

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

GOLNAZ ZAMANPOUR,

MAHSA KARIMAGHAEI;

Petitioners,

v.

ORLANDO PEREZ, in his official capacity as
Warden of the Laredo Processing Center,

MIGUEL VERGARA, in his official capacity as
Field Office Director of the Harlingen Field
Office, Immigration and Customs Enforcement,

KRISTI NOEM, in her official capacity as
Secretary of the United States Department of
Homeland Security, and

PAMELA BONDI, in her official capacity as
Attorney General of the United States Department
of Justice;

Respondents.

**EMERGENCY PETITION FOR A
WRIT OF
HABEAS CORPUS**

Case No.: 5:25-cv-00224

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INTRODUCTION

1. Petitioners Golnaz Zamanpour (“Ms. Zamanpour”) and Mahsa Karimaghvae (“Ms. Karimaghvae”)—a mother and daughter, respectively—petition this Court on an emergency basis to issue a Writ of Habeas Corpus releasing them from immigration detention or, at minimum, order Respondents (also collectively referred to as “the government”) to show cause for their continued detention within three days, or no later than 20 days, in accordance with 28 U.S.C. § 2243. Ms. Zamanpour and Ms. Karimaghvae’s continued detention bears no reasonable relation to *any* legitimate government purpose, and is therefore unconstitutional and contrary to the Immigration and Nationality Act (“INA”) for at least the following reasons.

2. First, the INA and the Constitution prevent Ms. Zamanpour and Ms. Karimaghvae’s continued detention because the Immigration Judge’s (“IJ”) withholding of removal order bars their removal to Iran and, now, more than six months post-removal order, the government has not effectuated third country removal. Second, the government cannot constitutionally remove Ms. Zamanpour and Ms. Karimaghvae to a third country without affording them notice and an opportunity to be heard regarding removal to the third country. Because Respondents cannot justify Ms. Zamanpour and Ms. Karimaghvae’s continued detention under the U.S. Constitution or federal statutes and regulations, they request that this Court grant the writ and order Respondents to immediately release them from custody. 28 U.S.C. § 2241.

JURISDICTION AND VENUE

3. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*

4. This Court has subject matter jurisdiction under art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause); amend. V of the United States Constitution (Due Process

Clause); 28 U.S.C. § 2241 (the general grant of habeas authority to the district courts); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 1651 (All Writs Act); and 28 U.S.C. §§ 2201–2202 (Declaratory Judgment Act).

5. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of their detention by Immigration and Customs Enforcement (“ICE”). See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (holding that 8 U.S.C. § 1226(e) did not bar review of constitutional habeas challenge and explaining that Congress must be clear when it seeks to preclude judicial review of constitutional claims); *Oyelude v. Chertoff*, 125 F. App’x 543, 546 (5th Cir. 2005) (District courts retain jurisdiction to review detention “insofar as that detention presents constitutional issues, such as those raised in a habeas petition.”); *Villanueva v. Tate*, No. H-25-3364, 2025 WL 2774610, at *6 (S.D. Tex. Sep. 26, 2025) (Hittner, J.) (rejecting challenge to court’s jurisdiction over claim that government lacks authority to hold immigrant in detention indefinitely while it searches for a third country that will accept him).

6. Habeas is also an appropriate means to challenge a statutorily or constitutionally improper removal process. See, e.g., *Heikkila v. Barber*, 345 U.S. 229, 234–35 (1953) (habeas petition appropriate to challenge deportation on constitutional due process grounds); *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (habeas petition appropriate to challenge removal under the Alien Enemies Act).

7. 8 U.S.C. § 1252(g) does not bar the Court from considering Ms. Zamanpour and Ms. Karimaghaee’s Petition because the Petition challenges only the constitutional and statutory validity of their continued detention and “do[es] not seek review of a decision that could invalidate their removal order[.]” *Duarte v. Mayorkas*, 27 F.4th 1044, 1055 (5th Cir. 2022); see also *Reno*

v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999) (explaining § 1252(g) “applies only to three discrete actions that the Attorney General may take: her ‘decision or action’ to ‘commence proceedings, *adjudicate* cases, or *execute* removal orders”) (quoting 8 U.S.C. § 1252(g)).

8. Similarly, neither 8 U.S.C. §§ 1252(a)(5) nor (b)(9) bar the Court from considering Ms. Zamanpour and Ms. Karimaghvae’s Petition because they do not seek “review of an order of removal, the decision to seek removal, or the process by which removability will be determined.” *Texas v. United States*, 126 F.4th 392, 417 (5th Cir. 2025) (quoting *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020)); *see also Duarte*, 27 F.4th at 1056 (“[W]here review of an agency determination involves neither a determination as to the validity of the [petitioners’] deportation order[] or the review of any question of law or fact arising from their deportation proceedings, § 1252(a)(5) and (b)(9) should not operate as a bar to the district court’s review.”); *E.D.Q.C. v. Warden, Stewart Det. Ctr.*, 789 F. Supp. 3d 1234, 1240 (M.D. Ga. 2025) (“Challenges to [] unlawful detention are not barred by the INA.”) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018)).

9. The pending class-action litigation certified in *D.V.D. v. DHS*, 778 F. Supp. 3d 355 (D. Mass.), *stay granted*, 145 S. Ct. 2153 (2025), presents no barrier to this Court in awarding Ms. Zamanpour and Ms. Karimaghvae relief. Assuming without asserting that Ms. Zamanpour and Ms. Karimaghvae are members of the *D.V.D.* class, their membership does not preclude review of their individual claims because a decision in *D.V.D.* would not grant them adequate relief, and compelling circumstances urge consideration of their claims. Ms. Zamanpour and Ms. Karimaghvae seek relief from unlawful prolonged detention, which is not contemplated in the *D.V.D.* litigation. *See, e.g., Cruz Medina v. Noem*, No. 25-cv-1768, 2025 WL 2306274, at *12 (D.

Md. Aug. 11, 2025) (stay or dismissal in individual case based on *D.V.D.* inappropriate because petitioner challenged his continued detention, whereas *D.V.D.* addresses constitutional issues in the process of third country removal); *cf. Sagastizado Sanchez v. Noem*, No. 25-cv-00104, 2025 WL 2957002, at *13 (S.D. Tex. Oct. 2, 2025) (Saldaña, J.) (holding that petitioner’s membership in the *D.V.D.* class did not preclude the Court from enjoining petitioner’s removal to a third country without sufficient process). Additionally, it is “counterintuitive that non-opt-out class membership, for the purposes of granting a preliminary injunction to prevent removal without due process, could prevent individuals from making their own claims for due process while that injunction is stayed on a class-wide basis.” *Id.*, at *8; *see also Baatz v. Columbia Gas Transmission, LLC*, 814 F.3d 785, 793–94 (6th Cir. 2016) (“[A] district court can abuse its discretion by dismissing a case under the first-to-file rule when doing so could adversely affect a party’s interests.”). Indeed, at least one district court has recognized that the Supreme Court’s stay opens the door to unconstitutional removals, enhancing the propriety of considering individual constitutional claims. *See Vaskanyan v. Janecka*, No. 25-cv-01475, 2025 WL 2014208, at *7 (C.D. Cal. June 25, 2025) (“[N]ow that the [*D.V.D.*] preliminary injunction has been stayed, the Court is persuaded by Petitioner’s argument that Respondents may try to remove him to a third country without affording him adequate notice and opportunity to be heard.”).

10. Venue is proper under 28 U.S.C. § 2241(d) and 28 U.S.C. §§ 1391(b)(2) and (e)(1) because Ms. Zamanpour and Ms. Karimaghaee are presently detained at the Laredo Processing Center in Laredo, Texas, within the jurisdiction of the Southern District of Texas.

REQUIREMENTS OF HABEAS 28 U.S.C. § 2243


11. This Court should grant this application for a writ of habeas corpus “forthwith” or, at minimum, “issue an order directing [Respondents] to show cause why the writ should not be

granted.” 28 U.S.C. § 2243. If an order to show cause is issued, Respondents shall have no more than three days to file a return, unless for good cause this Court grants additional time not to exceed 20 days. *Id.*


12. A hearing shall be set for no more than five days following the return of the writ, unless for good cause this Court permits additional time. *Id.* The court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” *Id.*

13. The importance of habeas as a means of protecting individuals, including noncitizens, from unlawful detention is well established. *See Rasul v. Bush*, 542 U.S. 466, 474 (2004) (“At its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.”) (cleaned up); *Mejias Ramirez v. Watkins*, No. B:10-126, 2010 WL 6269226, at *20 (S.D. Tex. Nov. 3, 2010) (Recio, J.) (“Supervision of the reasonableness of detention through the habeas process [] provides justified protection of the [noncitizen’s] liberty interest and conserves judicial resources.”).

PARTIES

14. Ms. Zamanpour and Ms. Karimaghaee are Iranian citizens detained at the Laredo Processing Center in Texas. 



 On May 21, 2025, an IJ sitting in Laredo, Texas ordered Ms. Zamanpour, along with Ms. Karimaghaee as her rider, removed to Iran but simultaneously withheld removal under the INA and withheld and deferred removal under the Convention Against Torture (“CAT”). Ms. Zamanpour and Ms. Karimaghaee entered detention at the beginning of

January 2025 and have remained continuously detained since the IJ's May 21, 2025, order (approaching eleven continuous months in immigration detention).¹

15. Respondent Orlando Perez is the Warden of the Laredo Processing Center, which detains individuals suspected of immigration violations pursuant to a contract with ICE. Respondent Perez is an immediate physical custodian responsible for Petitioners' detention. He is sued in his official capacity.

16. Respondent Miguel Vergara is the Field Office Director of the ICE Harlingen field office, which is responsible for ICE activities in the Harlingen Area of Responsibility. That area encompasses the Laredo Processing Center. Respondent Vergara is an immediate legal custodian responsible for the arrest and detention of Ms. Zamanpour and Ms. Karimaghvae. He is sued in his official capacity.

17. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security, which is a cabinet-level department of the U.S. government. She is sued in her official capacity. In that capacity, Respondent Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a) and is ultimately responsible for ICE operations.

18. Respondent Pamela Bondi is the Attorney General of the U.S. Department of Justice. Respondent Bondi is sued in her official capacity. In this capacity, she is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g) and directs agencies within the U.S. Department of Justice, including the Executive Office for Immigration Review (EOIR), which houses the immigration courts and Board of Immigration Appeals.

¹ Ms. Zamanpour's and Ms. Karimaghvae's declarations note that they have been detained for 154 days since the IJ's order. *See* Ex. 2 at ¶ 13; Ex. 3 at ¶ 13. They executed those declaration on October 22, 2025, but have remained in continuous detention since. Thus, as of this filing, they have now been detained for 181 days after the IJ's May 21, 2025, order and over 320 days since initially entering detention.

STATEMENT OF FACTS

Ms. Zamanpour and Ms. Karimaghvae's Grant of Withholding of Removal and Convention Against Torture Relief

19. Ms. Zamanpour is a 44-year-old Iranian citizen. Ex. 2 (Decl. of Golnaz Zamanpour) ¶ 2. She is not a citizen or resident of any other country and has not lived in any country other than Iran and the United States. *Id.* ¶ 3.

20. Ms. Karimaghvae is a 22-year-old Iranian citizen. Ex. 3 (Decl. of Mahsa Karimaghvae) ¶ 2. She is not a citizen or resident of any other country and has not lived in any country other than Iran and the United States. *Id.* ¶ 3.

21. Ms. Zamanpour and Ms. Karimaghvae entered the United States in December 2024 after [REDACTED]

[REDACTED] They were detained and, after being placed into removal proceedings under 8 U.S.C. § 1229a, Ms. Zamanpour filed an application for asylum, withholding of removal, and relief under CAT. The application listed Ms. Karimaghvae as a rider to Ms. Zamanpour. The pair remained detained at the Laredo Processing Center for the duration of their removal proceedings.

22. On May 21, 2025, an IJ sitting in Laredo, Texas ordered Ms. Zamanpour and Ms. Karimaghvae removed but granted them withholding of removal and CAT protection. Ex. 1 (IJ Order). The IJ Order withholds and defers Ms. Zamanpour and Ms. Karimaghvae's removal to Iran and does not designate any other country for removal. Ex. 1 at 1, 3.

23. All parties waived appeal, so the IJ's removal order became final on the date it was issued—May 21, 2025. Ex. 1 at 4.

24. At the conclusion of their hearing, the IJ informed Ms. Zamanpour and Ms. Karimaghvae that they would likely be released within five days—no later than March 26, 2025.

Ex. 2 ¶ 7; Ex. 3 ¶ 7. Instead, as of this filing, 181 days of post-removal detention have passed, and, despite obtaining relief, Ms. Zamanpour and Ms. Karimaghvae remain detained.

25. Since the IJ granted Ms. Zamanpour and Ms. Karimaghvae withholding of removal and CAT protection, they have repeatedly requested information about their prolonged detention. Ex. 2 ¶¶ 8–11; Ex. 3 ¶¶ 8–11. In early June 2025, Ms. Zamanpour and Ms. Karimaghvae asked a deportation officer when, in light of their grant of withholding of removal and CAT protection, they would be released. The officer told Ms. Zamanpour and Ms. Karimaghvae that, instead, they would be removed to a third country other than Iran. Ex. 2 ¶ 8; Ex. 3 ¶ 8. In August 2025, still awaiting third country removal, Ms. Zamanpour and Ms. Karimaghvae inquired again about their status, and a deportation officer explained that the search for a receptive third country remained ongoing. Ex. 2 ¶ 8; Ex. 3 ¶ 8. The deportation officer did not identify a specific country for Ms. Zamanpour and Ms. Karimaghvae's removal, though an officer did, at one point, explain that authorities would attempt to remove them to a country near Iran. Ex. 2 ¶ 9; Ex. 3 ¶ 9. Neither Ms. Zamanpour nor Ms. Karimaghvae received a 90-day review of their detention, as required by 8 C.F.R. § 241.4, and, as of this filing, authorities have not provided any information relating to their 180-day review. Ex. 2 ¶¶ 10–11; Ex. 3 ¶¶ 10–11.

26. The IJ Order bars Ms. Zamanpour and Ms. Karimaghvae's removal to Iran. Ex. 1 at 1, 3. ICE has not identified any third country that will accept them or otherwise indicated that removal is reasonably foreseeable. Ex. 1 at 3; Ex. 2 ¶¶ 8–9; Ex. 3 ¶¶ 8–9.

DHS and ICE Directives and Practices Regarding Third-Country Removal

27. Upon information and belief, on February 18, 2025, ICE issued a directive encouraging the use of third country removal for individuals granted withholding of removal and CAT protection. Ex. 4.²

28. On March 30, 2025, DHS issued a memorandum concerning “Guidance Regarding Third Country Removal.” Ex. 5. This memorandum sets forth a procedure for third country deportation of noncitizens like Ms. Zamanpour and Ms. Karimaghvae, who were granted withholding of removal and/or CAT protection. Ex. 5 at 1. The memorandum provides that, if the Department of State has received a credible diplomatic assurance that, broadly speaking, a third country will not persecute or torture individuals deported to that country, then noncitizens like Ms. Zamanpour and Ms. Karimaghvae, who were granted withholding of removal or CAT protection, may be removed to that country without due process. Ex. 5 at 1–2.

29. On July 9, 2025, ICE issued a directive affirming that ICE employees should adhere to the March 30, 2025, memorandum. Ex. 6.³

30. Upon information and belief, Respondents have removed noncitizens to third countries, including El Salvador, Panama, Costa Rica, Honduras, Ghana, South Sudan, Eswatini, Uzbekistan, and Mexico. *See* Ex. 7 at 3.

31. Upon information and belief, the third countries’ diplomatic assurances to the Department of State have not prevented the third countries from deporting noncitizens removed from the United States to the very countries from which they were granted withholding of removal or CAT protection. *See id.* at 1, 3–4.

² *See* Attach. C to Class Action Compl., *D.V.D. v. DHS*, No. 1:25-cv-10676 (D. Mass. Mar. 23, 2025), Dkt. No. 1-4. *See also D.V.D. v. DHS*, 778 F. Supp. 3d at 367–68.

³ *See* Ex. to Sandoval-Moshenberg Decl., *D.V.D. v. DHS*, No. 1:25-cv-10676 (D. Mass. July 15, 2025), Dkt. No. 190-1.

32. Ms. Zamanpour and Ms. Karimaghaee fear that removal to any third country, especially one near Iran, will result in eventual refolement to Iran. Ex. 2 ¶ 12; Ex. 3 ¶ 12. The IJ found that, more likely than not, they would face persecution and torture upon their return to Iran. Ex. 1 at 1.

33. Ms. Zamanpour and Ms. Karimaghaee also fear that they may be harmed in a third country if removed. Ex. 2 ¶ 12; Ex. 3 ¶ 12.

LEGAL FRAMEWORK

A. The Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment to the U.S. Constitution Prohibit the Government from Indefinitely Detaining Noncitizens Granted Withholding or Deferral of Removal under the Convention Against Torture.

34. The Supreme Court established in *Zadvydas* and *Clark* that both the INA and the Due Process Clause of the Fifth Amendment to the U.S. Constitution limit the government’s detention of a noncitizen. *See Clark v. Suarez Martinez*, 543 U.S. 371, 378 (2005); *Zadvydas*, 533 U.S. at 678–80.

35. The INA, 8 U.S.C. § 1231(a), authorizes the detention of a noncitizen with a final removal order during the “removal period”—the 90-day period after an Immigration Court enters an administratively final order of removal.

36. Under § 1231(a)(6), a noncitizen ordered removed and deemed inadmissible by an immigration judge may be detained beyond the 90-day removal period, but “only for the period reasonably necessary to bring about their removal.” *Clark*, 543 U.S. at 385.

37. Detention beyond the 90-day period is reasonable “only for a period consistent with the purpose of effectuating removal.” *Id.* at 384.

38. Further, while detention for up to six months is presumptively reasonable, “once [a noncitizen] provides good reason to believe that there is no significant likelihood of removal in

the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing” to justify continued detention. *Zadvydas*, 533 U.S. at 701.

39. Detention is unreasonable where the government fails to demonstrate a “substantial likelihood of removal” in the “reasonably foreseeable” future. *Clark*, 543 U.S. at 386–87.

40. There is no substantial likelihood of removal for Ms. Zamanpour and Ms. Karimaghvae in the reasonably foreseeable future, and the government cannot show that their continued detention is reasonably necessary.

41. Neither the IJ nor the government designated an alternate country for Ms. Zamanpour and Ms. Karimaghvae’s removal, and neither of them have legal residence (or any other immigration status) in an alternate country. *See* Ex. 1 at 3; Ex. 2 ¶ 3; Ex. 3 ¶ 3. The government also has not sought to reopen their removal proceedings to seek third country removal. *See* Ex. 2 ¶ 9; Ex. 3 ¶ 9; *Clark*, 543 U.S. at 386 (finding that no “substantial likelihood of removal subsists despite the passage of six months” where the government is “no longer even involved in” negotiations with a potential country of removal).

42. Further, Ms. Zamanpour and Ms. Karimaghvae have repeatedly inquired as to their case status and, while the government has indicated an intention to remove them to a third country, its assertions have routinely lacked a definitive timeline, supported only by vague suggestions that removal could be to a country near Iran. *See* Ex. 2 ¶¶ 8–9; Ex. 3 ¶¶ 8–9. Indeed, “[v]ery few people subject to withholding of removal or CAT relief are removed from the United States.” Order at 7, *Puertas-Mendoza v. Bondi*, No. 5:25-cv-00890 (W.D. Tex. Oct. 12, 2025), Dkt. No. 12 (noting that in fiscal year 2017, less than two percent of those granted withholding of removal were ultimately deported to a third country). The INA’s removal period and *Zadvydas*’s presumptively reasonable six months of detention have both come and gone, and Ms. Zamanpour

and Ms. Karimaghvae are no closer to release than they were on the day the IJ granted them withholding of removal and CAT relief.

43. As such, Ms. Zamanpour and Ms. Karimaghvae's continued detention is no longer reasonably necessary for removal and violates the INA.

44. Separately from the INA, the Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits detention of a noncitizen absent an underlying, legitimate government purpose. *See Zadvydas*, 533 U.S. at 689–90; *see also Misirbekov v. Venegas*, No. 25-CV-00168, 2025 WL 3033732, at *1, *2 (S.D. Tex. Oct. 29, 2025) (Olvera, J.) (granting habeas petition based on a due process violation in favor of a noncitizen granted withholding of removal but detained for nine months after IJ's removal order where government failed to complete either the 90-day or 180-day detention review and the "lack of progress in removing [p]etitioner" made reasonably foreseeable removal unlikely); *Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330, 338 (S.D. Tex. 2020) (Ellison, J.).

45. Further, under the Due Process Clause, civil detention, such as detention of an immigrant in post-removal proceedings, must be non-punitive. *See Cadena v. El Paso Cnty.*, 946 F.3d 717, 727 (5th Cir. 2020). Detention conditions that amount to punishment violate the immigrant's procedural due process rights. *Id.*

46. Although the "basic purpose [of] effectuating [a noncitizen's] removal" is a legitimate government purpose, *Zadvydas*, 533 U.S. at 697, detention for this purpose may only be for a "very limited time." *Demore*, 538 U.S. at 529 n.12; *Lawal v. Lynch*, 156 F. Supp. 3d 846, 853 (S.D. Tex. 2016) (Rosenthal, J.).

47. Additionally, the Supreme Court has repeatedly affirmed that detention, even where authorized or mandated by a detention statute, must be constitutional as-applied to noncitizens.

See Jennings, 583 U.S. at 312 (explicitly declining to reach “constitutional arguments on their merits” after finding no statutory limit on the length of mandatory immigration detention under 8 U.S.C. § 1226(c)); *see also Nielsen v. Preap*, 139 S. Ct. 954, 972 (2019) (“Our decision today on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—that is, constitutional challenges to applications of the statute as we have now read it.”).

48. Accordingly, the government must justify civil detention with a legitimate, non-punitive purpose, even where the government purports to detain a noncitizen within the INA’s statutorily authorized period.

B. Due Process Requires DHS to Provide Notice and Opportunity to Present a Fear-Based Claim Before Deportation to a Third Country.

49. Ms. Zamanpour and Ms. Karimaghvae cannot be removed to Iran pursuant to the IJ’s order granting them withholding of removal and CAT protection. Ex. 1 at 1, 3–4. Moreover, no alternative countries of removal have been designated for either. Ex. 1 at 3.

50. To date, the government has not identified a third country willing to accept Ms. Zamanpour and Ms. Karimaghvae or notified them of its intention to remove them to a specific third country. Ex. 2 ¶ 9; Ex. 3 ¶ 9.

51. Although nothing establishes that Ms. Zamanpour and Ms. Karimaghvae’s removal is substantially likely, recent events raise the concern that, in response to this Petition, the government may now attempt to hastily remove Ms. Zamanpour and Ms. Karimaghvae to a third country without adequate notice and opportunity to apply for protection. *See A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) (“[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.” (internal quotation marks omitted) (citations omitted)); Mem. Op. and Order at 5, *D.A. v. Noem*, No. 1:25-cv-03135, Dkt. No. 41 (D.D.C. Sep 15, 2025) (“Here, Defendants transported Plaintiffs to Ghana with no notice or opportunity to challenge that removal,

under what appears to be a hasty and unwritten agreement with Ghana, which has indicated its intention to return Plaintiffs to their home countries where Defendants agree they will almost certainly be persecuted.”).⁴

52. The Due Process Clause and the INA entitle Ms. Zamanpour and Ms. Karimaghae to adequate notice and an opportunity to be heard on a fear-based claim before removal to an unidentified third country. *See* U.S. CONST. amend. V; *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *Mathews v. Eldridge*, 424 U.S. 319, 332–33 (1976); *see also* 8 U.S.C. § 1231; 8 C.F.R. § 1208.16; *Sagastizado*, 2025 WL 2957002, at *10–11 (finding that regulatory and statutory protections offered to noncitizens prior to third country removal under 8 C.F.R. § 1208.31(g), including an opportunity to raise fear-based removal arguments and obtain de novo review from an IJ, are “pertinent to the inquiry into [a noncitizen’s] procedural entitlement to due process”); *Mahdejian v. Bradford*, No. 25-CV-00191, 2025 WL 2269796, at *4 (E.D. Tex. July 3, 2025) (stating that the noncitizen must be provided with notice of the proposed country of removal in order to exercise his due process right to be heard); *Flores Romero v. Evans*, 280 F. Supp. 3d 835, 847–48 n.24 (E.D. Va. 2017) (“DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise any reasonable fear claims.”); *Su Hwa She v. Holder*, 629 F.3d 958, 965 (9th Cir. 2010) (“It follows that a failure to provide notice and, upon request, stay removal or reopen the case for adjudication of [the noncitizen’s] applications as to Burma would constitute a due process violation *if* Burma

⁴ Several news outlets report that after the U.S. government recently removed noncitizens to third countries, those third countries then deported them to their home countries, despite the U.S. having granted withholding of removal to their home countries. *See, e.g.*, Nicholas Riccardi, Chinedu Asadu & Edward Acquah, *Ghana Says All Immigrants Deported by the US Have Been Sent Home, Contradicting Lawyers*, ASSOCIATED PRESS (Sep. 16, 2025), <https://apnews.com/article/us-ghana-deportations-trump-third-countries-africa-efbec16e3725e3065b2578ccc7a175a2>; Ayen Deng Bior, *West Africans Sent by US to Ghana Have Been Deported, Lawyer Says*, REUTERS (Sep. 23, 2025), <https://www.reuters.com/world/africa/west-africans-sent-by-us-ghana-have-been-deported-lawyer-says-2025-09-23/>.

becomes the proposed country of removal.”) (emphasis in original); *Kuhai v. INS*, 199 F.3d 909, 913 (7th Cir. 1999) (holding that the noncitizen must be given the opportunity to brief removal to a third country when there was no indication during removal proceedings that she could be removed there).

53. Removal to an unknown third country without prior notice and an adequate opportunity to present a fear-based claim against removal would violate Ms. Zamanpour and Ms. Karimaghvae’s procedural due process rights.

54. To ensure the protection of Ms. Zamanpour and Ms. Karimaghvae’s due process rights, Respondents should provide them, their counsel, and the Court at least ten days’ notice and the name of the proposed country of removal in writing before initiating any removal.

CLAIMS FOR RELIEF

COUNT I

Ms. Zamanpour and Ms. Karimaghvae’s Indefinite Detention Violates the Immigration and Nationality Act

55. Ms. Zamanpour and Ms. Karimaghvae reallege and incorporate by reference all paragraphs above as if fully set forth herein.

56. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for “a period reasonably necessary to bring about the [noncitizen’s] removal from the United States,” and post-removal order detention exceeding six months is presumptively unreasonable. 533 U.S. at 689, 701.

57. ICE has now detained Ms. Zamanpour and Ms. Karimaghvae for more than six months post-removal order, exceeding the 90-day removal period and exhausting *Zadvydas*’s presumptively reasonable period of detention.

58. The government cannot show that their continued detention is reasonably necessary.

59. Consequently, Ms. Zamanpour and Ms. Karimaghvae's detention lacks a legitimate, non-punitive government purpose, and is therefore unconstitutional.

60. Ms. Zamanpour and Ms. Karimaghvae's continued detention violates 8 U.S.C. §1231(a)(6), and the Court should immediately order their release.

COUNT II

Ms. Zamanpour and Ms. Karimaghvae's Indefinite Detention Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution

61. Ms. Zamanpour and Ms. Karimaghvae reallege and incorporate by reference all paragraphs above as if fully set forth herein.

62. The Due Process Clause of the Fifth Amendment to the U.S. Constitution authorizes civil detention only for a legitimate, non-punitive government purpose.

63. Ms. Zamanpour and Ms. Karimaghvae's more than six month post-removal order detention with no reasonably foreseeable prospect of removal serves no legitimate, non-punitive government purpose.

64. Therefore, their continued detention violates the Due Process Clause, and the Court should immediately order their release.

COUNT III

Removal to an Undisclosed Third Country Would Violate the Due Process Clause of the U.S. Constitution

65. Ms. Zamanpour and Ms. Karimaghvae restate, reallege, and incorporate by reference all paragraphs above as if fully set forth herein.

66. "[T]he Fifth Amendment entitles [noncitizens] to due process of law in the context of removal proceedings." *Trump v. J. G. G.*, 604 U.S. at 673 (citation modified) (citation omitted).

“Procedural due process rules are meant to protect” against “the mistaken or unjustified deprivation of life, liberty, or property.” *Carey v. Piphus*, 435 U.S. 247, 259 (1978). The Supreme Court has long held that “no person shall be” removed from the United States “without opportunity, at some time, to be heard.” *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903). Due process requires notice that is “reasonably calculated, under all the circumstances, to apprise interested parties” and that “afford[s] a reasonable time . . . to make [an] appearance.” *Mullane v. Central Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

67. Removing Ms. Zamanpour and Ms. Karimaghvae without affording them notice of the country of intended removal or any opportunity to present a fear-based claim would violate the Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Ms. Zamanpour and Ms. Karimaghvae respectfully request that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- c. Declare that Ms. Zamanpour and Ms. Karimaghvae’s continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
- d. Order Respondents and individuals acting in concert with them to immediately release Ms. Zamanpour and Ms. Karimaghvae;
- e. Enjoin Respondents and individuals acting in concert with them from transferring Ms. Zamanpour and Ms. Karimaghvae out of this judicial district;

- f. Order Respondents and individuals acting in concert with them that, if Respondents intend to remove Ms. Zamanpour and Ms. Karimaghaee to a third country, they provide them, their counsel, and the Court with written notice of the third country to which Respondents intend to remove them, and confirmation from that third country that it has agreed to accept Ms. Zamanpour and Ms. Karimaghaee, at least ten days before any removal is initiated;
- g. Enjoin Respondents and individuals acting in concert with them from re-detaining Ms. Zamanpour and Ms. Karimaghaee unless such re-detention is authorized by law, including 8 C.F.R. § 241.13; and
- h. Grant such further relief as the Court deems just and proper.

Dated: November 18, 2025

s/ Micah Doak

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Pro Bono Counsel for Petitioners

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioners because I am one of Petitioners' attorneys. I have discussed with Petitioners the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: November 18, 2025

s/ Micah Doak _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2025, I electronically filed the foregoing Petition for Writ of Habeas Corpus with the Clerk of the Court using the CM/ECF system, and served a copy of such filing via mail and/or electronic mail upon:

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EXHIBIT LIST

Ex. No.	Date	Description
1	May 21 2025	Order from Immigration Judge granting CAT Protection
2	Oct. 22, 2025	Declaration of Golnaz Zamanpour
3	Oct. 22, 2025	Declaration of Mahsa Karimaghaee
4	Feb. 18, 2025	ICE Directive
5	Mar. 30, 2025	DHS Memo titled "Guidance Regarding Third Country Removal"
6	July 9, 2025	ICE Directive
7	Sep. 24, 2025	Letter from Senator Elizabeth Warren to Secretary Kristi Noem, Secretary Marco Rubio, and Secretary Pete Hegseth