

HON. DISTRICT JUDGE MARTINEZ
HON. MAGISTRATE JUDGE TSUCHIDA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEHRAD GHASEDI,

Petitioner,

v.

CAMMILLA WAMSLEY, *et.al.*,

Respondents.

No. 25-cv-01984-RSM-BAT

MEHRAD GHASEDI'S RESPONSE TO
FEDERAL RESPONDENT'S RETURN

INTRODUCTION

For more than 100 days since July 17, 2025, ICE has re-detained Mehrad Ghasedi ("Ghasedi") for his removal to Iran in its Tacoma detention center where he has been deprived of liberty, has not received proper treatment for medical condition, causing him to experience serious pain and discomfort, and has been kept away from his family in Oregon. Ex B&E. As of October 29, 2025, ICE had not even filed a request for a travel document ("TD") with Iran's embassy for his removal to that country. Dkt. 7, p 3. ICE has been unable to obtain the TD to deport him to Iran while insisting on extending his incarceration forever in violation of due process. Dkt. 6.

On October 29, 2025, ICE responded to Ghasedi's Petition for Habeas Corpus. The response does not explain why until October 29, 2025 it had not even filed a TD

1 request with Iran’s embassy, and why more than 100 days were not sufficient to obtain
2 the TD. Dkt. 6. Furthermore, it does not disclose the DOS has designated Iran as one of
3 only 15 “uncooperative” countries that does *not* facilitate return of its nationals. Ex. A.
4 Iran does not “conduct[] interviews, issu[e] travel documents in a timely manner, [or]
5 accept[] the physical return of their nationals by scheduled commercial or charter
6 flights consistent with ICE and/or foreign government removal guidelines.” *Id.*
7 Therefore, while it is true that Iran has accepted citizens for return from the United
8 States, ICE’s response misleadingly omits that ICE deported only 27 people to Iran last
9 year,¹ leaving an estimated 1,058 Iranian citizens in immigration detention² and another
10 2,618 on the non-detained docket awaiting travel documents. Ex. A.
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13 The response includes as its sole factual support a declaration of Officer De
14 Castro. Dkt 7. The declaration inaccurately states Ghasedi violated restrictions by
15 traveling outside Oregon without first notifying ICE and failed to cooperate with ICE in
16 obtaining a TD. Dkt. 7, p. 3. Ghasedi was not required to notify ICE of his travel less
17 than 48 hours outside Oregon; his trips in question were less than 48 hours. Ex B. He
18 contacted Iran’s embassy numerous times, which refused to issue confirmations of
19 such contacts. Ex B. ICE did not revoke the OSUP for the alleged violations. ICE took
20 off his ankle monitoring device; this shows his compliance. *Id.*
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25 ¹ Annual Report, Fiscal Year 2024 (dated Dec. 19, 2024), at 99, available at
26 <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf> (last
visited Nov. 3, 2025).

² [ICE Enforcement and Removal Operations Statistics | ICE](#)

1 ICE's generalized, vague, and conclusory statements in the declaration lack
2 probative value as sufficient evidence to carry its burden to rebut Ghasedi's substantial
3 showing that there exists "good reason to believe" Iran will not accept him in the
4 reasonably foreseeable future. His continued detention has become unlawful.
5

6 ARGUMENT

7 I. This Court Has Jurisdiction to Review ICE Action under APA

8 Respondents incorrectly argued that this Court has no jurisdiction under APA
9 because habeas corpus provides Ghasedi with adequate remedy. Dkt. 6, p 5-6.
10 However, Ghasedi also challenges ICE's unlawful decision-making to detain him on
11 July 17, 2025, for which habeas corpus does not provide a sufficient remedy.
12

13 As detailed in Section III below, the decision to detain Ghasedi was "arbitrary,
14 capricious, and abuse of discretion and not in accordance with law" when he did not
15 violate the terms of his OSUP. 5 U.S.C. §706(2)(A), (E). Absent this Court's
16 intervention under APA, Ghasedi has no other "remedy" to challenge the unlawful
17 decision to revoke the OSUP.
18

19 II. Continued Detention Violated Ghasedi's Due Process.

20 ICE has no authority to indefinitely imprison people subject to removal orders.
21 *Zadvydas v. Davis*, 533 U.S. 678 (2001). After expiration of the 90-day statutory
22 period for detention, ICE has a presumptively reasonable period of six months to
23 effectuate removal without Court oversight. *Id.* at 701. After that period, a federal court
24 should order petitioner released when it concludes there is not a "good reason to
25
26

1 believe” that removal will occur in the “reasonably foreseeable future.” *Id.* Once
2 petitioner shows “good reason to believe” removal is unlikely in the reasonably
3 foreseeable future, the burden shifts to respondent to provide sufficient evidence to
4 rebut that showing. *Id.*

5
6 Ghasedi has met his burden showing good reason to believe his removal to Iran
7 will not be likely to occur in the reasonably foreseeable future. The evidence that
8 supports his showing is two-fold: ICE’s inability to obtain the TD, and Iran’s refusal to
9 accept its citizens who have been ordered deported from the United States.

10
11 For more than four years, ICE has failed to deport him to Iran. In April 2021,
12 ICE filed a request for the TD but never received any response. Dkt. 7, p 2. After
13 Ghasedi was released in July 2021, ICE required him to contact Iran’s embassy
14 numerous times to apply for the TD. However, his attempts were all unsuccessful. Ex
15 B. From July 2021 to July 2025, ICE did not secure a TD.

16
17 After Ghasedi was re-detained, ICE claims to have prepared a request for the TD
18 on October 20, 2025, and have “sent a copy of the Travel Document on October 29,
19 2025, via UPS mail, to the Detention and Deportation Officer, for the issuance of the
20 travel document.” Dkt. 7, p. 3. Carefully reading between the lines of the misleading
21 declaration indicates the purported request for TD did not even leave ICE.

22
23 Moreover, ICE did not have the required documents to secure a TD from Iran.
24 Iran requires “original documents” for issuance of TDs. *Kamyab v. Bondi*, Case 2:25-
25 cv-00389-RSL (W.D. Wash. Oct 14, 2025), Dkt. 21. They may include “an original
26 passport or an original birth certificate.” *Id.* ICE’s file only contains “a copy of

1 [Ghasedi's] passport and birth certificate." Dkt. 7, p. 3. ICE has not explained how it
2 can use the copy to meet Iran's requirements for original documents. *Kamyab*, Dkt. 21.
3 (concluding generalized statements are vague and conclusory and thus insufficient to
4 meet government's burden to rebut petitioner's showing).

5 ICE has not obtained TD over a period of more than four years during which
6 ICE applied for TD only once in March 2021 and received no response. Dkt. 7 p 2.
7 After Ghasedi has been re-detained for more than 100 days, the purported TD request
8 has not been sent out of ICE. Dkt. 7, p 3. ICE now "expects" Iran will issue a TD for
9 Ghasedi. Dkt. 7, p 4.

10 ICE's "expectation", unreasonable and unsubstantiated, does not comport with
11 the fact that Iran is one of only 15 "uncooperative" countries that does not facilitate
12 with the return of its nationals. Ex A. For the last two decades, Iran's refusal to
13 cooperate with deportations of its citizens has been sufficient for ICE, following
14 *Zadvydas*, to release people like Ghasedi. Considering ICE's response makes no effort
15 to explain either the inaction or a reasonably expected timeframe of removal and
16 instead conceals the context necessary to determine whether Iran is likely to issue a TD
17 in the reasonably foreseeable future, this Court cannot find removal is likely to occur in
18 the reasonably foreseeable future. *See Singh v. Whitaker*, 362 F. Supp. 3d 93, 101–02
19 (W.D.N.Y. 2019) (holding the court cannot conclude removal is likely to occur in the
20 reasonably foreseeable future if DHS does not indicate when such removal might
21 reasonably be expected) (internal citations omitted).

1 ICE has presented neither evidence showing Iran has interviewed Ghasedi or
2 assessed any aspect of his TD application,³ nor a timeframe within which removal
3 would be reasonably expected. No application for TD is presently pending before Iran's
4 embassy. Under these circumstances, due process does not permit prolonged detention.

6 III. ICE's Revocation of OSUP Violated Regulations.

7 When revoking Ghasedi's OSUP, ICE did not comply with regulations. First,
8 the OSUP revocation was not properly executed. Under 8 CFR § 241.4(1)(2),
9 revocation authority is conferred on two officials: (a) the Executive Associate
10 Commissioner, and (b) a district director on a finding that it is "in the public interest."
11 *Id.* In this case, revocation was signed by the Deputy Field Office Director. Ex C. ICE
12 did not follow its own regulation when executing the revocation. *Rombot v. Souza*, 296
13 F. Supp. 3d 383, 387 (D. Mass. 2017); *Ceesay v. Kurzdorfer*, 781 F Supp. 3d, 137
14 (W.D.N.Y. 2025).

16 Second, there is not any finding that "the revocation is in the public interest"
17 before Ghasedi was re-detained. 8 CFR § 241.4(1)(2). The ICE officer in Eugene lied
18 to Ghasedi when telling him that he was arrested because the judge in Tacoma wanted
19 to see him. Ex B. The revocation notice did not specifically inform Ghasedi of the
20 reason to detain him. Ex C. Later, in its declaration, ICE alleged Ghasedi had violated
21 the terms of his OSUP by failing to notify ICE of his travel outside of Oregon and
22

24 _____
25 ³ The ICE declaration states: "An interview with the embassy was subsequently
26 interviewed whom: Did the Embassy interview ICE officer? Or did the embassy
interview Ghasedi?"

1 cooperate with ICE in obtaining the TD. Dkt. 7. These allegations are neither consistent
2 with the facts, nor are they used as reasons for revocation in the revocation notice. Ex
3 B&C.

4 Third, ICE did not provide Ghasedi with an “informal interview.” 8 CFR §
5 241.4(l)(1) After taking custody, ICE did not provide him with the informal interview
6 for him to respond to the reasons for revocation as required by regulations. Ex B.

8 Finally, ICE had detained Ghasedi before his OSUP was officially revoked. On
9 July 17, ICE re-detained him. However, his OSUP was not officially revoked until July
10 29. Thus, he was detained while the OSUP was still valid. Dkt. 7, p 3.

12 Federal courts have consistently held ICE’s failures to follow regulations
13 warrant release of detained noncitizens. *See, e.g., Ceesay v. Kurzdorfer*, 781 F. Supp.
14 3d 137, 165 (W.D.N.Y. 2025); *Rombot v. Saouza*, 296 F. Supp. 3d 383, 389 (D. Mass.
15 2017)(“While ICE does have significant discretion to detain, release, or revoke aliens,
16 the agency must still follow its own regulations, procedures, and prior written
17 commitments.”); *Villanueva-Herrera v. Tate*, 4:25-cv-03364 (S.D. TX Sep. 26, 2025),
18 Dkt. 14.

20 **IV. Ghasedi Is Entitled to Due Process if Faced with Third Country**
21 **Removal.**

22 ICE informs this Court it has no plans to remove Ghasedi to a third country.
23 DKt. 7, p. 4. When ICE decides to remove him to a third country, Ghasedi requests ICE
24 provide him with notice of the third country designation and opportunity to apply for
25 fear-based relief.
26

1 DATED November 5, 2025.

2
3 Respectfully submitted,

4 /s/ *Benjamin Wang*

5 Attorney PHV for Petitioner

6
7 I certify this document contains 2,095 words in compliance with the Local Civil Rules.