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**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

)	
BASHIR KHALIF ABDI)	Case No. 25-4559
Petitioner,)	AMENDED
)	PETITION FOR WRIT OF
v.)	HABEAS CORPUS
Eric Klang, Sheriff, Crow Wing County , MN;)	
Samuel Olson, Director of St. Paul)	
Field Office, U.S. Immigration and)	
Customs Enforcement; Kristi Noem, Secretary)	
of the U.S. Department of Homeland Security;)	
and Pamela Bondi, Attorney General of the)	
United States, in their official capacities,)	
)	
Respondents.)	
)	

INTRODUCTION

1. Petitioner Bashir Khalif Abdi (“Mr. Abdi) is currently detained at Crow Wing County Jail in Brainerd, Minnesota in the custody of Immigration and Customs Enforcement (“ICE”). He has been detained since December 04, 2025, and has been incorrectly deemed ineligible for bond and subject to mandatory detention under current Department of Homeland Security (“DHS”) policy. Accordingly, to vindicate Petitioner’s

statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

2. Absent an order from this Court, Petitioner will remain unlawfully detained for the duration of his removal proceedings.

3. Petitioner asks this Court to find that Petitioner was misclassified as a noncitizen seeking admission under 8 U.S.C. § 1225(b)(2), assume jurisdiction over this matter, and order bond for Petitioner so that he may be released from unlawful detention.

JURISDICTION

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

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at Crow Wing County Jail in Brainerd, Minnesota, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to

relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner is a noncitizen. Currently, he is detained at Crow Wing County Jail in Brainerd, Minnesota. He is in the custody, and under the direct control, of Respondents and their agents.

11. Respondent Eric Klang is the Sheriff of Crow Wing County, where Crow Wing County Jail is located and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Klang is a legal custodian of Petitioner.

12. Respondent Samuel Olson is sued in his official capacity as the Director of the St. Paul Field Office of U.S. Immigration and Customs Enforcement. Respondent Olson is a legal custodian of Petitioner and has authority to release him.

13. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is

responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

14. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

15. Petitioner Bashir Khalif Abdi is a native and citizen of Somalia. Petitioner entered the United States without inspection on or around September 23, 2024. Mr. Abdi has resided peacefully in Minnesota since he first arrived.

16. He was served with a Notice to Appear initiating removal proceedings against him on October 15, 2024, alleging that he is "an alien present in the United States who has not been admitted or paroled." The NTA is attached as Exhibit "1"

17. Petitioner has timely filed an I-589 Application for Asylum, Withholding of Removal, and Convention Against Torture protection ("CAT"), which is currently pending before Executive Office for Immigration Review ("EOIR"). See, Exhibit "2" Mr. Abdi has fully complied with all immigration requirements, including attending scheduled hearings, reporting to ICE check-ins as required, and maintaining communication with DHS and his legal representatives. Mr. Abdi has no criminal history whatsoever. He is 55 years old, he left behind his wife and children whom he has been supporting financially.

18. U.S. Immigration and Customs Enforcement (“ICE”) and/or other federal agents acting on ICE’s behalf arrested Mr. Abdi on December 04, 2025, in Fort Snelling, Minnesota when he went for a routine check-in. He was then taken into ICE custody.

19. Mr. Abdi is currently being held in the Crow Wing County Jail in Brainerd, Minnesota in ICE custody pending full removal proceedings. On information and belief, Mr. Abdi is eligible for relief from removal, including,

20. Mr. Abdi has no future hearing date before the EOIR.

21. As a person arrested inside the United States and held in civil immigration detention for pending removal proceedings, Petitioner is subject to detention, if at all, pursuant to 8 U.S.C. § 1226. However, under current DHS and EOIR policy, Petitioner has been misclassified as subject to mandatory detention under 8 U.S.C. § 1125(b)(2), making him ineligible for bond.

22. Petitioner thus seeks a declaratory judgment prompting the correct classification of his detention, making him bond-eligible, and thus releasing him from custody pending his full removal proceedings.

LEGAL FRAMEWORK

23. The Fifth Amendment’s Due Process Clause specifically forbids the government to “deprive[]” any “person . . . of . . . liberty . . . without due process of law.” U.S. Const. amend. V.

24. The Due Process Clause of the Fifth Amendment to the U.S. Constitution “applies to all ‘persons’ within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693

(2001).

25. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 678.

26. The Supreme Court, thus, “has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection,” including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979). Further, “the interest in being free from physical detention” is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531.

27. In recent decades, the U.S. immigration system has implemented this balance of due process protections through a network of three mutually exclusive detention statuses.

28. First, at the border, individuals “seeking admission” who are placed into removal proceedings are subject to detention without a bond hearing under 8 U.S.C. § 1225(b)(2). See *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (describing § 1225 as relating to “borders and port of entry”). Detained individuals falling under this statute may request release through humanitarian parole under 8 U.S.C. § 1182(d)(5)(A).

29. Second, noncitizens arrested inside the U.S. are generally placed into removal proceedings under 8 U.S.C. § 1229a, during which an Immigration Judge (an “IJ”)—and later potentially the Board of Immigration Appeals (the “BIA”) and a U.S. Court of Appeals—will decide whether or not the person should be deported. During § 1229(a) proceedings, a noncitizen may apply for forms of relief such as asylum, withholding of removal, or cancellation of removal. The IJ will hold a series of hearings to

determine if the individual is eligible for relief or eligible for deportation, which can take months or years.

30. While § 1229(a) proceedings are ongoing, noncitizens are generally subject to the detention authority of 8 U.S.C. § 1226. See *Jennings*, 583 U.S. at 288-89 (describing § 1226 detention as relating to people “inside the United States” and “present in the country”). Most of these individuals are eligible for release on bond and conditions under § 1226(a), and they are consequently entitled to a custody redetermination (a “bond hearing”) before an IJ to decide whether they should be detained or released. See 8 C.F.R. §§ 1003.19(a), 1236.1(d).

31. Third, if a noncitizen completes their removal proceedings and all appeals, and is ordered removed, they are subject to detention under 8 U.S.C. § 1231 while the government attempts to remove them.

32. This landscape—in which noncitizens arrested inside the U.S. are generally eligible for a bond hearing and release during immigration proceedings—has existed essentially in its current form since Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, Div. C, § 3003, 110 Stat. 3009-546, 3009-585 to 3009-587 (codified at 8 U.S.C. § 1226).

33. Further, this eligibility for a bond hearing and potential release has applied to noncitizens arrested in the U.S., regardless of whether they initially entered the country with or without inspection.

34. However, beginning in 2022, the Immigration Court in Tacoma, Washington began to misclassify § 1226 detainees arrested inside the U.S. as mandatory detainees under

§ 1225 solely because they initially entered the country without inspection. See *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1244 (W.D. Wash. 2025). The U.S. District Court for the Western District of Washington ruled that this practice was likely illegal and ordered a bond hearing for a wrongfully detained litigant. See *id.* at 1263.

35. On July 8, 2025, the Department of Homeland Security and the Department of Justice adopted the Tacoma Immigration Court's unlawful practice of misclassifying bond-eligible § 1226 detainees as mandatory § 1225(b)(2) detainees and refuses to conduct bond hearings on that basis. See Interim Guidance Regarding Detention Authority for Applicants for Admission, <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

36. On September 5, 2025, the Board of Immigration Appeals issued a precedential decision requiring Immigration Judges to misclassify bond-eligible § 1226 detainees as mandatory § 1225(b)(2) detainees. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

37. Most federal courts have already ruled that the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado* is not entitled to any deference under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412-13 (2024), and have rejected the BIA's decision as contrary to law.¹

¹ Over 250 courts have adopted Petitioner's correct interpretation of the law. The following cases represent a small sampling of cases across the country. See *Lema Zamora v. Noem*, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Da Saliva v. ICE*, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Ayala Casun v. Hyde*, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Carballo Gonzalez v. Joyce*, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025); *Artiga v. Genalo*, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *Rivera Zumba v. Bondi*, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Singh v. Lyons*, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025);

38. Many federal courts have found that noncitizens in positions like Mr. Abdi's are not required to exhaust administrative remedies, including a bond hearing in immigration court, as "given the Government's position and the BIA's recent decision in *Yajure Hurtado* . . . request[ing] a bond hearing would likely be futile." *Oropeza v. Noem*, 2025 LEXIS 201993, at *6 (W.D. Mich. Nov. 21, 2025); see also *Eliseo A.A. v. Olson*, 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Adonay v. Noem*, 2025 WL 3157839 (D. Minn. Nov. 12, 2025); *Mairena-Munguia v. Arnott*, 2025 LEXIS 227477 (W.D. Mo. Nov. 19, 2025); *Salinas v. Woosley*, 2025 LEXIS 590056 (W.D. Ky. Nov. 20, 2025); *Figueroa v. Hermosillo*, 2025 LEXIS 227966 (W.D. Wash. Nov. 19, 2025); *Serrato v. Anderson*, 2025 LEXIS 228936 (D. Idaho Nov. 19, 2025).

39. Mr. Abdi is a class member in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873 SSS-BFM (C.D. Cal.). In *Maldonado Bautista* the court certified the Bond Eligible Class, defined as: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security

Lopez Santos v. Noem, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Lopez Arevalo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Buenrostro Mendez v. Bondi*, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Contreras Lomeli v. Raycraft*, 2025 WL 2976739 (E.D. Mich. Oct. 21, 2025); *Sanchez Alvarez v. Noem*, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Morales Chavez v. Director*, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025); *Patel v. Crowley*, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Campos Leon v. Forestal*, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Hernandez Marcelo v. Trump*, (S.D. Iowa Sept. 10, 2025); *A.A. v. Olson*, 2025 WL 2866729 (D. Minn. October 8, 2025); *Lorenzo Perez v. Kramer*, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Sabi Polo v. Chestnut*, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025); *Garcia Cortes v. Noem*, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Salazar v. Dedos*, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Paredes Padilla v. Galovich*, 2025 WL 3251446 (W.D. Wis. Nov. 21, 2025).

makes an initial custody determination. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Mr. Abdi is a noncitizen without lawful status detained at the Crow Wing County Jail who (1) entered the United States without inspection, (2) was not apprehended upon arrival, and (3) is not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, as a member of the Bond Eligible Class, Mr. Abdi is entitled to the application of the law as stated in the *Maldonado Bautista* orders granting summary judgment and class certification. See 2025 WL 3288403, at *9 (“When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”). This Court is obligated to apply the law to all class members, as determined in the binding, final judgment issued in *Maldonado Bautista*. The Executive Office for Immigration Review is a Defendant in *Maldonado Bautista*, and is thus bound by the ruling there, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). It is a “basic proposition that all orders and judgments of courts must be complied with promptly,” *Maness v. Meyers*, 419 U.S. 449, 458 (1975), and thus, in “suits against government officials and departments, [courts] assume that they will comply with declaratory judgments.” *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023). This is because declaratory judgments like the one in *Maldonado Bautista* have “the same effect as an injunction in fixing the parties’ legal entitlements.” *Florida ex rel. Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011). This understanding of declaratory judgments—and thus this court’s obligation to comply with the declaratory judgment in

Maldonado Bautista —is consistent with the decisions of many courts. See, e.g., *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.) (“[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court.”), abrogated on other grounds by, *Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), cert. denied, 144 S. Ct. 688 (2024); *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988) (describing declaratory relief as “the functional equivalent of a writ of mandamus”); *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998) (“The government’s decision to appeal this Court’s ruling does not affect the validity of the declaratory judgment unless and until the judgment is reversed on appeal or the government seeks and is granted a stay pending appeal.”), rev’d on other grounds, 184 F.3d 900 (D.C. Cir. 1999).

40. Everyday, federal courts continue to “join[] [the] chorus” of courts rejecting Respondents’ erroneous interpretation of the law, unlawfully detaining bond-eligible noncitizens like Mr. Abdi. See *Dominguez Sanchez v. Bondi*, No. 25-cv-03682 (D. Minn. Oct. 1, 2025).²

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

41. The allegations in the above paragraphs are realleged and incorporated

² *Id.*

herein.

42. Because Petitioner is subject to detention, if at all, under 8 U.S.C. §1226(a), yet current DHS policy has Petitioner classified as a mandatory detainee under 8 U.S.C. § 1225(b)(2), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that he be released on bond.

43. Thus, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1226(a) and Implementing Regulations

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

45. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).'

46. Under 8 U.S.C. § 1226(a) and its associated regulations, Petitioner is entitled to bond, and any bond determination would be denied solely based on a purported lack of jurisdiction by the immigration court. *See* 8 C.F.R. §§ 236.1(d), 1236.1, 1003.19(a)-(f); see also *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

47. For these reasons, Petitioner's detention is therefore unlawful.

COUNT THREE

Violation of Administrative Procedure Act (5 U.S.C. § 706)

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

49. Petitioner is being detained without a bond hearing pursuant to the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

50. The BIA's decision in *Matter of Yajure Hurtado* is unlawful because it violates the Administrative Procedure Act because the BIA's decision is arbitrary, capricious, and contrary to law.

51. Petitioner's detention is therefore unlawful.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following;

- (1) Assume jurisdiction over this matter,
- (2) Issue an Order to Show Cause ordering Respondent to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and/or 5 U.S.C. § 706;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to set bond for Petitioner and release Petitioner immediately;
- (5) Enjoin respondents from removing, transferring, or otherwise facilitating the removal of Petitioner from the District of Minnesota before the ordered bond hearing;
- (6) Once bond is set, the Department of Homeland Security is prohibited from filing Form EOIR-43 staying the bond;
- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,
/s/Abdinasir Abdullahi
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Dated: December 08, 2025

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

I represent Petitioner, Bashir Khalif Abdi, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 08th day of December 2025.

/s/Abdinasir M Abdulahi
Attorney for Petitioner

Allegations: Admits All; | Charges: Concedes All;
Designated Country: SOMALIA |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

Subject to the Securing the Borders IFR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

ABDI, Bashir Khalif

Respondent: _____ currently residing at:
c/o DHS/ICE, MTC/IRDF, 1572 Gateway Road, Calexico, CA 92231 (760) 619-7200

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of SOMALIA and a citizen of SOMALIA;
- 3) You arrived to the United States at or near Calexico, California, on or about September 23, 2024;
- 4) You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

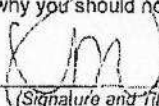
- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
EOIR - Imperial, 1572 Gateway Rd., Calexico, CA 92231

(Complete Address of Immigration Court, Including Room Number, if any)

on 10/31/2024 at 8:00 a.m. to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

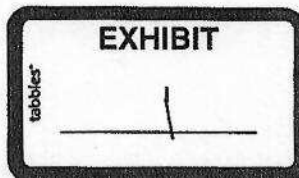
 M. CARBAJAL, SDOJ
4113
(Signature and Title of Issuing Officer) (Sign in ink)

Date: 10/15/2024

Calexico, California

(City and State)

EOIR 1016



Uploaded on: 10/16/2024 at 10:17:29 AM (Pacific Daylight Time) Base City: IMP

Allegations: Admits All; Charges: Concedes All;

Designated Country: SOMALIA

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Allen Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the Internet at http://www.ice.gov/contact/erp, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

Date:

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on 10/16/2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Garre language of the time and place of his or her hearing and of the [REDACTED] to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) (Sign in ink)

(Signature and Title of officer) (Sign in ink) Deportation Officer

EOIR - 2 of 3

Allegations: Admits All; | Charges: Concedes All;

Designated Country: SOMALIA |

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/epcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Abdinasir M Abdulahi
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NOT DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CALIFORNIA

_____)
In the Matter of:)
)
ABDI, BASHIR KHALIF)
)
In removal proceedings)
_____)

File No. 

I-589 APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL AND
WITHHOLDING OF REMOVAL UNDER ARTICLE 3 OF THE CONVENTION



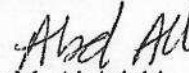
Bashir Khalif Abdi



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Respectfully submitted,



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WADANI LANGUAGE CENTER
THE WORLD IN WORDS

Certification Of Translation Accuracy

Document: **Declaration**

Wadani Language Center, acting as a reputable translation agency, hereby certifies that the document titled **Declaration** pertaining to **Bashir Khalif Abdi** has been meticulously translated by one of our proficient and skilled translators, who possesses fluent proficiency in Somali and English languages.

In our best judgment, the translated text accurately represents the contents, meaning, and style of the original document, thereby serving as a complete rendition of the original text.

A copy of translation is attached to this certification.

Hadi Abdulahi
Translator

763-346-4109
Contact

Amy
Signature

11/26/24
Date

Wadani Language Center.
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My name is Bashir Khalif Abdi. I was born in Kismayo, Somalia, on [REDACTED]. I am married and have four children. I belong to Ogaden clan of Darot.

I fled Somalia in 2000 after enduring numerous challenges during the country's chaotic clan conflicts, which lasted for about 30 years. I was subjected to various abuses, [REDACTED] during the wars between the clan warlords [REDACTED] and [REDACTED].

In January 1999, a group of warlords from the [REDACTED] and [REDACTED] clans captured Kismayo and carried out indiscriminate killings and ethnic cleansing targeting members of the Ogaden clan, accusing them of supporting [REDACTED]. On [REDACTED], these militias raided our neighborhood, including my home, [REDACTED]. This forced us to flee. The inter-clan conflicts were widespread, leaving no safe place to go within Somalia. As a result, I had no choice but to leave the country entirely.

I fled to South Africa, where I applied for asylum and eventually got married. However, despite my long stay in South Africa, I have never felt a sense of peace or safety.

Xenophobia and Discrimination

In South Africa, xenophobia is widespread and openly practiced. The refugee papers issued to immigrants are discriminatory by nature; with these papers, it is difficult to secure jobs, open bank accounts, or rent apartments. Access to healthcare is also severely limited. I faced significant challenges in obtaining treatment at public hospitals. For example, when my wife was due to deliver our child, we encountered frequent discrimination from midwives and nurses. On multiple occasions, my wife was denied medical care during labor.

Livelihood

Like many other refugees, our livelihood depended on self-established, makeshift grocery shops. However, we constantly had to relocate due to xenophobic hostility from the communities we served. I endured repeated acts of xenophobic violence, robbery, and death threats.

Safety

Our small business activities, vital to our survival, drew the attention of well-known South African gangs. We were often mocked as "open ATMs" by these groups. Between 2000 and 2024, I was attacked approximately 30 times in my business and other locations, forcing me to continually move in search of safety. Over time, I relocated across all nine provinces of South Africa but found no refuge. In every province I lived, I was subjected to attacks and harassment.

Local gang groups viewed us as easy targets for robbery, violence, and other abuses. The South African police, who are deeply corrupt, not only failed to protect us but were often complicit in acts of violence against refugees.

I will summarize the major incidents I experienced in South Africa in the following sections.

Xenophobic Violence of 2008

In 2008, I operated a small grocery store in Mamelodi, Gauteng province in South Africa, when the local community declared a campaign to expel refugees from the country. Despite being aware of the impending violence, the government failed to take any preventive measures.

On June 12, 2008, xenophobic mobs raided refugee homes and businesses, including mine. They looted and ransacked our stores. When the mob reached my shop, I attempted to flee, but one of the attackers struck me with a car, knocking me off the road. This left me with a critical injury to my hand, nearly disabling it. To this day, I bear visible scars from the wound.

Xenophobic Violence of 2014

In 2014, the South African communities once again called for refugees to leave the country. During this period, five armed gang members came to my business in Atteridgeville village, ordering me to leave both the area and the country. Days later, widespread xenophobic violence erupted. My store was looted during this time, and I narrowly escaped unharmed. Once again, the government was fully aware of the situation but took no action to intervene or protect refugees.

The Violent Incident of February 2, 2024

After enduring years of paying bribes to local gang groups for safety, we adapted to the situation by hiring private security to protect our lives and businesses. At the time, I co-owned a small grocery store in Nyanga, Gauteng Province. This decision angered the powerful gangs, who responded with violence and launched a killing spree against foreign shop owners.

The gangs sent me multiple death threats, warning me to stop hiring private security and resume paying them bribes. We defied their threats, and our security guards confronted the gangs, leading to the deaths of several gang members. The gangs accused me, along with others, of organizing the security guards and the killings of their members. They vowed to make me pay the price.

On February 2, 2024, a group of armed attackers—linked to the same gang we had previously bribed—stormed my shop. They demanded money and, when I refused, began shooting at me and robbing the store. I believe their primary intent was to kill me.

After this attack, I continued receiving persistent death threats. The gangs warned that I would never be safe anywhere in South Africa and that they would find me no matter where I went. For my safety, I fled the business and sought refuge elsewhere. However, I quickly realized there was no safe hiding place due to the extensive reach of these gang networks.

With no help from the police, who were unwilling or unable to protect me, I was ultimately forced to make the bitter decision to flee South Africa altogether.

My UNHCR Case

I was a registered refugee with the UNHCR in South Africa, under file number [REDACTED]. [REDACTED] While I initially hoped to be resettled in a safe third country, I could not afford the luxury of waiting. My life was in imminent danger due to organized gang groups targeting me and the lack of protection from the South African government.

My Journey to the United States

My journey to the United States was fraught with challenges and life-threatening experiences. In Mexico, I was kidnapped by a gang that robbed me of all my belongings. They forcibly smuggled me to the U.S. border, threatening my life if I did not provide additional money.

At one point, the gang took me to an isolated location along the border and showed me a shallow hole, claiming it was where they disposed of people who refused their demands. The experience was terrifying, and I genuinely feared for my life.

The Risk of Returning to Somalia

Returning to Somalia is not an option for me. I no longer have any family or support network there, and the country remains incredibly dangerous. Additionally, [REDACTED] is known for targeting individuals returning from abroad, accusing them of collaboration with foreign entities. If I were to return, my life would be at grave risk.

Request for Asylum

I respectfully ask the honorable judge to grant me asylum so I can live a life of safety and freedom.

BASHIR KHALIF ABDI



PROOF OF SERVICE

On 12/06/24, I, Abdinasir M. Abdulahi, served a copy of the filing entitled "I-589, APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL AND WITHHOLDING OF REMOVAL UNDER ARTICLE 3 OF THE CONVENTION" and any attached pages to the Office of the Chief Counsel via ECAS.

Abd AU
Signature

12/06/24
Date