



1 INTRODUCTION

2 Hasan Taifour was granted withholding of removal in July 2025. Six  
3 months later, ICE has made no progress in removing him to a third country.  
4 Mr. Taifour must therefore be released, because “there is no significant likelihood  
5 of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678  
6 (2001). That said, if something unexpectedly changes and ICE is able to remove  
7 him to a third country, ICE threatens to do so in violation of the Fifth  
8 Amendment’s Due Process Clause. This Court should grant this petition on both  
9 grounds.

10 STATEMENT OF FACTS

11 **I. Mr. Taifour received withholding of removal over six months ago.**

12 Mr. Taifour, a Syrian asylum seeker fleeing religious persecution, arrived at  
13 the U.S. border on December 31, 2024. Exh. A at ¶ 3. He received withholding of  
14 removal on July 24, 2025. *Id.* He has been in detention ever since.

15 While in detention for the last six months, he has never spoken with an ICE  
16 officer about his removal. *Id.* at ¶ 4. ICE never even gave him his statutorily  
17 required 90-day review. *Id.* A couple of weeks ago, he messaged ICE to ask if  
18 there was any new information related to his case, and ICE responded that they  
19 would let him know if there were any updates. *Id.*

20 Mr. Taifour has no reason to think that any third country will accept him  
21 for removal. *Id.* at ¶ 6. He is not a citizen of any country other than Syria. *Id.* at  
22 ¶ 5. His parents are both Syrian. *Id.* He doesn’t have immigration status in any  
23 other country. *Id.* Though he spent short periods in Venezuela and Germany on  
24 temporary visas, those visas have long expired. *Id.* No other country has any  
25 reason to take him.

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1 **II. The government is carrying out deportations to third countries without**  
2 **providing sufficient notice and opportunity to be heard.**

3 There is therefore no evidence that ICE can remove Mr. Taifour to a third  
4 country in the reasonably foreseeable future. But should something unexpectedly  
5 change, and ICE does find a third country to accept Mr. Taifour, he is in grave  
6 danger of removal without due process.

7 The Trump administration reportedly has negotiated with at least 58  
8 countries to accept deportees from other nations. Edward Wong et al, *Inside the*  
9 *Global Deal-Making Behind Trump's Mass Deportations*, N.Y. Times, June 25,  
10 2025. On June 25, 2025, the New York Times reported that seven countries—  
11 Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda—  
12 had agreed to accept deportees who are not their own citizens. *Id.* Since then, ICE  
13 has carried out highly publicized third country deportations to South Sudan and  
14 Eswatini.

15 The Administration has reportedly negotiated with countries to have many  
16 of these deportees imprisoned in prisons, camps, or other facilities. The  
17 government paid El Salvador about \$5 million to imprison more than 200  
18 deported Venezuelans in a maximum-security prison notorious for gross human  
19 rights abuses, known as CECOT. *See id.* In February, Panama and Costa Rica  
20 took in hundreds of deportees from countries in Africa and Central Asia and  
21 imprisoned them in hotels, a jungle camp, and a detention center. *Id.*; Vanessa  
22 Buschschluter, *Costa Rican court orders release of migrants deported from U.S.*,  
23 BBC (Jun. 25, 2025). On July 4, 2025, ICE deported eight men, including one  
24 pre-1995 Vietnamese refugee, to South Sudan. *See Wong, supra.* On July 15, ICE  
25 deported five men to the tiny African nation of Eswatini, including one man from  
26 Vietnam, where they are reportedly being held in solitary confinement. Gerald  
27 Imray, *3 Deported by US held in African Prison Despite Completing Sentences,*  
28 *Lawyers Say*, PBS (Sept. 2, 2025). Many of these countries are known for human

1 rights abuses or instability. For instance, conditions in South Sudan are so  
2 extreme that the U.S. State Department website warns Americans not to travel  
3 there, and if they do, to prepare their will, make funeral arrangements, and appoint  
4 a hostage-taker negotiator first. *See Wong, supra*.

5 On June 23 and July 3, 2025, the Supreme Court issued a stay of a national  
6 class-wide preliminary injunction issued in *D.V.D. v. U.S. Department of*  
7 *Homeland Security*, No. CV 25-10676-BEM, 2025 WL 1142968, at \*1, 3 (D.  
8 Mass. Apr. 18, 2025), which required ICE to follow statutory and constitutional  
9 requirements before removing an individual to a third country. *U.S. Dep't of*  
10 *Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (mem.); *id.*, No. 24A1153, 2025  
11 WL 1832186 (U.S. July 3, 2025).<sup>1</sup> On July 9, 2025, ICE rescinded previous  
12 guidance meant to give immigrants a “‘meaningful opportunity’ to assert claims  
13 for protection under the Convention Against Torture (CAT) before initiating  
14 removal to a third country” like the ones just described. Exh. B.

15 Under the new guidance, ICE may remove any immigrant to a third country  
16 “without the need for further procedures,” as long as—in the view of the State  
17 Department—the United States has received “credible” “assurances” from that  
18 country that deportees will not be persecuted or tortured. *Id.* at 1. If a country fails  
19 to credibly promise not to persecute or torture releasees, ICE may still remove  
20 immigrants there with minimal notice. *Id.* Ordinarily, ICE must provide 24 hours’  
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23 <sup>1</sup> Though the Supreme Court’s order was unreasoned, the dissent noted that the  
24 government had sought a stay based on procedural arguments applicable only to  
25 class actions. *Dep’t of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153, 2160 (2025)  
26 (Sotomayor, J., dissenting). Thus, “even if the Government [was] correct that  
27 classwide relief was impermissible” in *D.V.D.*, Respondents still “remain[]  
28 obligated to comply with orders enjoining [their] conduct with respect to individual  
plaintiffs” like Mr. Taifour. *Id.* Thus, the Supreme Court’s decision does not  
override courts’ authority to grant individual injunctive relief. *See Nguyen v. Scott*,  
No. 2:25-CV-01398, 2025 WL 2419288, at \*20–23 (W.D. Wash. Aug. 21, 2025).

1 notice. But “[i]n exigent circumstances,” a removal may take place in as little as  
2 six hours, “as long as the alien is provided reasonably means and opportunity to  
3 speak with an attorney prior to the removal.” *Id.*

4 Upon serving notice, ICE “will not affirmatively ask whether the alien is  
5 afraid of being removed to the country of removal.” *Id.* (emphasis original). If the  
6 noncitizen “does not affirmatively state a fear of persecution or torture if removed  
7 to the country of removal listed on the Notice of Removal within 24 hours, [ICE]  
8 may proceed with removal to the country identified on the notice.” *Id.* at 2. If the  
9 noncitizen “does affirmatively state a fear if removed to the country of removal”  
10 then ICE will refer the case to U.S. Citizenship and Immigration Services  
11 (“USCIS”) for a screening for eligibility for withholding of removal and  
12 protection under the Convention Against Torture (“CAT”). *Id.* at 2. “USCIS will  
13 generally screen within 24 hours.” *Id.* If USCIS determines that the noncitizen  
14 does not meet the standard, the individual will be removed. *Id.* If USCIS  
15 determines that the noncitizen has met the standard, then the policy directs ICE to  
16 either move to reopen removal proceedings “for the sole purpose of determining  
17 eligibility for [withholding of removal protection] and CAT” or designate another  
18 country for removal. *Id.*

#### 19 CLAIMS FOR RELIEF

20 This Court should grant this petition and order Mr. Taifour’s immediate  
21 release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the  
22 government to detain immigrants like Mr. Taifour, for whom there is “no  
23 significant likelihood of removal in the reasonably foreseeable future.” 533 U.S.  
24 678, 701 (2001). And—in the unlikely case that he is removed—due process  
25 requires ICE to provide notice and an opportunity to be heard first.  
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1 **I. Count 1: Mr. Taifour’s detention violates *Zadvydas* and 8 U.S.C. § 1231.**

2 **A. Legal background**

3 Mr. Taifour’s indefinite detention violates the statute authorizing detention,  
4 8 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme  
5 Court considered a problem affecting people like Mr. Taifour. Federal law  
6 requires ICE to detain an immigrant during the “removal period,” which typically  
7 spans the first 90 days after the immigrant is ordered removed. 8 U.S.C.  
8 § 1231(a)(1)-(2). After that 90-day removal period expires, detention becomes  
9 discretionary—ICE may detain the migrant while continuing to try to remove  
10 them. *Id.* § 1231(a)(6). Ordinarily, this scheme would not lead to excessive  
11 detention, as removal happens within days or weeks. But some detainees cannot  
12 be removed quickly. Perhaps their removal “simply require[s] more time for  
13 processing,” or they are “ordered removed to countries with whom the United  
14 States does not have a repatriation agreement,” or their countries “refuse to take  
15 them,” or they are “effectively ‘stateless’ because of their race and/or place of  
16 birth.” *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and  
17 other circumstances, detained immigrants can find themselves trapped in  
18 detention for months, years, decades, or even the rest of their lives.

19 If federal law were understood to allow for “indefinite, perhaps permanent,  
20 detention,” it would pose “a serious constitutional threat.” *Zadvydas*, 533 U.S. at  
21 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by  
22 interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689.

23 As an initial matter, *Zadvydas* held that detention is “presumptively  
24 reasonable” for at least six months. *Id.* at 701. This acts as a kind of grace period  
25 for effectuating removals.

26 Following the six-month grace period, courts must use a burden-shifting  
27 framework to decide whether detention remains authorized. First, the petitioner  
28 must make a prima facie case for relief: He must prove that there is “good reason

1 to believe that there is no significant likelihood of removal in the reasonably  
2 foreseeable future.” *Id.*

3 If he does so, the burden shifts to “the Government [to] respond with  
4 evidence sufficient to rebut that showing.” *Id.* Ultimately, then, the burden of  
5 proof rests with the government: The government must prove that there is a  
6 “significant likelihood of removal in the reasonably foreseeable future,” or the  
7 immigrant must be released. *Id.*

8 **A. The six-month grace period expired.**

9 As an initial matter, the six-month grace period has now ended. The  
10 *Zadvydas* grace period lasts for “six months after a final order of removal—that is,  
11 three months after the statutory removal period has ended.” *Kim Ho Ma v.*  
12 *Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). Here, Mr. Taifour was ordered  
13 removed on July 24, 2025. Exh. A at ¶ 3. Accordingly, his 90-day removal period  
14 began then. 8 U.S.C. § 1231(a)(1)(B). The *Zadvydas* grace period expired six  
15 months after the removal period began, on January 24, 2026. The threshold  
16 requirement is therefore met.

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18 **B. There is good reason to believe that there is no significant  
19 likelihood of Mr. Taifour removal in the reasonably foreseeable  
20 future.**

21 Because the six-month grace period has passed, this Court must evaluate  
22 Mr. Taifour’s *Zadvydas* claim using the burden-shifting framework. At the first  
23 stage of the framework, there must be “good reason to believe that there is no  
24 significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*,  
25 533 U.S. at 701. This standard can be broken down into three parts.

26 “Good reason to believe.” The “good reason to believe” standard is a  
27 relatively forgiving one. “A petitioner need not establish that there exists no  
28 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL

1 10714999, at \*3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to  
2 believe’ . . . place a burden upon the detainee to demonstrate no reasonably  
3 foreseeable, significant likelihood of removal or show that his detention is  
4 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,  
5 2020 WL 3972319, at \*3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401  
6 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:  
7 Petitioners need only give a “good reason”—not prove anything to a certainty.

8 **“No significant likelihood of removal.”** This component focuses on  
9 whether Mr. Taifour will likely be removed: Continued detention is permissible  
10 only if it is “significant[ly] like[ly]” that ICE will be able to remove him.  
11 *Zadvydas*, 533 U.S. at 701. This inquiry targets “not only the *existence* of  
12 untapped possibilities, but also [the] probability of *success* in such possibilities.”  
13 *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis  
14 added). In other words, even if “there remains *some* possibility of removal,” a  
15 petitioner can still meet its burden if there is good reason to believe that  
16 successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-  
17 8019, 2002 WL 31520362, at \*4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

18 **“In the reasonably foreseeable future.”** This component of the test  
19 focuses on when Mr. Taifour will likely be removed: Continued detention is  
20 permissible only if removal is likely to happen “in the reasonably foreseeable  
21 future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s  
22 removal efforts. If the Court has “no idea of when it might reasonably expect  
23 [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal  
24 is likely to occur—or even that it might occur—in the reasonably foreseeable  
25 future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at \*3  
26 (S.D. Miss. July 7, 2020), *report and recommendation adopted*, 2020 WL  
27 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d  
28 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr. Taifour

1 “would *eventually* receive” a travel document, he can still meet his burden by  
2 giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*,  
3 2016 WL 6679830, at \*2 (E.D. Mich. Nov. 14, 2016).

4 Mr. Taifour readily satisfies the above standards. ICE has made no  
5 discernable progress in removing him to a third country for he last six months. And  
6 there is an obvious explanation for this: The IJ’s order prohibits Mr. Taifour’s  
7 removal to his home country of Syria, “which is the only country to which he has a  
8 claim to citizenship or legal immigration status.” *Villanueva*, 2025 WL 2774610,  
9 at \*10. “This substantially increases the difficulty of removing him.” *Munoz-*  
10 *Saucedo*, 789 F. Supp. 3d at 398.

11 That’s because “alternative-country removal is rare.” *Johnson v. Guzman-*  
12 *Chavez*, 594 U.S. 523, 537 (2021). Between 2020 and 2023, data apparently show  
13 that “ICE removed . . . only *five* non-citizens granted withholding or CAT relief to  
14 alternative countries.” *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 398 (D.N.J.  
15 2025) (emphasis original). In fiscal year 2017, there were at most 21 people of the  
16 thousands with withholding of removal deported to *any* country; that number  
17 includes dual citizens who only received withholding from one of their two other  
18 countries of origin. See American Immigration Council & National Immigrant  
19 Justice Center, *The Difference Between Asylum and Withholding of Removal*, 7  
20 (Oct. 2020)<sup>2</sup> (cited in *Guzman-Chavez*, 594 U.S. at 537). That means that “less than  
21 two percent of those granted withholding of removal were deported to a third  
22 country.” *Puertas-Mendoza*, 2025 WL 3142089 at \*3 (citing American  
23 Immigration Council & National Immigrant Justice Center, *supra*).

24 “[T]hat is not simply a matter of United States policy—foreign governments  
25 ‘routinely deny’ requests to receive people who lack a connection to the would-be  
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27 <sup>2</sup>Available at [https://www.americanimmigrationcouncil.org/wp-](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)  
28 [content/uploads/2025/01/the\\_difference\\_between\\_asylum\\_and\\_withholding\\_of\\_removal.pdf](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)

1 receiving country.” *Puertas-Mendoza*, 2025 WL 3142089 at \*3. “The reason so few  
2 people are deported to third countries is because,” while “customary international  
3 law holds that a country has a duty to accept the return of its nationals,” usually,  
4 “countries have no incentive to accept non-citizens.” American Immigration  
5 Council & National Immigrant Justice Center, *supra*, at 7.

6 Because third country removal is exceedingly rare, and ICE has made no  
7 progress in removing Mr. Taifour for the last six months, Mr. Taifour has met his  
8 initial burden. Thus, unless the government can prove a “significant likelihood of  
9 removal in the reasonably foreseeable future,” Mr. Taifour must be released.  
10 *Zadvydas*, 533 U.S. at 701.

11 **II. Count 3: ICE may not remove Mr. Taifour to a third country without**  
12 **adequate notice and an opportunity to be heard.**

13 There is therefore no current likelihood that Mr. Taifour will be removed to  
14 a third country. But ICE is presumably trying to do just that, and in this rapidly  
15 evolving removal landscape, something unforeseen could suddenly change to make  
16 that feasible. ICE’s “credible threat of enforcement” of this third-country removal  
17 plan is sufficient to make this claim justiciable, even ICE does not have any current  
18 feasible plan to remove Mr. Taifour to a third country. *See Susan B. Anthony List*  
19 *v. Driehaus*, 573 U.S. 149, 156–57, 161 (2014) (finding standing, even though the  
20 politician seeking enforcement of an unconstitutional law was no longer running  
21 for office). And if ICE did suddenly prove able to remove Mr. Taifour to a third  
22 country, it would do so under a policy that violates the Fifth Amendment, the  
23 Convention Against Torture, and implementing regulations.

24 **A. Legal background**

25 U.S. law enshrines protections against dangerous and life-threatening  
26 removal decisions. By statute, the government is prohibited from removing an  
27 immigrant to any third country where they may be persecuted or tortured, a form  
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1 of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The  
2 government “may not remove [a noncitizen] to a country if the Attorney General  
3 decides that the [noncitizen’s] life or freedom would be threatened in that country  
4 because of the [noncitizen’s] race, religion, nationality, membership in a particular  
5 social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16.  
6 Withholding of removal is a mandatory protection.

7 Similarly, Congress codified protections enshrined in the CAT prohibiting  
8 the government from removing a person to a country where they would be tortured.  
9 *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231 note) (“It shall be the policy of  
10 the United States not to expel, extradite, or otherwise effect the involuntary return  
11 of any person to a country in which there are substantial grounds for believing the  
12 person would be in danger of being subjected to torture, regardless of whether the  
13 person is physically present in the United States.”); 28 C.F.R. § 200.1; *id.*  
14 §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory.

15 To comport with the requirements of due process, the government must  
16 provide notice of the third country removal and an opportunity to respond. Due  
17 process requires “written notice of the country being designated” and “the statutory  
18 basis for the designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v.*  
19 *Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S.*  
20 *Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at \*1 (D.  
21 Mass. May 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

22 The government must also “ask the noncitizen whether he or she fears  
23 persccution or harm upon removal to the designated country and memorialize in  
24 writing the noncitizen’s response. This requirement ensures DHS will obtain the  
25 necessary information from the noncitizen to comply with section 1231(b)(3) and  
26 avoids [a dispute about what was said].” *Aden*, 409 F. Supp. 3d at 1019. “Failing to  
27 notify individuals who are subject to deportation that they have the right to apply  
28 for asylum in the United States and for withholding of deportation to the country to

1 which they will be deported violates both INS regulations and the constitutional  
2 right to due process.” *Andriasian*, 180 F.3d at 1041.

3 If the noncitizen claims fear, measures must be taken to ensure that the  
4 noncitizen can seek asylum, withholding, and relief under CAT before an  
5 immigration judge in reopened removal proceedings. The amount and type of  
6 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and  
7 circumstances, he would have a reasonable opportunity to raise and pursue his  
8 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009  
9 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132  
10 F.3d 405, 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at \*1 (requiring the  
11 government to move to reopen the noncitizen’s immigration proceedings if the  
12 individual demonstrates “reasonable fear” and to provide “a meaningful  
13 opportunity, and a minimum of fifteen days, for the non-citizen to seek reopening  
14 of their immigration proceedings” if the noncitizen is found to not have  
15 demonstrated “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice  
16 and time for a respondent to file a motion to reopen and seek relief).

17 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,  
18 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and  
19 for good reason: To have a meaningful opportunity to apply for fear-based  
20 protection from removal, immigrants must have time to prepare and present  
21 relevant arguments and evidence. Merely telling a person where they may be sent,  
22 without giving them a chance to look into country conditions, does not give them a  
23 meaningful chance to determine whether and why they have a credible fear.

24 **B. The June 6, 2025 memo’s removal policies violate the Fifth**  
25 **Amendment, 8 U.S.C. § 1231, the Conviction Against Torture, and**  
26 **Implementing Regulations.**

27 The policies in the June 6, 2025 memo do not adhere to these requirements.  
28 First, under the policy, ICE need not give immigrants *any* notice or hearing before

1 removing them to a country that—in the State Department’s estimation—has  
2 provided “credible” “assurances” against persecution and torture. Exh. B. By  
3 depriving immigrants of any chance to challenge the State Department’s view, this  
4 policy violates “[t]he essence of due process,” “the requirement that a person in  
5 jeopardy of serious loss be given notice of the case against him and opportunity to  
6 meet it.” *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (cleaned up).

7       Second, even when the government has obtained no credible assurances  
8 against persecution and torture, the government can still remove the person with  
9 between 6 and 24 hours’ notice, depending on the circumstances. Exh. B.  
10 Practically speaking, there is not nearly enough time for a detained person to assess  
11 their risk in the third country and marshal evidence to support any credible fear—let  
12 alone a chance to file a motion to reopen with an IJ. An immigrant may know  
13 nothing about a third country, like Eswatini or South Sudan, when they are  
14 scheduled for removal there. Yet if given the opportunity to investigate conditions,  
15 immigrants would find credible reasons to fear persecution or torture—like patterns  
16 of keeping deportees indefinitely and without charge in solitary confinement or  
17 extreme instability raising a high likelihood of death—in many of the third  
18 countries that have agreed to removal thus far. Due process requires an adequate  
19 chance to identify and raise these threats to health and life. This Court must prohibit  
20 the government from removing Mr. Taifour without these due process safeguards.

21 **III. This Court must hold an evidentiary hearing on any disputed facts.**

22       Resolution of a prolonged-detention habeas petition may require an  
23 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).  
24 Mr. Taifour hereby requests such a hearing on any material, disputed facts.

25 **IV. Prayer for relief**

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

- 27       1. Order Respondents to immediately release Petitioner from custody;

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**PROOF OF SERVICE**

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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.

Date: January 26, 2026

/s/ Jessie Agatstein  
Jessie Agatstein

# Exhibit A

1 **Jessie Agatstein**  
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8 Attorneys for Mr. Taifour

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

11 **HASAN TAIFOUR,**  
12 **Petitioner,**

**CIVIL CASE NO.:**


13 **v.**

**First Declaration**  
**of**  
**Hasan Taifour**

14 **KRISTI NOEM, Secretary of the**  
15 **Department of Homeland Security,**  
16 **PAMELA JO BONDI, Attorney General,**  
17 **TODD M. LYONS, Acting Director,**  
18 **Immigration and Customs Enforcement,**  
19 **JESUS ROCHA, Acting Field Office**  
**Director, San Diego Field Office,**  
**JEREMY CASEY, Warden at Imperial**  
**Regional Detention Center,**

**Respondents.**

20 I, Hasan Taifour, declare:

- 21 1. My name is Hasan Taifour. My A-number 
- 22 2. I do not have any money saved. I have been in detention for the last year  
23 and month. I cannot afford another attorney. I paid my immigration  
24 attorney everything I had.
- 25 3. I am detained at the Imperial Detention Center. I arrived at the U.S. border  
26 from Syria on December 31, 2024. I was fleeing religious persecution and I  
27 received withholding of removal on July 24, 2025. I did not appeal.

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4. In the last six months, I have never been able to talk to my ICE officer. Even at my 90 days, an ICE officer never talked to me, even though it was my right to get a custody review. Ten days ago, I asked if there was any new information related to my case, and an ICE officer responded that they would let me know if there are any updates.
5. I am not a citizen of any country other than Syria. I don't have immigration status in any other country. I got a visa to Venezuela in 2023, where I stayed for nine months, but the visa has long expired. I had a short-term three-year immigration status in Germany, from 2017 to 2020, but I had to return to Syria for a family situation, and that status has expired too.
6. I was born in Syria, and so were my parents. My parents were also only citizens of Syria. At this point, I don't have any reason to think any country would take me other than Syria.

I declare the foregoing is true and correct under penalty of perjury, and gave virtual authorization to my attorney to assign on my behalf that I declared the foregoing was true and correct, on January 21, 2026, at 2 PM, from the Imperial Regional Detention Center to San Diego via phone, Hasan Taifour.

*/s/ Jessie Agatstein*