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8 **UNITED STATES DISTRICT COURT**
WESTERN DISTRICT OF WASHINGTON

9
10 **Zafar Iqbal,**

11 Petitioner,

12 v.

13 Respondents include: (1) Laura Hermosillo,
Seattle Field Office Director, Immigration and
14 Customs Enforcement and Removal
Operations ("ICE/ERO"); (2) Todd Lyons,
15 Acting Director of Immigration Customs
Enforcement ("ICE"); (3) Kristi Noem
16 Secretary of the Department of Homeland
Security ("DHS"); (4) Pamela Bondi,
17 Attorney General of the United States; (5)
18 U.S. Immigration and Customs Enforcement;
and 6) U.S. Department of Homeland
19 Security.

20 Respondents.
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Case No. 2:26-cv-00040

Agency No. A 

**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. The petitioner, Zafar Iqbal, (“Mr. Iqbal”) is a 42 year-old native and citizen of Pakistan who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE) in Tacoma, Washington.

2. Mr. Iqbal entered the United States on June 12, 2023.

3. Represented by immigration attorney, Anna Ciesielski, Mr. Iqbal filed an application for asylum with the Immigration Court in Portland, Oregon on May 30, 2024 where his case is pending. Mr. Iqbal has work authorization based on his pending asylum application.

4. On November 15, 2025, Mr. Iqbal filed an application for U non-immigrant status.

5. To the best of Mr. Iqbal’s immigration attorney he complied with all of the supervision requirements once he was initially released from ICE detention, including wearing an ankle monitor and sending weekly photos of himself.

6. Now, Respondents have detained Petitioner at the Tacoma ICE Processing Center without following the processes mandated in the Immigration and Nationality Act (INA), the Administrative Procedure Act (APA), and other federal regulations, and in violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

7. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents’ attempts to detain, transfer, and deport him are arbitrary and capricious and in violation of the law, and to immediately issue an order preventing their transfer out of this district.

JURISDICTION

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

9. 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).

10. 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.*, the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

11. Venue is proper because Petitioner is in Respondents' custody in Tacoma, Washington. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

12. For these same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 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 OSC 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.*

14. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Its "root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release." *Fay v. Noia*, 372 U.S. 391, 402 (1963). "It must never be forgotten that the writ of habeas corpus is the precious safeguard of personal liberty and there is no higher duty than to maintain it unimpaired." *Bowen v. Johnston*, 306 U.S. 19, 26 (1939).

15. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

16. Petitioner Mr. Iqbal is a citizen of Paikistan who is presently held at the ICE facility in Tacoma, Washington.

17. Respondent Laura Hermosillo is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Respondent Hermosillo is a legal custodian of Petitioner.

18. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Hermosillo and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

1 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
2 (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all
3 operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with
4 faithfully administering the immigration laws of the United States.

5 20. Respondent Pamela Bondi is the Attorney General of the United States, and as
6 such has authority over the Department of Justice and is charged with faithfully administering
7 the immigration laws of the United States.

8 21. Respondent U.S. Immigration Customs Enforcement is the federal agency
9 responsible for custody decisions relating to non-citizens charged with being removable from the
10 United States, including the arrest, detention, and custody status of non-citizens.

11 22. Respondent U.S. Department of Homeland Security is the federal agency that has
12 authority over the actions of ICE and all other DHS Respondents.

13 23. This action is commenced against all Respondents in their official capacities.

14
15 **LEGAL FRAMEWORK**

16 24. Noncitizens are guaranteed Due Process under the Fifth Amendment to the U.S.
17 Constitution. *See Trump v. J.G.G.*, 604 U.S. ___. 145 S. Ct. 1003, 1006 (2025) (per curiam) and
18 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

19 25. Immigration detention is a form of civil confinement. “[C]ivil commitment for
20 any purpose constitutes a significant deprivation of liberty that requires due process protection.”
21 *Addington v. Texas*, 441 U.S. 418, 425 (1979).

22 26. Individuals detained under 8 U.S.C. § 1231(a)(3) may be released, subject to
23 terms of supervision.
24
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1 27. Revocation and return to custody is authorized upon following certain processes
2 and an exercise of discretion by certain authorized officials making individualized findings. 8
3 C.F.R. § 241.4(l).

4 28. A noncitizen must promptly be notified of the reasons for revocation of release,
5 be afforded an initial informal interview to respond to the reasons for revocation, and the
6 revoking official can only exercise his or her discretion after a particularized finding is made. 8
7 C.F.R. § 241.4(l).
8

9
10 **FACTUAL BACKGROUND**

11 29. Mr. Iqbal entered the United States one time, on June 12, 2023. He was
12 apprehended at entry and released from ICE custody on his own recognizance. He was placed
13 into removal proceedings.

14 30. Mr. Iqbal filed an application for asylum with the Immigration Court on May 30,
15 2024.

16 31. Mr. Iqbal filed an application for U nonimmigrant status with USCIS on
17 November 15, 2025. Declaration of ATTORNEY.

18 32. Mr. Iqbal was the victim of felony assault. He cooperated with law enforcement
19 and obtained a law enforcement certification which was used to apply for a U visa. His U visa
20 was received at USCIS on November 15, 2025. A receipt notice has not yet been received by Mr.
21 Iqbal or his attorney. Declaration of ATTORNEY.
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23 33. On January 3, 2026, immigration officials arrested and detained Mr. Iqbal and he
24 is being held at the Northwest ICE Processing Center in Tacoma, Washington. Declaration of
25 ATTORNEY.

1 34. Petitioner has no convictions. Declaration of ATTORNEY.

2 **MEMORANDUM OF LAW**

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4 35. On October 28, 2000, the Victims of Trafficking and Violence Protection Act of
5 2000, Pub. L. No. 106-386, Div. A, 114 Stat. 1464 (2000), codified at inter alia, 8 U.S.C. §
6 1101(a)(15)(U) ("Crime Victims Act"), was signed into law. This Act permits immigrants, and
7 their derivatives, who are victims of serious crimes and who assist law enforcement to apply for
8 and receive "U" nonimmigrant visas. After possessing U status for three years, such immigrants
9 may apply for lawful permanent resident status.

10 36. To apply for a U visa, a petitioner must file with USCIS a Form I-918, Petition for
11 U nonimmigrant status; Form I-918, Supplement B, a certification from a recognized law
12 enforcement official confirming that the non-citizen has cooperated in the investigation or
13 prosecution of criminal activity; and a sign statement by the petitioner describing the facts of the
14 victimization. The principal U visa petitioner may request that a qualifying family member, such
15 as the petitioner's spouse, be included as a derivative applicant by filing a form I-918,
16 Supplement A. In addition to the U visa applications, applicants must also submit a request for a
17 waiver of any ground of inadmissibility using Form I-192, Application for Advance Permission
18 to Enter as a Nonimmigrant.

19
20 37. Removal proceedings described in section 240 of the INA are used to determine
21 whether individuals, such as Petitioner, should be removed from the United States. See 8 U.S.C.
22 § 1229a. 23. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a
23 right to apply for asylum to individuals seeking safe haven in the United States. The purpose of
24 the Refugee Act is to enforce the "historic policy of the United States to respond to the urgent
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needs of persons subject to persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

38. The “motivation for the enactment of the Refugee Act” was the United Nations Protocol Relating to the Status of Refugees, “to which the United States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory meaning to our national commitment to human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985). 25. The Refugee Act established the right to apply for asylum in the United States and defines the standards for granting asylum. It is codified in various sections of the INA.

39. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to noncitizens who satisfy the definition of “refugee.” Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution of fear. 8 U.S.C. § 1101(a)(42)(A).

40. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A), the Immigration and Nationality Act—8 U.S.C. § 1231, and Federal Regulations

Not in Accordance with Law and in Excess of Statutory Authority, Abuse of Discretion

41. Petitioner restates and realleges all paragraphs as if fully set forth here.

42. Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary, and/or an abuse of discretion, among other things. 5 U.S.C. § 706(2)(A).

43. An action is arbitrary or capricious and thus an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

44. Assuming, arguendo, that Respondents indicate that waiting for the adjudication of the BFD document does not confer any protection itself, this interpretation is arbitrary, capricious and contrary to the law because it disregards the plain language of the regulations and its congressional intent.

45. The regulations do not direct USCIS to adjudicate petitions eligible for deferred action in any specific order. Rather, only once the petition is on the waitlist is USCIS required to prioritize the issuance of U Visas by the date the petitions were filed. See 8 C.F.R. § 214.14(d)(2).

46. The INA creates further duties owed by USCIS in the processing of petitions for U nonimmigrant status and to those individuals described in subsection (a)(15)(U) of section 101 of the Act. These duties are outlined in 8 U.S.C. section 1184(p) which states that “the Attorney General shall...provide the aliens with employment authorization.” (emphasis added).

1 47. The language of the statute and these regulations are mandatory, not
2 discretionary, and requires the Defendants to provide the protections memorialized in the
3 relevant statutes and regulations, as well as to adjudicate the petitions for nonimmigrant status,
4 even prior to visa availability.

5 48. Additionally, The INA provides that Respondents may, as they did in Petitioner's
6 case, release an individual, who is subject to a removal order, to supervision if appropriate or
7 statutorily required. 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4(a). Any person released under such
8 circumstances "shall be released pursuant to an order of supervision." 8 C.F.R. § 241.5(a).

9 49. Specified ICE officials may revoke supervised release "in the exercise of
10 discretion," but this requires formal processes and findings. 8 C.F.R. § 241.4(l)(1)-(2).

11 50. The language of 8 C.F.R. § 241.4(l) specifically limits the power of anyone who
12 is not the Executive Associate Director to revoke release. For example, it provides that "[a]
13 district director may also revoke release of a [noncitizen] when"—and only when—"in the
14 district director's opinion, revocation is in the public interest and circumstances do not
15 reasonably permit referral of the case to the Executive Associate [Director]." Thus, before a
16 district director can revoke release, the district director must make certain findings.
17

18 51. A noncitizen's release may be revoked "in the exercise of discretion" when, in
19 the opinion of the revoking official, "[t]he purposes of release have been served," the noncitizen
20 "violates any condition of release;" revocation "is appropriate to enforce a removal order or to
21 commence removal proceedings against [the noncitizen]," or "[t]he conduct of the [noncitizen],
22 or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. §
23 241.4(l)(2).
24
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1 52. The language of 8 C.F.R. § 241.4(l)(1) also requires that upon revocation of
2 release, a noncitizen “will be notified of the reasons for revocation” of release and “be afforded
3 an initial informal interview promptly after his or her return to [] custody to afford the
4 [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification.”

5 53. Regardless of Petitioner’s removal order, by arbitrarily terminating Petitioner’s
6 supervised release and detaining him without following proper procedures, Respondents have
7 violated the INA and federal regulations. See *Ceesay v. Kurzdorfer*, No. 25-CV-267-LJV, 2025
8 WL 1284720, at *17 (W.D.N.Y. May 2, 2025) (granting habeas relief after finding ICE violated
9 8 C.F.R. § 241.4(l) when it did not afford petitioner an informal interview or an opportunity to
10 respond to the reasons for revocation); *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023
11 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023) (noting that notwithstanding ICE’s discretion to
12 execute a removal order, ICE “cannot remove” a noncitizen—even one subject to a final removal
13 order—“in any manner [it] please[s]”); *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993)
14 (“[W]hen a regulation is promulgated to protect a fundamental right derived from the
15 Constitution or a federal statute, and [the government] fails to adhere to it, the challenged
16 deportation proceeding is invalid and a remand to the agency is required”—even in the absence
17 of a showing of prejudice.)

18
19 54. By categorically revoking Petitioner’s release and detaining him without making
20 the requisite findings and without considering Petitioner’s individualized facts and
21 circumstances, Respondents have violated the APA.
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23 **COUNT TWO**
24 **Violation of Fifth Amendment Right to Due Process**
25 **Procedural Due Process**

55. Petitioner restates and realleges all paragraphs as if fully set forth here.

1 56. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
2 prohibits the federal government from depriving any person of “life, liberty, or property, without
3 due process of law.” U.S. Const. amend. V. Due process protects “all ‘persons’ within the United
4 States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
5 permanent.” *Zadvydas*, 533 U.S. at 693.

6 57. Due process requires that government action be rational and non-arbitrary. *See*
7 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

8 58. While the government has discretion to detain individuals under 8 U.S.C. § 1231
9 and to revoke custody decisions under 8 C.F.R. § 241.4(l), this discretion is not “unlimited” and
10 must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 697-98.

11 59. Respondents have chosen to detain Petitioner in an arbitrary manner and without
12 the formal processes and findings required by statute and regulation, in violation of due process.
13 Because no individualized determination for revocation has been made and because Petitioner
14 has not been afforded an opportunity to respond to the reasons for revocation, Respondents’
15 revocation of Petitioner’s release violates his right to procedural due process.
16

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners respectfully request that this Court grant the following:

- 19 (1) Assume jurisdiction over this matter;
20 (2) Issue an Order to Show Cause ordering Respondents to show cause why this
21 Petition should not be granted within three days;
22 (3) Declare that Petitioner’s re-detention without an individualized determination
23 violates the APA;
24

- 1 (4) Declare that Petitioner's re-detention without an individualized determination
2 violates the Due Process Clause of the Fifth Amendment;
3 (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner
4 from custody;
5 (6) Issue an Order prohibiting the Respondents from transferring Petitioner from
6 the district without the court's approval;
7 (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice
8 Act, and on any other basis justified under law; and
9 (8) Grant any further relief this Court deems just and proper.
10

11 Dated: January 6, 2026.

12 s/ Shara Svendsen

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