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10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **MAGED ABDULHAMEED HAMOOD**  
 13 **ABDULLAH,**

Case No.: '26CV0176 BJC BLM

14 **Petitioner,**

**Petition for Writ  
 of  
 Habeas Corpus**

15 **v.**

**[Civil Immigration Habeas,  
 28 U.S.C. § 2241]**

16 **KRISTI NOEM, Secretary of the**  
 17 **Department of Homeland Security,**  
 18 **PAMELA JO BONDI, Attorney General,**  
 19 **TODD M. LYONS, Acting Director,**  
 20 **Immigration and Customs Enforcement,**  
 21 **JESUS ROCHA, Acting Field Office**  
 22 **Director, San Diego Field Office,**  
 23 **CHRISTOPHER LAROSE, Warden at**  
 24 **Otay Mesa Detention Center,**

25 **Respondents.**

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27 <sup>1</sup> Federal Defenders of San Diego, Inc., is filing with provisional appointment  
 28 under Chief Judge Order No. 134. Mr. Abdullah's financial eligibility for  
 representation is included in a sworn statement attached to this petition.

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1 **I. Introduction**

2 Maged Abdullah has a complicated immigration case. He is a Yemeni  
3 citizen who has never lived there. He was born and raised in Saudi Arabia, a  
4 country that does not have birthright citizenship, and in which Mr. Abdullah has  
5 no immigration status. He came to the United States in October 2016.

6 Mr. Abdullah was ordered removed to Saudi Arabia in 2022. ICE could not  
7 deport him to Saudi Arabia, and so moved to add Yemen; however, he received  
8 withholding of removal from Yemen in February 2024. Eventually, by June 2024,  
9 unable to deport him anywhere, ICE released Mr. Abdullah on an order of  
10 supervision. He complied with that order and went to his check-ins. He went to  
11 school at Mesa College.

12 This December 18, right before his last final exam of the semester, ICE  
13 arrested Mr. Abdullah at a check-in appointment. It gave him a notice of  
14 revocation informing him that “ICE will attempt removal to Saudi Arabia or  
15 removal to a third country,” and, vaguely, that there was “a determination that  
16 there are changed circumstances in your case.” Exhibit C. In the weeks since, “no  
17 one from ICE has told [him] what changed to make it possible to deport [him].”  
18 Exhibit A, Declaration of Maged Abdullah, ¶ 8.

19 Mr. Abdullah’s continued detention violates his statutory and regulatory  
20 rights, *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Fifth Amendment.

21 This habeas petition raises the following three claims:

22 **(1) Regulatory and due process violations:** Mr. Abdullah must be released  
23 because ICE’s failure to follow its own regulations—about timely notifying  
24 noncitizens of the actual reasons for re-detention, about promptly providing a  
25 meaningful opportunity to be heard following re-detention, and about the limited  
26 reasons ICE can invoke to re-detain someone who is complying with their  
27 conditions of release—repeatedly violated due process. *See, e.g., Nguyen v. Noem*,  
28 No. 25-cv-2791-BAS, ECF No. 12 (S.D. Cal. Nov. 7, 2025); *Nguyen v. Noem*,

1 No. 25-cv-2792-LL, ECF No. 10 (S.D. Cal. Nov. 6, 2025); *Tran v. Noem*, No. 25-  
2 cv-2391-BTM, 2025 WL 3005347 (S.D. Cal. Oct. 27, 2025); *Bui v. Warden*, No.  
3 25-cv-2111-JES, ECF No. 18 (S.D. Cal. Oct. 23, 2025); *Thai v. Noem*, No. 25-  
4 cv-2436-RBM, ECF No. 10, 12 (S.D. Cal. Oct. 17, 2025); *Constantinovici v.*  
5 *Bondi*, \_\_ F. Supp. 3d \_\_, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal.  
6 Oct. 10, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB,  
7 \*3–\*5 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*, No. 25-cv-02575-  
8 JO-SBC, ECF No. 12, 17 (S.D. Cal. Oct. 9, 2025); *Sun v. Noem*, 2025 WL  
9 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Rokhfirooz v. Larose*,  
10 No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025) (granting  
11 temporary restraining orders releasing noncitizens, or granting habeas petitions,  
12 due to ICE regulatory violations during recent re-detentions of released  
13 noncitizens previously ordered removed under 8 C.F.R. §§ 241.13(i), 241.4(l)).

14 **(2) *Zadvydas* violations:** Mr. Abdullah must also be released under  
15 *Zadvydas* because—having proved unable to remove him to Saudi Arabia or a  
16 third country for the last two years—the government cannot show that there is a  
17 “significant likelihood of removal in the reasonably foreseeable future.”  
18 *Zadvydas*, 533 U.S. at 701. *See, e.g., Gharakhan v. Noem*, No. 25-cv-2879-DMS,  
19 ECF No. 11 (S.D. Cal. Nov. 5, 2025); *Ho v. Noem*, No. 25-cv-2453-BAS, ECF  
20 No. 11 (S.D. Cal. Oct. 20, 2025); *Conchas-Valdez*, 2025 WL 2884822, No. 25-cv-  
21 2469-DMS (S.D. Cal. Oct. 6, 2025); *Rebenok v. Noem*, No. 25-cv-2171-TWR,  
22 ECF No. 13 (S.D. Cal. Sept. 25, 2025) (granting habeas petitions or TROs  
23 releasing noncitizens under *Zadvydas*); *see also Munoz-Saucedo v. Pittman*, 789  
24 F. Supp. 3d 387 (D.N.J. 2025) (granting habeas petition on same grounds for  
25 Mexican citizen with withholding of removal detained 90 days, released, and then  
26 re-detained for another two months); *Villanueva v. Tate*, \_\_ F. Supp. 3d \_\_, 2025  
27 WL 2774610 (S.D. Tex. 2025) (granting habeas petition on same grounds for  
28 Mexican citizen with withholding of removal detained fewer than six months);

1 *Zavvar v. Scott*, No. cv-25-2104-TDC, 2025 WL 2592543 (D. Md. Sept. 8, 2025)  
2 (granting habeas petition on same grounds for Iranian citizen with withholding of  
3 removal detained fewer than six months total); *Puertas-Mendoza v. Bondi*, No.  
4 SA-25-CA-890-XR, 2025 WL 3142089 (W.D. Tex. Oct. 22, 2025) (granting  
5 habeas petition on same grounds for Mexican citizen with withholding of removal  
6 detained fewer than six months total); *Gomez-Simeon v. Bondi*, No., 2025 WL  
7 3470872 (W.D. Tex. Nov. 24, 2025) (granting habeas petition on same grounds  
8 for Honduran citizen with withholding of removal detained for a month after  
9 revocation of his supervision).

10 **(3) Third-country removal statutory and due process violations:** In the  
11 unlikely event ICE does identify a third country, it will not provide Mr. Abdullah  
12 with due process. ICE’s operative third-country removal policy “contravenes  
13 Ninth Circuit law.” *Nguyen v. Scott*, \_\_ F. Supp. 3d \_\_, No. 25-CV-1398, 2025  
14 WL 2419288, \*19 (W.D. Wash. Aug. 21, 2025). This Court should thus also  
15 enjoin the Respondents to adhere to basic requirements of notice and an  
16 opportunity to be heard before removing Mr. Abdullah to a third country in which  
17 he could be persecuted or tortured.

18 **II. Statement of facts**

19 **A. Mr. Abdullah comes to the U.S., is ordered removed to Saudi**  
20 **Arabia and granted withholding of removal from Yemen, and**  
21 **after he cannot be removed is released on an order of supervision**  
22 **before being re-detained.**

22 Mr. Abdullah is a Yemeni citizen who has never lived in Yemen. Exhibit  
23 A, Declaration of Maged Abdullah, ¶ 3. He was born and raised in Saudi Arabia  
24 by his Yemeni citizen parents. *Id.*

25 In 2016, Mr. Abdullah came to the United States from Saudi Arabia. *Id.*  
26 ¶ 2. He was detained and ordered removed to Saudi Arabia in 2022. *Id.* ¶ 4.

27 But his immigration case was “complicated.” *Id.* Saudi Arabia does not  
28 have birthright citizenship. *See* Government of the Kingdom of Saudi Arabia,

1 *Obtaining Saudi Citizenship*.<sup>2</sup> Instead, citizenship passes patrilineally. *Id.* Because  
2 Mr. Abdullah’s father does not have Saudi citizenship, Mr. Abdullah has never  
3 been able to receive Saudi citizenship. Exhibit A ¶¶ 3, 10. After issuance of his  
4 removal order, “ICE could not remove [him] to Saudi Arabia because [he] do[es]  
5 not have any status there.” *Id.* ¶ 4.

6 At some point, then, an immigration judge added that Mr. Abdullah be  
7 ordered removed to Yemen, while simultaneously granting Mr. Abdullah  
8 withholding of removal from Yemen. *Id.* DHS twice appealed the withholding  
9 grant while Mr. Abdullah remained detained in 2022 and 2023. *Id.* Ultimately, on  
10 February 15, 2024, an immigration judge granted Mr. Abdullah withholding of  
11 removal to Yemen and ordered him removed as to Saudi Arabia and Yemen.  
12 Exhibit B. Both parties waived appeal. *Id.* at 4.

13 Because ICE was unable to deport Mr. Abdullah to Saudi Arabia, and it  
14 was prohibited from deporting him to Yemen, it released Mr. Abdullah from  
15 custody in June 2024 on an order of supervision. Exhibit A ¶ 4. Mr. Abdullah  
16 complied with his conditions of release and attended all his check-ins. *Id.* ¶ 5. He  
17 started studying at Mesa College. *Id.* ¶ 9.

18 On December 18, 2025, ICE arrested Mr. Abdullah at his check-in around 9  
19 AM. *Id.* ¶ 6. That evening, around 9 PM, Mr. Abdullah received a “Notice of  
20 Revocation of Release.” Exhibit C. It states in part:

21 This letter is to inform you that your order of supervision has been  
22 revoked and you will be detained in the custody of U.S.  
23 Immigration and Customs Enforcement (ICE) at this time. This  
24 decision has been made based on a review of your official alien file  
and a determination that there are changed circumstances in your  
case.

25 ICE has determined that you can be expeditiously removed from  
26 the United States pursuant to the outstanding order of removal  
27

28 \_\_\_\_\_  
<sup>2</sup> Available at <https://my.gov.sa/en/content/saudi-citezens-hip#section-3>.

1 against you. ICE will attempt removal to Saudi Arabia or removal  
2 to a third country.

3 Based on the above, and pursuant to 8 C.F.R. § 241.13(i)(2), your  
4 release on an order of supervision will be revoked today and you  
5 will be taken into ICE custody. You will be afforded an informal  
6 interview today at which you will be given an opportunity to  
7 respond to the reasons for the revocation.

8 Exhibit C.

9 Mr. Abdullah “asked to be able to talk to [his] lawyer before [he] signed”  
10 the notice. Exhibit A ¶ 6. The officer who gave him the notice “would not wait to  
11 let [him] to talk [his] lawyer or have [his] lawyer come to the office.” *Id.*

12 Mr. Abdullah was then taken to the Otay Mesa Detention Center. *Id.* ¶ 7.

13 As of today, he explains,

14 [N]o one from ICE has told me what changed to make it possible  
15 to deport me. I don’t know what’s changed between June 2024 and  
16 now. It’s the same situation.

17 Since I have been detained, I have been unable to go to school. . . .  
18 I had a political science final scheduled for December 18, but I  
19 could not attend the final because ICE arrested me. I think I’m  
20 going to get a much worse grade in the class because I missed the  
21 final. I am registered for classes for the spring semester. I really  
22 don’t want to miss my spring classes.

23 Exhibit A ¶ 9.

24 Spring classes at Mesa College are scheduled to begin on February 2, 2026.  
25 *See San Diego Mesa College, Spring 2026.*<sup>3</sup>

26 **B. Third-country removals for noncitizens granted withholding of  
27 removal are rare, but as of July 2025, third-country removals  
28 can happen with no or little notice.**

There are three main forms of relief available to noncitizens who will be  
persecuted if they are returned to their home country: asylum, withholding of  
removal, and Convention Against Torture (“CAT”) relief.

<sup>3</sup> Available at <https://www.sdmesa.edu/spring/>.

1           There are more restrictions on asylum, *see* 8 U.S.C. § 1158(a)(2), and  
2 fewer restrictions on eligibility for withholding of removal, *see* 8 U.S.C.  
3 § 1231(b)(3)(B)(iii). However, an applicant for withholding of removal must  
4 show a higher likelihood of persecution than what an asylum applicant must  
5 demonstrate—specifically, that it is “more likely than not that he or she would be  
6 persecuted on account of race, religion, nationality, membership in a particular  
7 social group, or political opinion upon removal to that country.” 8 C.F.R.  
8 § 1208.16(b)(2); *see INS v. Stevic*, 467 U.S. 407, 429–30 (1984).

9           About 1,000 people won withholding of removal each year between 2010  
10 and 2018. *See* Exhibit D at 6 (American Immigration Council & National  
11 Immigrant Justice Center, *The Difference Between Asylum and Withholding of*  
12 *Removal* (Oct. 2020)). In fiscal year 2024, about 2,500 people won withholding or  
13 deferral of removal. *See* Exhibit E at 2 (Congressional Research Service, *FY2024*  
14 *Immigration Court Data: Case Outcomes* (Feb. 3, 2025)).

15           When an immigration judge grants withholding relief, she issues a removal  
16 order and simultaneously issues an order withholding removal with respect to the  
17 country the person demonstrated a risk of persecution. *See Guzman-Chavez*, 594  
18 U.S. at 535–38. While ICE is authorized to remove that person granted  
19 withholding to an alternative countries, the removal statute specifies restrictive  
20 criteria for identifying appropriate countries. *See* 8 U.S.C. § 1231(b); 8 C.F.R.  
21 § 1208.16(f). Further, “foreign governments ‘routinely deny’ requests to receive  
22 people who lack a connection to the would-be receiving country.” *Puertas-*  
23 *Mendoza*, 2025 WL 3142089 at \*3. “The reason so few people are deported to  
24 third countries is because,” while “customary international law holds that a  
25 country has a duty to accept the return of its nationals,” usually, “countries have  
26 no incentive to accept non-citizens.” Exhibit E at 7.

27           If ICE identifies an appropriate third country of removal, the noncitizen  
28 must then have notice and an opportunity to seek relief from removal to that new

1 country. *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (“If [non-citizens] would  
2 face persecution or other mistreatment in the country designated under  
3 § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1);  
4 withholding of removal, § 1231(b)(3)(A); [and] relief under an international  
5 agreement prohibiting torture.”); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir.  
6 1999) (holding that “last minute” designation of alternative country without  
7 meaningful opportunity to apply for protection “violate[s] a basic tenet of  
8 constitutional due process”).

9 As a result of these restrictions and procedures, very few people who  
10 receive withholding of removal are deported to a third country. Between  
11 September 2023 and June 2025, ICE removed a total of eight people granted  
12 withholding or other CAT relief to alternative countries. Exhibit F (ICE removal  
13 data).<sup>4</sup> Between fiscal years 2020 and 2023, a total of five people granted  
14 withholding or other CAT relief were removed to alternative countries. *Id.*

15 That said, this summer, ICE began removing more immigrants it could not  
16 previously remove to third countries. It implemented new policies to do so. On  
17 July 9, 2025, ICE rescinded previous guidance meant to give immigrants a  
18 “‘meaningful opportunity’ to assert claims for protection under the Convention  
19  
20

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21 <sup>4</sup> The data in Exhibit F are collected from the Deportation Data Project, which  
22 “collects and posts public, anonymized U.S. government immigration  
23 enforcement datasets,” “primarily [obtained] through Freedom of Information Act  
24 requests.” For the complete raw data, one can visit  
25 <https://deportationdata.org/data/ice>, select “Removals,” and filter for each  
26 removal classified as “[5C] Relief Granted – Withholding of Deportation /  
27 Removal” or “[5D] Final Order of Deportation / Removal – Deferred Action  
28 Granted.” The chart attached as Exhibit G highlights all such cases in which the  
noncitizen was removed to a country other than their country of origin. The  
remaining unhighlighted noncitizens either won withholding or CAT relief with  
respect to a third country that was not their country of origin, including dual  
citizens; had withholding or CAT relief terminated; or agreed to return to their  
country of origin despite a grant of withholding or CAT relief.

1 Against Torture before initiating removal to a third country.” Exhibit G (July 9,  
2 2025, ICE third-country removal guidance).

3 Now, ICE may remove any immigrant to a third country without any  
4 notice. It may do so if, in the sole view of the State Department, the United States  
5 has received “credible” “assurances” from that country that deportees will not be  
6 persecuted or tortured. *Id.* at 1.

7 If a country fails to credibly promise not to persecute or torture releasees,  
8 ICE may remove immigrants with only 24 hours’ notice. “In exigent  
9 circumstances,” a removal may take place in six hours, “as long as the alien is  
10 provided reasonably means and opportunity to speak with an attorney prior to the  
11 removal.” *Id.*

12 Under this policy, ICE “will not affirmatively ask whether the alien is  
13 afraid of being removed to the country of removal.” *Id.* (emphasis original). If the  
14 noncitizen “does not affirmatively state a fear of persecution or torture if removed  
15 to the country of removal listed on the Notice of Removal within 24 hours, [ICE]  
16 may proceed with removal to the country identified on the notice.” *Id.* at 2.

17 Under this policy, the United States has deported several dozen noncitizens  
18 to prisons and military camps in Rwanda, Eswatini, South Sudan, and Ghana.  
19 Many are still detained to this day, in countries to which they have never been,  
20 without charge. Nokukhanya Musi & Gerald Imray, *10 more deportees from the*  
21 *US arrive in the African nation of Eswatini*, Associated Press (Oct. 6, 2025)<sup>5</sup>; *see*  
22 *also* Gerald Imray, *A Cuban man deported by the US to Africa is on a hunger*  
23 *strike in prison, his lawyer says*, Associated Press (Oct. 23, 2025)<sup>6</sup>; Frank  
24 Chothia, *Eswatini confirms receiving \$5.1m from the US for accepting deportees*,

25  
26 <sup>5</sup> Available at <https://apnews.com/article/eswatini-deportees-us-trump-immigration-74b2f942003a80a21b33084a4109a0d2>.

27  
28 <sup>6</sup> Available at <https://apnews.com/article/deported-immigration-migrants-trump-eswatini-8d8aad6dd01bf0e72de06480f3c70859>.

1 BBC (Nov. 18, 2025).<sup>7</sup> Others have been returned to their home countries, even  
2 though they had received orders protecting them against their return under the  
3 Convention Against Torture. *See* Third Country Deportation Watch, *Ghana*,  
4 Refugees International & Human Rights First (Dec. 5, 2025).<sup>8</sup>

5 **III. This Court has jurisdiction.**

6 This Court has jurisdiction to consider Mr. Abdullah’s claim of unlawful  
7 detention and unlawful third-country removal under 28 U.S.C. § 2241 while he is  
8 in detention at the Otay Mesa Detention Center.

9 The government’s recent argument otherwise, that 8 U.S.C. § 1252(g) strips  
10 this Court of jurisdiction, “has been repeatedly ‘rejected as implausible’ by the  
11 Supreme Court.” *Soryadvongsa v. Noem*, No. 25-cv-2663-AGS, 2025 WL  
12 3126821, \*1 (S.D. Cal. Nov. 8, 2025) (quoting *Department of Homeland Sec. v.*  
13 *Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020)). The government’s argument  
14 “would eliminate judicial review of immigration [detainees’] claims of unlawful  
15 detention . . . inconsistent with *Jennings v. Rodriguez* and the history of judicial  
16 review of the detention of noncitizens under 28 U.S.C. § 2241.” *Phan v. Noem*,  
17 No. 25-cv-2422-RBM, 2025 WL 2898977, \*3 (S.D. Cal. Oct. 10, 2025)  
18 (collecting cases agreeing on this jurisdictional point).

19 Further, this Court has jurisdiction to consider and resolve constitutional  
20 questions of the process due to those threatened with removal in habeas  
21 proceedings. *See AARP v. Trump*, 605 U.S. 91, 94–99 (2025) (*per curiam*).

22 **IV. Legal analysis.**

23 This Court should grant this petition and order two forms of relief.

24 First, it should order Mr. Abdullah’s immediate release. ICE failed to  
25 follow its own regulations requiring notification of the specific reasons a  
26

27 <sup>7</sup> Available at <https://www.bbc.com/news/articles/cq50vjdx368o>.

28 <sup>8</sup> Available at <https://www.thirdcountrydeportationwatch.org/ghana>.

1 noncitizen is being re-detained, a chance to promptly and meaningfully contest  
2 the reasons, and mandating noncitizens in Mr. Abdullah’s position only be re-  
3 detained upon a proper determination that “on account of changed  
4 circumstances,” “there is a significant likelihood that the [noncitizen] may be  
5 removed in the reasonably foreseeable future.” 8 C.F.R. §§ 241.13(i)(2). Further,  
6 *Zadvydas v. Davis* holds that immigration statutes do not authorize the  
7 government to detain immigrants like Mr. Abdullah, whose removal period has  
8 ended, and for whom there is “no significant likelihood of removal in the  
9 reasonably foreseeable future.” 533 U.S. 678, 701 (2001).

10 Second, this Court should enjoin the Respondents to adhere to basic  
11 requirements of notice and an opportunity to be heard before removing  
12 Mr. Abdullah to a third country in which he could be persecuted or tortured. If the  
13 government is truly seeking to deport Mr. Abdullah to an unidentified third  
14 country, there are extremely detailed statutory criteria it must follow. Its current  
15 policy of giving noncitizens between zero and 24 hours’ notice of which country  
16 it intends to deport them to without notice that they can apply for protection  
17 against persecution and torture is insufficient as a regulatory, statutory, and due  
18 process matter.

19 **V. Claim 1: ICE failed to comply with its own regulations while re-**  
20 **detaining Mr. Abdullah, violating his rights under applicable**  
21 **regulations and due process.**

22 Two regulations establish the process due to someone who is re-detained in  
23 immigration custody following a period of release. 8 C.F.R. § 241.4(l) applies to  
24 all re-detentions, generally. 8 C.F.R. § 241.13(i) applies as an added, overlapping  
25 framework to persons released upon good reason to believe that they will not be  
26 removed in the reasonably foreseeable future, as Mr. Abdullah was. *See Azzo v.*  
27 *Noem*, No. 25-cv-3122-RBM-BJW, 2025 WL 3535208, \*5–\*6 (S.D. Cal. Dec. 10,  
28 2025) (explaining this regulatory scheme); *Rokhfirooz*, No. 25-CV-2053-RSH-  
VET, 2025 WL 2646165 at \*2 (same).

1           These regulations establish important substantive limitations before a  
2 noncitizen’s re-detention. Officials are allowed to “return [the person] to custody”  
3 only when the person “violate[d] any of the conditions of release,” 8 C.F.R.  
4 §§ 241.13(i)(1), 241.4(l)(1), or, in the alternative, if an appropriate official  
5 “determines that there is a significant likelihood that the alien may be removed in  
6 the reasonably foreseeable future,” and makes that finding “on account of  
7 changed circumstances,” § 241.13(i)(2). Section “241.13(i)(2) requires that this  
8 determination is made before the removable alien has had his release revoked.”  
9 *Nguyen v. Noem*, No. 25-cv-2792-LL-VET, 2025 WL 3101979, \*2 (S.D. Cal.  
10 Nov. 6, 2025) (quoting *Tran v. Noem*, No. 25-CV-2391-BTM-BLM, 2025 WL  
11 3005347, \*2 (S.D. Cal. Oct. 27, 2025)).

12           No matter the reason for re-detention, the re-detained person is also entitled  
13 to certain procedural protections during and after re-detention.

14           First, “[u]pon revocation,’ the noncitizen ‘will be notified of the reasons  
15 for revocation of his or her release.’” *Phan v. Noem*, No. 25-cv-2422-RBM-MSB,  
16 2025 WL 2898977, \*3, \*4 (S.D. Cal. Oct. 10, 2025) (quoting §§ 241.4(l)(1),  
17 241.13(i)(3)). A noncitizen must receive “adequate notice of the basis for the  
18 revocation decision such that he c[an] meaningfully respond at the post-detention  
19 informal interview.” *Rasakhamdee v. Noem*, No. 25-cv-2817-RBM, ECF No. 10  
20 at 7 (S.D. Cal. Nov. 6, 2025) (quoting *Diaz v. Wofford*, No. 25-cv-1079-JLT,  
21 2025 WL 2581575, \*8 (E.D. Cal. Sept. 5, 2025)).

22           Second, the person “‘will be afforded an initial informal interview promptly  
23 after his or her return’ to be given ‘an opportunity to respond to the reasons for  
24 revocation stated in the notification.’” 8 C.F.R. §§ 241.13(i)(3), 241.4(l)(1).  
25 “[P]romptly,” commonly understood, “means ‘[q]uickly; without delay’ or ‘[a]s  
26 soon as practicable.’” *Soryadvongsa*, 2025 WL 3126821 at \*3 (quoting *Promptly*,  
27 Black’s Law Dictionary (12th ed. 2024)). “The chance to advocate for release  
28 must ordinarily come within days of a criminal arrest. Surely, it must happen at

1 least that quickly in the more constitutionally protected civil-arrest arena, too.” *Id.*

2 Third, in the case of someone released under § 241.13(i), the regulations  
3 also explicitly require the interviewer to allow the re-detained person to “submit  
4 any evidence or information that he or she believes shows there is no significant  
5 likelihood he or she be removed in the reasonably foreseeable future, or that he or  
6 she has not violated the order of supervision.” § 241.13(i)(3).

7 ICE is required to follow its own regulations. *United States ex rel. Accardi*  
8 *v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150,  
9 1162 (9th Cir. 2004) (“The legal proposition that agencies may be required to  
10 abide by certain internal policies is well-established.”). A court may review a re-  
11 detention decision for compliance with the regulations, and “where ICE fails to  
12 follow its own regulations in revoking release, the detention is unlawful and the  
13 petitioner’s release must be ordered.” *Rokhfirooz*, 2025 WL 2646165 at \*4  
14 (collecting cases); *accord Phan*, 2025 WL 2898977 at \*5.

15 ICE followed few of its substantive and procedural regulatory prerequisites  
16 to re-detention or continued detention here.

17 First, ICE does not have a proper reason to re-detain Mr. Abdullah: there is  
18 no “changed circumstance[]” such that there is “a significant likelihood that [he]  
19 may be removed in the reasonably foreseeable future,” § 241.13(i)(2), and he has  
20 not “violate[d] any of the conditions of release,” § 241.13(i)(1). ICE notified  
21 Mr. Abdullah that it “will attempt removal to Saudi Arabia or removal to a third  
22 country”—things it already *has* tried to do. There is no reason to think that,  
23 having been unable to remove Mr. Abdullah to either Saudi Arabia or an  
24 unidentified third country since his removal order became final in February 2024,  
25 ICE is likely to do so in the reasonably foreseeable future.

26 Second, ICE’s notification did not include sufficient information—actual  
27 “reasons”—explaining how circumstances had changed. “Simply to say that  
28 circumstances had changed or there was a significant likelihood of removal in the

1 foreseeable future is not enough.” *Sarail A. v. Bondi*, \_\_ F. Supp. 3d \_\_, 2025 WL  
2 2533673, \*10 (D. Minn. 2025). “Petitioner must be told *what* circumstances had  
3 changed or *why* there was now a significant likelihood of removal in order to  
4 meaningfully respond to the reasons and submit evidence in opposition.” *Id.* The  
5 notice here included no information about what had changed or why. Exhibit C.  
6 Mr. Abdullah does not “know what’s changed between June 2024 and now.”  
7 Exhibit A ¶ 8.

8 Third, it does not appear that Mr. Abdullah received an informal interview  
9 in which he could meaningfully respond to the reasons for his re-detention. When  
10 he asked for the ability to talk to an attorney upon receiving notice of his  
11 revocation, the “officer would not wait.” Exhibit A ¶ 6. Even if an interview was  
12 done at this point, Mr. Abdullah could not meaningfully respond to the reasons  
13 for the revocation of his detention, because he did not know what they were.  
14 §§ 241.13(i)(2); 241.4(l)(1); *see* Exhibit A ¶ 8.

15 Numerous courts have released re-detained immigrants after finding that  
16 ICE failed to comply with some or all of the applicable regulations this summer  
17 and fall. *See, e.g., Villanueva v. Tate*, \_\_ F. Supp. 3d \_\_, 2025 WL 2774610 (S.D.  
18 Tex. Sept. 26, 2025); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y.  
19 2025); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at \*7–9  
20 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL  
21 2430267, at \*10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-  
22 00182-MJT, 2025 WL 2491782, at \*2–3 (E.D. Tex. July 18, 2025); *Hoac v.*  
23 *Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at \*4 (E.D. Cal. July  
24 16, 2025); *Liu v. Carter*, 2025 WL 1696526, \*2 (D. Kan. June 17, 2025); *M.Q. v.*  
25 *United States*, 2025 WL 965810, at \*3, \*5 n.1 (S.D.N.Y. Mar. 31, 2025); *Bui v.*  
26 *Warden*, No. 25-cv-2111-JES, ECF No. 18 (S.D. Cal. Oct. 23, 2025); *Thai v.*  
27 *Noem*, No. 25-cv-2436-RBM, ECF No. 10, 12 (S.D. Cal. Oct. 17, 2025);  
28 *Constantinovici v. Bondi*, \_\_ F. Supp. 3d \_\_, 2025 WL 2898985, No. 25-cv-2405-

1 RBM (S.D. Cal. Oct. 10, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-  
2 2422-RBM-MSB, \*3–\*5 (S.D. Cal. Oct. 10, 2025); *Truong v. Noem*, No. 25-cv-  
3 02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*,  
4 No. 25-cv-02575-JO-SBC, ECF No. 12, 17 (S.D. Cal. Oct. 9, 2025); *Sun v. Noem*,  
5 2025 WL 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Tran v.*  
6 *Noem*, 2025 WL 2770623, No. 25-cv-2334-JES, \*3 (S.D. Cal. Sept. 29, 2025);  
7 *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept.  
8 15, 2025).

9 “[B]ecause officials did not properly revoke petitioner’s release pursuant to  
10 the applicable regulations, that revocation has no effect, and [Mr. Abdullah] is  
11 entitled to his release (subject to the same Order of Supervision that governed his  
12 most recent release).” *Liu*, 2025 WL 1696526, at \*3.

13 **VI. Claim 2: Mr. Abdullah’s detention violates *Zadvydas* and 8 U.S.C.**  
14 **§ 1231.**

15 **A. Legal background: The statute, as interpreted by *Zadvydas*,**  
16 **renders detention mandatory for 90 days after removal is**  
17 **ordered, presumptively acceptable for six months after removal**  
18 **is ordered, and allowable after six months after removal is**  
19 **ordered only if there is a significant likelihood of removal in the**  
20 **reasonably foreseeable future.**

21 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered  
22 a problem affecting people like Mr. Abdullah: Federal law requires ICE to detain  
23 an immigrant during the “removal period,” which typically spans the first 90 days  
24 after the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2). After that 90-  
25 day removal period expires, detention becomes discretionary—ICE may detain  
26 the immigrant while continuing to try to remove them. *Id.* § 1231(a)(6).

27 Ordinarily, this scheme would not lead to excessive detention, as removal  
28 happens within days or weeks. But some detainees cannot be removed quickly.  
Perhaps their removal “simply require[s] more time for processing,” or they are  
“ordered removed to countries with whom the United States does not have a  
repatriation agreement,” or their countries “refuse to take them,” or they are

1 “effectively ‘stateless’ because of their race and/or place of birth.” *Kim Ho Ma v.*  
2 *Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other circumstances,  
3 detained immigrants can find themselves trapped in detention for months, years,  
4 decades, or even the rest of their lives. If federal law were understood to allow for  
5 “indefinite, perhaps permanent, detention,” it would pose “a serious constitutional  
6 threat.” *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the  
7 constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits.  
8 *Id.* at 689.

9 *Zadvydas* held that § 1231(a)(6) presumptively permits the government to  
10 detain an immigrant for six months after his or her removal order becomes final.  
11 After those six months have passed, the immigrant must be released unless his or  
12 her removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 701. After six  
13 months have passed, the petitioner must only make a prima facie case for relief—  
14 there is “good reason to believe that there is no significant likelihood of removal  
15 in the reasonably foreseeable future.” *Id.* Then the burden shifts to “the  
16 Government [to] respond with evidence sufficient to rebut that showing.” *Id.*

17 Further, even before the six months have passed, the immigrant must still  
18 be released if he rebuts the presumption that his detention is reasonable. *See, e.g.,*  
19 *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020) (collecting cases  
20 on rebutting the *Zadvydas* presumption before six months have passed).

21 Mr. Abdullah can make all the threshold showings needed to shift the burden to  
22 the government.

23 **B. Mr. Abdullah’s six-month grace period expired in August 2024.**

24 The six-month grace period has ended. The *Zadvydas* grace period is linked  
25 to the date the final order of removal is issued. It lasts for “six months after a final  
26 order of removal—that is, three months after the statutory removal period has  
27 ended.” *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). The  
28 statute defining the beginning of the removal period is linked to the latest of three

1 dates, all of which relevant here are tied to when the removal order is issued.  
2 8 U.S.C. § 1231(a)(1)(B).<sup>9</sup>

3 Mr. Abdullah’s operative removal order became final on February 15,  
4 2024. Exhibit B. His *Zadvydas* grace period expired three months after the  
5 removal period ended, in August 2024. The six-month period ended then.

6 **C. Mr. Abdullah’s experience and ICE’s historical experience**  
7 **provide good reason to believe that he will not likely be removed**  
8 **in the reasonably foreseeable future.**

9 This Court uses a burden-shifting framework to evaluate Mr. Abdullah’s  
10 *Zadvydas* claim. At the first stage of the framework, Mr. Abdullah must  
11 “provide[] good reason to believe that there is no significant likelihood of removal  
12 in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This standard  
13 can be broken down into three parts.

14 **“Good reason to believe.”** The “good reason to believe” standard is a  
15 relatively forgiving one. “A petitioner need not establish that there exists no  
16 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL  
17 10714999, at \*3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to  
18 believe’ . . . place a burden upon the detainee to demonstrate no reasonably  
19 foreseeable, significant likelihood of removal or show that his detention is  
20 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,  
21 2020 WL 3972319, at \*3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401  
22 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:  
23 Petitioners need only give a “good reason”—not prove anything to a certainty.

24 **“Significant likelihood of removal.”** This component focuses on whether  
25 Mr. Abdullah will likely be removed: Continued detention is permissible only if it

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26 <sup>9</sup> Those dates are, specifically, (1) “[t]he date the order of removal becomes  
27 administratively final;” (2) “[i]f the removal order is judicially reviewed and if a  
28 court orders a stay of the removal of the alien, the date of the court’s final order;”  
or (3) “[i]f the alien is detained or confined (except under an immigration  
process), the date the alien is released from detention or confinement.” *Id.*

1 is “significant[ly] like[ly]” that ICE will be able to remove him. *Zadvydas*, 533  
2 U.S. at 701. This inquiry targets “not only the *existence* of untapped possibilities,  
3 but also [the] probability of *success* in such possibilities.” *Elashi v. Sabol*, 714 F.  
4 Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added).

5 In other words, even if “there remains *some* possibility of removal,” a  
6 petitioner can still meet its burden if there is good reason to believe that  
7 successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-  
8 8019, 2002 WL 31520362, at \*4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

9 **“In the reasonably foreseeable future.”** This component of the test  
10 focuses on when Mr. Abdullah will likely be removed: Continued detention is  
11 permissible only if removal is likely to happen “in the reasonably foreseeable  
12 future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s  
13 removal efforts.

14 If the Court has “no idea of when it might reasonably expect [Petitioner] to  
15 be repatriated, this Court certainly cannot conclude that his removal is likely to  
16 occur—or even that it might occur—in the reasonably foreseeable future.” *Palma*  
17 *v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at \*3 (S.D. Miss. July  
18 7, 2020), *report and recommendation adopted*, 2020 WL 4876859 (S.D. Miss.  
19 Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y.  
20 2019)). Thus, even if this Court concludes that Mr. Abdullah “would *eventually*  
21 receive” a travel document, he can still meet his burden by giving good reason to  
22 anticipate sufficiently lengthy delays. *Younes v. Lynch*, 2016 WL 6679830, at \*2  
23 (E.D. Mich. Nov. 14, 2016).

24 Mr. Abdullah satisfies this standard for three reasons.

25 *First*, the IJ’s withholding of removal order prohibits Mr. Abdullah’s  
26 removal to Yemen, “which is the only country to which he has a claim to  
27 citizenship or legal immigration status.” *Villanueva*, 2025 WL 2774610, at \*10;  
28 *see* Exhibit B, Exhibit A ¶¶ 3–4, 10. “This substantially increases the difficulty of

1 removing him.” *Munoz-Saucedo*, 789 F. Supp. 3d at 398.

2 Historical data backs up the difficulty of removing Mr. Abdullah to Saudi  
3 Arabia or any other country. In the four and a half years between 2020 and mid-  
4 2025, ICE was able to successfully remove 13 people who had been granted  
5 withholding to a third country. Exhibit F. Given that about 2,500 people received  
6 a grant of withholding of removal in fiscal year 2024 *alone*, that indicates ICE has  
7 a very small percentage chance of success overall. Exhibit E.

8 Mr. Abdullah’s individual circumstances strongly suggest that he will not  
9 be among the handful of people granted withholding of removal the U.S. removes  
10 to another country. He is a Yemeni citizen with no immigration status in any other  
11 country. Exhibit A ¶ 10. While his parents have immigration status in Saudi  
12 Arabia, “Saudi Arabia has already said they won’t accept [him].” *Id.*

13 *Second*, ICE has not made progress in removing Mr. Abdullah in the last  
14 two years since his removal order became final. Saudi Arabia has already rejected  
15 Mr. Abdullah. *Id.* Aside from Saudi Arabia, Mr. Abdullah has never learned  
16 which particular countries ICE is considering, so he has “never been able to give  
17 information about why another country would or would not work.” *Id.* ¶ 11. “ICE  
18 has never asked [him] to fill out any paperwork to be removed to a third country.”  
19 *Id.* ¶ 12. And he has “never had an interview or a phone call with the consulate of  
20 any third country.” *Id.*

21 Given that third country removal is already exceedingly unlikely, a “lack of  
22 effort only reinforces the conclusion that the Petitioner’s removal is not likely to  
23 occur in the reasonably foreseeable future.” *Kacanic v. Elwood*, No. CIV.A. 02-  
24 8019, 2002 WL 31520362, at \*5 (E.D. Pa. Nov. 8, 2002); *see also Conchas-*  
25 *Valdez v. Casey*, 25-cv-2469-DMS, Dkt. 9, at 6 (S.D. Cal. Oct. 6, 2025) (granting  
26 a petition in part because “the Government’s minimal work on [the] case . . . [did]  
27 not instill confidence that it will be able to secure [CAT] Petitioner’s removal in  
28 the reasonably foreseeable future”).

1 Of course, *Zadvydas* made clear that good faith efforts do not themselves  
2 show that removal is significantly likely. The petitioner in *Zadvydas* appealed a  
3 “Fifth Circuit h[olding] [that] [the petitioner’s] continued detention [was] lawful  
4 as long as good faith efforts to effectuate deportation continue and [the petitioner]  
5 failed to show that deportation will prove impossible.” 533 U.S. at 702 (cleaned  
6 up). The Supreme Court reversed, finding that the Fifth Circuit’s good-faith-  
7 efforts standard “demand[ed] more than our reading of the statute can bear.” *Id.*

8 Thus, “under *Zadvydas*, the reasonableness of Petitioner’s detention does  
9 not turn on the degree of the government’s good faith efforts. Indeed, the  
10 *Zadvydas* court explicitly rejected such a standard. Rather, the reasonableness of  
11 Petitioner’s detention turns on whether and to what extent the government’s efforts  
12 are likely to bear fruit.” *Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL  
13 78984, at \*5 (W.D.N.Y. Jan. 2, 2019).

14 Here, then, it is possible that ICE is making “travel document requests,”  
15 *Gilali v. Warden of McHenry Cnty. Jail*, No. 19-CV-837, 2019 WL 5191251, at  
16 \*5 (E.D. Wis. Oct. 15, 2019)—though no evidence of that has filtered through to  
17 Mr. Abdullah. But mere efforts would be “insufficient” to defeat his showing that  
18 removal is not likely. *Id.* That would be “merely an assertion of good-faith efforts  
19 to secure removal; it does not make removal likely in the reasonably foreseeable  
20 future.” *Id.*; see also *Zavvar*, 2025 WL 2592543, at \*7 (finding the presumption  
21 rebutted, despite outstanding third-country requests to Australia and Romania,  
22 because of “[t]he lack of any sign that Australia or Romania is actively  
23 considering accepting [the petitioner]”).

24 *Third*, even if ICE could eventually remove Mr. Abdullah to a third  
25 country, there is no reason to think that that will happen in the reasonably  
26 foreseeable future. The difficulty of third-country removal suggests that ICE will  
27 not quickly prove successful. And even if ICE received travel documents for a  
28 third country other than Saudi Arabia, Mr. Abdullah “would be entitled to seek

1 fear-based relief from removal to that country, which would require additional,  
2 lengthy proceedings.” *Munoz-Saucedo*, 789 F. Supp. 3d at 399; *accord*  
3 *Villanueva*, 2025 WL 2774610, at \*10 (“[A]ny efforts to remove Villanueva to a  
4 third country would likely be delayed by proceedings contesting his removal to  
5 the third country finally identified.”).

6 For all of these reasons, Mr. Abdullah has shown good reason to believe his  
7 removal is not significantly likely in the reasonably foreseeable future. Indeed, in  
8 light of this information, the government cannot rebut this showing, and this  
9 Court should grant the petition.

10 **VII. Claim 3: ICE must provide adequate notice and an opportunity to be**  
11 **heard before removing Mr. Abdullah to a third country.**

12 In addition to unlawfully detaining him, ICE’s policies threaten  
13 Mr. Abdullah’s unlikely, but potentially immediate, removal to an unidentified  
14 third country without adequate notice of his rights regarding that removal and  
15 sufficient time and an opportunity to be heard to enforce those rights. These  
16 policies violate the Fifth Amendment, the Convention Against Torture, and  
17 implementing regulations.

18 **A. Legal background: Due process requires notice and an**  
19 **opportunity to be heard before deportation to third countries.**

20 As noted, U.S. law enshrines mandatory protections against dangerous and  
21 life-threatening removal decisions through the withholding of removal statute and  
22 implementations of the Convention Against Torture. *See* 8 U.S.C.  
23 § 1231(b)(3)(A); 8 C.F.R. §§ 208.16, 1208.16 (withholding); FARRA 2681-822  
24 (codified as 8 U.S.C. § 1231 note; 28 C.F.R. § 200.1; *id.* §§ 208.16-208.18,  
25 1208.16-1208.18 (CAT)).

26 Further, the third country removal statute involves a “four-stage inquiry set  
27 forth in § 1231(b)(2).” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006 (W.D. Wash.  
28 2019) (summarizing cases on this point); *see also Hadera v. Gonzales*, 494 F.3d  
1154, 1156–59 (9th Cir. 2007) (explaining the stages). The first step is a

1 noncitizen designates “one country to which the noncitizen wants to be removed.”  
2 *Aden*, 409 F. Supp. 3d at 1006. If the noncitizen does not designate a country, or  
3 that country does not accept them, then “the IJ may at step two designate a  
4 country of which the noncitizen is a subject, national, or citizen.” *Id.* at 1007. If  
5 “no country satisfies” that requirement, the step three allows designation and  
6 removal to a number of other countries. 8 U.S.C. § 1231(b)(2)(E). The  
7 government can proceed to the fourth stage—removal to “another country”—only  
8 if it determines it is “impracticable, inadvisable, or impossible to remove the alien  
9 to each country described” in the third stage. 8 U.S.C. § 1231(b)(2)(E)(vii).

10 When pursuing a third-country removal subject to all the above constraints,  
11 the government must provide notice of the third country removal and an  
12 opportunity to respond. Due process requires “written notice of the country being  
13 designated” and “the statutory basis for the designation, i.e., the applicable  
14 subsection of § 1231(b)(2).” *Aden*, 409 F. Supp. 3d at 1019.

15 The government must also “ask the noncitizen whether he or she fears  
16 persecution or harm upon removal to the designated country and memorialize in  
17 writing the noncitizen’s response. This requirement ensures DHS will obtain the  
18 necessary information from the noncitizen to comply with section 1231(b)(3) and  
19 avoids [a dispute about what the officer and noncitizen said].” *Id.* “Failing to  
20 notify individuals who are subject to deportation that they have the right to apply  
21 for asylum in the United States and for withholding of deportation to the country  
22 to which they will be deported violates both INS regulations and the constitutional  
23 right to due process.” *Andriasian*, 180 F.3d at 1041.

24 If the noncitizen claims fear, measures must be taken to ensure that the  
25 noncitizen can seek asylum, withholding, and relief under CAT before an  
26 immigration judge in reopened removal proceedings. The amount and type of  
27 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and  
28 circumstances, he would have a reasonable opportunity to raise and pursue his

1 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009  
2 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132  
3 F.3d 405, 408 (7th Cir. 1998)).

4 “[L]ast minute” notice of the country of removal will not suffice,  
5 *Andriasian*, 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th  
6 Cir. 2016). For good reason: To have a meaningful opportunity to apply for fear-  
7 based protection from removal, immigrants must have time to prepare and present  
8 relevant arguments and evidence. Telling a person where they may be sent,  
9 without giving them a chance to look into country conditions, does not give them  
10 a meaningful chance to determine whether and why they have a credible fear.

11 **B. The July 6, 2025 memo’s removal policies violate the Fifth**  
12 **Amendment, 8 U.S.C. § 1231, the Convention Against Torture,**  
13 **and implementing regulations.**

14 The policies in the currently effective July 6, 2025 memo do not adhere to  
15 these requirements. The operative memo “contravenes Ninth Circuit law.” *Nguyen*  
16 *v. Scott*, \_\_ F. Supp. 3d \_\_, No. 25-CV-1398, 2025 WL 2419288, \*19 (W.D.  
17 Wash. Aug. 21, 2025) (explaining how the July 9, 2025 ICE memo contravenes  
18 Ninth Circuit law on the process due to noncitizens in detail); *see also Van Tran*  
19 *v. Noem*, 2025 WL 2770623, No 25-cv-2334-JES-MSB (S.D. Cal. Sept. 29, 2025)  
20 (granting temporary restraining order preventing a noncitizen’s deportation to a  
21 third country pending litigation in light of due process problems); *Nguyen Tran v.*  
22 *Noem*, No. 25-cv-2391-BTM-BLM, ECF No. 6 (S.D. Cal. Sept. 18, 2025) (same).

23 First, under the policy, ICE need not give immigrants *any* notice or *any*  
24 opportunity to be heard before removing them to a country that—in the State  
25 Department’s estimation—has provided “credible” “assurances” against  
26 persecution and torture. Exhibit G. By depriving immigrants of any chance to  
27 challenge the State Department’s view, this policy violates “[t]he essence of due  
28 process,” “the requirement that a person in jeopardy of serious loss be given  
notice of the case against him and opportunity to meet it.” *Mathews v. Eldridge*,

1 424 U.S. 319, 348 (1976) (cleaned up).

2 Second, even when the government has obtained no credible assurances  
3 against persecution and torture, the government can still remove the person with  
4 between 6 and 24 hours' notice, depending on the circumstances. *See* Exhibit G.  
5 That is not nearly enough time for a detained person to file an emergency request  
6 with a court and receive a ruling preserving the status quo. It is not even enough  
7 time for a detained person to assess their risk in the third country. An immigrant  
8 may know nothing about a third country, like Eswatini or South Sudan, when they  
9 are scheduled for removal there.

10 If given the opportunity to investigate conditions, immigrants may find  
11 credible reasons to fear persecution or torture—like patterns of deporting third-  
12 country deportees back to their home countries despite CAT orders preventing  
13 that refoulement, patterns of keeping deportees indefinitely and without charge in  
14 solitary confinement, or extreme instability raising a high likelihood of death—in  
15 many of the third countries that have agreed to removal of thus far.

16 Immigrants may also have ample reason to challenge DHS's determination  
17 under § 1231(b)(2)(E)(vii) that each other country with which the immigrant has  
18 connections is “impracticable, inadvisable, or impossible to remove the alien to.”  
19 DHS must consider whether to remove him there before proceeding to the final  
20 step of the third-country removal statute. *See Hadera*, 494 F.3d at 1156–59  
21 (explaining this process).

22 Due process requires an adequate chance to identify and raise these threats  
23 to health and life. Because “[f]ailing to notify individuals who are subject to  
24 deportation that they have the right to apply . . . for withholding of deportation to  
25 the country to which they will be deported violates both INS regulations and the  
26 constitutional right to due process,” *Adriasian*, 180 F.3d at 1041, this Court must  
27 prohibit the government from removing Mr. Abdullah without these due process  
28 safeguards.

1 **VIII. This Court must hold an evidentiary hearing on any disputed facts.**

2 Resolution of a prolonged-detention habeas petition may require an  
3 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).

4 Mr. Abdullah hereby requests such a hearing on any material, disputed facts.

5 **IX. Prayer for relief**

6 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 7 1. Order and enjoin Respondents to immediately release Petitioner from  
8 custody on the same conditions as previously contained in his order  
9 of supervision;
- 10 2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C.  
11 § 1231(a)(6) unless and until Respondents obtain a travel document  
12 for his removal;
- 13 3. Enjoin Respondents from re-detaining Petitioner without first  
14 following all procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i),  
15 and any other applicable statutory and regulatory procedures;
- 16 4. Enjoin Respondents from removing Petitioner unless they provide  
17 the following process, *see D.V.D. v. U.S. Dep't of Homeland Sec.*,  
18 No. CV 25-10676-BEM, 2025 WL 1453640, at \*1 (D. Mass. May  
19 21, 2025):
  - 20 a. written notice to both Petitioner and Petitioner's counsel in a  
21 language Petitioner can understand;
  - 22 b. a meaningful opportunity, and a minimum of ten days, to raise a  
23 fear-based claim for CAT protection prior to removal;
  - 24 c. if Petitioner is found to have demonstrated "reasonable fear" of  
25 removal to the country, Respondents must move to reopen  
26 Petitioner's immigration proceedings;
  - 27 d. if Petitioner is not found to have demonstrated a "reasonable fear"  
28 of removal to the country, a meaningful opportunity, and a

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minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.

5. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: January 12, 2026

s/ Jessie Agatstein  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Abdullah  
Email: jessie\_agatstein@fd.org

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**Proof of Service**

I, the undersigned, will cause the attached Petition for a Writ of Habeas Corpus to be emailed to the U.S. Attorney’s Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Dated: January 12, 2026

s/ Jessie Agatstein  
Jessie Agatstein

# Exhibit A

1 **Jessie Agatstein**  
2 Cal. Bar No. 319817  
3 **Federal Defenders of San Diego, Inc.**  
4 225 Broadway, Suite 900  
5 San Diego, California 92101-5030  
6 Telephone: (619) 234-8467  
7 Facsimile: (619) 687-2666  
8 jessie\_agatstein@fd.org

9 Attorneys for Mr. Abdullah<sup>1</sup>

10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **MAGED ABDULHAMEED HAMOOD**  
13 **ABDULLAH,**

14 **Petitioner,**

15 **v.**

16 **KRISTI NOEM, Secretary of the**  
17 **Department of Homeland Security,**  
18 **PAMELA JO BONDI, Attorney General,**  
19 **TODD M. LYONS, Acting Director,**  
20 **Immigration and Customs Enforcement,**  
21 **JESUS ROCHA, Acting Field Office**  
22 **Director, San Diego Field Office,**  
23 **CHRISTOPHER LAROSE, Warden at**  
24 **Otay Mesa Detention Center,**

25 **Respondents.**


Civil Case No.:

**Declaration of Maged Abdullah in  
support of petition for writ of  
habeas corpus**

**[Civil Immigration Habeas Petition  
Under 28 U.S.C. § 2241]**

26  
27 <sup>1</sup> Federal Defenders of San Diego, Inc., is filing with provisional appointment  
28 under Chief Judge Order No. 134. Mr. Abdullah's financial eligibility for  
representation is included in this sworn statement.

1 I declare the following is true and correct under penalty of perjury:

- 2 1. My name is Maged Abdulhameed Hamood Abdullah. I had about  
3 \$400 in the bank before I was arrested. I do not own a car or any  
4 other assets. I did not have a work permit before I was arrested, so I  
5 could not work. I cannot afford an attorney.
- 6 2. My A-number is  I came to the United States from  
7 Saudi Arabia in October 2016.
- 8 3. I was born in Saudi Arabia, but I do not have citizenship or  
9 immigration status in Saudi Arabia. I have Yemeni citizenship  
10 through my parents, who are Yemeni citizens who live in Saudi  
11 Arabia. I have never lived in Yemen.
- 12 4. My immigration case was complicated. I went into ICE custody  
13 around March 2022 and was ordered removed to Saudi Arabia in  
14 2022. ICE could not deport me to Saudi Arabia because I do not have  
15 any status there, and so ICE later moved to add Yemen. I was then  
16 given withholding of removal from Yemen. ICE appealed twice and I  
17 stayed detained. I was finally released from ICE custody in June  
18 2024 on an order of supervision because ICE could not deport me  
19 anywhere.
- 20 5. I've never missed a check-in with ICE since I was released. I check  
21 in every time they ask me to. I've always cooperated with whatever  
22 ICE asks me to do.
- 23 6. On December 18, 2025, ICE arrested me at my check-in in San  
24 Diego at around 9 AM. An officer gave me a notice of revocation of  
25 release around 9 PM that day. I asked to be able to talk to my lawyer  
26 before I signed it. The officer would not wait to let me talk to my  
27 lawyer or have my lawyer come to the office.
- 28 7. Over the next four days, ICE moved me and about forty other people

1 back and forth between the federal building and Otay Mesa. They  
2 would drive us to Otay Mesa late in the evening, we would get four  
3 or five hours at Otay Mesa, and then they would drive us back to the  
4 federal building the next morning, where we would stay detained. I  
5 did not get any sleep those first four days.

6 8. As of today, no one from ICE has told me what changed to make it  
7 possible to deport me. I don't know what's changed between June  
8 2024 and now. It's the same situation.

9 9. Since I have been detained, I have been unable to go to school. I am a  
10 student at Mesa College. I had a political science final scheduled for  
11 December 18, but I could not attend the final because ICE arrested  
12 me. I think I'm going to get a much worse grade in the class because I  
13 missed the final. I am registered for classes for the spring semester.  
14 I really don't want to miss my spring classes.

15 10. I am not a citizen or national of any country other than Yemen. I no  
16 longer have any immigration status in any country other than Yemen. I  
17 have never lived anywhere other than the United States and Saudi  
18 Arabia. My mother and father are citizens only of Yemen. I do not  
19 know of any reason why a country other than Yemen or Saudi Arabia  
20 would accept me for removal, and Saudi Arabia has already said they  
21 won't accept me.

22 11. No one from ICE has ever named a particular third country to send  
23 me to other than Saudi Arabia since I have been arrested. I have never  
24 been able to give information about why a third country would or  
25 would not work for me. Saudi Arabia has already not worked.

26 12. Since I was arrested in December, ICE has never asked me to fill out  
27 any paperwork to be removed to a third country. I have never had an  
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interview or a phone call with the consulate of any third country.  
13.I am afraid of being removed to many of the third countries I've  
heard about in the news because many of them are deporting people  
back to their home countries. I cannot go back to Yemen.

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I declare under penalty of perjury that the foregoing is true and correct,  
executed on this date, 01/09/26, in San Diego, California.



Declarant

Maged Abdullah

# Exhibit B



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

ABDULLA, MAGED ABDULHAMEED  
HAMOOD

To:

Semaan, David John  
671 South Mollison Avenue, Suite G  
El Cajon, CA 92020

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

02/15/2024

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 08/23/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent  removable  inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 237(a)(1)(B); 237(a)(2)(C); 237(a)(2)(A) (iii)

The immigration court found Respondent  not removable  not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- Asylum was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

**B. Cancellation of Removal**

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

**C. Waiver**

- A waiver under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

**D. Adjustment of Status**

- Adjustment of Status under INA § was  granted  denied  withdrawn with prejudice  withdrawn without prejudice

**E. Other**

Withholding of Removal under INA § 241(b)(3) was granted for Yemen only, it does not apply to the removal order to Saudi Arabia. DHS confirms all biometrics are current.

**III. Voluntary Departure**

- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  denied.
- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  granted, and Respondent is ordered to depart by . The respondent must post a bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- Further information regarding voluntary departure has been added to the record.
- Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- the presumptive civil monetary penalty amount of \$3,000.00 USD
- \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **IV. Removal**

- Respondent was ordered removed to Saudi Arabia
- In the alternative, Respondent was ordered removed to Yemen
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### **V. Other**

- Proceedings were  dismissed  terminated with prejudice  
 terminated without prejudice  administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:



Immigration Judge: SAMEIT, MARK 02/15/2024

Appeal: Department of Homeland Security:  waived  reserved  
 Respondent:  waived  reserved

Appeal Due:

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service

To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS

Respondent Name : ABDULLA, MAGED ABDULHAMEED HAMOOD | A-Number : 

Riders:

Date: 02/15/2024 By: Garcia III, Roberto, Court Staff

# Exhibit C

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security  
880 Front Street, Suite 3200  
San Diego, CA, 92101



U.S. Immigration  
and Customs  
Enforcement

ABDULLAH, Maged Abdulhameed



**Notice of Revocation of Release**

This letter is to inform you that your order of supervision has been revoked, and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.

ICE has determined that you can be expeditiously removed from the United States pursuant to the outstanding order of removal against you. ICE will attempt removal to Saudi Arabia or removal to a third country.

Based on the above, and pursuant to 8 C.F.R. § 241.13(i)(2), your release on an order of supervision will be revoked today and you will be taken into ICE custody. You will be afforded an informal interview today at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. Section 1253(a).

D. Cordero | SDDO

Signature and Title of Authorized Official

12/18/2025

Date

# Exhibit D



## The Difference Between Asylum and Withholding of Removal

For generations, the United States has adhered to a basic promise that no person may be deported to a country where they will face persecution. Under laws passed to fulfill this promise, every year tens of thousands of people ask the United States for protection. Most of those people apply for asylum. Those that win asylum can apply to live in the United States permanently and gain a path to citizenship.<sup>1</sup> They can also apply for their spouse and children to join them in the United States.<sup>2</sup>

But not everyone can apply for asylum. For individuals who are afraid of persecution in their home country but ineligible for asylum, an alternate path to protection exists, one that is harder to win and offers fewer benefits: withholding of removal.<sup>3</sup> This fact sheet provides an overview of withholding of removal, including the basics of seeking protection in the United States, eligibility requirements, the application process, and data on applicants.

### What is Asylum?

Asylum is a form of protection granted to foreign nationals already in the United States or arriving at the border who meet the international law definition of a “refugee.” The United Nations 1951 Convention and 1967 Protocol define a refugee as a person who is unable or unwilling to return to his or her home country, and cannot obtain protection in that country, due to past persecution or a well-founded fear of being persecuted in the future “on account of race, religion, nationality, membership in a particular social group, or political opinion.”<sup>4</sup> This definition was incorporated into U.S. immigration law in the Refugee Act of 1980.<sup>5</sup>

As a signatory to the 1967 Protocol, and through U.S. immigration law, the United States has legal obligations to provide protection to those who qualify as refugees. The Refugee Act established two paths to obtain refugee status—either from abroad as a resettled refugee or in the United States as an asylum seeker.<sup>6</sup>

### What is the Difference Between Asylum and Withholding of Removal?

A person granted asylum is protected from being returned to his or her home country, is eligible to apply for authorization to work in the United States, may apply for a Social Security card, may request permission to travel overseas, and can petition to bring family members to the United States.<sup>7</sup> Asylees may also be eligible for certain government programs, such as Medicaid or Refugee Medical Assistance.<sup>8</sup>

Asylum is technically a discretionary benefit, and certain individuals by law are not eligible for asylum. For example, individuals who have previously been deported and then reentered the United States, or who did not apply for asylum within one year of arriving in the United States, are barred from applying for asylum. Individuals who have been banned from asylum are instead eligible in most cases for “withholding of removal.”<sup>9</sup>

As in the case of asylum, a person who is granted withholding of removal is protected from being returned to his or her home country and receives the right to remain in the United States and work legally. But at the end of the court process, an immigration judge enters a deportation order and then tells the government they cannot execute that order. That is, the “removal” to a person’s home country is “withheld.” However, the government is still allowed to deport that person to a different country if the other country agrees to accept them.<sup>10</sup>

Withholding of removal provides a form of protection that is less certain than asylum, leaving its recipients in a sort of limbo. A person who is granted withholding of removal may never leave the United States without executing that removal order, cannot petition to bring family members to the United States, and does not gain a path to citizenship. And unlike asylum, when a family seeks withholding of removal together a judge may grant protection to the parent while denying it to the children, leading to family separation.

Withholding of removal also does not offer permanent protection or a path to permanent residence. If conditions improve in a person’s home country, the government can revoke withholding of removal and again seek the person’s deportation. This can occur even years after a person is granted protection.

Some individuals, including those who were convicted of “particularly serious crimes,” are not eligible for withholding of removal.<sup>11</sup> These individuals are limited to applying for relief under the Convention Against Torture, a protection that is harder to win than withholding of removal and that offers even fewer benefits.<sup>12</sup>

### **How Does a Person Apply for Withholding of Removal?**

Unlike asylum, which can be granted by asylum officers working for U.S. Citizenship and Immigration Services (USCIS), withholding of removal may only be granted by an immigration judge working in the immigration court system.<sup>13</sup>

Individuals may be put into immigration court in multiple ways, such as through an unsuccessful asylum application, apprehension inside the country by U.S. Immigration and Customs Enforcement (ICE), or apprehension by U.S. Customs and Border Protection (CBP) at or near the border.

When individuals who have previously been ordered deported are apprehended after reentering the United States, the law permits the earlier removal order to be “reinstated.”<sup>14</sup> Where someone with a prior removal order who fears persecution is encountered by ICE or CBP, he or she is not eligible for full removal proceedings in immigration court, but the individual may seek withholding of removal.<sup>15</sup>

When someone expresses a fear of persecution to an immigration officer who is considering reinstating a prior order of removal, the officer is required to first refer the individual to an asylum officer.<sup>16</sup> Individuals who can demonstrate to the asylum officer that they have a “reasonable fear” of persecution in their home country are sent to immigration court for a special form of removal proceedings.<sup>17</sup> These proceedings are known as “withholding-only” proceedings, because the only protection that individuals may seek is withholding of removal or protection under the Convention Against Torture.<sup>18</sup>

Once an individual is in the immigration court process, either in withholding-only proceedings or in the standard removal proceeding, they must file an application with the immigration court requesting humanitarian protection in the form of asylum (if eligible) and withholding of removal.<sup>19</sup>

### **How Does Someone Win Humanitarian Protection?**

An asylum seeker has the burden of proving that he or she meets the definition of a refugee.<sup>20</sup> Asylum seekers often provide substantial evidence to demonstrate that they have been persecuted in the past, or that they have a “well-founded fear” of future persecution in their home country, which the Supreme Court has defined as a 10 percent chance that the person would be persecuted on account of a protected ground if they were to be deported.<sup>21</sup> A person’s own testimony is usually critical to his or her asylum determination.

Individuals who apply for withholding of removal are held to a higher standard than people seeking asylum. Instead of having to prove that their fear of persecution is “well-founded,” people seeking withholding must demonstrate it is “more likely than not” that they would be persecuted in their home country if forced to return there, unless they can prove that they have suffered persecution on account of a protected ground in the past.<sup>22</sup> This means that there must be a greater than 50 percent chance of persecution.<sup>23</sup> As a result, winning withholding of removal is generally harder than winning asylum, because the burden on the applicant is five times higher.

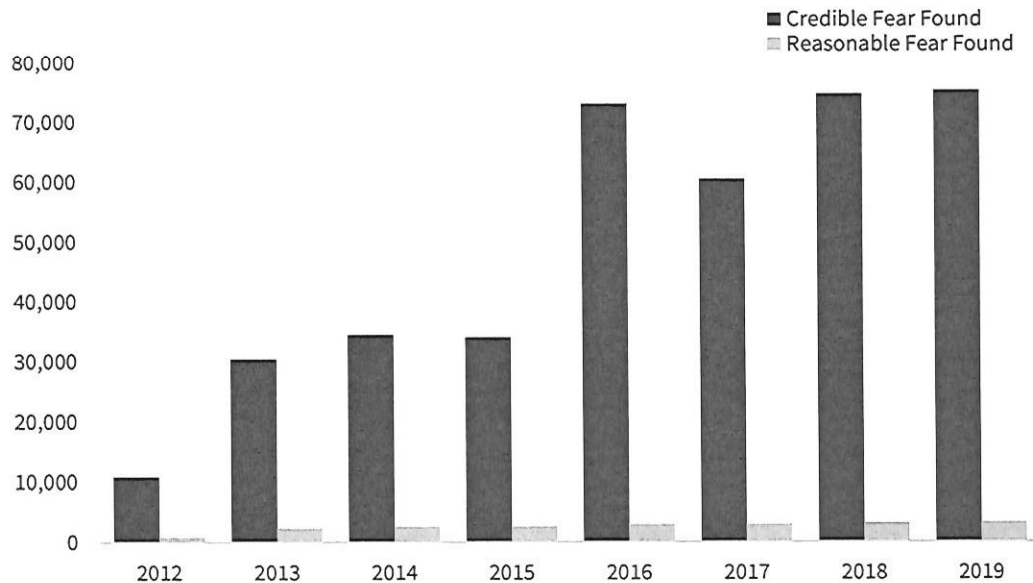
### **How Common are Withholding-Only Proceedings?**

In the context of all asylum-seekers, withholding-only proceedings remain a relatively small subset of asylum-based cases referred to immigration court. In recent years, between 70,000 and 80,000 asylum seekers have been referred to immigration court annually through the credible fear process.<sup>24</sup> In total, more than 213,000 people applied for asylum in Fiscal Year (FY) 2019.<sup>25</sup>

The most common way that individuals are placed into withholding-only proceedings is through an interview at the border with an asylum officer. Individuals without prior orders of deportation who can demonstrate that they have a “credible fear” of persecution in their home country are sent to normal removal proceedings where they may apply for asylum. Individuals who have previously been ordered deported are ineligible for asylum and have a higher burden to meet. If they manage to demonstrate to the asylum officer that they have a “reasonable fear” of persecution in their home country, they are sent to withholding-only removal proceedings where they may apply for withholding of removal, but not asylum.

Since FY 2012, the number of individuals found to have a credible fear of persecution has increased from 10,838 to 75,252 (see Figure 2). At the same time, the number of individuals found to have a reasonable fear of persecution and sent to withholding-only removal proceedings has only increased from 916 to 3,306. Thus, despite a very large increase in the number of asylum seekers at the border over the past decade, withholding-only proceedings remain relatively rare.

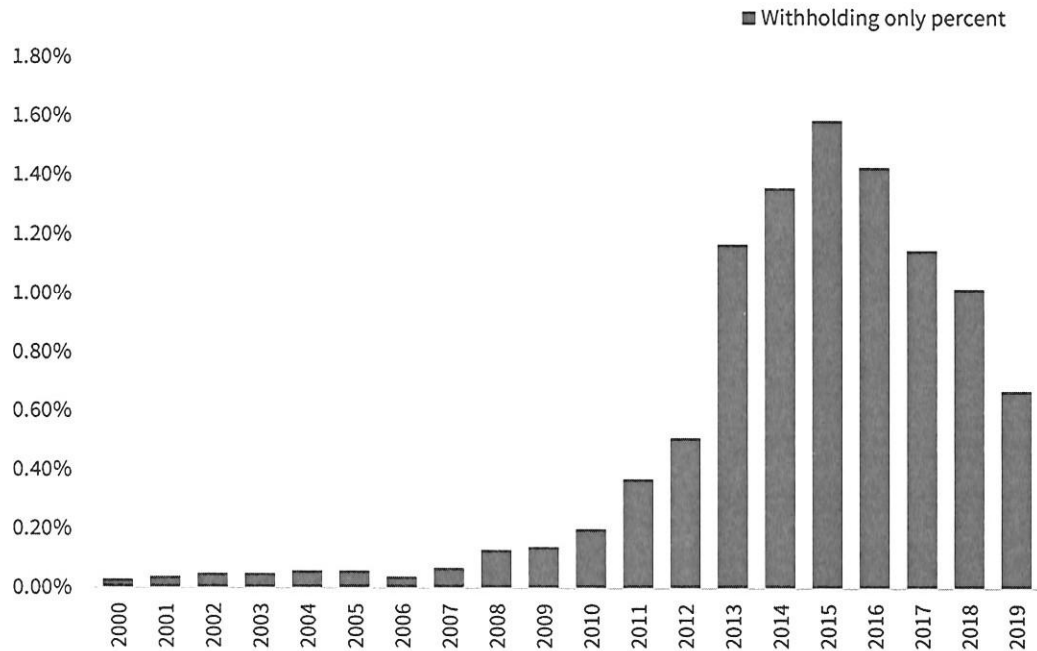
**Figure 1** Number of Individuals Passing Credible Fear and Reasonable Fear Interviews



Source: USCIS Credible Fear and Reasonable Fear Workload Reports, FY2012-2019.

From FY 2014 to FY 2019, a little more than 3,000 withholding-only proceedings were begun each year, an amount which has largely stayed the same since FY 2014. At the same time, the number of new removal proceedings begun each year has routinely exceeded 200,000.<sup>26</sup> While the number of withholding-only proceedings has remained relatively stable, the number of removal proceedings filed in immigration court continues to rise. In FY 2019, 543,997 cases were filed in immigration court, of which 3,652 (0.6%) were withholding-only proceedings.

Figure 2 Withholding-Only Proceedings as a Percent of All Cases Filed in Immigration Court



Source: Executive Office for Immigration Review: Statistics Yearbooks, FY 2010-2018, <https://www.justice.gov/eoir/statistical-year-book>; data on file with author for FY2019.

### Are People in Withholding-Only Proceedings Eligible for Release on Bond?

Most individuals who are placed in withholding-only proceedings are held in ICE detention throughout the entire process of seeking protection and are not given the opportunity to ask a judge for release. ICE takes the legal position that people in withholding-only proceedings are not eligible for bond and must be held in “mandatory detention.” This means that some people are held for months or years in detention even if ICE or an immigration judge would normally have released them.

However, in some locations, federal courts have ruled that individuals in withholding-only proceedings are eligible for release on bond. In the jurisdiction of the Second Circuit Court of Appeals (New York, Connecticut, and Vermont) and the Fourth Circuit Court of Appeals (Maryland, North Carolina, South Carolina, Virginia, and West Virginia), immigrants in withholding-only proceedings may ask an immigration judge for release on bond.<sup>27</sup> The Supreme Court is set to decide this issue in 2021.<sup>28</sup>

## How Difficult is it to Win Withholding of Removal?

Withholding of removal is a difficult protection to win. In most years, few people win withholding of removal, due in part to structural obstacles unrelated to the merits of the claim. Individuals in withholding-only proceedings also have a high bar to winning relief, made worse by the fact that individuals in withholding-only proceedings are generally held in detention during proceedings.

Detention significantly impedes the ability of immigrants to obtain counsel and win their cases. A 2016 study revealed that just 14 percent of individuals held in detention managed to hire counsel, compared to 66 percent of individuals whose cases proceeded outside of detention.<sup>29</sup> Those who managed to obtain a lawyer while detained were able to win relief in 21 percent of cases, compared to just 2 percent of those who did not obtain a lawyer.<sup>30</sup>

Access to counsel also plays a significant role in whether individuals in detention file for protection, including withholding of removal. In 2016, just 3 percent of detained immigrants without lawyers filed for a form of relief from removal, compared to 32 percent of represented immigrants in detention.<sup>31</sup> When detained individuals without lawyers managed to apply for relief, they were able to win relief just 23 percent of the time, compared to 49 percent of the time for those who had lawyers.<sup>32</sup>

As a result, the fact of detention itself can be the reason that many people in withholding-only proceedings are denied protection or abandon or withdraw their application.

Winning withholding of removal has also gotten more difficult in recent years. A suite of anti-asylum policies and decisions passed by the Trump administration, discussed below, together with the expansion of the detention system inside the United States over the past decade, have been responsible for declining asylum and withholding grant rates.<sup>33</sup>

Despite these obstacles, from FY 2010 to FY 2018 more than 1,000 people won withholding of removal each year, peaking at 1,746 grants in FY 2018.<sup>34</sup> This includes hundreds of individuals placed in withholding-only proceedings who win protection every year.<sup>35</sup> Unfortunately, a significant number of individuals who seek withholding of removal abandon their cases, likely due to the inability to proceed with an application for relief from within detention.

## How Have Administrative Changes Affected the Availability of Withholding of Removal?

The Trump administration has enacted policies severely curtailing asylum rights, some of which have forced people to seek withholding of removal rather than asylum.<sup>36</sup> A 2019 transit ban, for example, barred from asylum eligibility anyone who traveled through a third country without seeking status, forcing people to apply for withholding of removal instead.<sup>37</sup> In June 2020, a federal court in Washington, DC struck down that ban as unlawful.<sup>38</sup>

Other policies and decisions enacted by the Trump administration have made winning asylum and withholding of removal more difficult. These include restrictions on asylum for victims of domestic violence, new requirements for immigration judges to rapidly process claims for asylum-seeking families, and the hiring

of immigration judges and Board of Immigration Appeals members with records of anti-immigrant animus and hardline positions against asylum seekers.<sup>39</sup>

New regulations proposed in 2020 would continue to restrict access to asylum and withholding-of-removal protections in violation of U.S. and international law, including proposed changes to the asylum system which would impose widespread new bans on asylum that could strip asylum eligibility from hundreds of thousands of people.<sup>40</sup> The Trump administration has gone so far as to invoke the threat of COVID-19 in a proposed regulation that would bar asylum seekers from both asylum *and* withholding of removal, declaring that any person who passed through a country where a contagious disease is present is a “danger to the security of the United States.”<sup>41</sup>

Despite these challenges, individuals continue to apply for, and win, both asylum and withholding of removal. In FY 2019, 18,824 individuals were granted asylum or withholding of removal, the most in over a decade.<sup>42</sup>

### **How Often Are People Granted Withholding of Removal Deported to Third Countries?**

Despite the possibility that individuals granted withholding of removal could be deported to a third country, ICE rarely exercises that ability. Data acquired through the Freedom of Information Act reveals that in FY 2017, just 21 people in total granted withholding of removal were deported to a third country. That is just 1.6 percent of the 1,274 people granted withholding of removal that year.

The reason so few people are deported to third countries is because countries have no incentive to accept non-citizens. By contrast, customary international law holds that a country has a duty to accept the return of its nationals.<sup>43</sup> The data provided did not clarify which of those 21 people were dual citizens or had some form of permanent immigration status in another country. It is likely that at least some of them fell into one of these two categories.<sup>44</sup>

This data shows that despite the possibility of deportation to a third country, those granted withholding of removal are generally able to remain in the United States without being deported. Only ICE initiating the process of formally revoking their withholding of removal would threaten their ability to remain in the United States.

## Endnotes

1. 8 U.S.C. § 1159(b).
2. 8 U.S.C. § 1158(b)(3).
3. See generally 8 U.S.C. § 1231(b).
4. U.N. General Assembly (U.N.G.A.), Convention Relating to the Status of Refugees, § 1(A)(2), U.N. Treaty Series (Vol. 189), at 137 (July 28, 1951), available at <http://www.refworld.org/docid/3be01b964.html>; U.N.G.A., Protocol Relating to the Status of Refugees, U.N. Treaty Series (Vol. 606), at 267, (January 31, 1967), available at <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b3ae4>.
5. Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, codified at 8 U.S.C. § 1101(a)(42).
6. 8 U.S.C. §§ 1157-1158. This fact sheet does not describe the law or process for gaining refugee status abroad.
7. See 8 U.S.C. § 1158(c).
8. See, e.g., Administration for Children & Families, "Asylee Eligibility for Assistance and Services," July 12, 2012, <https://www.acf.hhs.gov/orr/resource/asylee-eligibility-for-assistance-and-services>.
9. See 8 U.S.C. § 1231(b)(3)(A).
10. *Id.*; 8 U.S.C. § 1231(b)(2).
11. 8 U.S.C. § 1231(b)(3)(B).
12. 8 C.F.R. §§ 208.16(c); 208.18(a).
13. 8 C.F.R. § 208.16(a) ("An asylum officer shall not decide whether the exclusion, deportation, or removal of an alien to a country where the alien's life or freedom would be threatened must be withheld").
14. 8 U.S.C. § 1231(a)(5); 8 C.F.R. 241.8(a).
15. 8 U.S.C. § 1231(a)(5); 8 C.F.R. 208.2(c)(2)(i) (immigration judge has jurisdiction over withholding-only cases where the individual has a reinstated order of removal);
16. 8 C.F.R. § 241.8(e).
17. 8 C.F.R. § 208.31.
18. *Id.*; 8 C.F.R. §§ 208.31(e) (requiring asylum officer to refer case to IJ); 1208.31(e) (same); 241.8(e) (same); 1241.8(e) (same); 208.2(c)(2) (IJ jurisdiction in referred cases); 1208.16 (withholding-only hearings before IJ).
19. U.S. Citizenship and Immigration Services, "I-589, Application for Asylum and for Withholding of Removal," last modified August 25, 2020, <https://www.uscis.gov/i-589>.
20. 8 U.S.C. § 1158(b)(1)(B)(i).
21. See 8 U.S.C. § 1158(b)(1)(A) (declaring that a person may be granted asylum if they fit the definition of a "refugee" in 8 U.S.C. § 1101(a)(42)).
22. See 8 C.F.R. § 208.16(b)(1)(iii), (b)(2).
23. See, e.g., *Yousif v. Lynch*, 796 F.3d 622, 629 (6th Cir. 2015); *Wakkary v. Holder*, 558 F.3d 1049, 1065 (9th Cir. 2009).
24. See Department of Homeland Security, "Credible Fear Cases Completed and Referrals for Credible Fear Interview," <https://www.dhs.gov/immigration-statistics/readingroom/RFA/credible-fear-cases-interview> (last updated July 24, 2020).
25. Executive Office for Immigration Review, *Total Asylum Applications* (July 14, 2020), <https://www.justice.gov/eoir/page/file/1106366/download>.
26. Executive Office for Immigration Review, "New Cases and Total Completions," July 14, 2020, <https://www.justice.gov/eoir/page/file/1060841/download>.
27. *Guzman Chavez v. Hott*, 940 F.3d 867 (4th Cir. 2019), cert. granted sub nom. *Albence v. Guzman Chavez*, 207 L. Ed. 2d 1050 (June 15, 2020), *Guerra v. Shanahan*, 831 F.3d 59 (2d Cir. 2016); but see *Padilla-Ramirez v. Bible*, 882 F.3d 826, 835-36 (9th Cir. 2017) (adopting ICE's position that individuals in reinstatement detention are detained mandatorily), cert. denied sub nom. *Padilla-Ramirez v. Culley*, 139 S. Ct. 411, 202 L. Ed. 2d 312 (2018); *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 219 (3d Cir. 2018) (same); *Martinez v. Larose*, 968 F.3d 555, 564 (6th Cir. 2020) (same).
28. See *Albence v. Guzman Chavez*, Case No. 19-897 (cert granted June 15, 2020).
29. American Immigration Council, Ingrid Eagly & Steven Shafer, *Access to Counsel in Immigration Court*, September 2016, at 5, [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf).
30. *Id.* at 19.

31. *Id.* at 20.
32. *Id.* at 21.
33. See American Immigration Council, *Policies Affecting Asylum Seekers at the Border*, January 29, 2020, <https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>; TRAC, "Asylum Decisions and Denials Jump in 2018," November 29, 2018, <https://trac.syr.edu/immigration/reports/539/>.
34. Executive Office for Immigration Review: Statistics Yearbooks, FY 2010-2018, <https://www.justice.gov/eoir/statistical-year-book>.
35. Data produced via the Freedom of Information Act, on file with author.
36. See generally American Immigration Council, *Policies Affecting Asylum Seekers at the Border*, January 29, 2020, <https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>.
37. Department of Homeland Security, *Asylum Eligibility and Procedural Modifications*, 84 Fed. Reg. 33829 (July 16, 2019).
38. In June 2020, the U.S. District Court for the District of Columbia struck down the third-country transit asylum ban, immediately halting its implementation. See *Capital Area Immigrants' Rights Coal. v. Trump*, --- F. Supp. 3d ---, No. CV 19-2117 (TJK), 2020 WL 3542481 (D.D.C. June 30, 2020).
39. Royce Murray, "Asylum Seekers Fleeing Domestic Violence and Gangs Now Face Even Higher Hurdles to Protection," Immigration Impact, June 13, 2018, <https://immigrationimpact.com/2018/06/13/asylum-seekers-domestic-violence-gangs-hurdles-protection/#.X3XppWhKhJE>; Sarah Pierce, "As the Trump Administration Seeks to Remove Families, Due-Process Questions over Rocket Dockets Abound," July 2019, <https://www.migrationpolicy.org/news/due-process-questions-rocket-dockets-family-migrants>; "Ex-FAIR Research Director Among 46 New Immigration Judges," *Law360*, July 20, 2020, <https://www.law360.com/articles/1293543/ex-fair-research-director-among-46-new-immigration-judges>; Noah Lanard, "The Trump Administration's Court-Packing Scheme Fills Immigration Appeals Board With Hardliners," *Mother Jones*, August 29, 2019, <https://www.motherjones.com/politics/2019/08/the-trump-administration-has-packed-the-immigration-appeals-board-with-hardliners/>.
40. See Nat'l Immigrant Justice Ctr., "Trump Eviscerates U.S. Asylum System in Proposed Rule," June 11, 2020, <https://immigrantjustice.org/press-releases/trump-eviscerates-us-asylum-system-proposed-rule?eType=EmailBlastContent&eld=ec9d7004-4d2f-406c-8bfb-28fcb931980>; see also Aaron Reichlin-Melnick, "What You Need to Know About Trump's Proposal to Eliminate the US Asylum System," Immigration Impact, June 11, 2020, <https://immigrationimpact.com/2020/06/11/end-asylum-trump/#.X3d2U2hKiUk>; Human Rights First, "Human Rights First Condemns Rule that Seeks to Re-Write Refugee Laws Eliminate Asylum," June 11, 2020, <https://www.humanrightsfirst.org/press-release/human-rights-first-condemns-rule-seeks-re-write-refugee-laws-eliminate-asylum>.
41. See Nat'l Immigrant Justice Ctr., "Comment In opposition to Security Bars and Processing; Docket No: USCIS 2020-0013, A.G. Order No. 4747-2020; RIN 1615-AC57," August 10, 2020, [https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2020-08/NIJC\\_Comment\\_Asylum\\_Public\\_Health\\_NPRM.pdf](https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2020-08/NIJC_Comment_Asylum_Public_Health_NPRM.pdf).
42. Executive Office for Immigration Review, "Asylum Decision Rates," July 14, 2020, <https://www.justice.gov/eoir/page/file/1248491/download>.
43. See Lessing, *Das Recht der Staatsangehörigkeit und die Aberkennung der Staatsangehörigkeit zu Straf- und Sicherungszwecken*, XII *Bibliotheca Visseriana* 117, 110, 139, 148 (1937); Clemens Hufmann, *Duty to Receive Nationals?*, 24 *FORDHAM L. REV.* 235, 256-57 (1955).
44. See, e.g., *Matter of Salim*, 18 I&N Dec. 311, 317 (BIA 1982) (granting withholding of removal as to Afghanistan only, while ordering removal to both Afghanistan and Pakistan).

# Exhibit E



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# FY2024 Immigration Court Data: Case Outcomes

February 3, 2025

Immigration courts within the U.S. Department of Justice’s Executive Office for Immigration Review (EOIR) adjudicate formal removal proceedings for foreign nationals whom the Department of Homeland Security (DHS) has charged with an immigration violation under the Immigration and Nationality Act (INA). During removal proceedings, immigration judges (IJs) determine whether such individuals (*respondents*) are subject to removal from the United States; and if so, whether they qualify for relief or protection from removal for which they have applied (e.g., asylum and withholding of removal). Respondents who fail to appear for their hearings are ordered removed in absentia.

This Insight reviews immigration court outcomes for FY2024, including removal proceedings decisions, in absentia removal orders, and asylum application decisions. Another CRS Insight describes FY2024 caseload data, including case receipts and the pending cases backlog.

## Removal Case Decisions

Possible outcomes for removal proceedings are the following:

- **Removal order:** The IJ orders the respondent to be removed.
- **Dismissal:** The IJ grants a party’s motion to dismiss proceedings (including as a matter of DHS prosecutorial discretion) under specified conditions.
- **Termination:** The IJ may terminate cases under certain circumstances, such as when DHS’s charge cannot be sustained or the respondent has obtained U.S. citizenship or a lawful immigration status.
- **Relief granted:** The IJ grants the respondent a form of relief from removal, such as asylum (described below) or, less commonly, cancellation of removal.
- **Voluntary departure:** The IJ grants the respondent’s request to leave the United States during a specific timeframe at his/her own expense without being ordered removed.
- **Withholding or deferral of removal:** The IJ issues a removal order but grants protection under the INA or the United Nations Convention Against Torture, respectively, from return to a country where the respondent’s life or freedom would be threatened or where

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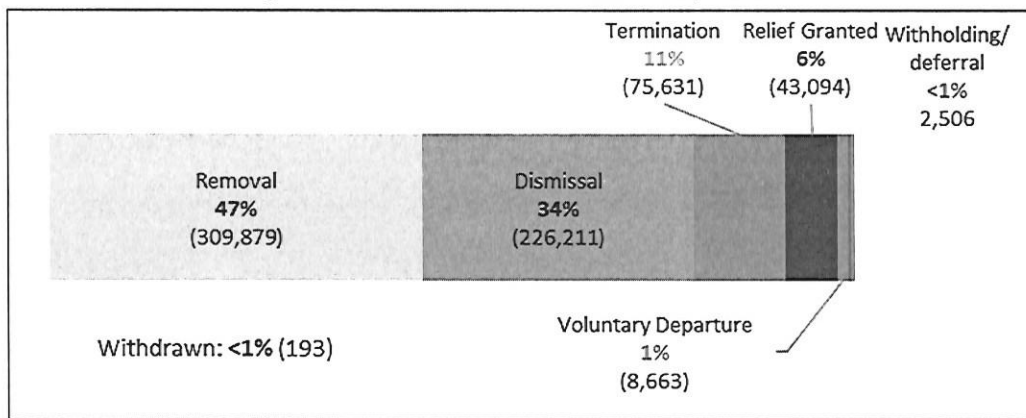
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it is more likely than not that he/she would face torture. These protections provide no path to U.S. lawful permanent resident (LPR) status and permit DHS to remove the respondent to a third country.

In FY2024, EOIR issued 666,177 initial case decisions (parties may file an appeal). The most common decision was issuance of a removal order (47%), followed by dismissals and terminations (collectively, 45%). Such outcomes may reflect DHS’s use of prosecutorial discretion to dismiss nonpriority cases; they may also capture other circumstances, such as when the respondent, since the initiation of proceedings, has obtained a lawful status or humanitarian protection from removal.

Approximately 6% of decisions were grants of relief (such as asylum); less than 1% were grants of withholding or deferral of removal. Voluntary departure represented 1% of outcomes.

**Figure 1. Removal Case Outcomes, FY2024**



**Source:** EOIR, “FY2024 Decision Outcomes,” Adjudication Statistics, October 10, 2024.

**Notes:** N = 666,177. Figure includes outcomes for removal proceedings and deportation and exclusion proceedings, the precursor to removal proceedings.

### In Absentia Removal Orders

Individuals who fail to appear for any of their hearings must be ordered removed in absentia by the IJ if DHS presents “clear, unequivocal, and convincing evidence” that notice of the hearing was provided to the respondent and the respondent is removable. The removal order may be rescinded if the respondent demonstrates the failure to appear occurred because of exceptional circumstances (e.g., serious illness), not receiving notice, or being in federal or state custody.

Among the 309,879 removal orders issued in FY2024 (**Figure 1**), 222,223 were in absentia removal orders. How to measure the rate at which respondents fail to appear for their hearings has been subject to debate. EOIR publishes rates that are the number of in absentia removal orders divided by the number of initial case completions in a given year. Some argue this method fails to account for the large volume of pending removal cases (3.6 million at the end of FY2024) (i.e., that EOIR’s rate fails to account for court appearances by individuals whose cases have not yet been adjudicated).

### Asylum Decisions

Individuals may qualify for asylum if they demonstrate persecution or a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group. Persons granted asylum, and their spouses and minor children, may remain in the United States and are authorized to work. After one year of physical presence in the United States, they may apply to adjust to LPR status.

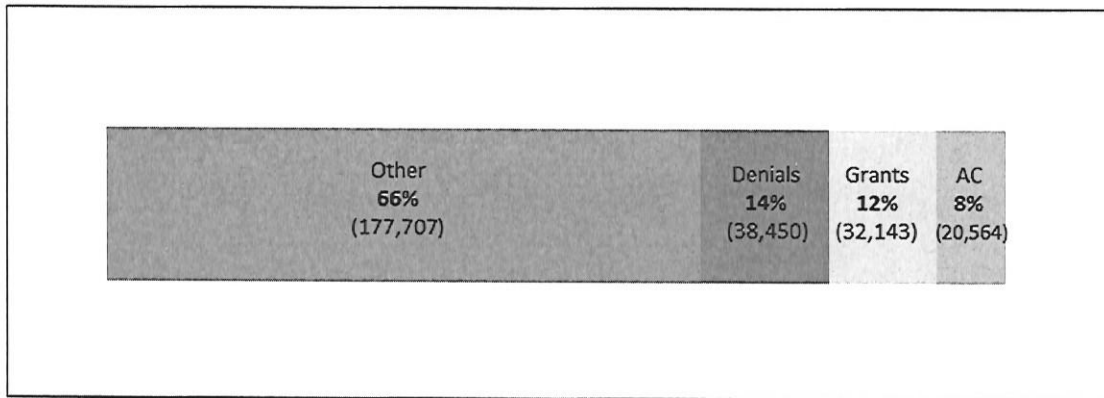
During removal proceedings, respondents may apply for asylum as a form of relief from removal; these *defensive* asylum applications are adjudicated by IJs. In addition, IJs adjudicate applications during asylum-only proceedings for individuals who may be removed without being placed in removal proceedings, including crewmembers, stowaways, and individuals who entered under the Visa Waiver Program.

Otherwise, individuals who are physically present in the United States and not in removal proceedings, regardless of their immigration status, may apply for *affirmative* asylum with DHS’s U.S. Citizenship and Immigration Services (USCIS). If a USCIS asylum officer determines an applicant is ineligible for asylum and appears to be inadmissible or deportable, the officer refers the application to EOIR. Therefore, EOIR’s asylum outcomes include decisions on both defensive asylum applications initially filed in immigration court and affirmative referrals.

EOIR’s FY2024 asylum application outcomes included asylum granted; asylum denied; applications that were abandoned, not adjudicated, and withdrawn (collectively, “Other” in **Figure 2**); and cases that were administratively closed. Administratively closed cases are temporarily removed from the docket (e.g., cases that were deemed nonpriority cases during that fiscal year, cases in which the respondent pursues an application for relief outside immigration court) until they are recalendared. EOIR does not consider administrative closures to be case completions.

In FY2024, EOIR reported 268,864 asylum decisions (**Figure 2**). About two-thirds (66%) were “Other” outcomes. These may reflect terminated and dismissed removal cases, as described above. Individuals whose cases are dismissed or terminated may pursue an affirmative asylum application with USCIS. Outcomes also included denials (14%), grants (12%), and administratively closed cases (8%).

**Figure 2. Asylum Outcomes, FY2024**



**Source:** EOIR, “Asylum Decision Rates,” Adjudication Statistics, October 10, 2024.

**Notes:** N = 268,864. Figure includes removal, deportation, exclusion, and asylum-only proceedings. AC = administratively closed cases.

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# Exhibit F

Departed Date	Departure Country	Birth Country	Citizenship Country	Case Category	Final Order Yes/No	Final Order Date
<b>5C - Relief Granted - Withholding of Deportation / Removal</b>						
01/02/2025	CANADA	KENYA	KENYA	[5C] Relief Granted - Withholding of Deportation / Removal	YES	11/19/2013
09/25/2023	CANADA	SUDAN	SUDAN	[5C] Relief Granted - Withholding of Deportation / Removal	YES	3/6/2008
02/23/2025	PERU	PERU	PERU	[5C] Relief Granted - Withholding of Deportation / Removal	YES	11/15/2017
11/23/2023	CANADA	SUDAN	SUDAN	[5C] Relief Granted - Withholding of Deportation / Removal	YES	7/3/2019
08/05/2024	TAJKISTAN	TAJKISTAN	TAJKISTAN	[5C] Relief Granted - Withholding of Deportation / Removal	YES	9/27/2013
07/13/2025	TURKIYE	BELARUS	BELARUS	[5C] Relief Granted - Withholding of Deportation / Removal	YES	1/18/2025
03/30/2025	POLAND	USSR	ARMENIA	[5C] Relief Granted - Withholding of Deportation / Removal	YES	1/7/2005
09/11/2024	ERITREA	SUDAN	ERITREA	[5C] Relief Granted - Withholding of Deportation / Removal	YES	4/7/2016
<b>5C - Relief Granted - Withholding of Deportation / Removal</b>						
10/02/2023	CHILE	CHILE	CHILE	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/31/2023
10/24/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/23/2024
09/07/2023	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/16/2023
12/27/2023	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/8/2023
04/15/2025	SOUTH KOREA	SOUTH KOREA	SOUTH KOREA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/25/2025
08/20/2024	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/1/2024
11/18/2024	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/31/2024
10/30/2024	GUATEMALA	GUATEMALA	GUATEMALA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/8/2024
03/06/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/6/2025
03/14/2025	CHINA, PEOPLES R	CHINA, PEOPLES R	CHINA, PEOPLES R	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/14/2025
03/13/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/13/2024
12/27/2023	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	11/14/2023
05/16/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/15/2024
05/01/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/4/2022
07/04/2025	HONDURAS	HONDURAS	HONDURAS	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/13/2021
09/16/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/12/2024
05/23/2025	BRAZIL	BRAZIL	BRAZIL	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/29/2025
07/02/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/1/2024
06/25/2025	CHINA, PEOPLES R	CHINA, PEOPLES R	CHINA, PEOPLES R	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/11/2025
02/07/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/5/2025
01/31/2024	CHINA, PEOPLES R	CHINA, PEOPLES R	CHINA, PEOPLES R	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/21/2022
11/22/2023	HONDURAS	HONDURAS	HONDURAS	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/11/2023
02/21/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/19/2025
02/15/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/30/2025
06/04/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/30/2025

06/21/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/13/2025
07/09/2025	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/19/2025
06/11/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/10/2025
03/13/2024	ECUADOR	ECUADOR	ECUADOR	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/11/2002
07/16/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/24/2024
04/30/2024	HONDURAS	HONDURAS	HONDURAS	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/4/2023
06/16/2025	NICARAGUA	NICARAGUA	NICARAGUA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/4/2025
07/18/2025	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	NO	
02/21/2025	EL SALVADOR	EL SALVADOR	EL SALVADOR	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/26/2018
11/11/2024	COLOMBIA	COLOMBIA	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/23/2024
04/22/2025	PERU	PERU	PERU	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/4/2025
09/05/2023	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/22/2023
12/07/2023	PERU	PERU	PERU	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/20/2023
04/03/2025	RWANDA	IRAQ	IRAQ	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/29/2023
01/05/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/17/2022
03/03/2025	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/12/2023
04/29/2025	ECUADOR	ECUADOR	ECUADOR	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/8/2025
06/23/2025	EL SALVADOR	EL SALVADOR	EL SALVADOR	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/21/1990
12/07/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/5/2024
06/10/2025	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/28/2025
12/05/2024	COSTA RICA	COSTA RICA	COSTA RICA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/31/2024
01/05/2025	MEXICO	IRAN	IRAN	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/9/2018
05/01/2025	KAZAKHSTAN	KAZAKHSTAN	KAZAKHSTAN	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/2/2025
01/25/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/25/2024
10/01/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/24/2024
12/27/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/19/2024
04/30/2025	HONDURAS	HONDURAS	HONDURAS	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/20/2025
06/21/2024	MEXICO	MEXICO	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/21/2024

Departure Date	Departure Country	Case Category	Final C Final Order Date	Birth Country	Citizenship Country
12/16/2019	EL SALVADOR	[5C] Relief Granted - Withholding of Deportation / Removal	4/23/2019	EL SALVADOR	EL SALVADOR
1/2/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	7/17/2018	MEXICO	MEXICO
2/6/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	2/6/2020	MEXICO	MEXICO
4/2/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	4/4/2013	MEXICO	MEXICO
3/26/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	3/26/2020	ECUADOR	ECUADOR
5/14/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	5/14/2020	MEXICO	MEXICO
5/25/2020	HONDURAS	[5C] Relief Granted - Withholding of Deportation / Removal	1/14/2020	HONDURAS	HONDURAS
10/13/2020	CHINA	[5C] Relief Granted - Withholding of Deportation / Removal	12/18/2012	CHINA	CHINA
10/16/2020	EL SALVADOR	[5C] Relief Granted - Withholding of Deportation / Removal	10/5/2020	EL SALVADOR	EL SALVADOR
10/20/2020	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	4/24/2019	MEXICO	MEXICO
1/14/2021	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	5/9/2017	MEXICO	MEXICO
1/20/2021	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	8/28/2015	MEXICO	MEXICO
3/23/2021	LEBANON	[5C] Relief Granted - Withholding of Deportation / Removal	4/22/2002	LEBANON	LEBANON
2/10/2022	CANADA	[5C] Relief Granted - Withholding of Deportation / Removal	2/7/2002	CUBA	CUBA
6/1/2022	CANADA	[5C] Relief Granted - Withholding of Deportation / Removal	3/24/2014	ITALY	ITALY
2/20/2023	INDONESIA	[5C] Relief Granted - Withholding of Deportation / Removal	1/30/2012	INDONESIA	INDONESIA
6/1/2023	MEXICO	[5C] Relief Granted - Withholding of Deportation / Removal	9/29/2010	MEXICO	MEXICO

**5D - Final Order of Deportation / Removal - Deferred Action Granted**

10/4/2019	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	12/19/2013	MEXICO	MEXICO
10/8/2019	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	10/8/2019	MEXICO	MEXICO
10/16/2019	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	2/28/2018	MEXICO	MEXICO
10/17/2019	ARGENTINA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	7/23/2019	ARGENTINA	ARGENTINA
10/24/2019	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	10/23/2019	MEXICO	MEXICO
10/25/2019	POLAND	[5D] Final Order of Deportation / Removal - Deferred Action Granted	7/1/2019	POLAND	POLAND
11/4/2019	SPAIN	[5D] Final Order of Deportation / Removal - Deferred Action Granted	9/25/2019	DOMINICAN REPUBLIC	SPAIN
11/14/2019	JAPAN	[5D] Final Order of Deportation / Removal - Deferred Action Granted	10/21/2019	JAPAN	JAPAN
11/19/2019	PANAMA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	9/27/2019	PANAMA	PANAMA
12/1/2019	GUATEMALA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	11/20/2019	GUATEMALA	GUATEMALA
12/10/2019	NIGERIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	10/17/2019	NIGER	NIGERIA
12/29/2019	TUNISIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	9/6/2019	TUNISIA	TUNISIA
1/10/2020	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	1/10/2020	EL SALVADOR	EL SALVADOR
1/10/2020	TRINIDAD AND TOBAGO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	11/3/2019	TRINIDAD AND TOBAGO	TRINIDAD AND TOBAGO
2/7/2020	GUATEMALA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	2/3/2020	GUATEMALA	GUATEMALA
2/19/2020	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	2/18/2020	MEXICO	MEXICO
3/17/2020	DOMINICAN REPUBLIC	[5D] Final Order of Deportation / Removal - Deferred Action Granted	4/17/2019	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
3/26/2020	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	3/26/2020	CHINA	CHINA
4/21/2020	JAMAICA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	1/31/2020	JAMAICA	JAMAICA
5/14/2020	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	5/11/2020	MEXICO	MEXICO
5/22/2020	PHILIPPINES	[5D] Final Order of Deportation / Removal - Deferred Action Granted	9/15/1999	PHILIPPINES	PHILIPPINES
6/9/2020	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	6/4/2020	MEXICO	MEXICO

9/2/2020	COLOMBIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/1/2020	COLOMBIA	COLOMBIA
9/3/2020	BULGARIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/13/2020	BULGARIA	BULGARIA
9/9/2020	COSTA RICA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/30/2020	COSTA RICA	COSTA RICA
9/29/2020	LIBERIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/13/2020	LIBERIA	LIBERIA
10/20/2020	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/20/2020	MEXICO	MEXICO
10/20/2020	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/16/2020	MEXICO	MEXICO
10/28/2020	KYRGYZSTAN	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/21/2014	KYRGYZSTAN	KYRGYZSTAN
10/30/2020	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/29/2020	MEXICO	MEXICO
11/2/2020	PHILIPPINES	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/21/2020	PHILIPPINES	PHILIPPINES
11/7/2020	DOMINICAN REPUBLIC	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/1/2020	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
11/16/2020	PAKISTAN	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/9/2020	PAKISTAN	PAKISTAN
11/25/2020	NICARAGUA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	11/2/2020	NICARAGUA	NICARAGUA
12/15/2020	GUATEMALA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	9/30/2020	GUATEMALA	GUATEMALA
12/23/2020	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/17/2020	MEXICO	MEXICO
3/15/2021	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/5/2020	MEXICO	MEXICO
3/30/2021	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/20/2019	MEXICO	MEXICO
4/6/2021	DOMINICAN REPUBLIC	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/27/2020	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
7/7/2021	MEXICO	[16] Reinstated Final Order	YES	3/7/2019	MEXICO	MEXICO
7/22/2021	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/21/2021	MEXICO	MEXICO
8/5/2021	HONDURAS	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/27/2019	HONDURAS	HONDURAS
9/2/2021	KYRGYZSTAN	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/6/2020	KYRGYZSTAN	KYRGYZSTAN
9/7/2021	DOMINICAN REPUBLIC	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/27/2019	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
9/21/2021	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/10/2021	MEXICO	MEXICO
9/23/2021	INDONESIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/19/2009	INDONESIA	INDONESIA
9/24/2021	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	11/27/2017	MEXICO	MEXICO
10/28/2021	INDIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/16/2020	INDIA	INDIA
1/31/2022	SOUTH KOREA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/26/2020	SOUTH KOREA	SOUTH KOREA
2/2/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/26/2022	MEXICO	MEXICO
3/22/2022	BOSNIA-HERZEGOVINA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/22/2022	BOSNIA-HERZEGOVINA	BOSNIA-HERZEGOVINA
3/31/2022	JAMAICA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/18/2022	JAMAICA	JAMAICA
4/14/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/11/2022	MEXICO	MEXICO
5/5/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/5/2022	MEXICO	MEXICO
5/11/2022	EL SALVADOR	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/13/1986	EL SALVADOR	EL SALVADOR
6/23/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/22/2022	MEXICO	MEXICO
7/5/2022	DOMINICAN REPUBLIC	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/6/2022	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
8/2/2022	DOMINICAN REPUBLIC	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	6/6/2022	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
9/29/2022	COLOMBIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/15/2022	COLOMBIA	COLOMBIA
10/6/2022	PHILIPPINES	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/30/2022	PHILIPPINES	PHILIPPINES
10/13/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/29/2018	MEXICO	MEXICO
11/30/2022	SOUTH AFRICA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/15/2020	SOUTH AFRICA	SOUTH AFRICA
12/6/2022	MEXICO	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	11/16/2015	MEXICO	MEXICO
12/15/2022	COLOMBIA	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	10/27/2022	COLOMBIA	COLOMBIA
1/27/2023	HONDURAS	[SD] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/12/2023	HONDURAS	HONDURAS

2/1/2023	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/12/2023	COLOMBIA	COLOMBIA
2/6/2023	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	12/28/2022	COLOMBIA	COLOMBIA
2/13/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/7/2023	MEXICO	MEXICO
2/20/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	2/20/2023	MEXICO	MEXICO
2/24/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	1/13/2023	MEXICO	MEXICO
3/8/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/8/2023	MEXICO	MEXICO
4/6/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	3/23/2023	MEXICO	MEXICO
4/29/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/7/2023	MEXICO	MEXICO
5/22/2023	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	4/18/2023	COLOMBIA	COLOMBIA
6/1/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/25/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
7/12/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	7/12/2023	MEXICO	MEXICO
8/24/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/24/2023	MEXICO	MEXICO
9/5/2023	MEXICO	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	5/22/2023	MEXICO	MEXICO
9/7/2023	COLOMBIA	[5D] Final Order of Deportation / Removal - Deferred Action Granted	YES	8/16/2023	COLOMBIA	COLOMBIA

# Exhibit G

CASE NO. PX 25-951

IDENTIFICATION: JUL 10 2025

ADMITTED: JUL 10 2025

To All ICE Employees  
July 9, 2025

**Third Country Removals Following the Supreme Court's Order in *Department of Homeland Security v. D.V.D.*, No. 24A1153 (U.S. June 23, 2025)**

On June 23, 2025, the U.S. Supreme Court granted the Government's application to stay the district court's nationwide preliminary injunction in *D.V.D. v. Department of Homeland Security*, No. 25-10676, 2025 WL 1142968 (D. Mass. Apr. 18, 2025), which required certain procedures related to providing a "meaningful opportunity" to assert claims for protection under the Convention Against Torture (CAT) before initiating removal to a third country. Accordingly, all previous guidance implementing the district court's preliminary injunction related the third country removals issued in *D.V.D.* is hereby rescinded. Absent additional action by the Supreme Court, the stay will remain in place until any writ of certiorari is denied or a judgment following any decision issues.

Effective immediately, when seeking to remove an alien with a final order of removal—other than an expedited removal order under section 235(b) of the Immigration and Nationality Act (INA)—to an alternative country as identified in section 241(b)(1)(C) of the INA, ICE must adhere to Secretary of Homeland Security Kristi Noem's March 30, 2025 memorandum, *Guidance Regarding Third Country Removals*, as detailed below. A "third country" or "alternative country" refers to a country other than that specifically referenced in the order of removal.

If the United States has received diplomatic assurances from the country of removal that aliens removed from the United States will not be persecuted or tortured, and if the Department of State believes those assurances to be credible, the alien may be removed without the need for further procedures. ICE will seek written confirmation from the Department of State that such diplomatic assurances were received and determined to be credible. HSI and ERO will be made aware of any such assurances. In all other cases, ICE must comply with the following procedures:

- An ERO officer will serve on the alien the attached Notice of Removal. The notice includes the intended country of removal and will be read to the alien in a language he or she understands.
- ERO will not affirmatively ask whether the alien is afraid of being removed to the country of removal.
- ERO will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. In exigent circumstances, ERO may execute a removal order six (6) or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to removal.
  - Any determination to execute a removal order under exigent circumstances less than 24 hours following service of the Notice of Removal must be approved by the DHS General Counsel, or the Principal Legal Advisor where the DHS General Counsel is not available.

- If the alien does not affirmatively state a fear of persecution or torture if removed to the country of removal listed on the Notice of Removal within 24 hours, ERO may proceed with removal to the country identified on the notice. ERO should check all systems for motions as close in time as possible to removal.
- If the alien does affirmatively state a fear if removed to the country of removal listed on the Notice of Removal, ERO will refer the case to U.S. Citizenship and Immigration Services (USCIS) for a screening for eligibility for protection under section 241(b)(3) of the INA and the Convention Against Torture (CAT). USCIS will generally screen the alien within 24 hours of referral.
  - USCIS will determine whether the alien would more likely than not be persecuted on a statutorily protected ground or tortured in the country of removal.
  - If USCIS determines that the alien has not met this standard, the alien will be removed.
  - If USCIS determines that the alien has met this standard and the alien was not previously in proceedings before the immigration court, USCIS will refer the matter to the immigration court for further proceedings. In cases where the alien was previously in proceedings before the immigration court, USCIS will notify the referring immigration officer of its finding, and the immigration officer will inform ICE. In such cases, ERO will alert their local Office of the Principal Legal Advisor (OPLA) Field Location to file a motion to reopen with the immigration court or the Board of Immigration Appeals, as appropriate, for further proceedings for the sole purpose of determining eligibility for protection under section 241(b)(3) of the INA and CAT for the country of removal. Alternatively, ICE may choose to designate another country for removal.

Notably, the Supreme Court's stay of removal does not alter any decisions issued by any other courts as to individual aliens regarding the process that must be provided before removing that alien to a third country.

Please direct any questions about this guidance to your OPLA field location.

Thank you for all you continue to do for the agency.

Todd M. Lyons  
Acting Director  
U.S. Immigration and Customs Enforcement

Attachments:

- U.S. Supreme Court Order
- Secretary Noem's Memorandum
- Notice of Removal