

DETAINED

Judge John H. Chun

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIGAL TZAFIR,

Petitioner,

v.

PAMELA BONDI, *et al.*;

Respondents.

CASE NO.: 2:25-cv-02070-JHC

PETITIONER'S RESPONSE TO RETURN
(TRAVERSE)

NOTED FOR CONSIDERATION:
December 22, 2025

PETITIONER'S RESPONSE TO RETURN

The government's Return, and its justification for detention, depend entirely on an assertion that the petitioner, Ms. Sigal Tzafir, is now subject to a reasonable likelihood of removal in the reasonably foreseeable future. Dkt. 14, at 5; 8 C.F.R. § 241.13(i)(2). The Return makes no assertion that Ms. Tzafir has violated the terms of supervision or that any other circumstance justifies the abrupt revocation of her supervision or the detention itself.

1 Dkt. 1, at 6 (First Claim for Relief); 8 C.F.R. § 241.4(*l*); 8 C.F.R. § 241.13(i)(1). It does not
2 address the expiration of the 90-day removal period. Dkt. 1, at 7 (Second Claim for Relief).
3 Nor does it offer any evidence of changed circumstances or evidence from Israel or any other
4 country asserting that travel documents might be forthcoming. The government’s argument
5 rests entirely on an assertion by Deportation Officer Cristhian de Castro that, despite failed
6 attempts to obtain travel documents in 2009, “ERO Tacoma is reasonably certain that a travel
7 document will be issued by at least one of the countries Petitioner has demonstrated
8 citizenship or blood ties to.” Dkt. 15, at 4.

9 In response, first, the declaration itself is contradictory, and on a crucial point. It says
10 both that Ms. Tzafir is “a native and citizen of Israel” and that as of 2009 she “no longer had
11 citizenship in Israel.” Dkt. 15, at 1, 3. Both statements cannot be true; one must be false. Ms.
12 Tzafir is not a citizen of Israel. The same declaration also says that Ms. Tzafir’s parents are
13 both Israeli citizens, but neither is. Dkt. 15, at 3. This Court should not rely on these false
14 statements for any reason.¹

15 Second, the declaration does not articulate why ICE has renewed confidence that it will
16 obtain travel documents. The declaration says only that ICE requested travel documents from
17 Israel, but it gives no indication that the travel documents might at last be issued, after 16
18 years. It also admits that ICE did not seek travel documents until more than three months after

19 _____
20 ¹ The Return, fortunately, does not repeat these statements, but the respondents’ counsel should
21 not have offered to the Court a declaration with three separate falsehoods.

1 the detention began, showing that ICE did not have grounds to revoke the supervision or to
2 detain Ms. Tzafir in August 2025. And the declaration expresses hope that Ms. Tzafir can
3 obtain travel documents from Uzbekistan, Kazakhstan, Georgia, Ukraine, or Russia, based on
4 her parents' nativity or blood ties. Dkt. 15, at 3. It does not explain what those blood ties are
5 or how those circumstances might in turn support travel documents for Ms. Tzafir to any of
6 those countries. Without more support, the declaration expresses only wishful thinking, not a
7 reasonable belief based on evidence. Wishful thinking is not sufficient to support a finding of
8 a significant likelihood of removal in the reasonably foreseeable future, nor is it sufficient to
9 show cause why the writ of habeas corpus should not be issued. Without this finding, both the
10 revocation of supervision and the detention itself are illegal.

11 Third, there is no reason to think that Ms. Tzafir can be removed in the reasonably
12 foreseeable future to Israel. The government has sent a request for travel documents to Israel,
13 but Ms. Tzafir is not an Israeli citizen. The last time the government tried to remove Ms.
14 Tzafir to Israel, in 2009, Israel made it abundantly clear that it would not accept her, issuing a
15 last-minute "urgent message to not issue travel documents." Dkt. 15, at 3. Ms. Tzafir's
16 husband and brother have recently made repeated efforts to establish that she is not a citizen
17 of Israel, obtaining confirmation from four Israeli consulates over the last few weeks that she
18 is not an Israeli citizen. Exh. 1 (Declaration of Haoxing Yu). The same consulates have also
19 confirmed that Binyamin Tzafir is not a citizen of Israel, contrary to Mr. de Castro's
20 declaration. *Id.*

1 Fourth, there is no reason to think that Ms. Tzafir can be removed in the reasonably
2 foreseeable future to any other country. The government claims that Ms. Tzafir can be
3 removed to various countries based on unsubstantiated claims of her parents' ties to those
4 countries. Ms. Tzafir's parents were born in the former Soviet Union, they renounced their
5 citizenship before it separated into different countries, and other than Israel they have never
6 had citizenship in any of the countries the government mentions. Exh. 1 (Declaration of
7 Haoxing Yu). Also, the designated country of removal is Israel. If the government wants to
8 attempt removal to a third country, at a minimum it must first give Ms. Tzafir notice and an
9 opportunity to express any fear of removal to the third country. After holding Ms. Tzafir in
10 detention for nearly four months, it has not done so.

11 Fifth, even if the government had complied with the procedures in 8 C.F.R. § 241.13,
12 those procedures would not provide sufficient protections to comply with Due Process:

13 Those meager procedures do not, however, provide the process due under the
14 Fifth Amendment, which prohibits the federal government from depriving any
15 person of "life, liberty, or property, without due process of law[.]"... [T]he
government action at issue here is at the core of the liberty protected by the Due
Process Clause....

16 *Khim v. Bondi*, 2025 U.S. Dist. LEXIS 261018, *10-11 (W.D. Wash. December 17, 2025);
17 Dkt. 1, at 7 (Third Claim for Relief). Because the government has not complied even with the
18 "meager procedures" of the regulation, *a fortiori* it is also in violation of the greater
19 requirements of Due Process.

1 There is no reason to think that Ms. Tzafir can be removed in the reasonably foreseeable
2 future to any country, and the government has offered false and inadequate evidence to support
3 the revocation of supervision and the current detention. Every day Ms. Tzafir remains in
4 detention is a further violation of her constitutional rights. She asks this Court to grant the
5 relief in her petition, Dkt. 1, at 8, including her immediate release on the previous conditions.

6 I certify that this memorandum contains 1,009 words, in compliance with the Local Civil
7 Rules.

8
9 Dated this 22nd day of December, 2025.

10 /s/ Kelly Vomacka

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