**IN THE UNITED STATES DISTRICT COURT**
**for the**
**DISTRICT OF KANSAS**

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| SARI ABOU AMRA<br>Petitioner, | ) | |
| | ) | Cause No. 25-3222-JWL |
| v. | ) | |
| SAM OLSON, Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security, and JACOB WELSH, Sheriff, Chase County Detention Center<br>Respondent. | ) | |

**PETITIONER'S TRAVERSE TO RESPONDENTS' RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE**

## INTRODUCTION

Petitioner is a stateless, noncitizen who Respondents have held in detention for one hundred and ninety-four (194) days, at various locations, without ever providing a hearing before a neutral decisionmaker to determine whether his continued detention is lawful. In response to Petitioner's Writ of Habeas Corpus under § 2241, Respondents first contend this filing is premature because Petitioner has failed to comply. As explained below, this argument asks the Court to deem an alien's request to consult with counsel before agreeing to sign documentation presented to them by ICE as a failure to comply with an ICE official's request. Respondents then argue Petitioner has failed to demonstrate that there is good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, despite the fact that Respondents have no travel documents for Petitioner, by their own admission. The Response

filed by Respondents fails to consider the unique characteristics of Petitioner's circumstance as a stateless person.

As a preliminary matter, Petitioner cannot admit or deny the averments made by Respondent. First, the Response is not written in a manner that allows Petitioner to admit or deny factual allegations contained therein. Rather, it is in the form of a brief. Of significant importance, Petitioner was in possession of documents relevant to his immigration proceedings at the time he was taken into custody on June 4, 2025. At this time, the whereabouts of those documents is unknown. Despite the Government's assertion that they have reviewed Petitioner's official immigration file, Petitioner's counsel does not have access to same, and despite numerous requests, have not been given access to same.

Counsel has requested Petitioner's immigration file on several occasions:

a. By email to the Kansas City ERO on June 9, 2025, contemporaneously therewith submission of G-28 submissions.
b. By letter via U.S. Mail to the Chicago Field Office on June 18, 2025, contemporaneously therewith submission of G-28 submissions.
c. By letter via email to the Chicago Field Office on June 18, 2025, contemporaneously therewith submission of G-28 submissions.
d. By FOIA request submitted electronically on June 18, 2025.
e. By email to the Kansas Duty Officer on November 19, 2025.

Counsel's requests to the Kansas City ERO, Chicago Field Office, and Kansas Duty Officer went unanswered. Counsel's FOIA request was denied. Most recently, on November 19, 2025,

Petitioner's counsel submitted a request to the duty attorney inbox, this time requesting more specific documents including:

1. Any Motions filed by or on behalf of Mr. Abou Amra before the Board of Immigration Appeals
2. Any Responses filed to those Motions
3. Any Asylum applications filed by or on behalf of Mr. Abou Amra, including Rider applications
4. Any decisions regarding those Asylum applications
5. Any Orders entered by the Board of Immigration Appeals
6. Any Orders for Alternative to Detention Programs, including ISAP
7. Any recorded violations by Mr. Abou Amra of terms of Alternative to Detention Programs, including ISAP
8. The entire contents of the file referenced by ICE personnel as having been reviewed as part of their handling and processing of Mr. Abou Amra since he has been in the custody of the government.

To date, Petitioner's counsel have not received a response to this request, let alone the documents requested. ICE has provided Petitioner's counsel with limited documents since Petitioner's detention, none of which include an order for final removal. Neither counsel nor Petitioner can ascertain the contents of Petitioner's immigration file in the absence of the file.

Further, counsel's access to Petitioner has become increasingly restricted since his detention. Petitioner has been moved not less than four times since being detained: Ste. Genevieve County Detention Center (Ste. Geneveive, Missouri); FCI Leavenworth, a federal penitentiary (Leavenworth, Kansas); Chase County Detention Center (Cottonwood Falls, Kansas); and Greene County Jail (Springfield, Missouri). Since being transferred from Ste. Geneveive, Petitioner has been a minimum of three and a half hours away from counsel in distance. Counsel has issued letters to Petitioner, appropriately marked "Legal Mail," however, it is unclear whether Petitioner has received same, as Counsel has not received responsive correspondence

from Petitioner. To counsel's knowledge, Petitioner has not been given access to a means to communicate via email in any facility. Regardless, Counsel has been unable to determine with certainty the level at which Petitioner can read and comprehend information relative his immigration proceedings.

## ARGUMENT

### I. PETITIONER'S CONTINUED DETENTION IS UNCONSTITUTIONAL BECAUSE THERE IS NO SIGNIFICANT LIKELIHOOD OF HIS REMOVAL IN THE FORESEEABLE FUTURE.

Petitioner challenges the constitutionality of his post-removal proceeding detention as Respondents' continued detention of Petitioner violates Due Process requirements as interpreted in *Zadvydas*. *Zadvydas v. Davis,* 533 U.S. 678, 699 (2001).

"It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993). The right to due process applies to all aliens "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas,* 533 U.S. at 693.

Matters pertaining to the detention of aliens pending removal following the entry of a final order of removal are governed by Section 241 of the Immigration and Nationality Act ("INA"), which authorizes detention of aliens after the issuance of a final order of removal. Further, Section 241 of the INA requires the Attorney General to effectuate an alien's removal from the United States within ninety days (90), commencing on the date the order of removal becomes administratively final. The statute authorizes detention beyond 90 days if it is determined that the alien "is a risk to the community or unlikely to comply with the order of removal…" INA § 241(a)(6).

In *Zadvydas*, the Supreme Court held that INA § 241(a) authorizes detention after entry of an administratively final order of removal for a period of time that is **reasonably necessary** to accomplish the alien's removal. *Zadvydas,* 533 U.S. at 699-700. The Court in *Zadvydas* determined that the statute has two primary goals (1) ensuring the appearance of aliens at future immigration proceedings and (2) preventing danger to the community. *Id* at 690. "But by definition the first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility at best." *Id.* The Court goes on to reference *Jackson v. Indiana* by stating, "where detention's goal is no longer practically attainable, detention no longer "bear[s][a] reasonable relation to the purpose for which the individual [was] committed." *Id.*; see also *Jackson v. Indiana*, 406 U.S. 715 (1972). In other words, in cases where it is unlikely that removal will occur, detention of the alien no longer serves its purpose. The Court goes on to say that if removal is not reasonably foreseeable, a court should hold continued detention unreasonable and no longer authorized by statute. *Zadvydas,* 533 U.S. at 699-700. In this case, the alien's release "may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances, and the alien may no doubt be returned to custody upon a violation of those conditions. *Zadvydas,* 533 U.S. at 700.

In determining whether there is good reason to believe there is a significant likelihood of removal in the foreseeable future, the Court must weigh the competing interests of continued detention of the alien against the possible inability of the Government to obtain the travel documents necessary to remove the alien. *See Moallin v. Cangemi*, 427 F. Supp 2d 908, 927-28 (D. Minn. 2006).

Courts have found that there is no significant likelihood of removal in the foreseeable future in cases where multiple attempts to obtain travel documents have been futile. *See Singh v.*

*Gonzales*, 448 F. Supp. 2d 1214, 1120 (W.D. Wash. 2006) (Petitioner met *Zadvydas* standard of no significant likelihood of removal because ICE had provided no "substantive indication regarding how or when it expects to obtain the necessary travel documents from the Indian government").

Here, the civil confinement at issue here is not limited, but potentially permanent considering Petitioner's circumstances. According to Respondent, Petitioner was granted voluntary departure on January 19, 2003, with an alternate order of removal to Qatar ordered to take effect if Petitioner failed to depart under the voluntary departure order. ¶ 9 Declaration of Deportation Officer Marissa Saenz ("Decl."). Respondent asserts the order for voluntary departure became a final order of removal upon Petitioner's failure to depart. ¶ 10 Decl. Respondent fails to include a date upon which the order of removal became final. Respondent confirms that Petitioner was placed on an order of supervision from April 1, 2005, until his detention on June 4, 2025. ¶ 14 and 15 Decl. Respondent does not include a reason for the revocation of Petitioner's supervision.

Though they failed to identify an exact date that Petitioner's removal order became final, the Government admits that Petitioner has been subject to a final removal order for over twenty (20) years. The Government has been unable to remove Petitioner for the duration of that time. This is likely due to his status as a stateless person. Respondent admits Petitioner is a stateless person. ¶ 4 Decl.

Following the entry for a final order of removal, Petitioner was ordered to be placed on supervised release. ¶ 14 Decl. Petitioner lived on supervised release without incident for twenty years. The Government revoked this supervision for an unstated and unknown reason and have kept Petitioner detained for 194 days, despite the fact that they have no country to which they may deport him. As a stateless person, Petitioner has no home country and, accordingly, there is

nowhere to deport him. Respondent is aware of this. The Government admits they were unable to secure travel documents for Libya because Libya advised Respondent that Petitioner is not a citizen of Libya. ¶ 21 Decl. In an attempt to effectuate deportation, ICE appeared on site and presented Petitioner with an application for travel documents to Palestine. Petitioner's counsel was made aware of this at the time it was occurring. Petitioner was not given the opportunity to review the document with counsel and advised he would need time to review same before he would sign any documents. ICE has routinely deemed Petitioner's request to review documents with counsel as a failure to comply. ICE has not only threatened Petitioner with prosecution for requesting to speak with his counsel of record, but has also implicitly threatened to refer counsel of record to the relevant District Attorney for not advising Petitioner to sign documents counsel did not possess and could not review with Petitioner. This, of course, is an issue on its own. Petitioner has not failed to comply. The Government has no travel documents for Petitioner. It cannot remove him. Petitioner's removal did not occur within 90 days of detention. Petitioner's removal has not occurred within 194 days of detention. There is no significant likelihood that Petitioner's removal will be effectuated at all, let alone in the foreseeable future.

For the reasons stated above, Petitioner has met his burden to provide evidence of good reason to believe there is no significant likelihood of his removal in the foreseeable future.

## II. PETITIONER'S CONTINUED DETENTION IS UNREASONABLE BECAUSE THE GOVERNMENT DOES NOT PROVIDE EVIDENCE THAT HIS REMOVAL IS SIGNFIICANTLY LIKELY IN THE REASONABLE FUTURE

Respondents contends that removal is likely to occur in the foreseeable future because "Once Petitioner was detained, ICE began taking active steps to have Petitioner removed from the United States" *See* Respondent's Response to § 2241 Habeas Petitioner and Order to Show Cause, Page 8. According to Respondent, those "active steps," include: submitting a travel

application to Libya; interviewing Petitioner to assess ties to Libya, Egypt, or Qatar "but Petitioner did not cooperate;" intention of submitting an application for travel documents to Palestine on behalf of Petitioner; and submitting a travel document request to Qatar. *See* Respondent's Response to § 2241 Habeas Petitioner and Order to Show Cause, Page 8.

Again, Petitioner has requested the presence of counsel and the opportunity to consult with counsel regarding documents presented to him by ICE, outside the presence of ICE. ICE deems Petitioner's request for counsel as a failure to comply. This alone is a violation of Petitioner's Due Process rights.

Respondents' evidence does the opposite of supporting a finding of good reason to believe the likelihood of Petitioner's removal is significantly likely to occur in the foreseeable future. Respondent admits it does not have travel documents for Petitioner. The Government has applied for travel documents on Petitioner's behalf to countries with which Petitioner has no ties and have not been successful. From the pattern thus far, it is safe to assume the Government's plan is to apply for travel documents on behalf of Petitioner until they are successful, which is unlikely, while holding Petitioner in detention. The Government has been unable to procure travel documents for Petitioner since the entry of his final order of removal. Petitioner is stateless. Respondent has offered no evidence to support good reason to believe Petitioner's removal is significantly likely to occur in the foreseeable future. Its attempts thus far prove the alternative.

## III. RESPONDENTS DO NOT OFFER JUSTIFICATIONS SUFFICIENTLY COMPELLING TO WARRANT PROLONGED CIVIL DETENTION

Respondent argues that Petitioner refused to complete an application for travel documents for submission to Palestinian Authority and, therefore, the 90-day detention period identified in

*Zadvydas* should be tolled from September 25, 2025. *See* Respondent's Response to § 2241 Habeas Petitioner and Order to Show Cause, Page 8.

Respondent also argues the filing of this Writ was premature because it was filed before the six-month presumptive reasonableness period outlined in *Zadvydas*. This six-month ceiling is judicially implied. *Zadvydas* does not prohibit a Petitioner from filing a Writ after 90 days, but before six months. *Zadvyas's* holding specifically provides that the federal habeas statute grants federal courts authority to decide whether given post-removal-period detention is statutorily authorized. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Courts consider these factors on a case-by-case basis.

By ICE's own admission, "U.S. Immigration and Customs Enforcement (ICE) detention standards require detained aliens be allowed confidential contact with legal representatives." https://www.ice.gov/detain/detention-facilities/vav. This is fundamental to the American judicial system. As explained above, when visited by ICE without the knowledge or presence of counsel, Petitioner indicated he would first need to review documents with his counsel. At times when counsel was contacted, counsel expressed the same position, as counsel cannot fully advise Petitioner in the presence of the Government. Counsel first submitted G-28 Entries of Appearances to the Kansas City ERO on June 9, 2025. A notice of representation letter and request for Petitioner's file was submitted to the Chicago Outreach office via email and U.S. mail on June 18, 2025. An EOIR-27 Entry of Appearance was submitted via ERO e-filing on July 31, 2025. ICE has known Petitioner was represented by counsel since at least June 9, 2025, and has continued to communicate with him without counsel's knowledge. To make matters worse, Respondents argue Petitioner's requests to consult with his counsel are deemed a refusal to sign a

document and therefore, asserts that Petitioner has failed to comply with the Government's requests.

This is a civil detention, as in *Zadvydas.* Again, the regulatory goals under the statute are "ensuring the appearance of aliens at future immigration proceedings" and "[p]reventing danger to the community." *Zadvydas v. Davis*, 533 U.S. at 690. Respondent's have not provided evidence to even suggest continued detention of Petitioner is warranted based on either of these justifications. Both are conspicuously absent from the Government's filings.

Taking the second justification first, Petitioner has no criminal record. He has not faced any legal troubles while in the United States outside of an ordinary traffic offense. Petitioner is not dangerous. He is a father with two young children to support.

As for the first justification for continued detention, Petitioner was on supervised release for a period of twenty years, without incident. He reported as directed and maintained good relationships with his reporting officers. Respondent has not asserted Petitioner missed any check ins or had any prior disciplinary issues while on supervised release. Respondent has not provided a reason for the revocation of Petitioner's supervised release. Instead, it seems the Government revoked Petitioner's supervised release with no plan of how they were going to successfully effectuate his removal. Thus, even if Respondents were able to show that Petitioner is likely to be removed from the United States in the reasonably foreseeable future, they are not able to establish his continued detention is warranted in light of the circumstances.

## CONCLUSION

Petitioner has met his burden to show there is no good reason to believe it is likely that he will be removed from the United States in the reasonably foreseeable future given the

Respondents have no travel documents for Petitioner and their previous attempts to procure same have been futile. The evidence provided by Respondents, consisting of a Declaration from a Deportation Officer regarding their failed attempts to procure travel documents is insufficient to rebut the presumption that his removal is not reasonably foreseeable. Petitioner is not a threat to the security of the United States or to society, nor has Respondent argued such. Therefore, for the reasons stated above, Petitioner respectfully requests this Court grant Petitioner's § 2241 Writ of Habeas Corpus, and order his release from ICE custody.

Should the Court find it beneficial to set a hearing to discuss these matters, Petitioner would be pleased to oblige.

Respectfully submitted,
LAW OFFICE OF VALERIE SPROUT

By: */s/ Valerie Sprout*

VALERIE SPROUT, #KS29920
ALBERT S. WATKINS, #MO34553
ALEXANDRIA N. TOURVILLE, #MO74878
Attorneys for Petitioner
1200 S. Big Bend Blvd.
St. Louis, MO 63117
(314) 727-9111
(314) 727-9110 Facsimile
E-Mail: valerie@sprout-immigration.com
al@kwstllaw.com
atourville@kwstllaw.com

**CERTIFICATE OF SERVICE**

Signature above is also certification that the aforementioned document was filed this 15th day of December, 2025 utilizing the Court's CM/ECF electronic filing system, which will cause a true and correct copy of same to be served upon all counsel of record.