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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Basel Salama HILS,

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department
of Homeland Security, in her official
Capacity; U.S. DEPARTMENT OF
HOMELAND SECUIRTY; Cammilla
WAMSLEY, Enforcement and Removal
Operations, Seattle Field Office Director,
U.S. Immigration and Customs Enforcement;
Todd LYONS, Acting Director and Senior
Officer Performing Duties of Director of ICE;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; Bruce SCOTT, Warden,
Northwest ICE Processing Center,

Respondents.

Civil Case No.:



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

UNDER 28 USC 2241

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INTRODUCTION

1. Petitioner Basel Salam Hils is a 52-year-old stateless Palestinian who was admitted to the United States on September 15, 1993, on a B1/B2 visa in a Jordanian passport, as the age of 20. He is a beloved member of his community in Beaverton, Oregon where he has been working with his brother at his company, managing 26 stores across multiple locations. Mr. Hils has 4 biological children, who are U.S. Citizens, and two stepchildren, who are a U.S. Citizen and one is pending their Lawful Permanent Resident status. Immigration and Customs Enforcement (“ICE”) is detaining him at the Northwest ICE Processing Center in Tacoma, Washington.

2. For 30 years, Petitioner Hils has lived under an order of removal to Jordan with an alternative order of removal to United Arab Emirates that the U.S. government has been unable to execute. Nonetheless, for 20 years, Mr. Hils has duly complied with an ICE Order of Supervision since it was issued in April of 2005 and proven he is not a flight risk and detention is unwarranted. Although ICE “canceled” his order of Supervision in 2021 in their discretion, ICE informed him should they need him to report again, he would be contacted. Mr. Hils has established a life in his community, had children, and built a productive life for more than three decades.

3. On October 10, 2025, 4 agents suddenly arrested Mr. Hils at a warehouse he was at for work. Mr. Hils eventually discovered one of the agents was an ICE agent, but the other 3 never identified who they were. They did not have badges visible, but they opened his car to grab his wallet to confirm his identity once he informed them his wallet was inside the vehicle. He was then taken into custody where he was fingerprinted, had his photo taken, and was asked about his employment and his youngest child. Prior to his arrest, Mr. Hils was given no warning by ICE to come back into the office to check in. To date, ICE has still not provided him any legal justification for his re-detention, nor is it clear that they had made any meaningful efforts to remove him before taking him into custody.

1 4. ICE has detained Petitioner Hils for a cumulative five months from the time he was first
2 taken into custody in December of 2004 until April of 2005, and then again on October 10, 2025,
3 until now without being able to effectuate his removal to Jordan or the United Arab Emirates.

4 5. Removal to Jordan or the United Arab Emirates is not reasonably foreseeable. ICE has not
5 obtained a travel document to either location at this time. Mr. Hils was first asked to fill out a
6 document for Jordan after he was already in custody at the NWIPC in Tacoma, Washington on or
7 about November 4, 2025. Mr. Hils was not sure what he was being asked to sign and requested to
8 speak to his attorney. Since that time, counsel has been informed it was a travel document request
9 for Jordan and counsel requested his ICE officer provide him with the request for a travel document
for Jordan to fill out.

10 6. Mr. Hils files this habeas petition to seek his release from custody because ICE unlawfully
11 arrested and detained him without providing any constitutionally mandated notice and a hearing;
12 without complying with regulatory standards and procedures for re-detention and revocation of
13 release; and in violation of the detention statute and substantive due process. Mr. Hils also seeks
14 to enjoin Respondents from removing him to a third country without the notice and opportunity to
15 be heard that is required by the Constitution and the immigration statute in reopened removal
16 proceedings, and to enjoin Respondents from removing him to a third country for a punitive
17 purpose and effect. Mr. Hils also seeks to enjoin Respondents from removing him from the
18 Western District of Washington to another ICE detention facility while his Habeas Petition remains
pending.

19 **JURISDICTION AND VENUE**

20 7. This case arises under the Constitution of the United States, the Immigration and
21 Nationality Act ("INA"), 8 U.S.C. § 1101, et seq., and the Administrative Procedures Act ("APA"),
22 5 U.S.C. §§ 500-596, 701-706.

23 8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, et seq. (habeas corpus),

1 U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), 28 U.S.C. §
2 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have
3 waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

4 9. The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, et seq.; the
5 Declaratory Judgment Act, 28 U.S.C. § 2201, et seq.; the All Writs Act, 28 U.S.C. § 1651; and the
6 Court's inherent equitable powers.

7 10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Respondents
8 are agencies or officers of agencies of the United States, Respondents reside in this District,
9 Petitioner is detained in this District, and a substantial part of the events or omissions giving rise
10 to Petitioner's claims occurred in this District.

11 **PARTIES**

12 11. Petitioner Basel Salama Hils is stateless and his place of birth is the United Arab
13 Emirates. He entered on a B-2 visa on September 15, 1993. He has a final order of deportation to
14 Jordan. His order indicated if he is not accepted by Jordan, an alternative order of deportation
15 will be made to the United Arab Emirates. Petitioner is detained in the control and custody of
16 Respondents at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington. He
17 was a resident of Washington County, Oregon but has been detained at NWIPC since October
18 10, 2025.

19 12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
20 ("DHS"). In this capacity, Respondent Noem is the legal custodian of Petitioner. Respondent
21 Noem is sued in her official capacity.

22 13. Respondent Department of Homeland Security (DHS) is a federal executive agency
23 responsible for, among other things, enforcing federal immigration laws and overseeing lawful
24 immigration to the United States. Respondent DHS is a legal custodian of Petitioner.

1 14. Respondent Cammilla Wamsley is the Field Office Director for ICE Enforcement and
2 Removal Operations (“ERO”) in Seattle, Washington. As the ERO Seattle Field Office Director,
3 she is Petitioner’s immediate custodian, responsible for her detention at NWIPC, and the person
4 with the authority to authorize detention or release. Respondent Wamsley is sued in her official
5 capacity.

6 15. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of
7 the Director of ICE. Respondent Lyons is responsible for ICE’s policies, practices, and procedures,
8 including those relating to removal procedures and the detention of immigrants during their
9 removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is
sued in his official capacity.

10 16. Respondent ICE is the federal executive agency responsible for the enforcement of
11 immigration laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is
12 a legal custodian of Petitioner.

13 17. Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day functioning
14 of the NWIPC, and has immediate physical custody of Petitioner, pursuant to a contract with ICE
15 to detain noncitizens. Mr. Scott is sued in his official capacity as the Warden of a federal detention
16 facility. *See Juarez v. Asher*, No. C20-700, 2021 WL 1946222, at *3-5 (W.D. Wash. May 14,
2021).

17 **STATEMENT OF FACTS**

18 **Petitioner’s Facts**

19 18. Petitioner Basel Salama Hils is 52-year-old man born in the United Arab Emirates in 1973.
20 He entered the United States on September 15, 1993, on a B1/B2 visitor visa and has never
21 departed. *Exhibit A*. Mr. Hils was born in the United Arab Emirates but has no status there as birth
22 does not confer status to an individual. Mr. Hils had a temporary Jordanian passport when he

1 entered the United States, but he has no legal status in Jordan. *Id.* His parents were born in Gaza
2 and are Palestinian.

3 19. Petitioner Hils resided in Beaverton, Oregon with his U.S. Citizen wife, Manar Nasser
4 Faisal, and their son Nour, a U.S. Citizen child age 9. *Exhibit B.* Mr. Hils has 3 additional U.S.
5 Citizen children from prior marriages, ages 14, 17, and 25. *Id.* Mr. Hils is also a stepfather to two
6 of his current wife's children, one of whom is a U.S. Citizen and the other who is in the process
7 of obtaining their Lawful Permanent Residency. His wife owns and operates a spa as an
8 esthetician. Mr. Hils' employment and income was helping his wife cover cost of rent for her
9 business, which she has been unable to pay since he was detained. They currently own their home
10 with some remaining mortgage payments. Mr. Hils helps to financially support his children, two
11 of which are currently residing in Lebanon, ages 14 and 17, and he covers their living expenses
12 and school tuition. His eldest daughter resides in Oregon, age 25, and he helps her to cover her
13 car insurance costs. She filed an I-130 for her father which was approved on 09/07/2023. His
14 youngest son, age 9, currently resides with his wife in Beaverton, OR. His stepchildren were
15 living in Gaza but came to the United States in around 2021.

16 20. Mr. Hils currently suffers from Bell's Palsy, or a paralysis or weakness of muscles on one
17 side of the face. *Exhibit C.* His doctors have indicated follow-up care is a key part of his treatment.
18 Four days before he was detained by ICE on October 6, 2025, he had to visit the emergency room.
19 He was diagnosed with elevated blood pressure and was asked to keep a log of his blood pressure
20 twice a day to potentially adjust his medication. He had been receiving outpatient potassium
21 supplements due to hypokalemia (low potassium levels). *Id.* Since he has been in the facility, the
22 diet provided him is high in sodium affecting his blood pressure negatively and he has not
23 received potassium as needed. He recently saw a nurse after many days of requesting health care
24 assistance who was immediately concerned about the size of his feet as they were severely
swollen. She informed him he needed to come back the following day to see a physician. Mr.

1 Hils has also been unnecessarily restricted to two bottles of water per day despite health directives
2 indicating he needs to maintain water intake.

3 21. Petitioner was working with his brother as president of his brother's company, managing
4 26 stores across multiple locations. His wife owns her own business, a spa, which Mr. Hils was
5 helping her to afford rent for the location. They are well respected in their community and own
6 their home with a small mortgage remaining.

7 22. On June 6, 1994, the Immigration and Naturalization Service ("INS") charged him with
8 being removable for having remained in the United States for a time longer than permitted under
9 Section 241(a)(1)(B). *Exhibit D*.

10 23. On October 18, 1995, an immigration judge ordered him deported in absentia to Jordan,
11 and with an alternative order of deportation to the United Arab Emirates. *Id*.

12 24. Petitioner did not appeal.

13 25. Mr. Hils does have an arrest in Montana from 2004. He served an 8-month sentence for
14 false identity. Mr. Hils was then taken into ICE custody after he was released from serving his
15 sentence in December of 2004. His arrest was not connected to his removal order.

16 26. Mr. Hils was encountered by ICE on the first occasion after his removal order was entered
17 on December 27, 2004, in Montana. He was taken into Immigration custody and remained in
18 custody until April of 2005, approximately 4 months.

19 27. Upon his release from custody, Mr. Hils was placed on an Order of Supervision. *Exhibit E*.

20 28. Mr. Hils has never been issued a travel document by Jordan or United Arab Emirates.

21 29. Mr. Hils dutifully remained on his Order of Supervision until his Order was canceled on
22 July 27, 2021, when he came for one of his check-ins. According to his Order of Supervision, it
23 states, "order canceled at ICE discretion" and is dated July 27, 2021. *Id*.

24 30. Mr. Hils was informed by ICE Officer Tony Lee that should they need to speak with him
again, they would contact him to report.

1 31. On October 10, 2025, Mr. Hils was at a warehouse when officers surrounded him. Officers
2 asked him to identify himself. Mr. Hils informed them his wallet was in his car. The officers then
3 opened his car and grabbed his wallet to confirm identity. Officers then took him to the ICE office
4 where he was photographed and fingerprinted and questioned about his work and his youngest
5 son. Of the 4 officers who detained him, only one later identified himself as an ICE officer, and
6 the other 3 did not identify themselves or present a badge. Once Mr. Hils was at the ICE office,
7 the other 3 officers removed the vests they were wearing and departed. He has not seen them since
8 an was taken to the Northwest ICE Processing Center (NWIPC).

9 32. Mr. Hils did not speak to an ICE officer at the NWIPC until November 4, 2025, where he
10 was asked to fill out some document for Jordan. He did not understand what it was for and
11 explained to the officers he was stateless. He then asked the ICE officer if he could speak to his
12 attorney regarding what he was being asked to sign.

13 33. On November 5, 2025, an attorney for Gonzales, Gonzales and Gonzales spoke to an ICE
14 officer who informed her directly the paperwork was for a travel document for Jordan and if Mr.
15 Hils did not complete the paperwork, they would seek to deport him to South Sudan.

16 34. Counsel subsequently asked ICE to provide the travel document for Jordan to Mr. Hils
17 again to fill out. ICE Officer Joseph Carnevale confirmed he would be provided the document
18 again. ICE Officer Joseph Carnevale also confirmed if Jordan denied Mr. Hils, ICE will attempt
19 to remove him to the UAE, and if that fails, South Sudan could be an option. Lastly, ICE Officer
20 Carnevale confirmed Mr. Hils would be referred to USCIS if ICE sought to remove him to South
21 Sudan.

22 35. During the time Mr. Hils has been in the United States, he has sought to support his
23 family, including his children and his wife. He works with his brother in Oregon to help manage
24 his business. He provides financial support for his parents who are currently separated but living
in Egypt. His father has Alzheimer's disease and requires constant care. His mother has also

1 been suffering from memory issues and has needed special care. Mr. Hils had family that
2 remained in Gaza during the years he has been in the United States who had documented
3 conflicts with Hamas, including violent clashes in 2008, which resulted in the death and
4 displacement of relatives.

5 36. At no time since his re-detention on October 10, 2025, has any ICE officer conducted an
6 initial interview to explain to him the reasons why his release on supervision was revoked or
7 provide him an opportunity to explain why his removal to Jordan or the United Arab Emirates is
8 not likely or foreseeable. ICE has not conducted a revocation custody review. Although ICE
9 canceled regular check-ins with Mr. Hils, his Order of Supervision was never officially revoked.

10 37. ICE did not have a travel document for Petitioner at the time of his re-detention to either
11 Jordan or United Arab Emirates.

12 38. Petitioner does not hold a passport for any country. Although he was born in the United
13 Arab Emirates, his birth in that country did not confer him status there.

14 39. Petitioner's removal to Jordan or the United Arab Emirates is not reasonably foreseeable.

15 **Punitive Banishment to Third Countries**

16 40. Since January 2025, Respondents have developed and implemented a policy and practice
17 of removing individuals to third countries, without first following the procedures in the INA for
18 designation and removal to a third country and without providing fair notice and an opportunity to
19 contest the removal in immigration court.

20 41. Respondents reportedly have negotiated with at least 58 countries to accept deportees from
21 other nations. On June 25, 2025, the *New York Times* reported that seven countries—Costa Rica,
22 El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda—had agreed to accept deportees
23 who are not their own citizens.¹ Since then, ICE has carried out highly publicized third country
24 deportations to South Sudan, Eswatini, Rwanda, Uganda, and Ghana.

¹ Edward Wong et al, *Inside the Global Deal-Making Behind Trump's Mass Deportations*, N.Y. Times, June 25, 2025.

1 42. Punishment and deterrence appear to be the point of the Administration's third country
2 removal scheme. The Administration has reportedly negotiated with countries to have deportees
3 imprisoned in prisons, camps, or other facilities. The government paid El Salvador about \$5
4 million to arbitrarily and indefinitely imprison more than 200 deported Venezuelans in a
5 maximum-security prison notorious for gross human rights abuses, known as CECOT. In
6 February, Panama and Costa Rica took in hundreds of deportees from countries in Africa and
7 Central Asia and imprisoned them in hotels, a jungle camp, and a detention center. On July 4,
8 2025, ICE deported eight men, to South Sudan. The men have been detained incommunicado ever
9 since. On July 15, ICE deported five men to the African nation of Eswatini, where they are
reportedly being held in solitary confinement.

10 43. The Administration has hand selected countries known for human rights abuses and
11 instability for these third country deportation agreements to frighten people in the United States
12 into self-deporting or to accept removal to their home countries. Indeed, conditions in South Sudan
13 are so extreme that the U.S. State Department website warns Americans not to travel there, and if
14 they do, to prepare their will, make funeral arrangements, and appoint a hostage-taker negotiator
first.

15 44. On July 9, 2025, ICE issued a new memo to staff instructing that when seeking to remove
16 an individual to a country not designated on that person's removal order, that ICE may deport that
17 person without any procedures for notice or an opportunity to be heard if the State Department
18 confirms that it has received diplomatic assurances that individuals will not be persecuted or
19 tortured. If no diplomatic assurances are received, the ICE memo instructs officers to serve on the
20 individual a Notice of Removal that includes the intended country of removal. It instructs officers
21 not to ask whether the individual is afraid of removal to that country. It states that officers should
22 "generally wait at least 24 hours following service of the Notice of Removal before effectuating
removal," but that "[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more

1 hours after service of the Notice of Removal as long as the [noncitizen] is provided reasonable
2 means and opportunity to speak with an attorney prior to removal.”

3 45. The memo further instructs that if the noncitizen “does not affirmatively state a fear of
4 persecution or torture if removed to the country of removal listed on the Notice of Removal within
5 24 hours, [ICE] may proceed with removal to the country identified on the notice.” If the
6 noncitizen “does affirmatively state a fear if removed to the country of removal” then ICE will
7 refer the case to U.S. Citizenship and Immigration Services (“USCIS”) for a screening for
8 eligibility for withholding of removal and protection under the Convention Against Torture
9 (“CAT”). “USCIS will generally screen within 24 hours.” If USCIS determines that the noncitizen
10 does not meet the standard, the individual will be removed. If USCIS determines that the
11 noncitizen has met the standard, then the policy directs ICE to either move to reopen removal
12 proceedings “for the sole purpose of determining eligibility for [withholding of removal
protection] and CAT” or designate another country for removal.

13 46. The government has now carried out numerous third country removals without notice or
14 opportunity to contact family or counsel or make any meaningful fear-based claim. The eight men
15 who were ultimately deported to South Sudan all claimed fear of removal to South Sudan. None
16 of those men were provided a fear screening by a USCIS officer or otherwise, even though they
17 were held by ICE for six weeks on a U.S. military base in Djibouti before their final removal to
18 South Sudan. In a recent third country removal to Ghana, individuals were rounded up by ICE
19 officials in the middle of the night on September 5, 2025, shackled, straightjacketed and put on a
20 U.S. military cargo plane without any notice. They were reportedly not informed where they were
21 being taken until the plane was already in flight.

22 47. On November 5, 2025, an ICE Officer at the Northwest Detention Center communicated
23 directly with counsel at Gonzales, Gonzales & Gonzlaes, that if Mr. Hils failed to fill out
24 documentation “as requested” they would seek to send him to South Sudan. An ICE Officer

1 confirmed again on Monday November 17, 2025, South Sudan could be an option. Further, the
2 ICE Office on November 5, 2025 indicated the documentation he was requested to fill out for
3 Jordan was ultimately to deliver him to the West Bank.

4 LEGAL FRAMEWORK

5 Post-Removal Order Detention and Re-Detention

6 48. The INA provides that after a removal order becomes final, the government “shall remove
7 the alien from the United States within a period of 90 days.” 8 U.S.C. § 1231(a)(1)(A). This 90-
8 day period is often referred to as the “initial removal period,” and during it, the government “shall
9 detain the alien.” *Id.* § 1231(a)(2). In some circumstances, federal immigration authorities can
10 continue to detain an alien beyond the initial removal period. Specifically, section 1231(a)(6)
11 allows the government to detain certain enumerated classes of immigrants—including those
12 ordered removed due to criminal convictions—for more than 90 days. *Id.* § 1231(a)(6).
13 In *Zadvydas*, 533 U.S. 678, the Court addressed the question of how long the government can
14 detain an immigrant pursuant to section 1231(a)(6).

15 49. The *Zadvydas* Court began by rejecting the government’s position that section 1231(a)(6)
16 permitted indefinite detention following the initial removal period. *See id.* It held that “[a] statute
17 [that] permit[ed] indefinite detention of an alien would raise a serious constitutional problem,” *id.*
18 at 690, and instead determined that section 1231(a)(6) “implicitly limits an alien’s detention to a
19 period reasonably necessary to bring about that alien’s removal,” *id.* at 679. Thus, “once removal
20 is no longer reasonably foreseeable, continued detention is no longer authorized by [section
21 1231(a)(6)].” *Id.* at 699.

22 50. The Court went on to institute a framework that would govern future challenges to section
23 1231(a)(6) detention. “[F]or the sake of uniform administration in the federal courts,” the Court
24 found that post-removal detention was “presumptively reasonable” for the first six months. *Id.* at
700-01. When that “presumptively reasonable” six-month period ends, aliens seeking release from

1 custody bear the initial burden of providing “good reason to believe that there is no significant
2 likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. Once that initial showing
3 is made, the burden shifts to the government to respond with evidence sufficient to rebut it. *See id.*

4 51. Upon release from custody, a noncitizen subject to a final order of removal must comply
5 with certain conditions of release. 8 U.S.C. § 1231(a)(3), (6). The revocation of that release is
6 governed by 8 C.F.R. § 241.13(i), which authorizes ICE to revoke a noncitizen’s release for
7 purposes of removal.

8 52. ICE may revoke a noncitizen’s release and return them to ICE custody due to failure to
9 comply with any of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, “on account of changed
10 circumstances, the Service determines that there is a significant likelihood that the [noncitizen]
11 may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2).

12 53. Upon such a determination by ICE to re-detain, “the alien will be notified of the reasons
13 for revocation of his or her release. [ICE] will conduct an initial informal interview promptly after
14 his or her return to [ICE] custody to afford the alien an opportunity to respond to the reasons for
15 revocation stated in the notification. The [noncitizen] may submit any evidence or information that
16 he or she believes shows there is no significant likelihood he or she be removed in the reasonably
17 foreseeable future, or that he or she has not violated the order of supervision. The revocation
18 custody review will include an evaluation of any contested facts relevant to the revocation and a
19 determination whether the facts as determined warrant revocation and further denial of release.”
20 *Id.* § 241.13(i)(3).

21 54. In addition to the regulatory framework, procedural due process does not permit ICE to re-
22 detain an individual it has released on an order of supervision without providing a pre-deprivation
23 hearing on the reasons for re-detention. Individuals released on orders of supervision have a
24 protected liberty interest in remaining in the community on supervision that cannot be taken away
without notice and a pre-deprivation hearing. *See, e.g., Zakzouk v. Becerra*, No. 25-cv-06254, 2025

1 WL 2097470, at *3 (N.D. Cal. July 26, 2025) (“Courts have previously found that individuals
2 released from immigration custody. . . have a protectable liberty interest in remaining out of
3 custody.”) (citing cases); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *2
4 (N.D. Cal. May 6, 2022).

5 55. “[C]ivil immigration detention is permissible only to prevent flight or protect against
6 danger to the community.” *Zadvydas*, 533 U.S. at 690. Once a person has been ordered released
7 and is complying with the conditions of supervision, ICE has no legitimate interest in re-detaining
8 the individual. In the event a travel document is obtained, ICE can notify the individual and
9 facilitate their orderly departure without detention, consistent with ICE’s standard notice of release
10 and order of supervision. The language of ICE’s standard “Release Notification” reads “Once a
11 travel document is obtained, you will be required to surrender to the ICE for removal. You will, at
that time, be given an opportunity to prepare for an orderly departure.”

12 56. Mr. Hils Order of Supervision was never properly revoked. ICE canceled annual check-
13 ins, but had informed Mr. Hils if there was a time in which he needed to come back, they would
14 inform him as such. Mr. Hils understood ICE could contact him again to come back to regular
check-ins.

15 Third Country Removals

16 57. The immigration laws delineate the proper procedures by which a country may be
17 designated for removal. See 8 U.S.C. § 1231(b). These procedures move in incremental steps.

18 58. First, an individual with a removal order may designate the country to which they want to
19 be removed, and the government *shall* remove the alien to that country. *Id.* § 1231(b)(2)(A). The
20 government may disregard that designation if (1) the individual fails to designate a country
21 promptly; (2) the government of that country does not inform the U.S. government finally, within
22 30 days after the date the U.S. government first inquires, whether the government will accept the
individual into that country; (3) the government of the country is not willing to accept the alien

1 into the country; or (4) the government decides that removing the individual to that country is
2 prejudicial to the United States. *Id.* § 1231(b)(2)(C).

3 59. Second, if the individual is not removed to the country they designated under section
4 1231(b)(2)(A), the government shall remove the individual to the country of which the individual
5 is a “subject, national, or citizen” unless the government of that country does not inform the U.S.
6 government or the individual within 30 days after first inquiry or within another reasonable period
7 of time whether the government will accept the individual into the country or the country is not
8 willing to accept the individual into the country. *Id.* § 1231(b)(2)(D).

9 60. Third, if the individual is not removed to either the country of their designation or the
10 country of which they are a subject, national, or citizen then the government shall remove them to
11 any of the following options: (1) the country from which the individual was admitted to the United
12 States; (2) the country in which is located the foreign port from which the individual left for the
13 United States or for a foreign territory contiguous to the United States; (3) the country in which
14 the individual resided before the individual entered the United States and from which the
15 individual entered the United States; (4) the country in which the individual was born; or (5) the
16 country in which the individual’s birthplace is located when the individual was ordered removed.
17 *Id.* § 1231(b)(2)(E). Only “[i]f impracticable, inadvisable, or impossible” to remove the individual
18 to any of these countries may the government remove the individual to “another country whose
19 government will accept [them] into that country.” *Id.* § 1231(b)(2)(E)(vii).

20 61. Notwithstanding any of these procedures, the statute prohibits removal to a third country
21 where a person may be persecuted or tortured, a form of protection known as withholding of
22 removal. See *id.* § 1231(b)(3)(A). The government “may not remove [a noncitizen] to a country if
23 the Attorney General decides that the [noncitizen’s] life or freedom would be threatened in that
24 country because of the [noncitizen’s] race, religion, nationality, membership in a particular social

1 group, or political opinion.” *Id.*; see also 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
2 a mandatory protection.

3 62. Similarly, Congress codified protections enshrined in the CAT prohibiting the government
4 from removing a person to a country where they would be tortured. *See* FARRA 2681-822
5 (codified as 8 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel,
6 extradite, or otherwise effect the involuntary return of any person to a country in which there are
7 substantial grounds for believing the person would be in danger of being subjected to torture,
8 regardless of whether the person is physically present in the United States.”); 28 C.F.R. § 200.1;
9 *id.* §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory.

10 63. To comport with the requirements of due process, the government must provide notice of
11 the third country removal and an opportunity to respond. Due process requires “written notice of
12 the country being designated” and “the statutory basis for the designation, i.e., the applicable
13 subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *see*
14 *also D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D.
15 Mass. May 21, 2025) (“All removals to third countries, i.e., removal to a country other than the
16 country or countries designated during immigration proceedings as the country of removal on the
17 non-citizen’s order of removal, must be preceded by written notice to both the non-citizen and the
18 non-citizen’s counsel in a language the non-citizen can understand.” (citation omitted));
19 *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process requires notice to the
20 noncitizen of the right to apply for asylum and withholding to the country where they will be
21 removed). The government must be able to show evidence that the third country will accept the
22 individual into that country. *See Himri v. Ashcroft*, 378 F.3d 932, 939 (9th Cir. 2004) (when “at
23 the time the government proposes a country of removal pursuant to § 1231(b)(2)(E)(vii), the
24 government must be able to show that the proposed country will accept the [individual]”).

1 64. Due process also demands that the government “ask the noncitizen whether he or she fears
2 persecution or harm upon removal to the designated country and memorialize in writing the
3 noncitizen’s response. This requirement ensures DHS will obtain the necessary information from
4 the noncitizen to comply with section 1231(b)(3) and avoids [a dispute about what the officer and
5 noncitizen said].” *Aden*, 409 F. Supp. 3d at 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1 (“Following
6 notice, the individual must be given a meaningful opportunity, and a minimum of ten days, to raise
7 a fear-based claim for CAT protection prior to removal.” (emphasis omitted)).

8 65. If the noncitizen claims fear, measures must be taken to ensure that the noncitizen can seek
9 asylum, withholding, and relief under CAT before an immigration judge in reopened removal
10 proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring the government to move to reopen
11 the noncitizen’s immigration proceedings if the individual demonstrates “reasonable fear” and to
12 provide “a meaningful opportunity, and a minimum of fifteen days, for the non-citizen to seek
13 reopening of their immigration proceedings” if the noncitizen is found to not have demonstrated
14 “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a respondent to
15 file a motion to reopen and seek relief).

16 66. Finally, notice of the country to which the noncitizen will be removed must not be “last
17 minute” because that would deprive an individual of a meaningful opportunity to apply for fear-
18 based protection from removal. *Andriasian*, 180 F.3d at 1041. They must have time to prepare and
19 present relevant arguments and evidence and to seek reopening of their removal case.

20 Punitive Removal Practices

21 67. It is bedrock law that the U.S. government may not impose or inflict an infamous
22 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court ruled that
23 while deportation itself was not a punishment, the government could not attach punitive conditions
24 to deportation—in that case, imprisonment at hard labor—absent a criminal charge, trial in a court

1 of law, and the protections of the Fifth, Sixth, and Eighth Amendments. *Wong Wing v. United*
2 *States*, 163 U.S. 228, 237 (1896).

3 68. Importantly, the Court drew a distinction between deportation, which the Court
4 reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion
5 of a citizen from [her] country by way of punishment,” and government actions aimed at
6 punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236. The Court
7 explained that deportation “is but a method of enforcing the return to [her] own country of an
8 alien who has not complied with the conditions upon the performance of which the government
9 of the nation, acting within its constitutional authority and through the proper departments, has
10 determined that [her] continuing to reside here shall depend.” *Id.* (quoting *Fong Yue Ting v.*
11 *United States*, 149 U.S. 730 (1893)). But the Court admonished that the government may not
12 “declare unlawful residence within the country to be an infamous crime, punishable by
13 deprivation of liberty and property . . . unless provision were made that the fact of guilt should
14 first be established by a judicial trial.” *Id.* at 237.

15 69. Deportation of individuals to third countries to be imprisoned or harmed is unquestionably
16 punishment.

17 CLAIMS FOR RELIEF

18 COUNT ONE

19 Unlawful Re-Detention

20 **Violation of the Fifth Amendment Due Process Clause, Immigration and Nationality**
21 **Act (“INA”), 8 U.S.C. § 1231(a), 8 C.F.R. § 241.13, and the Administrative Procedures**
22 **Act (“APA”)**

23 70. The allegations in the above paragraphs are realleged and incorporated herein.

1 71. Respondents' re-detention of Petitioner Basel Salama Hils violates his rights guaranteed
2 by the Due Process Clause of the Fifth Amendment of the U.S. Constitution; the INA, 8 U.S.C. §
3 1231(a); implementing regulations, 8 C.F.R. § 241.13; and the APA.

4 72. Neither the statute nor the Constitution authorizes ICE's sudden re-detention of Mr. Hils,
5 nor does it authorize his continued detention.

6 73. Respondents were required to provide Petitioner pre-deprivation notice and a hearing
7 before re-detaining him, given that he has remained fully compliant with his order of supervision
8 and release conditions as ICE provided them to him. His "order was canceled at ICE discretion"
9 on July 27, 2021, but not due to any violation by Petitioner. ICE informed Petitioner they would
10 contact him if they needed him to come back in. ICE at no time informed him his Order was being
11 Revoked or that he had violated it in any way.

12 74. Respondents violated governing regulations for revoking Petitioner's conditions of release.
13 Petitioner has duly complied with the conditions of his supervised release, including attending
14 check-ins and providing the information and documentation requested of him. His release may be
15 revoked only if changed circumstances make his removal reasonably foreseeable. 8 C.F.R. §
16 241.13(i)(2). Upon such a determination, several procedural steps are required to revoke release,
17 id. § 241.13(i)(3), none of which were followed here. Respondents are required to follow their own
18 regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

19 75. Petitioner's removal to Jordan or the United Arab Emirates is not significantly likely to
20 occur in the reasonably foreseeable future. Petitioner has already spent cumulatively five months
21 in immigration custody during which time the government has been unable to remove him.
22 Although the reasonably presumptive period of six months has not yet elapsed for post-order
23 detention, ICE is only authorized for civil detention if a person is a flight risk or a danger to the
24 community, and Mr. Hils is neither.

1 76. Upon information and belief, Respondents do not have agreement from either Jordan or
2 United Arab Emirates to repatriate Petitioner and have not secured his travel documents. There is
3 no evidence that either country will issue a travel document.

4 77. For all these reasons, the Court should order Mr. Hils' immediate release.

5 **COUNT TWO**

6 **Third Country Removal**

7 **Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture,**
8 **Implementing Regulations, and the APA**

9 78. The allegations in the above paragraphs are realleged and incorporated herein.

10 79. The Fifth Amendment, the INA, the CAT, and implementing regulations mandate
11 meaningful notice and opportunity to respond to any attempt to remove Petitioner to a third country
12 in reopened removal proceedings. They also require an opportunity for Petitioner to make a fear-
13 based claim against removal to a third country in reopened removal proceedings. Respondents'
14 policy for third country removals violates all of these laws because it directs ICE agents to remove
15 individuals to third countries without any notice or process at all where diplomatic assurances are
16 received and, where no diplomatic assurances are received, to provide flagrantly insufficient notice
(6-24 hours) and opportunity to respond, in violation of the statute, regulations, and Fifth
Amendment.

17 80. Prior to any third country removal, Petitioner must be provided with constitutionally and
18 statutorily compliant notice and an opportunity to respond and contest that removal if he has a fear
19 of persecution or torture in that country in reopened removal proceedings.

20 81. ICE officers have indicated an intention to remove Mr. Hils to Jordan, but in the alternative
21 to South Sudan. While ICE has indicated Petitioner will be referred to USCIS if ICE seeks to
22 remove him to South Sudan, Petitioner requests he be provided statutorily compliant notice and
23

1 opportunity to respond and contest removal if another country which he fears persecution or torture
2 to.

3 **COUNT THREE**

4 **Punitive Third Country Banishment**

5 **Violation of Fifth and Eighth Amendments**

6 82. The allegations in the above paragraphs are realleged and incorporated herein.

7 83. Under the Fifth Amendment of the U.S. Constitution, no person shall “be held to answer
8 for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury;”
9 “be subject for the same offence to be twice put in jeopardy of life or limb;” or “be deprived of
life, liberty, or property, without due process of law.”

10 84. The Eighth Amendment provides that no “cruel and unusual punishments” may be
11 inflicted.

12 85. The U.S. Supreme Court long ago held that the government may not inflict upon
13 individuals an “infamous punishment” in addition to deportation, as a penalty for an immigration
14 violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong*
Wing, 163 U.S. at 236-38.

15 86. Petitioner was ordered deported 30 years ago. His deportation order does not authorize the
16 government to inflict, as a matter of executive policy and discretion, additional punishment on
17 him. Respondents’ third country removal program is punitive in nature and execution. The
18 government has arranged for third countries to receive deportees and imprison them on arrival,
19 possibly indefinitely and often in abhorrent conditions. It has selected countries notorious for
20 human rights abuses and instability for third country removal arrangements. It has targeted
21 individuals with criminal convictions for third country removals where they will be imprisoned
22 and harmed and publicly broadcast those removals to demonize and dehumanize the individuals
23 subjected to these practices and strike fear in the immigrant community to send a message of

1 retribution and deterrence. Respondents' third country removal program is more than a publicity
2 stunt. The hundreds of individuals who have already been subjected to it have been banished in
3 foreign prisons upon arrival without charge and often without communication with the outside
4 world, including their families and lawyers.

5 87. Respondents may not subject Petitioner to its third country removal program designed to
6 impose a severe punishment on its subjects. *See id.* Such conduct "shocks the conscience" under
7 Fifth Amendment substantive due process, is cruel and unusual punishment, and may not be
8 imposed without charge and a judicial trial.

9 88. Respondents may not seek to remove Petitioner to a third country under their punitive
10 banishment policy and practices.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- 13 1. Assume jurisdiction over this action;
- 14 2. Order Respondents to immediately release Petitioner from custody;
- 15 3. Order that Respondents may not re-detain Petitioner without first following the
16 statutory and regulatory procedures for revocation of release and without first obtaining agreement
17 from Jordan or the United Arab Emirates to repatriate him, obtaining his travel documents, and
18 securing a travel date;
- 19 4. Order that Respondents may not remove or seek to remove Petitioner to a third country
20 without notice and meaningful opportunity to respond in compliance with the statute and due
21 process in reopened removal proceedings;
- 22 5. Order that Respondents may not remove Petitioner to any third country because
23 Respondents' third country removal program seeks to impose unconstitutional punishment on its
24 subjects, including imprisonment and other forms of harm;

1 6. Award costs and reasonable attorney fees under the Equal Access to Justice Act, 28
2 U.S.C. § 2412; and

3 7. Order all other relief that the Court deems just and proper.
4

5 Dated: November 20, 2025

6 Respectfully submitted,

7 By: /s/ Jeffrey C. Gonzales

8 Jeffrey C. Gonzales (WA State Bar No. 13864)

9 Gonzales Gonzales & Gonzales

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12 Phone: 503-274-1680

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14 **ATTORNEYS FOR PETITIONER**
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I. VERIFICATION OF COUNSEL

I, Jeffrey C. Gonzales, pursuant to Local Court Rule 100(e), hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief. I make this verification on behalf of Basel Hils, who is unable to make this verification himself while he is detained at the Northwest Immigration and Customs Enforcement Processing Center in Tacoma, Washington.

Dated: November 20, 2025.

/s/ Jeffrey C. Gonzales
Jeffrey C. Gonzales

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2025, I caused a true and correct copy of the foregoing document to be filed with the Clerk of the Court for the United States District Court – Western District of Washington by using the CM/ECF system. All participants in this case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Jeffrey C. Gonzales

Jeffrey C. Gonzales