

4. Mr. Aramin therefore brings this petition for a writ of habeas corpus, as there is no significant likelihood of his removal in the reasonably foreseeable future, rendering his continued detention a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment. He asks this Court to order his release.

JURISDICTION AND VENUE

5. This action arises under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101, et seq.
6. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal questions), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-02 (declaratory relief).
7. Venue is proper because Mr. Aramin's immediate custodian at Denver Contract Detention Facility is located in this District and a "substantial part of the events or omissions giving rise to the claim" occurred in this District. 28 U.S.C. § 1391(e)(1).

PARTIES

8. Petitioner Bahaa Aramin is a native and citizen of Palestine. DHS considers him stateless. As of the filing of this Petition, ICE is detaining him at the Denver Contract Detention Facility in Aurora, Colorado. *See Ex. 1.*
9. Respondent Juan Baltasar is the Warden of the Denver Contract Detention Facility and is the immediate custodian of Mr. Aramin. He is sued in his official capacity.
10. Respondent Robert Hagan is the Field Office Director of the ICE Denver Field Office and is responsible for ICE's operations in Colorado where Mr. Aramin is held. He is sued in his official capacity.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
12. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
13. Mr. Aramin has been detained for sixteen months, and over seven months since the immigration judge issued a final order of removal. He is currently observing Ramadan, which is incredibly difficult from within ICE custody. Because his continued detention is unlawful and in violation of his Constitutional rights, he requests the Court order Respondents to submit a return within three days or another period of time that is reasonable, but not to exceed twenty days.

EXHAUSTION

14. The decision to continue Mr. Aramin’s detention is subject to challenge through a petition for a writ of habeas corpus, and he need not exhaust any administrative remedies, such as requesting parole from Respondents, which might be available to him before seeking this Court’s review as Congress has not specifically mandated it. *See McCarthy v. Madigan*, 503

U.S. 140, 144 (1992) (“Where Congress specifically mandates, exhaustion is required. But where Congress has not clearly required exhaustion, sound judicial discretion governs.”).

15. Moreover, because detaining Mr. Aramin without a significant likelihood of removal in the reasonably foreseeable future violates his right to due process, administrative exhaustion is excused. *See Guitard v. U.S. Sec’y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) (“Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a ‘substantial constitutional question.’”).

LEGAL BACKGROUND

Post-Order Detention

16. ICE’s authority to detain noncitizens subject to final orders of removal derives from 8 U.S.C. § 1231. Under § 1231, noncitizens subject to final orders of removal shall be detained for a ninety-day period starting from the latest of the following: (i) the date the order of removal becomes administratively final; (ii) if the removal order is judicially reviewed and the court stays removal, the date of the court’s final order; or (iii) the date the noncitizen is released from non-immigration detention. 8 U.S.C. § 1231(a)-(b).
17. The statute authorizes, but does not require, detention beyond the removal period for noncitizens who are inadmissible under 8 U.S.C. § 1182, subject to removal under 8 U.S.C. § 1227(a)(1)(C), (a)(2) or (a)(4), or are determined to be a risk to the community or unlikely to comply with their removal orders. 8 U.S.C. § 1231(a)(6).
18. Recognizing that interpreting 8 U.S.C. § 1231(a)(6) to authorize potentially indefinite detention raised serious constitutional concerns, the Supreme Court has interpreted 8 U.S.C. § 1231(a)(6) to contain an implicit temporal limitation, restricting the Government’s post-removal-period detention authority to “a period reasonably necessary to bring about the

[noncitizen's] removal from the United States.” See *Zadvydas v. Davis*, 533 U.S. 678, 689-90 (2001).

19. The Court held that detention during the six months following the entry of a final order of removal is presumptively reasonable. *Id.* at 701. “After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing” to justify detention. *Id.*

Constitutional Limitations on Detention

20. The six-month period discussed in *Zadvydas* is not absolute. In considering the continued detention of an individual who is not removable to their country of nationality, this Court must recognize established Constitutional boundaries on immigration detention. *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1387 (10th Cir. 1981) (concluding that “an excluded alien in physical custody within the United States may not be ‘punished’ without being accorded the substantive and procedural due process guarantees of the Fifth Amendment.”).
21. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690; *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”).
22. Post-order detention is limited by Constitutional principles to “a reasonable time period and does not permit indefinite detention.” *Morales-Fernandez v. INS*, 418 F.3d 1116, 1118 (10th Cir. 2005); *Arostegui-Maldonado*, No. 25-cv-2205-WJM-STV, -- F. Supp. 3d --, 2025 WL 2280357, at *4 (recognizing that detention beyond six months without evidence of a significant likelihood of removal in the reasonably foreseeable future supports release).

Identifying Countries of Removal

23. The statute provides specific instruction as to how to identify a country of removal. 8 U.S.C. § 1231(b); *Jama v. Immigration and Customs Enforcement*, 543 U.S. 335, 337, 339-41 (2005). For noncitizens who are not in the process of arriving in the United States, the 8 U.S.C. § 1231(b)(2)(A)-(E) sets forth a multi-step consideration:

- DHS must remove a noncitizen to a country that the noncitizen designates as the country of removal. 8 U.S.C. § 1231(b)(2)(A). However, DHS can only remove a noncitizen to a foreign territory that is contiguous to the United States (or an adjacent island to a contiguous foreign territory) if the noncitizen is a noncitizen who has resided in that contiguous country. 8 U.S.C. § 1231(b)(2)(B).
- DHS may “disregard a designation” under 8 U.S.C. § 1231(b)(2)(A) if:
 - (i) the noncitizen does not promptly designate the country of removal,
 - (ii) the government of the country of removal does not timely respond to an inquiry regarding whether the country of removal will accept the noncitizen,
 - (iii) The government of the country of removal is not willing to accept the noncitizen,
or
 - (iv) DHS concludes that removing the noncitizen to the country of removal “is prejudicial to the United States.” 8 U.S.C. § 1231(b)(2)(C)(i)-(iv).
- If a noncitizen is not removed to the designated country of removal, DHS shall remove the noncitizen to a country of which the noncitizen “is a subject, national, or citizen,” unless this identified country is unresponsive or will not accept the noncitizen. 8 U.S.C. § 1231(b)(2)(D).

- If a noncitizen is not removed to the designated country of removal or the alternative country discussed in paragraph (D), DHS shall remove the noncitizen to “any of the following countries”:
 - (i) the country from which the noncitizen was admitted to the United States,
 - (ii) the country in which the noncitizen was last in prior to traveling to the United States,
 - (iii) a county in which the noncitizen resided before entering the United States,
 - (iv) the country in which the noncitizen was born,
 - (v) “the country that had sovereignty over” the noncitizen’s birthplace when the noncitizen was born,
 - (vi) the country in which the noncitizen’s birthplace is located when the noncitizen was ordered removed,
 - (vii) and if any of the previously identified countries are “impracticable, inadvisable, or impossible to remove” the noncitizen, DHS may remove the noncitizen to “another country whose government will accept the noncitizen into that country.”
- 8 U.S.C. § 1231(b)(2)(E)(i)-(vii).

24. While there is a level of discretion implicit in § 1231(b)(2), there is nonetheless a process that DHS must go through in identifying a country of removal. *See Jama*, 543 U.S. at 348 (discussing the “selection process”).

STATEMENT OF RELEVANT FACTS

25. Mr. Aramin is a native and citizen of Palestine. The United States considers him stateless.
26. He entered the United States in October 2024, without inspection and was promptly detained by ICE. He has been in ICE custody since that day; he is currently held at the Denver Contract Detention Facility. *See* Ex. 1.
27. DHS placed Mr. Aramin in removal proceedings before an immigration judge, and he subsequently sought asylum and protection from removal.
28. On July 11, 2025, an immigration judge denied Mr. Aramin's request for asylum and protection from removal and ordered him removed to the Palestinian Territories or, alternatively, to Israel.
29. Mr. Aramin did not appeal that decision to the Board of Immigration Appeals.
30. Mr. Aramin has complied with all requests regarding removal from the United States. Upon information and belief, DHS has sought to remove him to several countries, with no success.
31. Today, roughly seven months after the immigration judge's removal order and over sixteen months after his initial detention, ICE continues to detain Mr. Aramin without any likelihood that he will be removed in the reasonably foreseeable future.

CLAIMS FOR RELIEF
COUNT ONE

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231(a)

32. Mr. Aramin realleges and incorporates by reference the paragraphs above.
33. Mr. Aramin's ninety-day removal period began on August 10, 2025, after the expiration of the time for Mr. Aramin to appeal the immigration judge's removal order. *See* 8 U.S.C. § 1101(a)(47)(B)(ii).

34. The ninety-day removal period ended on November 8, 2025. Thus, Mr. Aramin is no longer subject to mandatory detention and may only be detained under 8 U.S.C. § 1231(a)(6), which is permissive.

35. To date, DHS has been unable to remove Mr. Aramin to Palestine and several other countries. His continued detention is not mandatory and is unjustified.

COUNT TWO

Violation of Substantive Due Process – Impermissible Punishment

36. Mr. Aramin realleges and incorporates by reference the paragraphs above.

37. All individuals within the United States, including noncitizens, are entitled to due process. *Zadvydas*, 533 U.S. at 693.

38. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690; *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”).

39. Mr. Aramin was ordered removed in July 2025. DHS was unable to remove him during the ninety-day removal period to the Palestine Territories or any other country properly identified pursuant to 8 U.S.C. § 1231(b)(2). His removal is not foreseeable. *See Nanbounmy v. Cantu*, 2:25-cv-3294 (D. Az. Oct. 2, 2025) (recognizing that “the Government’s previous inability to remove him is sufficient to establish a good reason to believe Petitioner’s removal is unlikely”).

40. Additionally, Mr. Aramin’s continued detention is “properly analogized to incarceration pending trial or other disposition of a criminal charge, and is, thus, justifiable only as a necessary, temporary measure.” *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1387 (10th Cir. 1981). “Logic compels” that “when imprisonment is for an indefinite period, continued

beyond reasonable efforts to expel the [noncitizen],” such imprisonment is “impermissible punishment rather than detention pending deportation.” *Id.* Put differently, civil detention becomes constitutionally impermissible punishment if it is not “reasonably related to a legitimate nonpunitive governmental objective” such that “a court may permissibly infer that the purpose . . . is punishment.” *Bell v. Wolfish*, 441 U.S. 520, 520-21 (1979); *Zadvydas*, 533 U.S. at 690 (holding that civil detention violates due process except in “narrow, non-punitive circumstances where a special justification, such as harm-threatening mental illness outweighs the individual’s constitutionally protected interest in avoiding physical restraint.”) (cleaned up). As such, Mr. Aramin’s ongoing, indefinite detention is punitive and violates his right to due process. *See Zadvydas*, 533 U.S. at 690.

41. *Zadvydas* recognized two interests potentially served by civil immigration detention—ensuring the appearance of noncitizens at future immigration proceedings and preventing danger to the community. 533 U.S. at 690.
42. Mr. Aramin’s detention serves neither interest. The Government’s interest in preventing flight is “weak or nonexistent where removal seems a remote possibility.” *Id.* The government has been unable to remove Mr. Aramin for over six months, and he has been given no indication that he will be removed in the reasonably foreseeable future. He has complied with all requests and rules in detention and there is no indication that he would abscond and not follow ICE instructions should removal become possible.
43. Mr. Aramin’s detention is not necessary to protect the community, and Respondents have not claimed that it is. Even if they had, Respondents cannot justify his detention on those grounds absent “strong procedural protections.” *Id.* at 690-91.

44. Because ICE's detention of Mr. Aramin serves no legitimate purpose, it amounts to punishment in violation of the Fifth Amendment.

COUNT THREE

Zadvydas v. Davis, No Likelihood of Removal

45. Mr. Aramin realleges and incorporates by reference the paragraphs above.

46. In *Zadvydas*, the Supreme Court discussed a period of presumptively reasonable detention that extended six months after the order of removal. 533 U.S. at 696-99. If removal is not reasonably foreseeable at that point, detention is not authorized by the statute. *Id.* at 699.

47. Mr. Aramin was ordered removed in July 2025. DHS was unable to remove him during the ninety-day removal period. Indeed, the government has spent nine months seeking to remove him, during which time he has been detained, and DHS has so far been unable to remove Mr. Aramin to Palestine or Israel. Nor has DHS identified a country pursuant to 8 U.S.C. § 1231(b)(2) to which it can remove Mr. Aramin. His removal is not foreseeable. *See Nanbounmy v. Cantu*, 2:25-cv-3294 (D. Az. Oct. 2, 2025) (recognizing that "the Government's previous inability to remove him is sufficient to establish a good reason to believe Petitioner's removal is unlikely").

48. Respondents' detention of Mr. Aramin exceeds ICE's statutory detention authority to detain because there is no significant likelihood of removal in the reasonably foreseeable future.

COUNT FOUR

***Violation of Procedural Due Process* (Notice and Opportunity to Challenge Third Country Removal)**

49. Mr. Aramin realleges and incorporates by reference the paragraphs above.

50. Upon information and belief, Respondents have continued to detain Mr. Aramin to attempt to find an unspecified country that will accept him for removal, without success. DHS has not identified any other country or countries to which it will seek to remove him.
51. This failure to provide notice violates his constitutional right to procedural due process by depriving him of the opportunity to seek protection from such a removal. *See D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-cv-10676, 2025 WL 953074, at *3 (D. Mass. Mar. 29, 2025) (holding that “[d]ue process requires that an individual be given notice of where they are being taken and a meaningful opportunity to show that, if taken there, they will likely be subject to persecution, torture or death”).
52. Ultimately, Mr. Aramin cannot be removed to a third country until Respondents identify a potential third country and thereafter comply with required due process, including both notice of a country of removal and the opportunity to raise a fear of going to that country. He therefore requests this Court issue an order barring his removal from the United States to any country unless he is afforded sufficient process under the Fifth Amendment.

COUNT FIVE

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231(b)

53. Mr. Aramin realleges and incorporates by reference the paragraphs above.
54. 8 U.S.C. § 1231(b) provides the framework through which Respondents may designate a country for Mr. Aramin’s removal.
55. Respondents have not designated and identified potential countries of removal pursuant to the statutory requirements of 8 U.S.C. § 1231(b)(2).
56. Respondents have also failed to identify or establish any other third country which is willing to accept Mr. Aramin.

57. Because Respondents have failed to follow the deportation procedures in 8 U.S.C. § 1231(b), Mr. Aramin's continued detention and any attempts to remove him to an unidentified third country are unlawful.

PRAYER FOR RELIEF

Based on the foregoing, Mr. Aramin requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Mr. Aramin's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- (3) Declare that Mr. Aramin's detention violates the Immigration and Nationality Act;
- (4) Preclude Respondents from removing Mr. Aramin to a third country without following proper procedures;
- (5) Order Mr. Aramin's release from custody under reasonable conditions of release;
- (6) Grant attorneys' fees and costs of this suit under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412(2), et seq.;
- (7) Grant any further relief this Court deems just and proper.

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Respectfully submitted,

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