Armen Shaghzo, SBN 178802
Alenoush Sarkissian, SBN 187837
Shaghzo and Shaghzo Law Firm
100 W. Broadway, Suite 540
Glendale, CA 91210
Tel: (818) 241-8887
as@shagzolaw.com
Alenoush@shaghzolaw.com

Attorney for Petitioner,
Onik Papoyan

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

PHOENIX DIVISION

ONIK PAPOYAN, Petitioner, v. LUIS ROSA, JR., Warden, Florence SPC Detention Center; MATT ELLISTON, as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations, Washington Filed Office; U.S. Immigration and Customs Enforcement; KRISTI NOEM Secretary of the U.S. Department Of Homeland Security; and PAM BONDI Attorney General of the United States; TIMOTHY COURCHAINE District Attorney of Arizona, in their official capacities, Respondents.,	Case No.: **PETITION FOR WRIT OF HABEAS CORPUS – MEMORANDUM**

INTRODUCTION

1. On or about September 8, 2025, Petitioner, Onik Papoyan ("Petitioner" or "Papoyan") was granted asylum under section 208 of the INA by Immigration Judge Natalie B. Huddlestion ("IJ"). The IJ provided a detailed, written decision, setting forth the factual and evidentiary predicate for her ruling. In so doing, the IJ also

concluded that there were no bars to Petitioner's request for relief. See Exhibit "A", true and correct copy of IJ decision granting asylum.

2. Petitioner remains in custody, despite prevailing on his claim for asylum.

3. The IJ's ruling was appealed by the Department of Homeland Security ("DHS").

4. Petitioner's continued detention is arbitrary and unlawful, and he requests that this Court order his immediate release from ICE custody.

5. Petitioner's continued detention violates 8 U.S.C. §1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. Petitioner cannot be deported to his home country of Armenia because he was granted asylum under INA 208.

6. Furthermore, the ICE Washington Field Office's across-the-board detention of Petitioner and similarly situated individuals without prompt, individualized determinations of whether they should remain in custody is inconsistent with ICE's own long-standing policy, thereby violating the Administrative Procedure Act ("APA") and due process. *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

JURISDICTION

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

8. 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).

9. 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.

10. Federal District courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *Zadvydas*, 533 U.S. at 687.

11. Federal courts also have federal question jurisdiction, through the Administrative Procedure Act ("APA"), to deem unlawful and to set aside agency action that is arbitrary, capricious, an abuse of discretion or otherwise inconsistent with law. 5 U.S.C. §706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. §703, which provides that judicial review of agency action under the APA may be proceeded by any applicable form of legal action, including but not limited to habeas corpus. The APA affords a right of review to a person who is adversely affected or harmed by agency action.

VENUE

12. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at Caroline Detention Facility. Furthermore, a substantial part of the events or omissions giving rise to this action occurred and continue to occur at ICE's Washington Field Office in Chantilly, Virginia, within this division. No real property is involved in this action. 28 U.S.C. §1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

13. 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).

14. 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

15. Petitioner prevailed on his claim for Asylum, with his application having been Granted by order of IJ Natalie B. Huddleston on September 8, 2025. Petitioner is currently detained at Florence SPC, 3250 North Pinal Parkway, Florence AZ 85132. Petitioner is in the custody, and under the direct control, of Respondents and their agents.

16. Respondent LUIS ROSA, JR., ("ROSA") is the Warden of the Florence SPC Detention Center 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 ROSA is a legal custodian of Petitioner.

17. Respondent MATT ELLISTON ("ELLISTON") is sued in his official capacity as the Acting Director of the Washington Field Office of U.S. Immigration and Customs Enforcement. Respondent ELLISTON is a legal custodian of Petitioner and has authority to release him.

18. Respondent KRISTI NOEM ("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; U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention and custody. Respondent NOEM is the ultimate legal custodian of Petitioner and is sued in her official capacity a such.

19. Respondent PAM BONDI ("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.

20. RESPONDENT, TIMOTHY COURCHAINE ("COURCHAINE") is sued in his official capacity as the District Attorney of Arizona. In that capacity, he has the authority to adjudicate removal cases as the DA of Arizona. Respondent COURCHAINE is a legal custodian of Petitioner and has authority to release him.

STATEMENT OF FACTS

21. Petitioner is an adult male and a native and citizen of Armenia. Petitioner entered the United States on April 10, 2024, was taken into ICE custody, where he remains, at the Florence SPC facility.

22. The DHS commenced proceedings against the Petitioner pursuant to its authority under 240 of the INA by issuing a Notice to Appear.

23. On June 10, 2024, Petitioner conceded proper service of the NTA, admitted the factual allegations contained therein and conceded removability. Based on the admissions and concessions of record, the IJ found the removability of the Petitioner. INA §§240 (c) (2)(A), (B). Petitioner declined to name a country for removal, and the IJ directed Armenia as the country of removal upon recommendation of the Government.

24. The IJ considered the totality of Petitioner's testimony, along with the documentary evidence submitted into the record and found, based on the record, and considering circuit precedent that the Petitioner was a credible witness. IJ Decision page 5

25. The IJ further found, based on the totality of the circumstances that Petitioner had met the criteria for establishing past persecution. IJ Decision pages 8 to 12.

26. The IJ further found that the Petitioner has shown through direct and specific evidence a possibility of future persecution on account of his political opinion, if he were to return to Armenia. IJ Decision page 12.

27. Based upon the foregoing, on September 8, 2025, the court ordered that the Petitioner's application for asylum under §208 of the INA be granted.

28. The Petitioner has been in custody since his arrival in the United States on or about April 10, 2024. Petitioner continues to remain in custody, despite having been granted Asylum by the IJ.

29. In her Decision, the IJ concluded that there were no bars for relief, (IJ Dec. pages 5 to 8.) There is no evidence that the Petitioner has a criminal history or that he may be a flight or security risk, if released from custody.

30. Despite the IJ's ruling and factors in favor of release, Petitioner's detention continues. Petitioner continues to suffer under the strain of detention, in an overcrowded/overpopulated facility, with limited access to amenities.

LEGAL FRAMEWORK

I. ICE'S CONTINUED DETENTION OF PETITIONER, WITHOUT REVIEWING HIS CUSTODY UNDER ICE POLICY VIOLATES THE ADMINISTRATIVE PROCEDURE ACT AND DUE PROCESS.

31. ICE's long-standing policy is to release non-citizens immediately following a grant of withholding or CAT relief absent exceptional circumstances.

32. Under the *Accardi* doctrine, which originated in the context of an immigration case and has been developed through subsequent immigration caselaw, agencies are bound to follow their own rules that affect the fundamental rights of individuals, even self-imposed policies and processes that limit otherwise discretionary decisions. See *Accardi v. Shaughnessy*, 347 U.S. at 226 (holding that BIA must follow its own regulations in its exercise of discretion); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

33. The requirement that an agency follow its own policies is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Even an unpublished policy binds the agency if "an examination of the provision's language, its context, and any available extrinsic evidence" supports the conclusion that it is "mandatory rather than merely precatory." *Doe v. Hampton*, 566

F.2d 265, 281 (D.C. Cir. 1977); see also Morton, 415 U.S. at 235–36 (applying Accardi to violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 813 (4th Cir. 1969) ("Nor does it matter that these IRS instructions to Special Agents were not promulgated in something formally labeled a 'Regulation' . . .").

34. When agencies fail to adhere to their own policies as required by *Accardi*, courts typically frame the violation as arbitrary, capricious, and contrary to law under the APA, see *Damus v. Nielson*, 313 F. Supp. 3d 317, 337 (D.D.C. 2018) ("It is clear, moreover, that [Accardi] claims may arise under the APA"), or as a due process violation, see *Sameena, Inc. v. United States Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998) ("An agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual's constitutional right to due process.") (internal quotations omitted).

35. Prejudice is generally presumed when an agency violates its own policy. *See Montilla*, 926 F.2d at 167 ("We hold that an alien claiming the INS has failed to adhere to its own regulations . . . is not required to make a showing of prejudice before he is entitled to relief. All that need be shown is that the subject regulations were for the alien's benefit and that the INS failed to adhere to them."); Heffner, 420 F.2d at 813 ("The Accardi doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.").

36. To remedy an Accardi violation, a court may direct the agency to properly apply its policy, see *Damus*, 313 F. Supp. 3d at 343 ("[T]his Court is simply ordering that Defendants do what they already admit is required."), or a court may apply the policy itself and order relief consistent with the policy. See *Jimenez v. Cronen*, 317

F. Supp. 3d 626, 657 (D. Mass. 2018) (scheduling bail hearing to review petitioners' custody under ICE's standards because "it would be particularly unfair to require that petitioners remain detained . . . while ICE attempts to remedy its failure").

37. Here, Petitioner falls into this category where ICE has failed to act as required by their procedures and require intervention.

CLAIMS FOR RELIEF

GROUND ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS

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

39. ICE has violated Petitioner's due process rights by denying him an individualized custody review to which he is entitled under ICE policy.

40. As a remedy, this Court should conduct its own review of Petitioner's custody or, at least, order ICE to review Petitioner's custody under the standard articulated in ICE policy.

GROUND TWO

VIOLATION OF IMMIGRATION AND NATIONALITY 8 U.S.C. § 1231 (A)(6)

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

42. 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 alien's removal from the United States." 533 U.S. at 689, 701.

43. Petitioner's continued detention has become unreasonable because his removal is not reasonably foreseeable as he was granted asylum. Therefore, his continued detention violates 8 U.S.C. § 1231(a)(6), and he must be immediately released.

GROUND THREE

ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

45. Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

46. ICE has deviated from its own policy in continuing to detain Petitioner after he was granted immigration relief, without determining whether exceptional circumstances warrant his continued detention. This is arbitrary, capricious, and contrary to law in violation of the APA.

47. As a remedy, this Court should conduct its own review of Petitioner's custody or, at least, order ICE to review Petitioner's custody under the standard articulated in ICE policy.

PRAYER FOR RELIEF

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

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 Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §1231(a)(6);

d) Issue a Writ of Habeas Corpus ordering Respondents to be released;

e) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

f) Grant any further relief this Court deems just and proper.

Dated: December 29, 2025

Respectfully submitted,

Armen Shaghzo
Attorney for Petitioner
Law Office Of Shaghzo & Shaghzo, APC

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FLORENCE, ARIZONA

FILE NUMBERS: A[redacted]

IN THE MATTERS OF:	)	
	)	
	)	
PAPOYAN, Onik,	)	**IN REMOVAL PROCEEDINGS**
	)	
RESPONDENT.	)	

CHARGES: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), as amended: *Present in the United States without having been admitted or paroled, or arrived in the United States at a time or place other than as designated by the Attorney General*

Section 212(a)(7)(A)(i)(I) of the INA, as amended: *Immigrant who at the time of applications for admission is not in possession of a valid, unexpired immigrant visa, reentry permit, border crossing card or other valid entry document required by the INA, and a valid, unexpired passport or other suitable travel document or document of identity and nationality as required under the regulations issued by the Attorney General under Section 211(a) of the INA*

APPLICATIONS: Asylum; Withholding of Removal; Protection under Article III of the Convention Against Torture

ON BEHALF OF THE RESPONDENTS:
Anahid Chalikian, Esquire
Law Office of Anahid Chalikian

ON BEHALF OF THE GOVERNMENT:
Sabrina Young, Esquire.
Department of Homeland Security

DECISION AND ORDERS OF THE IMMIGRATION JUDGE

I. STATEMENT OF THE CASE

The Respondent is an adult male, and a native and citizen of Armenia. The Department of Homeland Security ("DHS" or "the Department") commenced these proceedings against the Respondent pursuant to its authority under section 240 of the INA by issuing a Notice to Appear ("NTA"). (Exhibit 1). Jurisdiction vested and proceedings commenced when DHS filed the NTA with the Court. 8 C.F.R. § 1003.14(a).

On June 10, 2024, the Respondent, conceded proper service of the NTAs, admitted the factual allegations contained therein, and conceded removability as to the first charge of removability in the Notice to Appear (Section 212(a)(7)(A)(i)(I) of the INA, as amended). Based on the admissions and concessions of record, the Court found the removability of the Respondent as to that charge had been established. INA §§ 240(c)(2)(A), (B). The Respondents declined to name a country for removal, should such become necessary. The Court directed Armenia as the country of removal upon the recommendation of the Government.

In these proceedings, the Respondent applied for relief from removal in the form of asylum under section 208 of the INA, withholding of removal under section 241(b)(3) of the INA, and protection under Article III of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment (Form I-589). The Respondent is not eligible for post-conclusion voluntary departure under section 240B(b) of the INA as the Government served him with the NTAs within one year of their last arrival to the United States that contain the location, date, and time of the initial removal hearing. INA § 240B(1)(A).

The Court admitted exhibits 1-13 into the record without objection. The relief application, namely the Form I-589, is contained in the record at Exhibit 3. Therein Respondent noted political opinion as the protected grounds. *Id.* (Respondent's counsel later added particular social group as a basis for relief.) While other judges have held hearings in this case, this Court has reviewed the entire record as required by regulation.

II. STATEMENT OF THE LAW

A respondent bears the burden of proof and persuasion on his application. 8 C.F.R. § 1240.8(d); *Matter of M-B-C-*, 27 I&N Dec. 31 (BIA 2017). The provisions of the Real ID Act of 2005, Div. B of Pub. L. 109-113, 119 Stat. 231 (May 11, 2005)("Real ID Act"), apply to the Respondent's application for asylum, withholding of removal, and protection under the Convention Against Torture (Form I-589), as he filed it after May 11, 2005. *Matter of S-B-*, 24 I&N Dec. 42 (BIA 2006).

A respondent also bears the burden to show his claim is not subject to any legal bars. Determining whether an applicant assisted in the persecution of others "requires a particularized evaluation of both personal involvement and purposeful assistance in order to ascertain culpability." *Miranda Alvarado v. Gonzales*, 449 F.3d 915, 927 (9th Cir. 2006). "Whether [petitioner's] assistance was material is measured by examining the degree of relation his acts had to the persecution itself: How instrumental to the persecutory end were those acts? Did the acts

further the persecution, or were they tangential to it?" *Id.* at 928 (serving as a military interpreter during interrogation and torture of suspected Peruvian Shining Path members constituted persecution of others due to integral role in persecution); *see also Kumar v. Holder*, 728 F.3d 993, 998-1000 (9th Cir. 2013) (remanding where the agency decisions reflected a misunderstanding of relevant precedent); *Vukmirovic v. Ashcroft*, 362 F.3d 1247, 1252 (9th Cir. 2004) (IJ failed to conduct a particularized evaluation to determine Bosnian applicant's individual accountability for persecution). "This standard does not require actual trigger- pulling ... but mere acquiescence or membership in an organization, is insufficient to satisfy the persecutor exception." *Miranda Alvarado*, 449 F.3d at 927 (internal citations omitted); *see also Kalubi v. Ashcroft*, 364 F.3d 1134, 1139 (9th Cir. 2004) (recognizing that merely being a member of an organization that persecutes others is insufficient for persecutor of others bar to apply). Actions taken in self-defense do not constitute persecution of others. *Vukmirovic*, 362 F.3d at 1252 ("As a textual matter, holding that acts of true self- defense qualify as persecution would run afoul of the 'on account of' requirement in the provision. It would also be contrary to the purpose of the statute.").

Where the evidence raises the inference that a respondent persecuted others on account of a protected ground, the respondent must demonstrate otherwise by a preponderance of the evidence. *See* 8 C.F.R. §§ 208.13(c)(2)(ii) & 208.16 (d)(2); *see also Miranda Alvarado*, 449 F.3d at 930.

A. Asylum

To qualify for asylum under section 208 of the INA, the applicant bears the burden of proving that he is a refugee within the meaning of section 101(a)(42) of the INA. The applicant must demonstrate that he is unable or unwilling to return to her country of origin because of persecution or a well-founded fear of future persecution on account of her race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42). Under the Real ID Act, an applicant must establish that one of the five grounds was or will be at least one central reason for her persecution. INA § 208(b)(1)(B)(i); *Li v. Holder*, 559 F.3d 1096, 1102 (9th Cir. 2009).

If an applicant for asylum presents specific facts establishing that he has actually been the victim of persecution based on one of the five enumerated grounds, then the applicant is entitled to a rebuttable presumption of a well-founded fear of future persecution. 8 CFR § 1208.13(b)(2). In the absence of a presumption based upon past persecution, the applicant must show that a reasonable person in his circumstance would fear persecution on account of one of the five enumerated grounds if he were returned to her country of nationality. *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987); *Fisher v. INS*, 79 F.3d 955 (9th Cir. 1996).

An applicant must also establish that he merits asylum as a matter of discretion. INA § 208(a); *Kazlauskas v. INS*, 46 F.3d 902, 906 (9th Cir. 1995).

B. Withholding of Removal

The burden of proof required for withholding of removal is greater than the burden of proof for asylum. *INS v. Stevic*, 467 U.S. 407, 413 (1984). To qualify for withholding of removal, the applicant must show a clear probability of persecution on account of his race, religion, nationality, membership in a particular social group, or political opinion. INA § 241(b)(3); *Stevic*, 467 U.S. at 413; *Matter of C-T-L-*, 25 I&N Dec. 341 (BIA 2010). In other words, the applicant must show "it is more likely than not" that his life or freedom would be threatened on account of one of the specified grounds. *Zhang v. Ashcroft*, 388 F.3d 713, 718 (9th Cir. 2004). An applicant for withholding of removal must establish that one of the enumerated grounds is "a reason" for his persecution. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017).

C. Protection Under Article III of the Convention Against Torture

Pursuant to Article III of the Convention Against Torture, the applicant bears the burden of establishing "that it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2); *Ali v. Ashcroft*, 394 F.3d 780, 791 (9th Cir. 2005). Torture is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining a confession, punishment, intimidation, or coercion. 8 C.F.R. § 1208.18(a)(1). An applicant is not required to demonstrate that he would be tortured on account of a particular belief or immutable characteristic. *Matter of S-V-*, 22 I&N Dec. 1306 (BIA 2000). However, the torture must be inflicted "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." *Id. See also Arrey v. Barr*, 916 F.3d 1149, 1160 (9th Cir. 2019) ("The torture must be by government officials or private actors with government acquiescence"). "Acquiescence" requires an applicant to show that public officials demonstrate "willful blindness" to the torture of their citizens by third parties. *Zheng v. Ashcroft*, 332 F.3d 1186, 1196 (9th Cir. 2003). An applicant for protection must show that "severe pain or suffering was specifically intended—that is, that the actor intend the actual consequences of his conduct, as distinguished from the act that causes these consequences." *Villegas v. Mukasey*, 523 F.3d 894, 989 (9th Cir. 2008).

III. ANALYSIS AND FINDINGS OF THE COURT

A. Credibility

The Court must make a threshold determination of the Respondent's credibility before considering whether he meets the statutory criteria for the forms of relief and protection they seek. *Matter of O-D-*, 21 I&N Dec. 1079, 1080-81 (BIA 1998). Applications filed after May 11, 2005, are subject to the credibility standards articulated in the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005). *Id.*; *see Ren v. Holder*, 648 F.3d 1079, 1090 (9th Cir. 2011). In making a credibility determination, the Court considers the totality of the circumstances, including the "demeanor, candor, [and] responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements . . . the internal consistency of each such statement, the consistency of such statements with other evidence," as well as any other relevant factors. INA § 240(c)(4)(C).

IV. ORDERS

IT IS HEREBY ORDERED that the Respondent's application for asylum under section 208 of the INA be **GRANTED**.

IT IS FURTHER ORDERED that the Respondent's application for withholding of removal under section 241(b)(3) of the INA and the Respondent's application for withholding of removal under Article III of the United Nations Convention Against Torture is hereby **Held In Abeyance**.

DATED: September 8, 2025

/s/ Natalie B. Huddleston
Natalie B. Huddleston
IMMIGRATION JUDGE

APPEAL RIGHTS: Both Parties have the right to appeal the decision in this case. Any appeal is due at the Board of Immigration Appeals on or before thirty (30) calendar days from the date of service of this decision. 8 C.F.R. § 1003.38.

NOTICE OF FAILURE TO DEPART: The Court has ordered you removed from the United States. If you willfully fail or refuse to apply for the required travel documents to depart the United States, to present yourself for removal as instructed, to depart the United States as instructed, or to take any action, or conspire to take any action, to prevent or hamper your departure, you will be subject to a civil monetary penalty of not more than $942 per day you are in violation. INA §§ 240(c)(5), 274D(a); 8 C.F.R. § 1240.13(d).

CERTIFICATE OF SERVICE

THIS DOCUMENT SERVED BY: ( ) MAIL ( ) PERSONAL SERVICE (E) ELECTRONIC SERVICE

TO: ( )NONCITIZEN c/o Custodial Officer (E)NONCITIZEN'S ATTY (E)DHS

DATE: 09/08/2025 **BY COURT STAFF:** LCL

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

I represent Petitioner, Onik Papoyan, and submit this verification on his/her/their 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 29th day of December, 2025.

Dated: December 29, 2025

Law Office Of Shaghzo & Shaghzo, APC

Armen Shaghzo, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Warden Luis Rosa, Jr.
Florence SPC, 3250 N. Pinal Pkwy,
Florence, AZ 85132

Matt Elliston Field Office Director
U.S. Immigration and Customs Enforcement
2035 N. Central Ave,
Phoenix, AZ 85004

Immigration and Customs Enforcement
Office of the Principal Legal Advisor (OPLA)
ICE Headquarters
500 12th Street SW
Washington, DC 20536

DHS Secretary Kristi Noem
U.S. Department of Homeland Security
c/o DHS Office of the General Counsel
2707 MLK Jr. Ave SE,
Washington, DC 20528

U.S. Attorney General Pam Bondi
U.S. Department of Justice
950 Pennsylvania Ave NW,
Washington, DC 20530

Timothy Courchaine U.S. Attorney
c/o Civil Process Clerk
40 N Central Ave, Suite 1800,
Phoenix, AZ 85004

Dated: December 29, 2025

Respectfully Submitted,

Armem Shaghzo, Esq.
Attorney for Petitioner