential removal to any country where he does not fear persecution and torture. Respondents have a statutory obligation to remove Mr. Al Chair *only* to the countries designated in his orders of removal—in this case, Syria or Venezuela. 8 U.S.C. § 1231(b)(2)(A)(ii). If Mr. Al Chair is to be removed to a different country, Respondents *must* first assert a basis under 8 U.S.C. § 1231(b)(2)(C), and ICE *must* provide him with sufficient notice and an opportunity to respond and apply for fear-based relief as to that country, in compliance with the INA, due process, and the binding international treaty: The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[2] Currently, DHS has a policy of removing or seeking to remove individuals to third countries without first providing constitutionally adequate notice of third country removal, or any meaningful opportunity to contest that removal if the individual has a fear of persecution or torture in that country.[3] Indeed, DHS has indicated that it may attempt to remove Mr. Al Chair

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[2] United Nations, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Dec. 10, 1984), available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading.

[3] Catholic Legal Immigration Network, "Updates on Third Country Removals and the D.V.D. Litigation," June 26, 2025, available at: https://www.cliniclegal.org/resources/removal-proceedings/updates-third-country-removals-and-dvd-litigation.

to Turkey or Jordan, countries where he fears he will be harmed, but DHS has not given him an opportunity to assert a fear of persecution or torture in those countries. Given the Supreme Court of the United States' decision on June 23, 2025, in *U.S. Department of Homeland Security, et al. v. D.V.D., et al.*, No. 24A1153, 2025 WL 1732103 (June 23, 2025), which stayed the nationwide injunction that had precluded Respondents from removing noncitizens to third countries without notice and an opportunity to seek fear-based relief; ICE appears emboldened and intent to implement its campaign to send noncitizens to far corners of the planet—places they have absolutely no connection to whatsoever[4]—in violation of clear statutory obligations set forth in the Immigration and Nationality Act ("INA"), binding treaty, and due process. In the absence of the nation-wide injunction, individual lawsuits like the instant case are the only method to challenge the illegal third-country removals.

5. The Supreme Court's order in *D.V.D., et al.*, which is not accompanied by an opinion, signals only disagreement with nature, and not the substance, of the nationwide preliminary injunction. Thus, in this individual habeas petition, Mr. Al Chair submits that he cannot be removed to any country other than Syria or Venezuela unless he is first provided with adequate notice and a meaningful opportunity to apply for protection under the Convention Against Torture. District courts have recently ordered similar relief. *See Quoc Chi Hoac v. Becerra*, 2025 U.S. Dist. LEXIS 136002, 2025 LX

[4] CBS News, "Politics Supreme Court lets Trump administration resume deportations to third countries without notice for now" (June 24, 2025), available at: https://www.cbsnews.com/news/supreme-court-lifts-lower-court-order-blocking-deportations-to-third-countries-without-notice/.

206685 (E.D. Cal. July 16, 2025); *Phong Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 U.S. Dist. LEXIS 136000 (E.D. Cal. July 16, 2025); *Delkash v. Noem*, No. 5:25-cv-01675-HDV-AGRx, 2025 U.S. Dist. LEXIS 133909 (C.D. Cal. July 14, 2025); *J.R. v. Bostock*, No. 2:25-cv-01161-JNW, 2025 U.S. Dist. LEXIS 124229 (W.D. Wash. June 30, 2025).

CUSTODY

6. Petitioner is detained by DHS at the Eloy Detention Center in Eloy, Arizona, where he was transferred after being detained by Customs and Border Protection at the southwest border of the United States in June 2024. The Eloy Detention Center is within the jurisdiction of this Court. Petitioner has been detained for over sixteen months, including more than eight months since his removal order became final, and since that time he has not had a constitutionally compliant hearing to assess whether his detention is warranted.

JURISDICTION

7. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. § 701 *et seq.*, the All Writs Act; 28 U.S.C. § 2241 *et seq.*, habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the common law, as Petitioner is detained under color of the authority of the United States, and such custody is in violation of the Constitution, laws, regulations, and, or treaties of the United States.

8. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651 to protect Petitioner's rights under the Due Process Clause of the Fifth Amendment to the United States Constitution, the Excessive Bail Clause of the Eighth Amendment, and under applicable Federal law, and to issue a writ of habeas corpus for his immediate release. *See generally INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas*, 533 U.S. 678.

REQUIREMENTS OF 28 U.S.C. § 2243

9. Ordinarily, the Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." *Id.* (emphasis added).

10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

11. Habeas corpus must remain a swift remedy. Importantly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any action

creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

VENUE

12. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because the Respondents are employees or officers of the United States, acting in their official capacity; because a substantial part of the events or omissions giving rise to the claim occurred in the District of Arizona; because Petitioner is currently detained in the District of Arizona; and because there is no real property involved in this action.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive the prudential exhaustion requirement if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Petitioner asserts that exhaustion is satisfied as there is no administrative jurisdiction over his detention status because he already has a final order of removal.

14. No statutory exhaustion requirements apply to Petitioner's claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. *See Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a "futile exercise because the

agency does not have jurisdiction to review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

PARTIES

15. Petitioner Jalal AL CHAIR was born in Syria in 1975, but he fled that country for Venezuela in July 2007. Mr. Al Chair lived in Venezuela until 2024, when he fled to the United States and was detained by immigration authorities. He received a positive credible fear determination and in June 2024, he was transferred to the Eloy Detention Center in Eloy, Arizona. He filed an application for asylum, withholding of removal, and CAT protection, but an Immigration Judge denied that application on January 29, 2025, and ordered him removed to Syria, with an alternate order of removal to Venezuela. Because neither Mr. Al Chair nor DHS appealed the Immigration Judge's decision, Mr. Al Chair's order of removal became final on January 29, 2025. Mr. Al Chair has remained detained at Eloy since June 2024. Although the removal period has expired, he is not aware of any significant efforts by ICE to secure travel documents for his removal to any country where he does not fear persecution or torture. Mr. Al Chair's Syrian passport has expired; the United States does not maintain diplomatic relations with Syria; and ICE has specifically disavowed any involvement in efforts to obtain new travel documents for Mr. Al Chair to that country, despite his submission of paperwork to help secure documents. Furthermore, although Mr. Al Chair has past residency of long duration in Venezuela, as well as a wife and children in that country, ICE has not made efforts to remove him to that country. ICE has not provided Mr. Al Chair with an opportunity to assert his fear of persecution and torture in Turkey and Jordan, the

countries to which it currently claims to be seeking his removal. Finally, although Mr. Al Chair submitted voluminous evidence that he is neither a danger to the community nor a flight risk, he has not received a custody status review before a neutral arbiter.

16. Respondent John CANTU is the Acting Field Office Director of ICE, in Phoenix, Arizona, and is named in his official capacity. ICE is the component of the DHS that is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. In his official capacity, he is the legal custodian of Petitioner.

17. Respondent Pamela BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice ("DOJ") and is named in her official capacity. She has the authority to interpret immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA.

18. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official capacity. DHS is the federal agency encompassing ICE, which is responsible for the administration and enforcement of the INA and all other laws relating to the immigration of noncitizens. In her capacity as Secretary, Respondent Noem has responsibility for the administration and enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). Respondent Noem is the ultimate legal custodian of Petitioner.

19. Respondent Todd LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of Petitioner.

20. Respondent Fred FIGUEROA is the warden of the Eloy Detention Center, where Petitioner is being held. Respondent Figueroa oversees the day-to-day operations of the Eloy Detention Center and acts at the direction of Respondents Lyons, Noem, and Cantu. He is a custodian of Petitioner and is named in his official capacity.

STATEMENT OF FACTS

21. Mr. Al Chair was born in 1975, in Swaida, Syria. *See* Exhibit A (Biographic Page of Mr. Al Chair's Syrian Passport). As a [redacted] *See* Exhibit B (Form I-589 Application for Asylum and Withholding of Removal). Then, when he did not [redacted] *See id.* Mr. Al Chair fled Syria for Venezuela on or about July 2007, and he has not returned to his birth country since that time. *See id.*

22. In Venezuela, Mr. Al Chair had a renewable temporary visa, and he co-owned a restaurant. *See id.* He met and married Yohaina Kadamani Hartouche, a Venezuelan citizen with whom he had two daughters, who are now six and four years old. *See id.*

23. When he lived in Venezuela, Mr. Al Chair constantly received extortion demands from [redacted] *See id.* When he refused to

pay in 2024, he received death threats, so he fled the country, this time to the United States. *See id.*

24. When Mr. Al Chair arrived at the border in Arizona, he presented himself at a port of entry and requested asylum. *See id.* He passed a credible fear interview and was detained at the Eloy Detention Center in June 2024. *See* Exhibit C (Declaration of Mr. Al Chair). Mr. Al Chair filed a Form I-589 Application for Asylum and Withholding of Removal in August 2024. Exhibit B.

25. Mr. Al Chair, through prior counsel, submitted a request for bond or parole to ICE. *See* Exhibit D (Cover Letter and Table of Contents for Bond/Parole Request). Mr. Al Chair explained that if he were released from custody, he would live in California with his United States-citizen sister. *See id.* He submitted letters from his sister and her fiancé, along with copies of his sister's most recent four years of tax returns to demonstrate that she was willing and able to support him financially. *See id.*

26. An Immigration Judge denied Mr. Al Chair's asylum application on January 29, 2025, and ordered Mr. Al Chair removed to Syria, with an alternate order of removal to Venezuela. *See* Exhibit E (January 29, 2025 Order of Removal). Both Mr. Al Chair and DHS waived appeal of the Immigration Judge's decision. *See id.*

27. After Mr. Al Chair was ordered removed, ICE gave him a letter informing him that he would receive a "90-day review." Exhibit C. When he reached 90 days of detention following his order of removal, he spoke with an ICE officer and inquired whether they received the documentation he submitted to advocate for his release. Exhibits C, D. He was told that they only had about ten pages, and when he inquired

about the rest, he was told that it "did not matter anyway." Exhibit C. Mr. Al Chair was not released.

28. On May 22, 2025, Deportation Officer Yanez of ICE presented Mr. Al Chair with a Form I-229a Warning for Failure to Depart, but Mr. Al Chair could not read it, because Officer Yanez used another piece of paper to cover up the portion of the form that contained text. Exhibit C; *see also* Exhibit F (Unsigned Instruction Sheet, Dated May 22, 2025). Officer Yanez pressured Mr. Al Chair to sign the form even though he could see only the signature line, but Mr. Al Chair refused to sign, because he did not know the purpose of the form. Exhibits C, F. At another meeting on or about June 20, 2025, Mr. Al Chair again refused to sign for the same reason. *See* Exhibit C; Exhibit G (Form I-229a and Unsigned Instruction Sheet, Dated June 20, 2025). When the same thing happened for a third time in July 2025, Mr. Al Chair was placed in solitary confinement for six days. Exhibit C; Exhibit H (Notice of Failure to Comply and Proof of Service, Dated July 15, 2025). ICE further issued a decision at that time denying his request for release. Exhibit H.

29. Finally, at a fourth meeting on August 20, 2025, an ICE official explained to Mr. Al Chair that signing the Form I-229a would help him obtain travel documents. Exhibit C; Exhibit I (Form I-229a and Signed Instruction Sheet, Dated August 20, 2025). At that time, Mr. Al Chair signed the form because he is willing to cooperate, although he maintains a fear of returning to Syria. *See* Exhibits C, I.

30. A fifth meeting took place on or about September 19, 2025. Exhibit C. ICE requested Mr. Al Chair's signature again, this time to execute his removal to Turkey and

Jordan. *Id.* ICE stated they had obtained approval from both countries. *Id.* However, Mr. Al Chair refused to sign the new form because he has a fear of being removed to both Turkey and Jordan, and he has not been provided with an opportunity to express fears as to those countries. Exhibit C; Exhibit J (Form I-229a and Unsigned Instruction Sheet, Dated September 19, 2025). Mr. Al Chair is afraid because both Turkey and Jordan are Muslim nations and will identify him as Druze when he arrives and they see that he is from Swaida, Syria. Exhibit C.

31. Mr. Al Chair has been detained for the past fifteen months since he arrived in the United States in June of 2024. This period includes over eight months since he was subject to a final order of removal in January 2025. ICE conducted a custody review in Mr. Al Chair's case in July 2025, but he was denied release because he would not sign a form that ICE refused to allow him to read. *See* Exhibit H.

32. No evidence has been made available to Mr. Al Chair that ICE has requested travel documents to Syria on his behalf, despite his signature on Form I-229a for that purpose. No evidence has been presented or made available to Mr. Al Chair that the government of Syria has ever indicated that it would issue such travel documents. *See* Exhibit C. Mr. Al Chair has reached out to ICE to inquire about the status of his travel documents, but ICE told him, "That's not our job." *See* Exhibit C. ICE asked him if he has friends or family in Syria who could assist him in obtaining travel documents, but he explained that he no longer has contacts in Syria. *See* Exhibit C. Mr. Al Chair's parents and sister live in California, while his older brother lives in Venezuela, and he believes

that his other sister lives in Indonesia. *See* Exhibit C. His wife and children live in Venezuela. *See* Exhibit B.

33. Mr. Al Chair is aware of no attempts to remove him to Venezuela or to any other country where he might be safe from persecution or torture. *See* Exhibit C. In addition to Venezuela, Mr. Al Chair inquired as to whether he could be removed to Mexico, Colombia, or Costa Rica, but his Deportation Officer was adamant about focusing on removal to Syria. *See id.* Then, on September 19, 2025, Mr. Al Chair spoke with someone from ICE who told him they may try to remove him to Turkey or Jordan. *See* Exhibit C. However, ICE did not provide Mr. Al Chair with an opportunity to express his fear of removal to either of those countries. *See id.*

34. Mr. Al Chair does not have travel documents for either Syria or Venezuela, despite his own diligent efforts to obtain such documents. *See* Exhibit C. He obtained residency in Venezuela in 2018, but he could not renew his residency when it expired in 2023, because his Syrian passport had expired by that time. *See id.* He also learned that Syria would not issue him a new passport because he had refused to serve in the civil war in that country, and he had fled to Venezuela. *See id.*

35. Mr. Al Chair has remained unlawfully detained without having been provided a due process hearing, and his prolonged and potentially indefinite detention is not constitutional. His removal to Syria is not reasonably foreseeable, and he is not aware of any efforts by ICE to remove him to Venezuela. *See* Exhibit C. Although ICE claimed to have secured approval to remove Mr. Al Chair to Turkey and Jordan, it did not provide

Mr. Al Chair with an opportunity to express his fear of removal to those countries. *See id.*

36. Mr. Al Chair is also at risk of being unlawfully removed to a country other than Syria or Venezuela without constitutionally adequate notice and a meaningful opportunity to apply for protection under the Convention Against Torture, in violation of the INA, binding international treaty, and due process. Currently, DHS has a policy of removing or seeking to remove individuals to third countries *without* first providing adequate notice of third country removal, or any meaningful opportunity to contest that removal if the individual has a fear of persecution or torture in that country.[5] Indeed, ICE has indicated that it is seeking to do just that to Mr. Al Chair, because an ICE official claimed to have secured approval to remove Mr. Al Chair to Turkey or Jordan, but did not provide him with an opportunity to express his fear of removal to those countries.

37. Intervention from this Court is therefore required to ensure that Mr. Al Chair does not continue to suffer irreparable harm in the form of unjustified, prolonged, and indefinite detention, and further violation of his rights in the form of summary removal to a third country.

[5] Clinic Legal, "Updates on Third Country Removals and the D.V.D. Litigation" (June 26, 2025), available at: https://www.cliniclegal.org/resources/removal-proceedings/updates-third-country-removals-and-dvd-litigation.

LEGAL BACKGROUND

Right to a Hearing Following Expiration of the Removal Period, and Right to Immediate Release For Individuals Whose Removal Is Not Reasonably Foreseeable.

38. Following a final order of removal, ICE is directed by statute to detain an individual for ninety (90) days to effectuate removal. 8 U.S.C. § 1231(a)(2). This ninety (90) day period, also known as "the removal period," generally commences as soon as a removal order becomes administratively final. *Id.* at § 1231(a)(1)(A); § 1231(a)(1)(B).

39. If ICE fails to remove an individual during the ninety (90) day removal period, the law requires ICE to release the individual under conditions of supervision, including periodic reporting. 8 U.S.C. § 1231(a)(3) ("If the alien . . . is not removed within the removal period, the alien, pending removal, shall be subject to supervision."). Limited exceptions to this rule exist. Specifically, ICE "may" detain an individual beyond ninety days if the individual was ordered removed on criminal grounds or is determined to pose a danger or flight risk. 8 U.S.C. § 1231(a)(6). However, ICE's authority to detain an individual beyond the removal period under such circumstances is not boundless. Rather, it is constrained by the constitutional requirement that detention "bear a reasonable relationship to the purpose for which the individual [was] committed." *Zadvydas*, 533 U.S. at 690. Because the principal purpose of the post-final-order detention statute is to effectuate removal, detention bears no reasonable relation to its purpose if removal cannot be effectuated. *Id.* at 697.

40. Post-final order detention is only authorized for a "period reasonably necessary to secure removal," a period that the Court determined to be presumptively six

months. *Id.* at 699-701. After this six (6) month period, if a detainee provides "good reason" to believe that his or her removal is not significantly likely in the reasonably foreseeable future, "the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701. If the government cannot do so, the individual must be released.

41. That said, detainees are entitled to release even before six months of detention if removal is not reasonably foreseeable. *See* 8 C.F.R. § 241.13(b)(1) (authorizing release after ninety days where removal not reasonably foreseeable). Moreover, as the period of post-final-order detention grows, what counts as "reasonably foreseeable" must conversely shrink. *Zadvydas*, 533 U.S. at 701.

42. Even where detention meets the *Zadvydas* standard for reasonable foreseeability, detention violates the Due Process Clause unless it is "reasonably related" to the government's purpose, which is to prevent danger or flight risk. *See Zadvydas*, 533 U.S. at 700 ("[I]f removal is reasonably foreseeable, the habeas court should consider the risk of the alien's committing further crimes as a factor potentially justifying confinement within that reasonable removal period") (emphasis added); *Id.* at 699 (purpose of detention is "assuring the alien's presence at the moment of removal"); *Id.* at 690-91 (discussing twin justifications of detention as preventing flight and protecting the community).

43. The government's own regulations contemplate this requirement. They dictate that even after ICE determines that removal is reasonably foreseeable—and that detention therefore does not per se exceed statutory authority—the government must still determine whether continued detention is warranted based on flight risk or danger. *See* 8

C.F.R. § 241.13(g)(2) (providing that where removal is reasonably foreseeable, "detention will continue to be governed under the established standards" in 8 C.F.R. § 241.4).

44. The regulations at 8 C.F.R. § 241.4 set forth the custody review process that existed even before *Zadvydas*. This mandated process, known as the post-order custody review, requires ICE to conduct "90-day custody reviews" prior to expiration of the ninety-day removal period and to consider release of individuals who pose no danger or flight risk. 8 C.F.R. § 241.4(e)-(f). Among the factors to be considered in these custody reviews are "ties to the United States such as the number of close relatives residing here lawfully"; whether the noncitizen "is a significant flight risk"; and "any other information that is probative of whether" the noncitizen is likely to "adjust to life in a community," "engage in future acts of violence," "engage in future criminal activity," pose a danger to themselves or others, or "violate the conditions of his or her release from immigration custody pending removal from the United States." *Id.*

45. Individuals with final orders who are released after a post-order custody review are subject to Forms I-220B, Order of Supervision. 8 C.F.R. § 241.4(j). After an individual has been released on an order of supervision, ICE cannot revoke such an order without cause or adequate legal process. 8 C.F.R. § 241.13(i)(2)-(3).

Petitioner's Protected Liberty Interest in His Release

46. Petitioner's liberty from immigration custody is protected by the Due Process Clause: "Freedom from imprisonment—from government custody, detention, or

other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

47. The principles and interpretations articulated by the Supreme Court in *Zadvydas* with respect to noncitizens ordered removed under 8 U.S.C. § 1227 also apply to inadmissible noncitizens who are ordered removed under 8 U.S.C. § 1182, but cannot be removed due to lack of a repatriation agreement with the removal country. *Clark v. Martinez*, 543 U.S. 371 (2005); *see also Benitez v. Wallis*, 402 F.3d 1133, 1135 (11th Cir. 2005) (ordering release and parole of noncitizen because the United States' relationship to Cuba had not changed so as to make his removal to Cuba reasonably foreseeable). Petitioner was ordered removed under 8 U.S.C. § 1182, but he cannot be removed in significant part due to the lack of diplomatic relations between the United States and Syria. ICE has not attempted to remove him to Venezuela, the only other country to which he has an order of removal. In this scenario, Petitioner has a liberty interest in release from custody.

Petitioner's Right to Immediate Release From Custody

48. In *Zadvydas*, the Supreme Court held that "the statute, read in light of the Constitution's demands, limits [a noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." 533 U.S. at 689. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

49. There is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," and as such, "the Government must

respond with evidence sufficient to rebut that showing." *Id.* Specifically, ICE has affirmatively forsworn its own responsibility for taking steps to effectuate Petitioner's removal to Syria by stating that securing travel documents is "not [their] problem," despite Petitioner's willingness to sign Form I-229a as soon as ICE explained the form's contents. Exhibit C; *see also Muhti v. Ashcroft*, 314 F. Supp. 418 (M.D. Pa. 2004) (holding, inter alia, that petitioner did not "hold[] the keys to his freedom" where he refused to sign Form I-229a, where petitioner did not refuse to comply with any "specific directive" from ICE). The absence of U.S. diplomatic relations with Syria further indicates that removal is not foreseeable at all, let alone reasonably.

50. Petitioner is unaware of any efforts by ICE to effectuate his removal to Venezuela, where he was a resident for many years. Exhibit C. ICE has further refused Petitioner's requests to investigate whether removal to Mexico, Colombia, or Costa Rica would be possible in his case. *Id.* Instead, ICE initially focused solely on Syria, a country to which Petitioner cannot be removed, and later claimed that it wished to remove Petitioner to Turkey or Jordan, countries where he fears persecution or torture based on his Druze religion. *Id.*

51. Because diplomatic relations between the United States and Syria remain suspended, ICE refuses to take action to remove Petitioner to Venezuela, and ICE has not provided Petitioner with an opportunity to express his fear of harm in Turkey or Jordan, there is no significant likelihood of removal to that country in the reasonably foreseeable future. Accordingly, Petitioner's continued detention is unconstitutional.

52. Absent a substantial likelihood of removal in the reasonably foreseeable future, there is no proper justification for Petitioner's continued detention. In the immigration context, the Supreme Court recognizes only two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

53. The first justification of preventing flight is "by definition . . . weak or nonexistent where removal seems a remote possibility." *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is "no longer practically attainable, detention no longer 'bears [a] reasonable relation to the purpose for which the individual [was] committed.'" Id. (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Because Petitioner's removal is not reasonably foreseeable, his continued detention cannot be justified on flight risk grounds.

54. As for the second justification of protecting the community, "preventive detention based on dangerousness" is permitted "only when limited to specially dangerous individuals and subject to strong procedural protections." *Zadvydas*, 533 U.S. at 690–91. Because Petitioner has no criminal history whatsoever in any country, he cannot be characterized as a "specially dangerous individual[]."

55. Thus, under *Zadvydas*, "the court should hold continued detention unreasonable and no longer authorized by statute," and should order Petitioner's immediate release from custody. *Id.* at 699–700; *see also Zavvar v. Scott*, No. 25-2104-

TDC, 2025 WL 2592543 (D. Md., Sep. 8, 2025) (granting petition and ordering release because petitioner's opportunity to seek fear-based relief from removal to third countries, and associated timeframes for adjudication of fear claims, demonstrated that there was no substantial likelihood of removal in the reasonably foreseeable future); *Chebib v. DHS*, 2020 WL 2561958 (N.D. Fla. Apr. 1, 2020) (ordering immediate release with order of supervision where removal not foreseeable) (R&R adopted in 2020 WL 25621277 (May 1, 2020)); *Manson v. Barr*, No. 3:20-CV-133, 2020 WL 3962235 (M.D. Fla. Jul. 13, 2020) (same); *Muhti*, 314 F. Supp. 2d at 430–31 (ordering release of the noncitizen where he showed, and the government failed to rebut, "substantial evidence that removal is unlikely in the reasonably foreseeable future"); *accord Cabrera Galdamez v. Mayorkas*, No. 22-CV-9847, 2023 WL 1777310 (S.D.N.Y. Feb. 6, 2023) (ordering bond hearing in lieu of immediate release despite detention beyond six-months following removal order, because Petitioner's appeal of withholding of removal denial was only impediment to removal); *Shahbaz H. v. Green*, No. 19-8052, 2019 WL 2723880 at *5 (D. N.J. July 1, 2019) (denying petition due to issuance of travel documents by country to which petitioner was ordered removed, but reasoning that "the Government can establish its continued authority to detain only if the Government can rebut [the] evidence and show that the alien's removal remains likely in the reasonably foreseeable future").

Petitioner's Liberty Interest Mandates a Due Process Hearing If ICE Seeks to Re-Detain Him Following Release.

56. Because Petitioner's detention is civil and his removal period has expired, he must receive a custody review that is compliant with due process if ICE seeks to re-

detain him following release.

57. "Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey v. Brewer*, 408 U.S. 471, 481-82 (1972)). This Court must "balance [Petitioner's] liberty interest against the [government's] interest in the efficient administration of" its immigration laws to determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357.

58. Under the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test: "first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards; and finally the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (*citing Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

59. Under *Mathews*, "the balance weighs heavily in favor of [Petitioner's] liberty" and requires a constitutionally-compliant custody review process. *Haygood*, 769 F.2d at 1355-56.

Petitioner's Private Interest in His Liberty is Profound

60. The first *Mathews* factor weighs strongly in Petitioner's favor. As noted above, "[f]reedom from imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. As such, Petitioner has a "constitutionally protected interest in avoiding physical restraint." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (internal quotation omitted).

61. Petitioner has been detained for sixteen months in total, including over eight months since his order of removal became administratively final. His detention is not the result of a criminal adjudication, and indeed, Mr. Al Chair has no criminal history in the United States or any other country. Nevertheless, he has been incarcerated in the Eloy Detention Center, subject to punitive conditions largely indistinguishable from criminal confinement. *See Preap v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016) (characterizing conditions in ICE detention as "prison-like"). He was held in isolation as punishment when he declined to sign a document that ICE officials refused to allow him to read. Exhibit C.

62. Thus, there is a profound private interest in liberty at stake in this case, which must be weighed heavily when determining what process Mr. Al Chair is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.

The Government's Interest in Keeping Petitioner in Detention is Low, and the Burden on the Government to Release Him from Custody is Minimal.

63. The government's interest in keeping Petitioner in detention is low, and when weighed against Petitioner's significant private interest in his liberty, the scale tips sharply in favor of requiring a due process hearing prior to any re-detention.

64. As noted above, because immigration detention is civil, it can have no punitive purpose. The government's only interest in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. Moreover, the Supreme Court has made clear that indefinite detention of noncitizens who cannot be removed to the country of the removal order is unconstitutional because it "no longer 'bears [a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

65. As further explained above, "preventive detention based on dangerousness" where there is no substantial likelihood of removal is permitted "only when limited to specially dangerous individuals and subject to strong procedural protections." *Zadvydas*, 533 U.S. at 690–91. Even "if removal is reasonably foreseeable, the habeas court should consider the risk of the [noncitizen's] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period." *Id.* at 700.

66. In this case, the government cannot plausibly claim to be detaining Petitioner due to alleged dangerousness, or due to a change in the foreseeability of his

removal to Syria, as he has no criminal history in any country, and the status of U.S. relations with Syria have not changed since his detention. Furthermore, Petitioner's Syrian passport has expired, and ICE has disavowed any efforts on its part to remove him to that country. Petitioner is not aware of any efforts by ICE to remove him to Venezuela or any other country where he would be safe from persecution or torture, despite his inquiries about whether he could obtain documents to numerous alternative countries. ICE did not provide Petitioner with an opportunity to make a claim of fear as to Turkey or Jordan, and he fears removal to those countries on account of his Druze religion. Exhibit C.

67. As to flight risk, Petitioner has submitted ample evidence that he has a support network, including his United States-citizen sister and her fiancé. Exhibits C, D. The government's interest in detaining Petitioner at this time is therefore low. Moreover, as explained, nothing has changed regarding the lack of foreseeability of his removal to Syria.

68. Releasing Petitioner from custody is far *less* costly and burdensome for the government than keeping him detained. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of immigration detention are 'staggering': $158 each day per detainee, amounting to a total daily cost of $6.5 million." *Hernandez*, 872 F.3d at 996. The government would bear no additional cost if it were required to schedule a pre-deprivation hearing for any future re-detention, rather than allowing Petitioner to sit in detention for days or weeks awaiting a hearing.

Without Release from Custody and Requirement of a Due Process Hearing Prior to Any Re-Detention, the Risk of an Erroneous Deprivation of Liberty is High.

69. Because Petitioner has been detained for sixteen months, including eight months of post-order detention, he has already been erroneously deprived of his liberty, as his removal is not foreseeable. The only custody status review that Petitioner has received was a single, non-appealable internal review performed by ICE itself pursuant to 8 C.F.R. § 241.4(d). Exhibits C, H.

70. Prior to that review, Petitioner presented voluminous evidence showing that his sister, a United States citizen who lives in California, was willing and able to provide him with financial support and a place to live if he is released. *See* Exhibits C, D. He demonstrated that he has no criminal history, and there are no other factors to indicate that he would pose a danger to the community. *See id.* Despite Petitioner's showing, ICE denied his request for release after telling him that it did not matter whether they received his full documentary submission. *See* Exhibits C, H.

71. Having presented extensive evidence to ICE and having complied with all reasonable requests by the Government during his time in detention, Petitioner has set forth numerous favorable factors warranting release and has shown the absence of unfavorable factors that would warrant continued detention. *See* 8 C.F.R. § 241.1(e), (f)(2), (f)(5), (f)(8)(i). Nonetheless, ICE refused to release him. Exhibits C, H. Thus, under the process that ICE maintains is lawful, ICE could unilaterally and summarily re-detain Petitioner despite submission of similar evidence in the future. Accordingly, Petitioner has already been erroneously deprived of his liberty, and the risk is high that

he will be so deprived again if ICE is permitted to re-detain him upon its own unilateral decision.

72. Due process also requires consideration of alternatives to detention at any custody redetermination hearing that may occur. The primary purpose of immigration detention is to ensure removal *if* reasonably foreseeable. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if, as here, removal is not actually foreseeable. Accordingly, alternatives to detention must be considered in determining whether Petitioner's re-incarceration is warranted.

Right to Constitutionally Adequate Procedures Prior to Third Country Removal

73. Under the INA, Respondents have a clear and non-discretionary duty to execute final orders of removal only to the designated country or countries of removal. The statute explicitly states that a noncitizen "*shall* remove the [noncitizen] to the country the [noncitizen] . . . designates." 8 U.S.C. § 1231(b)(2)(A)(ii) (emphasis added). And even where a noncitizen does not designate the country of removal, the statute further mandates that DHS "shall remove the alien to a country of which the alien is a subject, national, or citizen." *See id.* § 1231(b)(2)(D); *see also generally Jama v. ICE*, 543 U.S. 335, 341 (2005).

74. As the Supreme Court has explained, such language "generally indicates a command that admits of no discretion on the part of the person instructed to carry out the directive," *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 661 (2007) (quoting *Ass'n of Civilian Technicians v. Fed. Labor Relations Auth.*, 22 F.3d 1150, 1153 (D.C. Cir. 1994)); *see also Black's Law Dictionary* (11th ed. 2019) ("Shall"

means "[h]as a duty to; more broadly, is required to . . . . This is the mandatory sense that drafters typically intend and that courts typically uphold."); *United States v. Monsanto*, 491 U.S. 600, 607 (1989) (finding that "shall" language in a statute was unambiguously mandatory). Accordingly, any imminent third country removal fails to comport with the statutory obligations set forth by Congress in the INA and is unlawful.

75. Moreover, prior to any third country removal, ICE must provide Petitioner with sufficient notice and an opportunity to respond and apply for fear-based relief as to that country, in compliance with the INA, due process, and the binding international treaty: The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[6] Currently, DHS has a policy of removing or seeking to remove individuals to third countries without first providing constitutionally adequate notice of third country removal, or any meaningful opportunity to contest that removal if the individual has a fear of persecution or torture in that country.[7] This policy clearly violates due process and the United States' obligations under the Convention Against Torture. *See Sagastizado Sanchez v. Noem*, 5:25-CV-00104 (S.D. TX, Oct. 2, 2025) (finding due process right to review by immigration judge of USCIS reasonable fear determination as to third country of removal for noncitizen in removal proceedings under 8 U.S.C. § 1229a).

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[6] *See supra* n.5.

[7] Catholic Legal Immigration Network, "Updates on Third Country Removals and the D.V.D. Litigation," June 26, 2025, available at: https://www.cliniclegal.org/resources/removal-proceedings/updates-third-country-removals-and-dvd-litigation.

76. The U.S. District Court for the District of Massachusetts previously issued a nationwide preliminary injunction blocking such third country removals without notice and a meaningful opportunity to apply for relief under the Convention Against Torture, in recognition that the government's policy violates due process and the United States' obligations under the Convention Against Torture. *D.V.D., et al.* v. *U.S. Department of Homeland Security, et al. v.*, No. 25-10676-BEM (D. Mass. Apr. 18, 2025). The U.S. Supreme Court has since granted the government's motion to stay the injunction on June 23, 2025, just before the Court published *Trump v. Casa*, No. 24A884 (June 27, 2025), limiting nationwide injunctions. Thus, the Supreme Court's order, which is not accompanied by an opinion, signals only disagreement with nature, and not the substance, of the nationwide preliminary injunction.

77. Here, Mr. Al Chair has received a hearing before an Immigration Judge only as to protection from removal to Syria and Venezuela. He remains fearful of persecution and torture in Syria, but his removal to that country cannot be effectuated due to the lack of diplomatic relations between the United States and Syria. If Mr. Al Chair were to be removed to any country other than Venezuela, it would violate his due process rights unless he is first provided with constitutionally adequate notice and a meaningful opportunity to apply for protection under the Convention Against Torture. Specifically, ICE has violated its legal obligations and Mr. Al Chair's due process rights by failing to provide an opportunity for Mr. Al Chair to assert his claims of fear as to Turkey and Jordan. In the absence of any other injunction, intervention by this Court is necessary to protect those rights.

FIRST CAUSE OF ACTION

Accardi Doctrine | Violation of the INA and Applicable Regulations

78. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

79. The INA provides for detention during the ninety (90) day "removal period" that begins immediately after a noncitizen's order of removal becomes final. 8 U.S.C. § 1231(a)(1). After the ninety (90) day removal period, the INA and its applicable regulations provide that detaining noncitizens is generally permissible only after an individualized determination of dangerousness and flight risk. *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(d), (f), (h) & (k).

80. Respondents are not permitted to continue detaining Petitioner because his removal is not reasonably foreseeable, and thus Petitioner must be immediately released from custody. Even if his removal were reasonably foreseeable, he must be released because the removal period has passed, and there is no evidence that he presents either a danger to the community or a flight risk.

SECOND CAUSE OF ACTION

Procedural Due Process – Unconstitutionally Indefinite Detention

U.S. Const. amend. V

81. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

82. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law."

83. Other than as punishment for a crime, due process permits the government to take away liberty only "in certain special and narrow nonpunitive circumstances ... where a special justification ... outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690. Such special justification exists only where a restraint on liberty bears a "reasonable relation" to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992). In the immigration context, those purposes are "ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community." *Zadvydas*, 533 U.S. at 690 (quotations omitted).

84. Those substantive limitations on detention are closely intertwined with procedural due process protections. *Foucha*, 504 U.S. 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purpose of ensuring their appearance or protecting the community. *Id.* at 79; *Zadvydas*, 533 U.S. 692. Where laws and regulations fail to provide such procedures, the habeas court may assess whether the noncitizen's immigration detention is reasonably related to the purposes of ensuring his appearance or protecting the community, *Zadvydas*, 533 U.S. at 699, or require release.

85. Because Petitioner's detention is unconstitutionally indefinite, it violates due process and is unlawful.

86. Petitioner's detention is unconstitutionally indefinite because he cannot be removed to Syria, and ICE has made no efforts to remove him to Venezuela or any other country where he would not face persecution or torture. To the extent ICE has attempted

to remove Petitioner to Turkey or Jordan, it has not given him an opportunity to express his fear of persecution and torture in those countries. Thus, his removal is not reasonably foreseeable in this case.

87. Petitioner is not a "specially dangerous" individual. Therefore, his continued detention without any reasonably foreseeable end point is unconstitutionally prolonged in violation of clear Supreme Court precedent. *Zadvydas*, 533 U.S. at 701.

88. Moreover, because Petitioner poses no danger or flight risk, his detention was and is not reasonably related to its purposes and is unlawful.

89. Further, because his continuing unlawful and unconstitutionally indefinite detention without adequate process is an ongoing violation of his due process rights, the only remedy for this violation is his immediate release from immigration detention, as well as a future hearing prior to any re-detention where DHS must prove that his detention is not unlawful.

90. Under this framework, any re-detention of Petitioner without a hearing before a neutral arbiter would similarly violate his due process rights.

THIRD CAUSE OF ACTION

Procedural Due Process – Unconstitutionally Inadequate Procedures Regarding Third Country Removal and Transfer Outside This Judicial District

U.S. Const. amend. V

91. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

92. The Due Process Clause of the Fifth Amendment requires sufficient notice and an opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend. V; *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F.Supp. 1243, 1252 (E.D. Cal. 1994) ("[D]ue process requires that government action falling within the clause's mandate may only be taken where there is notice and an opportunity for hearing.").

93. Petitioner has a protected interest in his life. Thus, prior to removal to any country except Venezuela, Petitioner must be provided with constitutionally compliant notice and an opportunity to respond and contest that removal if he has a fear of persecution or torture in that country.

94. For these reasons, Petitioner's removal to any country other than Venezuela without adequate notice and an opportunity to apply for relief under the Convention Against Torture would violate his due process rights. The only remedy for this violation is for this Court to order that he not be summarily removed to any country other than Venezuela unless and until he is provided with constitutionally adequate procedures.

95. To prevent ouster of this Court's habeas jurisdiction, the Court should, pursuant to 28 U.S.C. §§ 1651(a) (All Writs Act), 2241, issue a limited order prohibiting Respondents from transferring Petitioner outside the Court's District or otherwise changing his immediate custodian without prior leave of Court while this action is pending.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner's detention is unlawful in violation of *Zadvydas* because there is no significant likelihood that he may be removed in the reasonably foreseeable future;

(3) Order the immediate release of Petitioner from custody because his detention is not reasonably foreseeable and he is not a specially dangerous individual, and therefore he is detained in violation of *Zadvydas*;

(4) Order the immediate release of Petitioner from custody on any other basis that this Court finds proper;

(5) Order that, prior to any future re-detention, Petitioner must be provided a hearing before an Immigration Judge where DHS bears the burden of justifying Petitioner's re-detention, and that the Immigration Judge must further consider whether, in lieu of detention, alternatives to detention exist to mitigate any risk that DHS may establish;

(6) Order that Petitioner cannot be removed to any country other than Venezuela without first being provided constitutionally-compliant procedures, including:

a. Written notice to Petitioner and counsel of the country to which he may be removed, in a language that Petitioner can understand, provided at least 21 days before any such removal;

b. A meaningful opportunity for Petitioner to raise a fear of return for eligibility for protection under the Convention Against Torture, including a reasonable fear interview before a DHS officer;

c. If Petitioner demonstrates a reasonable fear during the interview, DHS must move to reopen his underlying removal proceedings so that he may apply for relief under the Convention Against Torture;

d. If it is found that Petitioner does not demonstrate a reasonable fear during the interview, a meaningful opportunity, and a minimum of 15 days, for Petitioner to seek to move to reopen his underlying removal proceedings to challenge potential third-country removal;

(7) Order that Respondents be prohibited from transferring Petitioner outside the Court's District or otherwise changing his immediate custodian without prior leave of Court while this action is pending;

(8) Award Petitioner reasonable costs and attorney fees; and

(9) Grant such further relief as the Court deems just and proper.

Dated: October 7, 2025

Respectfully submitted,

s/Jesse Evans-Schroeder
Jesse Evans-Schroeder, Esq.
Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. 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 the attached Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 7th day of October, 2025 in Tucson, Arizona.

/s/Jesse Evans-Schroeder
Jesse Evans-Schroeder
Attorney for Petitioner