UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JERSON VASQUEZ GONZALES,

Petitioner,

v.

PAUL PERRY, *in his official capacity as Warden of the Caroline Detention Facility*; RUSSELL HOTT, *in his official capacity as Acting Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Washington Field Office*; KRISTI NOEM, *in her official capacity as Secretary of Homeland Security*; PAMELA BONDI, *in her official capacity as Attorney General of the United States*,

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS

1:26cv618
Case No. ----------

INTRODUCTION

1. Over 5 years ago, Petitioner Jerson Vasquez Gonzalez ("Mr. Vasquez Gonzales" or "Petitioner") received a Final Administrative Removal Order (FARO) from the Department of Homeland Security ("DHS" or "the Department") but ultimately won deferral of removal under the Convention Against Torture (CAT). The Immigration Judge ("IJ") presiding over his case found that Mr. Vasquez Gonzales would more likely than not be tortured if he were to be deported to his home country of El Salvador. This high likelihood of torture at the hands of Salvadorian officials and gangs was based largely on [redacted] in addition to other risk factors. The Department declined to appeal the decision and released Mr. Vasquez Gonzales soon after. However, more than 10 months ago,

ICE redetained Mr. Vasquez Gonzales and again attempted to remove him to El Salvador or, if that failed, to Mexico. In December 2025, Mr. Vasquez Gonzales again prevailed in immigration court, winning protection under CAT from removal to both Mexico and El Salvador. Despite that ruling, Mr. Vasquez Gonzalez is currently languishing in Immigration and Customs Enforcement ("ICE") custody. ICE has not put forward another county to which they could possibly, let alone practically, remove Mr. Vasquez Gonzales, who lacks citizenship, ties, or a connection to any countries beyond El Salvador and the United States.

2. ICE is holding Mr. Vasquez Gonzales pursuant to 8 U.S.C. § 1231, which governs the detention of noncitizens subject to a final order of removal withheld or deferred by an IJ. 8 U.S.C. § 1231(a)(1)(B)(i). Mr. Vasquez Gonzales' continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. Under two IJ orders granting him CAT relief, which the government chose to not appeal in 2020 nor 2025—ICE cannot remove Mr. Vasquez Gonzales to his country of origin, El Salvador. 8 C.F.R. § § 1208.16(c)(2); 8 U.S.C. § 1231(b)(3)(A). Furthermore, the December 2025 order prohibits ICE from removing Mr. Vasquez Gonzales to Mexico, one of the few countries to accept some Salvadoran nationals removed from the United States. After nearly 20 combined months of post-removal order detention and 2 judicial orders preventing ICE from removing Mr. Vasquez Gonzales to either El Salvador or Mexico, the clock has run out for ICE to attempt to remove Mr. Vasquez to any other as-yet-unspecified alternative country. His continued detention is unlawful, and he requests that this Court order his immediate release. *See Serpas v. Simon*, 25-cv-02369 ECF No. 15 (E.D. Va Feb. 2, 2026) (ordering immediate release for a noncitizen whose two-month detention violated 8 U.S.C.

§ 1231); *Jimenez v. Crawford*, 25-cv-1199, ECF No. 16 (E.D. Va. Aug. 20, 2025) (ordering immediate release for a noncitizen whose five-month detention violated 8 U.S.C. § 1231).

JURISDICTION & VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

4. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g.*, *Zadvydas*, 533 U.S. at 687.

5. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at the Caroline Detention Facility ("Caroline").

PARTIES

6. Plaintiff Jerson Vasquez Gonzales is a native and citizen of El Salvador who received a Final Administrative Removal Order on July 08, 2019, but was granted deferral of removal under the CAT on April 08, 2020 and released from ICE custody soon thereafter. He was granted this difficult to win protection because of his unique characteristics that place him at risk of torture, including [redacted] After DHS redetained Mr. Vasquez Gonzales and reopened his proceedings in April 2025, he was granted deferral of removal for a second time in December 2025, this time from El Salvador and from Mexico. He is currently detained at Caroline Detention Facility in Bowling Green, Virginia.

7. Defendant Paul Perry is the Superintendent of Caroline, a county jail that contracts with ICE to detain noncitizens. He is responsible for overseeing Caroline's administration and management. Mr. Perry is Petitioner's immediate custodian. He is sued in his official capacity.

8. Defendant Russell Hott is the Field Office Director of the ICE Enforcement and Removal Operations ("ERO") Washington Field Office ("WAS ICE") and is the federal agent charged with overseeing all ICE detention centers in Virginia, including Caroline. Mr. Hott is a legal custodian of Petitioner. He is sued in his official capacity.

9. Defendant Kristi Noem is the Secretary of Homeland Security. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity.

10. Defendant Pamela Bondi is the Attorney General of the United States. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review ("EOIR") and includes all IJs and the Board of Immigration Appeals ("BIA"). She is sued in her official capacity.

STATEMENT OF FACTS

12. Mr. Vasquez Gonzales was born and raised in El Salvador. He is 28 years old and is not a citizen of any other country. Exhibit A, Declaration of Jerson Vasquez Gonzalez at ¶ 1.

13. At age 10, Mr. Vasquez Gonzales began seeing things that no one else could see, images that terrified him, prevented him from sleeping, and caused him to cut himself with a knife and contemplate suicide as the only means of escape. *Id.* at ¶¶ 2-3. Mr. Vasquez Gonzales' family never took him to the hospital, hoping prayer and religion could exorcise his "demons." ¶ 4.

14. Mr. Vasquez Gonzales' undiagnosed and untreated schizophrenia were not the only threats to his health and safety in El Salvador. Before he left El Salvador in or around 2015, Mr.

Vasquez Gonzales was [redacted] Exhibit B, April 8, 2020, Order of the Immigration Judge Granting Deferral of Removal Under the CAT at page 3. [redacted]

[redacted]

[redacted], he fled to the United States. *Id.*

15. In the United States, Mr. Vasquez Gonzales' delusions, paranoia, and hallucinations continued, leading to his arrest for striking his son's mother while experiencing a psychotic break. *Id.* [redacted]

[redacted] after which Mr. Vasquez Gonsalez spent 19 months in prison. Ex. A at ¶¶ 5-6. The judge in his criminal case was not aware that Mr. Vasquez Gonsalez suffered from schizophrenia. Ex. B at page 3.

16. ICE issued Mr. Vasquez Gonzales a Final Administrative Removal Order on July 08, 2019, pursuant to 8 U.S.C. § 1228(b) and took him into custody not long after. Ex. F, Reasonable Fear Worksheet Excerpts including FARO at page 2 (listing Mr. Vasquez Gonzales' location as Caroline County Facility on July 18, 2019). After Mr. Vasquez Gonzales expressed his fear of persecution and torture in El Salvador, he was found to have a reasonable fear of torture in El Salvador and placed him in withholding-only proceedings. Ex. C December 05, 2025 Order of the Immigration Judge Granting Deferral of Removal Under the CAT at page 2.

17. Because of his severe psychotic symptoms including suicidal ideation, self-injury, and bizarre behavior, Mr. Vasquez Gonzales was found mentally incompetent to represent himself in immigration court and the IJ appointed a Qualified Representative to represent him. *Id.* at page 2, 6-7. As Mr. Vasquez Gonzales and his Qualified Representative prepared for his

first merits hearing, his psychotic symptoms worsened. Ex. B at page 3. Even when receiving treatment, Mr. Vasquez Gonzales displayed severe symptoms and behavior that necessitated his transfer to "specialized" ICE facilities or, when ICE facilities could not treat him, hospitalizations in Virginia, South Carolina, and Florida. *See* Ex. C. at page 7; Ex. A at ¶ 8.

18. On April 08, 2020, the IJ issued a written decision granting Mr. Vasquez Gonzales deferral of removal to El Salvador under the CAT. Ex. B. The IJ held that Mr. Vasquez Gonzales' [redacted] would more likely than not lead to his torture in El Salvador. *Id.* The Department did not appeal, making the IJ's order of deferral final on May 08, 2020. Mr. Vasquez Gonzales estimates he was released from ICE custody in April or May 2020, after nearly 10 months in detention.[1] Ex. A at ¶ 9.

19. Once he was released, Mr. Vasquez Gonzales supported his U.S. citizen son, who was born in 2018. *Id.* at ¶¶ 7, 10. Having remained on good terms with his son's mother and grandmother, Mr. Vasquez Gonzales visited and cared for his son regularly and contributed food, clothes, and other necessities. *Id.* at ¶ 10.

20. But release from ICE custody at the beginning of the global COVID-19 pandemic posed challenges that Mr. Vasquez Gonzales could not overcome. Mr. Vasquez Gonzales attempted to seek mental health help multiple times, but his local mental health clinic in Chesterfield, Virginia was closed due to the pandemic, and he could not navigate the online pharmacy or medication options. *Id.* at ¶ 11. Without his medication, he suffered. *Id.*

[1] This is Mr. Vasquez Gonzales's best estimate as to the time he spent in detention in 2019-2020 as he cannot remember the exact dates of his arrest or his release. Exhibits F and K provide further corroboration for the dates he entered ICE custody in 2019 and again in 2025. *See* Ex. F; Ex. K.

21. Unmedicated, Mr. Vasquez Gonzales's mental health struggles affected other areas of his life. He moved apartments but forgot to register his address as required due to his conviction and was arrested for that violation in or around 2021. *Id.* at ¶12. He was later released, but with a GPS bracelet from both the Virginia court and ICE. *Id.* Then, Mr. Vasquez Gonzales lost his job. *Id.* at ¶13. Without money or medication, he began to hear voices, see demons, and hurt himself again. *Id.*

22. In or around August 2021 Mr. Vasquez Gonzales was hospitalized in Chippenham Hospital after a mental health break. *Id.* In or around September 2021, released from the hospital but still mentally decompensating, Mr. Vasquez Gonzales cut off his GPS monitors. *Id.* at ¶14. The police arrested Mr. Vasquez Gonzales for the final time after finding him in an abandoned home, after which he was convicted of [redacted] *Id.* at ¶15. At the end of his sentence, Mr. Vasquez Gonzales was redetained by ICE. *Id.* at ¶16.

23. Mr. Vasquez Gonzales did not understand why he had been redetained in 2025 after winning his case in 2020. *Id.* In July 2025, the Department filed a motion to reopen proceedings, seeking to terminate his prior grant of deferral of removal to El Salvador and, in the alternative, remove Mr. Vasquez Gonzales to Mexico, a country to which he has no ties. Ex. C at page 2. The IJ reopened Mr. Vasquez Gonzales' proceedings and he applied for deferral of removal to both El Salvador and Mexico. *Id.*

24. On December 5, 2025, an IJ granted Mr. Vasquez Gonzales deferral of removal to both El Salvador and Mexico. *Id.* The Department, once again, did not appeal the IJ's decision.

25. As of this filing, ICE has not explained why it continues to detain Mr. Vasquez Gonzales. It has not told him which additional countries it has identified for third-country removal,

if any. ICE has not asked Mr. Vasquez Gonzale to take any steps to assist in his removal to any third country, and there is no indication what progress—if any—has been made to effectuate any removal. Ex. A at ¶ 17. Meanwhile, Mr. Vazquez Gonzales, now having secured CAT protection from two countries, remains detained and, in his words, confused. *Id.* at ¶17. He remains detained without any sense of how long he will continue to wait for release, though he has a robust plan for support and stability if release is granted. Exhibit E, Post Release Plan.

26. If released from ICE custody, Mr. Vasquez Gonzales will have the support of a team of social services and legal services staff at Amica Center who will help him transition back into his community, comply with any requirements of release, and meet his goals of stability through continued mental health treatment. *Id.* This support includes coordination with Chesterfield probation to ensure Mr. Vasquez Gonzales has transport available to take him to the probation office as soon as he is released to resume complying with his requirements. *Id.* Amica Center social services staff have worked with Mr. Vasquez Gonzales to make concrete plans to connect with housing and mental health resources upon release, plans and resources that simply were not available when he was released in spring of 2020 at the beginning of the global COVID 19 pandemic. *Id.* Mr. Vasquez Gonzales also has the support of friends and family in the area, including his brother, who will provide an additional pillar of support and stability for Mr. Vasquez Gonzales. *See* Exhibit D, Letter of Support; Ex. A at ¶19 (describing the support he gets from his friend William, in addition to his brother). Finally, Mr. Vasquez Gonzales is motivated by his relationship with his young son and will do whatever it takes to support him and remain a present and positive part of his life as he grows up. *See id.* at ¶ 22; Exhibit D, Letter of Support

LEGAL FRAMEWORK

I. Withholding-only Proceedings and Deferral of Removal Under the Convention Against Torture.

27. Noncitizens in immigration removal proceedings can seek three main forms of relief based on their fear of returning to their country of origin: asylum, withholding of removal under the INA, and deferral of removal under the CAT. Whether a non-citizen can apply for asylum, withholding, or deferral depends not only on the characteristics of the individual applicant but also what portion of the immigration statute governs his or her removal proceedings. Unlike other forms of relief, there are no bars on eligibility for deferral of removal under CAT nor is there a discretionary element. 8 CFR § 1208.16(c)(4). A grant of deferral is mandatory if the person would more likely than not be tortured *in the country of removal* by a government official or by criminal groups such as gangs or paramilitaries with government consent or acquiescence. 8 C.F.R. § 1208.16(c)(2) (emphasis added).

28. Removal proceedings, often called "240 proceedings" for the section of the INA defining the process, determines whether a noncitizen is subject to removal and eligible for protection from removal, such as asylum, withholding of removal, or deferral of removal under CAT. 8 C.F.R. § 1240.1 Other noncitizens are placed in "withholding only" proceedings, so called because they are "limited to a determination of whether the alien is eligible for withholding or deferral of removal," and as such, "all parties are prohibited from raising or considering any other issues, including but not limited to issues of admissibility, deportability, eligibility for waivers, and eligibility for any other form of relief." *Johnson* v. *Guzman Chavez,* 594 U.S. 523, 531 (2021) (citing 8 CFR §§ 208.2(c)(3)(i), 1208.2(c)(3)(i)).

29. Noncitizens in withholding only proceedings can fall into two categories. First, people who have previously been ordered removed from the United States but returned and had their prior order "reinstated." *See* 8 U.S.C. § 1231(a)(5), 8 C.F.R. § 241.8. Second, noncitizens, other than lawful permanent residents, whom DHS determines have committed aggravated

felonies. 8 C.F.R. § 238.1(f)(3). These noncitizens are issued a Final Administrative Removal Order (FARO). *Id.* Once DHS issues the FARO, a noncitizen has no statutory right to file an administrative appeal, although the Department can choose to reopen or reconsider a FARO. 8 U.S.C. §§ 103.5; 1228(b)(3).

30. In either scenario, the individual with the reinstated order or the FARO can be expeditiously removed by DHS, without involvement of the immigration courts unless the noncitizen expresses a "reasonable fear of persecution or torture" in his or her country of removal. 8 CFR § 208.31. If the noncitizen passes a subsequent interview with a USCIS officer who deems the noncitizen's fear "reasonable" or if the noncitizen requests and passes an IJ review of a negative USCIS decision, only then can the noncitizen enter withholding-only proceedings in immigration court. *See* 8 C.F.R. §§ 1208.31(e) (requiring asylum officer to refer case to IJ); 1208.2(c)(2) (IJ jurisdiction in referred cases); 1208.16 (withholding only hearings before IJ).

31. In withholding only proceedings, if an IJ grants a noncitizen deferral of removal under CAT, the IJ simultaneously withholds the removal order with respect to the designated country or countries for which the noncitizen has demonstrated he will more likely than not be tortured. Both the noncitizen and DHS have the right to appeal that decision to the BIA within 30 days. *See* 8 C.F.R. § 1003.38(b). If both parties waive appeal or neither party appeals within the 30-day period, the CAT grant is final. *See id.* § 1241.1. Because it does not conclude that a noncitizen is deportable or order deportation, "a CAT order does not disturb the final order of removal" that existed prior to the withholding only proceedings. *Nasrallah v. Barr*, 590 U.S. 573, 582 (2020).

II. Third Country Removal Procedures

32. When a noncitizen has been granted withholding of removal under the INA or deferral of removal under CAT, these are country specific forms of relief that prohibit he United States from removing the individuals to the country or countries of for which they demonstrated the requisite risk of persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A). While ICE is authorized to remove noncitizens ordered removed to a specific country to alternative countries, *see* 8 U.S.C. § 1231(b)(2), the removal statute specifies restrictive criteria for identifying appropriate countries. Noncitizens can be removed, for instance, to the country "of which the [noncitizen] is a citizen, subject, or national"; the country "in which the [noncitizen] was born"; or the country "in which the [noncitizen] resided" immediately before entering the United States. 8 U.S.C. § 1231(b)(2)(D)–(E).

33. When a noncitizen in ICE custody with a final grant of either withholding under the INA or deferral of removal under CAT, the noncitizen's assigned Deportation Officer ("DO") typically sends requests for removal to a random collection of three or more alternative countries. The request typically consists of an email to the country's embassy, with an attached form entitled ICE Form I-241, "Request for Acceptance of Alien." In nearly every case, the embassies either do not respond or they decline the request.

34. As a result, third country removal is exceedingly rare. As the Supreme Court noted in *Johnson v. Guzman Chavez*, in fiscal year 2017, "only 1.6% of [noncitizens] who were granted withholding of removal were actually removed to an alternative country." 594 U.S. at 537. From FY 2020 to FY 2023, according to publicly available data, ICE removed a total of only *five* noncitizens granted withholding or CAT relief to alternative countries. Exhibit G, ICE Removal

Data[2]; *see also Munoz Saucedo v. Pittman*, 789 F. Supp. 3d 387, 398 (D.N.J. 2025). Indeed, in Freedom of Information Act (FOIA) litigation, ICE disclosed a 2024 email from a DO to [contact] stating "lol no I haven't seen a country actually accept a detainee, I'm not even sure if I'd know what to do if they did actually accept." Exhibit H, Deportation Officer Email.

35. If ICE does identify an appropriate alternative country of removal to accept the noncitizen, ICE must provide that individual with additional process prior to effectuating removal to that country. *See Romero v. Evans,* 280 F. Supp. 3d 835, 848 n.24 (E.D. Va. 2017) ("DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise any reasonable fear claims."), *rev'd on other grounds, Guzman Chavez*, 141 S. Ct. 2271; *Jama v. ICE*, 543 U.S. 335, 348 (2005) ("If [noncitizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, *see* 8 CFR §§ 208.16(c)(4), 208.17(a) (2004) . . ."); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (finding that "last minute" designation of alternative country without meaningful opportunity to apply for protection "violate[s] a basic tenet of constitutional due process"); *D.V.D. v. DHS*, No. CV 25-10676-BEM, 2026 WL 521557, at *48 (D. Mass. Feb. 25, 2026) (finding 8 C.F.R. § 1231(b) requires notice and an opportunity to present statutory withholding claims and CAT relief from third countries).

36. The Government itself has repeatedly acknowledged a right to notice and opportunity to seek relief from third country removal, including recently before the U.S. Supreme

[2] For the complete raw data for FY 2020 through FY 2023, visit https://deportationdata.org/data.html and select "Removals (deportations)." Exhibit F excerpts each removal classified under "[5C] Relief Granted - Withholding of Deportation / Removal" or "[5D] Final Order of Deportation / Removal – Deferred Action Granted."

Court. Transcript of Oral Argument at 33, *Riley v. Bondi*, 23-1270 (2025) ("We would have to give the person notice of the third country and give them the opportunity to raise a reasonable fear of torture or persecution in that third country."); *see also* Transcript of Oral Argument at 20–21, *Guzman Chavez* 594 U.S. 523. Specifically, if ICE were to attempt to remove a noncitizen to a country not designated on their removal order and the noncitizen demonstrated the requisite fear of persecution or torture in that country, the noncitizen's removal proceedings should be reopened for the IJ to designate the alternative country of removal and for the noncitizen to apply for any fear-based relief as to that country in withholding-only proceedings. *See Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006–10 (W.D. Wash. 2019); *accord* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1240.10(f); 8 C.F.R. § 1240.11(c)(1)(i).

37. Despite the Government's admissions to the contrary, third country removals in 2025 and 2026 have been characterized by not only a lack of notice but active circumvention of review. Beginning in early 2025 and elucidated in subsequent memos in February and March, DHS instituted a policy of removing or seeking to remove noncitizens to third countries without providing notice or an opportunity to contest that removal if the noncitizen fears persecution or torture in that third country. *See D.V.D. v. DHS*, No. CV 25-10676-BEM, 2026 WL 521557, at *7, 14, 51 FN7 (D. Mass. Feb. 25, 2026). Instead, if the State Department receives credible diplomatic assurances from the third country that the noncitizen will not be persecuted or tortured, DHS does not provide any additional process or oversight. *Id.* at *3. If assurances are not available, DHS issues notice of intent to remove to third country. Upon receiving a third country notice a noncitizen who articulates a fear of torture or persecution in that third country should be provided a third country screening before a USCIS Asylum Officer. Unlike the well-known processes for similar interviews throughout the INA, such as for Reasonable Fear or Credible Fear Interviews,

if the result of the third country fear screening is negative, the Government has maintained there is no mechanism for IJ review. *Cf.* 8 C.F.R. §§ 208.30(a)-(g) (outlining CFI procedure and IJ review), 208.31(a)-(g) (outlining CFI procedure and IJ review). While these policies were temporarily enjoined by the First Circuit, on June 23, 2025, the U.S. Supreme Court, stayed the district court's preliminary injunction without discussion of the underlying claims or merits of the case. *See DHS v. D.V.D.*, No. 24A1153 (S. Ct. Jun. 23, 2025). However, on February 25, 2026, the district court granted summary judgment to plaintiffs in DVD, ruling that Department's third country removal policy violates the INA and due process and ordered vacatur of the policy. *D.V.D. v. DHS*, No. CV 25-10676-BEM, 2026 WL 521557 (D. Mass. Feb. 25, 2026). The decision is stayed for up to 15 days for the Government to seek a stay in the First Circuit. *Id.*

III. Detention of Noncitizens With Final Administrative Orders.

A. Statutory Framework

38. Section 1231 of the INA governs the detention of noncitizens "during" and "beyond" the "removal period." 8 U.S.C. § 1231(a)(2)–(6). The "removal period" begins once a noncitizen's removal order "becomes administratively final," or when the noncitizen enters detention with a final removal order, whichever is later. 8 U.S.C. § 1231(a)(1)(B). The removal period lasts for 90 days, during which ICE "shall remove the [noncitizen] from the United States" and "shall detain the [noncitizen]" as it carries out the removal. 8 U.S.C. § 1231(a)(1)–(2). If ICE does not remove the noncitizen within the 90-day removal period, the noncitizen "*may* be detained beyond the removal period" if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6) (emphasis added). If the removal period is not extended, the noncitizen is released on an Order of Supervision ("OSUP"), subject to conditions of release. 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.5(a)–(b).

39. To avoid "indefinite detention" that would raise "serious constitutional concerns," the Supreme Court in *Zadvydas* construed § 1231(a)(6) to contain an implicit time limit. 533 U.S. at 682. The Court held that § 1231(a)(6) authorizes detention only for "a period reasonably necessary to bring about the [noncitizen]'s removal from the United States." *Id.* at 689. Six months of post-removal order detention is considered "presumptively reasonable." *Id.* at 701.

40. After six months of detention, when the noncitizen provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the government to justify continued detention. *Zadvydas*, 533 U.S. at 701.

B. DHS Regulations

41. DHS regulations provide that, before the end of the 90-day removal period that commences with a final removal order, the local ICE field office with jurisdiction over a noncitizen's detention must conduct a custody review to determine whether the noncitizen should remain detained. *See* 8 C.F.R. § 241.4(c)(1), (h)(1), (k)(1)(i). ICE is required to provide the noncitizen and, if applicable, their counsel with approximately 30 days' notice prior to such custody reviews, to allow an opportunity to submit evidence in support of release. *Id.* § 241.4(d)(3), (h)(2). The regulations further require that custody decisions be provided to counsel. *Id.* § 241.4(d)(3). If the noncitizen is not released following the 90-day custody review, jurisdiction transfers to ICE Headquarters ("ICE HQ"), *id.* § 241.4(c)(2), which must conduct a custody review before or at 180 days. *Id.* § 241.4(k)(2)(ii). In making all custody determinations, ICE considers several factors, including whether the noncitizen is likely to pose a danger to the community or a flight risk if released. *Id.* § 241.4(e). If the factors in § 241.4 are met, ICE must release the noncitizen on an OSUP. *Id.* § 241.4(j)(2).

42. To comply with *Zadvydas*, DHS issued additional regulations in 2001 that established "special review procedures" to determine whether detained noncitizens with final removal orders are likely to be removed in the reasonably foreseeable future. *See* Continued Detention of Aliens Subject to Final Orders of Removal, 66 Fed. Reg. 56,967 (Nov. 14, 2001). While 8 C.F.R. § 241.4's custody review process remained largely intact, subsection (i)(7) was added to include a supplemental review procedure that ICE HQ must initiate when "the [noncitizen] submits, or the record contains, information providing a substantial reason to believe that removal of a detained [noncitizen] is not significantly likely in the reasonably foreseeable future." *Id.* § 241.4(i)(7).

43. Under this procedure, ICE HQ evaluates the foreseeability of removal by analyzing factors such as the history of ICE's removal efforts to any third countries being considered. *See id.* § 241.13(f). If ICE HQ determines that removal is not reasonably foreseeable but nonetheless seeks to continue detention based on "special circumstances," it must justify the detention based on narrow grounds such as national security or public health concerns, *id.* § 241.14(b)–(d), or by demonstrating by clear and convincing evidence before an IJ that the noncitizen is "specially dangerous." *Id.* § 241.14(f).

ARGUMENT

I. Petitioner's Continued Detention Is Unlawful Under *Zadvydas* Because His Removal Is Not Reasonably Foreseeable, and This Court Should Accordingly Order His Immediate Release.

A. Mr. Vasquez Gonzales' removal is not reasonably foreseeable under *Zadvydas*.

44. Mr. Vasquez Gonzales' continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, 533 U.S. 678. Mr. Vasquez Gonzales' FARO—a final removal order that triggered the start of his removal period under 8 U.S.C.

§ 1231(a)(1)(B)(i)—was issued on July 08, 2019. The finality of this order was unaffected by the subsequent withholding only proceedings in 2020 and the IJ's grant of DHS's Motion to Reopen in 2025. Ex. C at 2.[3] Therefore, the combined time Mr. Vasquez Gonzales has spent in detention with a final order is at least 19 months, from July 2019 to April 2020 during his initial withholding only proceedings (9 months) and from April 2025 to March 2026 during his subsequent proceedings (10 months). Ex. A at ¶ 9 (estimating he was released in April 2020); Exhibit K, April 07, 2025 Caroline Detention Facility Medical Intake (stating Mr. Vasquez Gonzales "just arrived").

45. Furthermore, Mr. Vasquez Gonzales' continued detention violates 8 U.S.C. § 1231(a)(6) because his removable is not reasonably foreseeable. He cannot be deported to his home country of El Salvador or to Mexico because of his final CAT relief grants and ICE is unlikely to obtain the required assurances and approvals to remove Mr. Vasquez Gonzales to any other country in the world. *See, e.g., Divafkan v. Lyons,* No. 25-cv-2242, Order at 6, Dkt 11 (E.D. Va. Jan. 20, 2026) (granting immediate release because "this case does not involve delays related to pending withholding-only proceedings or ministerial or administrative processing relative to countries who have consented to accept the Petitioner, but rather diplomatic difficulties in obtaining third-country consent for removal from those countries identified as possible substitutes for Petitioner's home country with no evidence of progress in locating other substitute countries."). In fact, it appears ICE has taken no steps *at all* to identify other countries for Mr. Vasquez Gonzales' removal, let alone begin the difficult process of obtaining assurances

[3] Mr. Vazquez Gonzales' withholding only proceedings were reopened in 2025 upon DHS's motion to "terminate the prior grant of deferral of removal to El Salvador and, in the alternative, to remove the Respondent to Mexico." Ex. C at 2. DHS could have, but declined to, reopen or reconsider the FARO under 8 C.F.R. § 103.5.

and travel documentation. Since he was granted deferral under CAT in December, ICE has not spoken to Mr. Vasquez Gonzales, let alone conducted a custody review or proposed a third country of removal. Ex. A at ¶17.

46. 8 U.S.C. § 1231(a), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for "a period reasonably necessary to bring about the [noncitizen's] removal from the United States." 533 U.S. at 689. Mr. Vasquez Gonzales cannot be deported to El Salvador, the only country of which he is a citizen, because he has a final grant of protection specific to El Salvador. Ex. B, Ex. C. Mr. Vazquez Gonzales cannot be deported to Mexico, the most common country of removal in this uncommon posture of third county removals, because he has a final grant of protection specific to Mexico. Ex. C; Ex G, ICE Removal Data. ICE has not identified any additional countries to which it seeks to remove Mr. Vasquez Gonzales and there is no indication that Mr. Vasquez Gonzales could, in fact, be feasibly removed to *any* country. Based on the data mentioned *supra*, there is less than a 2% chance of deportation to a third country for a noncitizen like Mr. Vasquez Gonzales. Even if ICE does identify such a country, ICE would be legally obligated to 1) inform Mr. Vasquez Gonzales of the identified country and, 2) give Mr. Vasquez Gonzales the opportunity to seek fear-based relief from removal to that country, further prolonging his detention. *See Jimenez v. Crawford,* 25-cv-1199, ECF No. 16 (E.D. Va. Aug. 20, 2025) (finding petitioner provided with notice of third country removal was entitled to IJ review of the asylum officer's negative decision regarding whether he has a reasonable fear of persecution or torture if removed among other procedural protections); *see also Munoz-Saucedo*, 789 F.Supp.3d at 398 (noting that third country removals have "been historically rare" and that the petitioner was entitled to further proceedings to seek fear-based relief, even if a third country for removal were to be found). This process has already played out once for Mr. Vasquez

Gonzalez, and it resulted in 10 additional months of detention and an identical legal result: a legal order prohibiting Mr. Vasquez Gonzales' removal to the countries of removal identified by ICE.

47. Accordingly, Mr. Vasquez Gonzales will not be removed from the United States in the "reasonably foreseeable future" because (1) he cannot be deported to his home country of El Salvador due to his grant of deferral of removal under CAT; (2) ICE has historically managed to remove only a tiny fraction of noncitizens granted withholding or CAT to alternative countries, and that continues to be the current reality; (3) ICE's prior attempts to remove him to the third country of Mexico resulted in him obtaining deferral of removal to Mexico, thus barring his removal there; (4) to his knowledge, ICE has not been able to secure travel documents to another third country; and (5) removing Mr. Vasquez Gonzales to any alternative country would require additional, lengthy proceedings. As such, Mr. Vasquez Gonzales' continued detention violates 8 U.S.C. § 1231(a).

48. This Court has recently ruled for multiple noncitizens whose detention violated 8 U.S.C. 1231(a), even granting release in some cases where post-order detention had not exceeded reached six months. *See Jimenez v. Crawford*, 25-cv-1199, ECF No. 16 (E.D. Va. Aug. 20, 2025).[4] In that case, the noncitizen had been granted protection as to his home country of El Salvador and had been detained for approximately five months without any government evidence that third country removal was imminent. Ex. I. As such, this Court ruled that detention was no longer justified and ordered the noncitizen released immediately. *Id.* In *Serpas v. Simon,* the petitioner was detained for two months post-order this Court granted immediate release because the petitioner sufficiently demonstrated that there "is no significant likelihood of removal in the

[4] The Court issued an oral decision in that matter, attached hereto as Exhibit I (pg. 21–23).

reasonably foreseeable future," rebutting the presumption that his detention was reasonable under *Zadvydas*. 25-cv-02369 ECF No. 15 (E.D. Va Feb. 2, 2026). The Court also granted immediate release to the petitioner in *Constant v. Perry*, where DHS failed to provide evidence pursuant to court order that the petitioner could be "removed to Mexico (or any other third country) in the reasonably foreseeable future." 25-cv-1916, ECF No. 25 (E.D. Va Feb. 2, 2026).

49. This Court should order Mr. Vasquez Gonzales released like the petitioners above because his continued detention is equally unconstitutional. Mr. Vasquez Gonzales has been detained for a combined 19 months, with an underlying FARO, meaning his detention with a final order has far outstripped the presumptively reasonable benchmark of 180 days suggested by *Zadvydas*. *See Zadvydas*, 533 U.S. at 701. Furthermore, ICE has not scheduled a 90-day review for Mr. Vasquez Gonzales following his most recent grant of deferral of removal in December 2025; in fact, ICE has not spoken to him at all in the nearly 90 days since he won his case. Ex. A at ¶17. Because Mr. Vasquez Gonzales has shown good reason to believe that his removal is not reasonably foreseeable, the government bears the burden to demonstrate that there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. The government cannot make this showing.

50. As noted *supra*, the chances of removing individuals with withholding of removal under the INA or deferral of removal under the CAT to a third country are incredibly low. In this case, ICE has failed to even identify an additional potential third country for removal to Mr. Vasquez Gonzales. Recently, this Court made a finding of no significant likelihood of removal where Mexico has been proposed but planning for removal was still in "nascent stages" and it was unclear whether the government had even obtained Mexico's affirmative assent to accept the petitioner. *See Serpas v. Simon,* 25-cv-02369 ECF No. 15 (E.D. Va Feb. 2, 2026); *see also*

Ambrosi v. Warden, Folkston Ice Processing Center, No. 5:25-cv-13, 2025 WL 2772500, at *1 (S.D. Ga. Sep. 29, 2025) (no significant likelihood of removal where DHS had not even identified a third country); *Conchas-Valdez v. Casey*, No. 25-cv-02469, 2025 WL 2884822, at *3 (S.D. Cal. Oct. 6, 2025) (no significant likelihood of removal when the government could not "even offer any suggestion of a timeline for when removal will occur.")

51. Even if a third country is identified—technically it would be a fourth country as ICE's attempt to remove Mr. Vasquez Gonzales to the third country of Mexico was blocked by the IJ—ICE would still need to take other steps to effectuate that removal, including obtaining the country's approval to accept Mr. Vasquez Gonzales, potentially arranging an interview for Mr. Vasquez Gonzales with officials of that third country, and obtaining travel documentation for Mr. Vasquez Gonzales. *See e.g. Divafkan v. Lyons,* No. 25-cv-2242, Order at 6, Dkt 11 (E.D. Va. Jan. 20, 2026) (noting "diplomatic difficulties" of obtaining third country assurances); *see also Manago v. Carter*, 25-cv-3183, 2025 WL 2841209, at *2 (D. Kan. Oct. 7, 2025) (noting the need for identified countries to respond to requests for third country removal); *Tran v. Baker,* 2025 WL 2085020, at *1–2 (D. Md. July 24, 2025) (noting scheduled interview with officials of foreign government); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025) (noting need for travel documents); *Tran v. Scott*, No. 2:25-cv-01886, 2025 WL 2898638, at *4 (W.D. Wash. Oct. 12, 2025) (same); *Liu v. Carter*, 25-cv-3036, 2025 WL 1696526, at *2 (D. Kan. June 17, 2025) (same).

52. Given this reality, it strains credulity to think that ICE will be able to remove Mr. Vasquez Gonzales to some arbitrarily chosen third country, as many countries have recently and repeatedly declined to accept the deportation of similarly situated individuals. Like other

individuals recently released under similar circumstances,[5] Mr. Vasquez Gonzales is not a citizen of, has never lived in, and has no connection to *any* country besides El Salvador, to which he won deferral of removal under CAT because of his unique and extreme vulnerabilities. *See* Ex. B; Ex. C. Many of these vulnerabilities, [redacted] supported the 2025 grant of deferral of removal to Mexico. Ex. C.

53. Even in the highly unlikely scenario that an alternative country notifies ICE of its willingness to accept Mr. Vasquez Gonzales—and not accounting for the additional logistics of obtaining travel documents to that country—ICE would still have to give Mr. Vasquez Gonzales an opportunity to seek fear-based protection with respect to that country. *See* 8 C.F.R. § 241.8(e); *Santamaria Orellana v. Baker*, No. 25-cv-1788-TDC, 2025 WL 2444087, at *8 (D. Md. Aug. 25, 2025) (noting the requirement for an interview after a noncitizen expresses fear of a third country) (citing *Tomas-Ramos v. Garland*, 24 F.4th 973, 977 (4th Cir. 2022); *Manago*, 2025 WL 2841209, at *2 (noting that third country removal is not possible if the petitioner has a credible fear of return to that country); . *D.V.D. v. DHS*, No. CV 25-10676-BEM, 2026 WL 521557, at *48 (D. Mass. Feb. 25, 2026) (8 C.F.R. § 1231(b) requires notice and an opportunity to present statutory withholding claims and CAT relief from third countries).

54. Mr. Vasquez Gonzales fears deportation to many countries based on [redacted] If ICE proposes a third country of removal and Mr. Vasquez Gonzales is afraid he will be persecuted or tortured in that country, he is by law entitled to an opportunity to put forward the facts and conditions underpinning his fear. If an Asylum Officer ("AO") were to find that Mr.

[5] *See, e.g., Iakubov v. Figueroa*, 2025 WL 2731355 (D. Az. Sep. 25, 2025); *Zhuzhiashvili v. Carter*, 2025 WL 2803341 (D.Ks. Oct. 1, 2025); *Conchas-Valdez*, 2025 WL 2884822, at *3; *Zhuzhiashvili v. Carter,* No. 25-cv-3189, 2025 WL 2837716, at *3 (D. Kan. Oct. 7, 2025).

Vasquez Gonzales demonstrated the requisite possibility of persecution or torture, he would seemingly face two possibilities. First, he could go through additional proceedings (his third) before an IJ in which he would seek to demonstrate his eligibility for fear-based relief, in regard to the identified third country. This would place Mr. Vasquez Gonzales back at the starting line for a judicial process he has already navigated, litigated, and prevailed in *twice* before. Alternatively, ICE could attempt to avoid further proceedings before an IJ by pivoting and beginning a new search for yet *another* third country to which to send Mr. Vazquez Gonzales. Either scenario constitutes the exact kind of bureaucratic Droste effect that *Zadvydas* construed the INA to avoid.[6]

B. This Court Should Order Mr. Vasquz Gonzales' Immediate Release.

55. Release is the most common and appropriate remedy for a *Zadvydas* violation. 533 U.S. at 700–01 (describing release as an appropriate remedy); 8 U.S.C. § 1231(a)(6) (authorizing release "subject to . . . terms of supervision"); *Serpas v. Simon*, 25-cv-02369 ECF No. 15 (E.D. Va Feb. 2, 2026) (ordering immediate release for a noncitizen whose two-month detention violated 8 U.S.C. § 1231); *Jimenez v. Crawford*, 25-cv-1199, ECF No. 16 (E.D. Va. Aug. 20, 2025) (ordering immediate release where there was no indication that Mexico or another third country would accept the petitioner); *Constant v. Perry*, 25-cv-1916, ECF No. 25 (E.D. Va Feb. 2, 2026) (finding a due process violation under *Zadvydas* and ordering immediate release where ICE took no steps to remove petitioner to stated third country of Mexico); *Montezano Martinez v. Perry*, 25-cv-02274

[6] The risk of repeated due process violations under the third country removal policy is especially high for noncitizens like Mr. Vasquez Gonzales who have had their final removal orders withheld or deferred because they are vulnerable to persecution and torture. *D.V.D. v. DHS*, at *43 ("From the beginning, DHS's third-country removal policy has targeted these individuals, many of whose personal characteristics make them targets of persecution and oppression around the globe. Indeed, the starting point for this entire case was DHS's February Directive, which featured a section titled, 'Aliens Granted Withholding of Removal or CAT Protection.'")

ECF No. 22 (E.D. VA Feb. 6, 2026) (ordering immediate release where petitioner was detained for more than eleven months post-order and respondents could not rebut the showing that there was no significant likelihood or removal to a third country in the reasonably foreseeable future).[7]

56. To order Mr. Vasquez Gonzales' immediate release, this Court need only determine that his removal is not reasonably foreseeable under *Zadvydas*. This Court need not analyze whether Mr. Vasquez Gonzales poses a danger to the community or a flight risk—though he does not. *Zadvydas*, 533 U.S. at 699–700 ("[I]f removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute."); *Munoz-Saucedo,* 789 F.Supp.3d at 400 ("[N]othing supports the argument that danger to the community is a relevant factor to consider in conducting a *Zadvydas* analysis."); *see also* Ex. E, Post Release Plan.

57. *Zadvydas* explicitly held that flight risk is already baked into the reasonable foreseeability analysis. 533 U.S. at 690 (observing that the "justification . . . [of] preventing flight . . . is weak or nonexistent where removal seems a remote possibility at best"). The *Zadvydas* Court also held that dangerousness cannot unilaterally justify indefinite civil detention barring "special circumstances." *Id.* at 691; *see also Kansas v. Hendricks*, 521 U.S. 346, 358 (1997) ("A finding of dangerousness, standing alone, is ordinarily not a sufficient ground upon which to justify indefinite involuntary [civil detention].").

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[7] These Eastern District of Virginia rulings align with other federal court grants of release where removal to a third country is not reasonably foreseeable under *Zadvydas*. *See Munoz-Saucedo,* 789 F. Supp. 3d at 400 (ordering release under appropriate conditions where re-detained noncitizen's removal was not reasonably foreseeable); *Cordon-Salguero v. Noem*, No. 25-cv-1626, at 38 (D. Md. June 18, 2025)[7] (ordering release where re-detained noncitizen's removal was not reasonably foreseeable); *Tadros v. Noem*, No. 25-cv-4108, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (order to show cause why noncitizen should not be released when there was no likelihood of reasonably foreseeable removal); *Ali v. DHS*, 451 F. Supp. 3d 703, 710 (S.D. Tex. 2020) (ordering release under appropriate conditions pursuant to *Zadvydas*); *Manson v. Barr*, No. 3:20-cv-133, 2020 WL 3962235, at *3 (M.D. Fla. July 13, 2020) (same); *Hassoun v. Sessions*, No. 18-cv-586, 2019 WL 78984, at *8 (W.D.N.Y. Jan. 2, 2019) (same).

58. To the extent this Court considers any factors outside of the foreseeability of Petitioner's removal—which it need not do—Mr. Vasquez Gonzales has significant equities that warrant release. He has strong ties in Virginia, including his son and his brother. Ex. A, Exhibit D, Letter of Support. Mr. Vasquez Gonzales will also have robust support from family and professionals to help him meet both his requirements and goals once he is released. Exhibit E, Post Release Plan (drafted by Amica Center Social Services Senior Case Manager). In his own words, Mr. Vasquez Gonzales respectfully requests "the Court to allow me to be free in this country so that I can achieve my goals, help my family, and most of all help my son, who I love with my whole heart." Ex. A at ¶ 24. In any case, "the [noncitizen]'s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances." *Zadvydas*, 533 U.S. at 700.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF 8 U.S.C. § 1231(a)(6)
Prolonged Detention

59. Mr. Vasquez Gonzales realleges and incorporates by reference the paragraphs above.

60. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for "a period reasonably necessary to bring about the alien's removal from the United States." 533 U.S. at 689, 701. The Supreme Court construed that presumptively reasonable time period to be six months.

61. Mr. Vasquez Gonzales has been in post-removal order detention for well over six months. Due to his ICE issued FARO, the two additional grants of deferral of removal under CAT to both El Salvador and Mexico, and the unlikelihood of third country removal, his removal is not

reasonably foreseeable. His continued detention thus violates 8 U.S.C. § 1231(a)(6), and he must be immediately released.

COUNT II

VIOLATION OF FIFTH AMENDMENT'S DUE PROCESS CLAUSE
Third Country Removal

62. Mr. Vasquez Gonzales incorporates by reference all of the facts and allegations set forth in the preceding paragraphs.

63. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law. This protection extends to all persons in the United States, including immigration detainees. *Zadvydas*, 533 U.S. at 693. Where the government seeks to remove a person, due process requires, at a minimum, notice and a meaningful opportunity to be heard.

64. Mr. Vasquz Gonzales holds a grant of deferral of removal under CAT, not only to El Salvador but also to Mexico. DHS has not proposed another country to remove Mr. Vasquez Gonzales to but, if they did, due process requires that he not only have notice of what country he might be removed to but a chance to express any fear of persecution or torture to an AO in a fear interview and the option of IJ review of that interview. *See D.V.D. v. DHS*, No. CV 25-10676-BEM, 2026 WL 521557, at *48 (8 C.F.R. § 1231(b) requires notice and an opportunity to present statutory withholding claims and CAT relief from third countries).

65. This Court has recently ordered the Government to provide for IJ review of a petitioner's removal to a third country not identified his or her removal order. *See* Civ. No. 1:25-cv-2359, Dkt. No. 17, Order (E.D. Va. Jan. 6, 2026) (Trenga, J.); *Serpas v. Simon*, 25-cv-02369 ECF No. 15 (E.D. Va Feb. 2, 2026) (as matter of procedural to process petitioner at risk of third

country removal is entitled to immigration judge review of his negative fear determination as described in the regulations governing the analogous context. 8 C.F.R. §§ 208.31, 1208.31).

66. Therefore, this Court should order Mr. Vasquez Gonzales' release from custody and/or enjoin his removal to any third country until a fear interview process has been fully and lawfully concluded and he has been afforded adequate procedural protection, including review by an IJ.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Grant a writ of habeas corpus pursuant to 28 U.S.C. § 2241;

c. Declare that his detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001);

d. Order his immediate release, subject to any appropriate conditions, in addition to return of all Petitioner's personal property;

e. Order that Respondents and their and all of their officers, agents, and employees, are enjoined from removing Petitioner from the United States unless (1) he has first received review by an Immigration Judge, pursuant to 8 C.F.R. § 208.31(g), of any United States Citizenship and Immigration Services asylum officer's negative decision regarding whether he has a reasonable fear of persecution or torture if removed to a third country; and (2) all other requirements of 8 C.F.R. § 208.31(g) have been satisfied; and

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

Dated: March 3, 2026 Respectfully submitted,

/s/ Katherine S. Conway
Katherine Conway
VA Bar No. 93445
Amica Center for Immigrant Rights
1025 Connecticut Ave. NW, Ste. 701
Washington, DC 20036
Tel: (202) 793 5287
Fax: (202) 331-3341
Katherine.conway@amicacenter.org

Pro Bono Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I or my colleagues have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 3, 2026

Respectfully submitted,

/s/ Katherine Conway
Katherine Conway

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

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

Paul Perry, Warden
Caroline Detention Facility
P.O. Box 1460
Bowling Green, VA 22427

Russell Hott, Field Office Director
U.S. Immigration and Customs Enforcement, Washington Field Office
c/o DHS Office of the General Counsel
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

Kristi Noem, Secretary
U.S. Department of Homeland Security
c/o DHS Office of the General Counsel
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Erik S. Siebert, U.S. Attorney
c/o Civil Process Clerk
Eastern District of Virginia, Alexandria Division
2100 Jamieson Avenue
Alexandria, VA 22314

Dated: March 3, 2026

Respectfully submitted,

/s/ Katherine Conway
Katherine Conway

Pro Bono Counsel for Petitioner

EXHIBIT LIST

Exhibit A	Declaration of Jerson Vasquez Gonzales
Exhibit B	April 08, 2020 Order of Immigration Judge Granting Deferral of Removal under CAT
Exhibit C	December 05, 2025 Order of the Immigration Judge Granting Deferral of Removal under CAT
Exhibit D	Letter of Support, Jorge Villareal Gonzalez, brother of Mr. Vazquez Gonzales
Exhibit E	Post Release Plan
Exhibit F	Reasonable Fear Worksheet Excerpts, including Final Administrative Removal Order
Exhibit G	Third Country Removal Data
Exhibit H	Deportation Officer Email Regarding Third Country Removals
Exhibit I	Transcript of Hearing and Oral Decision in *Jimenez v. Crawford*, 1:25-cv-1199 (E.D. Va. Aug. 20, 2025)
Exhibit J	Transcript of Oral Decision in *Cordon-Salguero v. Noem*, 1:25-cv-1626 (D. Md. June 18, 2025)
Exhibit K	April 07, 2025 Caroline Detention Facility Medical Intake