

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

FARHAN ISSA,

Petitioner

v.

WARDEN OF FOLKSTON D Ray ICE
PROCESSING CENTER, *in their official capacity*;
KRISTEN SULLIVAN, *in her official capacity as
Acting Field Office Director for Immigration and
Customs Enforcement, Enforcement and Removal
Operations, Atlanta Field Office*; KRISTI NOEM,
*in her official capacity as Secretary of Homeland
Security*; PAMELA J. BONDI, *in her official
capacity as United States Attorney General*,
Respondents.

Civil Action No. 5:26-tc-05000

HEARING REQUESTED

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

1. Petitioner Farhan Issa ("Petitioner" or "Mr. Issa") is a stateless Palestinian national, who is currently detained at Folkston D Ray ICE Processing Center. He has been in the custody of U.S. Immigration & Customs Enforcement (ICE) for over 20 months, since approximately June 26, 2024.

2. Mr. Issa was ordered removed by the Annandale Immigration Court in Annadale, Virginia, on December 5, 2024. He did not appeal this order, and it became final on January 7, 2025.

3. Mr. Issa was already in ICE custody at that time. Since then, ICE has continued to prove unable to effectuate Mr. Issa's removal. Mr. Issa has now been detained for more than fourteen months post-order, awaiting deportation, and because he is classified as stateless, there is no significant likelihood that he will be removed in the reasonably foreseeable future.

4. Mr. Issa's post-removal order detention has become unconstitutionally prolonged under the framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001). He therefore challenges his prolonged and indefinite detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the U.S. Constitution.

5. Mr. Issa respectfully requests that this Court grant him a Writ of Habeas Corpus, ordering Respondents to release him from custody.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I, sec. 9, cl. 2 of the U.S. Constitution (Suspension Clause), as Mr. Issa is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

7. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018), the Supreme Court again upheld the federal courts' jurisdiction to review such claims.

8. Venue is proper in the Southern District of Georgia, Waycross Division, pursuant to 28 U.S.C. § 1391 because Mr. Issa is detained at the Folkston ICE Processing Center in Folkston, Georgia, which is located in the district, and because a substantial part of the events or omissions giving rise to this action occurred in this district.

PARTIES

9. Petitioner Farhan Issa is a stateless Palestinian, currently detained by Respondents at the Folkston D Ray ICE Processing Center. An immigration judge ("IJ") ordered him removed

to the State of Palestine¹ or Jordan on December 5, 2024. Mr. Issa has now been continuously detained by the Respondents since approximately June 26, 2024, for over twenty months, since his entry to the United States and fourteen months following his removal order.

10. Respondent Warden of Folkston D Ray ICE Processing Center (“Folkston”) is sued in their official capacity. Folkston is operated privately by GEO Group that contracts with ICE, via an intergovernmental services agreement with Charlton County, Georgia, to detain noncitizens. The Warden of Folkston oversees the facility’s administration and management. They are Mr. Issa’s immediate and legal custodian.

11. Respondent Kristen Sullivan is the Acting Field Office Director for the ICE Enforcement and Removal Operations at the Atlanta Field Office. The ICE Atlanta Field Office has jurisdiction over ICE detention facilities in Georgia, including Folkston, and thus is Mr. Issa’s immediate custodian. She is sued in her official capacity.

12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of immigration laws. As such, Secretary Noem is the ultimate legal custodian of Mr. Issa. She is sued in her official capacity.

13. Respondent Pamela J. Bondi is the Attorney General of the United States. Attorney General Bondi oversees the immigration court system, including the immigration judges who conduct bond hearings as her designees. She is sued in her official capacity.

STATEMENT OF FACTS

14. Mr. Issa has been detained continuously for over 20 months, since June 26, 2024.

¹ According to U.S. law, Mr. Issa is classified as stateless because the United States does not recognize Palestine as a state. Compare “Independent States in the World,” U.S. DEP’T OF STATE, <https://www.state.gov/independent-states-in-the-world> (last visited Mar. 12, 2026), with “Palestinian Territories,” U.S. DEP’T OF STATE, <https://www.state.gov/countries-areas/palestinian-territories/> (last visited Mar. 12, 2026). He also not a citizen or a resident of Jordan, or any other country. Therefore, despite the removal order listing Jordan as an alternative, Jordan is not obligated to accept him.

He has had a final removal order since January 7, 2025—over 14 months—yet ICE has been unable to remove him and likely will remain unable to do so.

15. Mr. Issa was born and raised in Nablus, Palestine. Declaration of Farhan Issa at ¶ 1 (hereinafter “Exhibit 1”). ICE classifies him as “stateless.”

16. Mr. Issa has never been convicted of a crime.

17. He arrived in the United States on June 26, 2024 on a nonimmigrant B1/B2 visa. *Id.* at ¶ 3. He arrived with his Palestinian passport and his Palestinian state identification card. *Id.*; Petitioner’s Palestinian Passport (hereinafter, Exhibit 7). That same day, he was detained at the Dulles International Airport. Officers seized his passport and ID at that time. *Id.* at ¶ 4.

18. Mr. Issa was placed in removal proceedings around July 2024, upon his arrival in the U.S. He was initially taken into CBP custody, at which time Mr. Issa informed CBP that he was unable to go back to Palestine because he fears persecution upon his return to Palestine. Approximately one month after being detained by CBP, ICE issued a Notice to Appear and placed him in removal proceedings. He was not granted bond.

19. Mr. Issa then pursued his asylum claim while detained. On December 4, 2024, an IJ denied his application and ordered him removed to Palestine, or in the alternative, Jordan. IJ Removal Order (Dec. 4, 2024) (hereinafter, Exhibit 2). Mr. Issa did not appeal this removal order. *Id.*; *see also* EOIR Case Status (hereinafter, Exhibit 6). Mr. Issa is not a citizen of Jordan, nor does he hold any legal status in Jordan. Mr. Issa did not file an appeal.

20. Mr. Issa remains in continuous ICE custody as of the filing of this Petition.

21. Through his attorneys, Mr. Issa has submitted multiple requests to ICE to be released. His immigration attorney submitted a request more than 180 days after he was ordered removed; however, ICE never responded. *See* Email from Attorney Mohammed Ibrahim to ICE on June 19, 2025 (hereinafter, Exhibit 3); *see also* Exhibit 1 at ¶ 7.

22. Most recently, on February 24, 2026, his attorney Alizeh Sheikh sent an email to ICE at Folkston.Outreach@ice.dhs.gov to inquire about Mr. Issa's deportation status. Email to Folkston ICE (hereinafter, Exhibit 4). The following day, ICE sent the following cursory response: "He has been approved for removal and now we must wait for a flight to be scheduled." *Id.*

23. On information and belief, despite the existence of a removal order since December 2024, Respondents have made no attempt to remove Mr. Issa, despite having custody of Mr. Issa's Palestinian passport and Palestinian state identification card.

24. Mr. Issa remains detained by ICE at Folkston. ICE Online Detainee Locator (hereinafter, Exhibit 5).

25. Mr. Issa has in no way tried to impede his removal. In fact, Mr. Issa has been cooperative with ICE officers from the moment he was detained.

26. At Folkston, it is customary for ICE officers to conduct weekly rounds of the detainees within their "pods." Exhibit 1 at ¶ 9. The officers arrive with a list of names that they call to take detainees into post-order custody reviews. *Id.*

27. The visiting ICE officers have not brought Arabic interpreters with them, so Mr. Issa has relied on other ICE detainees with command of Arabic and English to interpret for him when speaking to the visiting ICE officers. *Id.* at ¶ 10.

28. Mr. Issa has not been called upon for any post-order administrative custody reviews. *Id.* at ¶ 11. Upon information and belief, Mr. Issa does not believe any such review has been carried out.

29. Instead, he has affirmatively approached ICE officers on more than one occasion during the officers' weekly visits to Folkston to request information about the plan for his removal. *Id.* at ¶ 12.

30. About five to six months before the filing of this Petition, Mr. Issa asked a visiting

ICE officer for information about ICE's efforts to remove him. *Id.* at ¶ 12(a). The officer responded that he had no information about Mr. Issa's case, and that the officers were waiting for an order from Washington with respect to the plan for his deportation. *Id.*

31. About one month later (roughly four months before the filing of this Petition), Mr. Issa asked another visiting ICE officer for information about his case. *Id.* at ¶ 12(b). The ICE officer responded by asking Mr. Issa for his country of origin. Mr. Issa responded that he is from Palestine. In response, the ICE officer stated that because Mr. Issa is from Palestine, he is "not going anywhere." *Id.*

32. If released from detention, Mr. Issa would reside in Baltimore, Maryland.

33. If released, Mr. Issa plans to comply with all conditions of release, as well as to work if and when he is authorized to do so.

34. The government has long had difficulty in deporting stateless Palestinians, because the Palestinian Authority does not have control over its borders, and all Palestinians, including deportees attempting to enter Palestine, must obtain permission from the Israeli government. *See USCIS Resource Information Center: Palestine* (March 9, 2026), <https://www.uscis.gov/archive/resource-information-center-palestine-0> ("Bearers of Palestinian passports do not need special exit permits from the [Palestinian Authority ("PA")], but do require reentry permits. ... This has sometimes resulted in Palestinians being unable to leave or to enter Israel...The PA does not control its borders. All persons entering PA-controlled areas must be granted permission by Israel."); *see also Fadwa v. Lyons*, No. 25-cv-03660-PAB, 2025 U.S. Dist. LEXIS 254848, at *16-17 (D. Colo. Dec. 9, 2025) (ordering release of stateless Palestinian habeas petitioner where Israel had not responded to requests from ICE to deport him to Palestine and the government did not show that petitioner was similarly situated to other stateless Palestinians who they had allegedly removed to Palestine via Israel); *Abuelhawa v. Noem*, No. 4:25-cv-04128, 2025

U.S. Dist. LEXIS 203959, at *22 (S.D. Tex. Oct. 16, 2025) (ordering release of stateless Palestinian habeas petitioner where the government was unable to show that Jordan, Israel, or Palestine had agreed or was able to receive petitioner).

35. DHS does not keep accurate statistics of the number of stateless Palestinians it holds in detention or the number of stateless Palestinians it departs. DHS records indicate that from Fiscal Year 2021 to Fiscal Year 2024 it detained 233 individuals for whom citizenship is listed as “unknown.”² During that same period, DHS reported deporting 29 individuals whose citizenship is listed as “unknown.”³ According to DHS, “[a]n ‘Unknown’ Country indicates the non-citizen failed or refused to identify a country of citizenship or the officer lacked documentation to do so; these noncitizens can include those that were born in Palestine, West Bank or the Gaza strip and are considered Stateless.”⁴ This data indicates that *at the most* the government was only able to remove 29 detained Palestinians from the United States between Fiscal Years 2021 to 2024.

36. Due to the ongoing war between the United States, Israel, and Iran, travel to the Middle East has been severely disrupted, with airspace being closed in several countries and thousands of flights cancelled.⁵ U.S. officials urged travelers to postpone all travel and evacuate several countries in the Middle East, including, Israel, Jordan, and Palestine.⁶

² See U.S. Immigration and Customs Enforcement Administrative Arrest Statistics, <https://www.ice.gov/statistics> (March 9, 2026).

³ See U.S. Immigr. & Customs Enf’t, Fiscal Year 2024 Annual Report 23-34 (2024), available at <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf> at p. 102.

⁴ Id at 97

⁵ See Gwyn Topham and Callum Jones, Thousands of flights cancelled as world faces worst travel chaos since Covid crisis, *The Guardian* (Mar 2, 2026) <https://www.theguardian.com/world/2026/mar/02/flights-cancelled-middle-east-travel-chaos-us-israeli-iran-conflict>; Reuters, *Airlines cancel more flights as Middle East conflict escalates* (Feb 28, 2026), <https://www.reuters.com/business/aerospace-defense/airlines-cancel-flights-after-us-israel-strikes-iran-2026-02-28/>.

⁶ The Associated Press, *The Iran war has upended flights across the Middle East. Here’s what travelers should know* (Mar 4, 2026), <https://www.wowt.com/2026/03/04/iran-war-has-upended-flights-across-middle-east-heres-what-travelers-should-know/>.

LEGAL FRAMEWORK

37. 28 U.S.C. § 2243 requires courts to either grant a habeas petition or issue an order to show cause to respondents, unless the petitioner is not entitled to relief. If ordered to show cause, Respondents must file a response within three days absent good cause for needing additional time, not to exceed twenty days. 28 U.S.C. § 2243.

38. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

39. “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 [of the Fifth Amendment] protects.” *Id.* at 690.

40. 8 U.S.C. § 1231 governs the detention and removal of noncitizens, like Mr. Issa, who have a final removal order and are awaiting removal from the United States. Section 1231(a)(1) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-day period is known as the “removal period” and generally starts once an administratively final removal order has been entered. See 8 U.S.C. § 1231(a)(1)(B).

41. Those who are not removed within the 90-day removal period “shall” be released under conditions of supervision, such as periodic reporting and other reasonable restrictions. See 8 U.S.C. § 1231(a)(3).

42. The government “may” continue to detain certain noncitizens beyond the 90-day removal period if they are a danger to the community or are a flight risk. 8 U.S.C. § 1231(a)(6). However, this authority is necessarily limited by the Constitution. *See Zadvydas*, 533 U.S. at 678. The justification of preventing a noncitizen’s flight is weak or nonexistent where removal is not

foreseeable, and detention based on dangerousness is only permissible “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 690.

43. Indefinite detention of a noncitizen following a final order of removal violates the Due Process Clause absent a “special justification” that outweighs an individual’s “constitutionally protected interest in avoiding physical restraint.” *Id.* at 689–90. In the civil immigration context, the only permissible justifications for a noncitizen’s civil detention are preventing flight and protecting the community from danger, yet these justifications are not constitutionally boundless. *Id.* at 690–91.

44. In *Zadvydas*, the Supreme Court held that 8 U.S.C. § 1231(a)(6), when “read in light of the Constitution’s demands, limits [a noncitizen]’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at 689. In determining a period reasonably necessary to effectuate removal, the Court adopted a “presumptively reasonable period of detention” of 6 months, inclusive of the 90-day removal period. *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.” *Id.* Thus, after 6 months, the Government bears the burden of disproving a detained person’s “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Clark v. Suarez Martinez*, 543 U.S. 371, 386 (2005) (granting habeas relief to Cuban petitioners whose detention lasted beyond 6 months post-removal order and whose removal to Cuba was not reasonably foreseeable); *see also Adu v. Bickham*, No. 7:18-CV-103-WLS-MSH1, 2018 U.S. Dist. LEXIS 207632 (M.D. Ga. Dec. 10, 2018) (R&R recommending release under *Zadvydas*).

45. A noncitizen who has been detained beyond the presumptive 6-month period should be released if the Government is unable to present documented confirmation that removal is likely

to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386; *see also McKenzie v. Gillis*, No. 5:19-cv-139-KS-MTP, 2020 U.S. Dist. LEXIS 169305, at *7 (S.D. Miss. July 30, 2020) (“Six months have passed since [the ICE Deportation Officer] stated that Petitioner’s removal was imminent. Yet, Petitioner remains in ICE custody, and nothing in [the Supervisory Detention and Deportation Officer’s] declaration demonstrates that Petitioner will be removed anytime soon. Neither ICE’s belief that Petitioner will be removed, nor the information provided by Respondent satisfy the Government’s burden to rebut Petitioner’s showing that he will not be removed in the foreseeable future.”), report and recommendation adopted, *McKenzie v. Gillis*, No. 5:19-CV-139-KS-MTP, 2020 U.S. Dist. LEXIS 168544, at *1 (S.D. Miss. Sep. 15, 2020).

46. Under *Zadvydas*, a detained noncitizen need not show that their removal is “impossible,” but rather that it is unlikely within the reasonably foreseeable future. A claim by the government that “good faith efforts to effectuate... deportation continue” is insufficient to justify an individual’s continued detention after the presumptively reasonable six-month period. *Zadvydas*, 533 U.S. at 702; *see also Ambrosi v. Warden, Folkston ICE Processing Ctr.*, No. 5:25-cv-13, 2025 U.S. Dist. LEXIS 191893, at *3 (S.D. Ga. Sep. 29, 2025) (“The Magistrate Judge did not conclude that Ambrosi’s removal to a third country is impossible, only that Ambrosi meets the *Zadvydas* standard, namely that Ambrosi has shown that he has been in post-removal proceedings for longer than the presumptively reasonable six-month period and that his removal to a third country is not significantly likely to happen in the reasonably foreseeable future. Thus, Ambrosi’s continued detention is no longer authorized by statute.”).

47. In this Circuit, a noncitizen subject to post-removal period detention can assert a claim under *Zadvydas* by showing: (1) detention beyond six months, and (2) “good reason to believe that there is no likelihood of removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002); *see also Ambrosi v. Warden, Folkston ICE*

Processing Ctr., No. 5:25-cv-13, 2025 U.S. Dist. LEXIS 193840 (S.D. Ga. Aug. 18, 2025).

48. The Due Process Clause requires that the deprivation of Mr. Issa's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests . . . unless the infringement is narrowly tailored to serve a compelling state interest"). As the Supreme Court held in *Zadvydas*, indefinite Detention raises a "serious constitutional problem" and runs afoul of the Due Process Clause. *Zadvydas*, 533 U.S. at 690.

49. Even where removal may be reasonably foreseeable, detention violates the Due Process Clause unless it is "reasonably related" to the government's purpose of preventing danger or flight risk. *See id.* at 700 ("[I]f removal is reasonably foreseeable, the habeas court should consider the risk of the [non-citizen]'s committing further crimes as a factor potentially justifying confinement within that reasonable removal period"), and at 690-91 (discussing relevant factors for continued detention being preventing flight and mitigating danger to the community). ICE's own implementing regulations dictate that in the post-removal order period, the government must determine whether continued detention is justifiable based on flight risk or danger, and if not, provide for release. *See* 8 C.F.R. § 241.13(g)(2); 8 C.F.R. § 241.4. The regulations also require that the determination made under this section must be provided to the detainee in writing. 8 C.F.R. § 241.4(d).

50. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699-700 (explaining that supervised release is the appropriate relief when "the detention in question exceeds a period reasonably necessary to secure removal" because at that point, detention is "no longer authorized by statute"). Supervised release is also the remedy prescribed in the INA for individuals who the government is unable to remove within the 90-day removal period. 8 U.S.C. § 1231(a)(3).

51. Mr. Issa's detention fits squarely within the *Zadvydas* framework. His removal order was issued by the Immigration Judge on December 5, 2024. *See* Exhibit 2. Mr. Issa did not appeal this decision, and so the Immigration Judge's decision became an administratively final removal order when the period to file an appeal lapsed on January 7, 2025. *Id.* Because over 90 days have passed since January 7, 2025, Mr. Issa is being detained pursuant to post-order detention under 8 U.S.C. § 1231(a)(6), and his claim is ripe for court review.

52. “[F]or detention to remain reasonable, as the period of post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas v. Davis*, 533 U.S. at 701.

53. Respondents have had over fourteen months to try to remove Mr. Issa since his removal order became final and have failed to do so. Respondents confiscated Mr. Issa's Palestinian travel document and his national ID card when he was detained. Exhibit 1 at ¶ 4. They have not requested any further documentation from Mr. Issa, nor have they indicated that they need additional documentation from Mr. Issa in order to effectuate his removal. *Id.* at ¶ 6. Respondents have not called him in for a 90-day post-order custody review as required by the regulations, nor have they provided him with the required written decision describing the reasons for his continued detention. *Id.* at ¶ 11; 8 C.F.R. § 241.4. Respondents have not given Mr. Issa any information at all about any steps they may be taking to effectuate his removal. *Id.* at ¶¶ 11-13.

54. In fact, Mr. Issa himself has had to affirmatively request information (without access to an appropriate interpreter) about his removal from ICE officials who visit Folkston in order to handle other detainees' removal process. *Id.* ICE officials did not give a timeline for removal to Mr. Issa, provide him with any substantive update, or give any explanation for his continued unconstitutional detention. *Id.* They merely stated that his case “needed approval from Washington.” *Id.* Mr. Issa was explicitly told by at least one of these officials that he is “not going

anywhere” because he is Palestinian. *Id.* at ¶ 12.

55. Mr. Issa’s attorneys have also made several efforts to reach out to ICE to inquire about his client’s case. Exhibit 3; Exhibit 4. Communications with ICE inquiring about Mr. Issa’s removal simply went unanswered by the agency. Exhibit 1 at ¶ 7. When ICE did finally respond, they merely stated that Mr. Issa had been “approved for removal” and that now they would “wait for a flight to be scheduled.” Exhibit 4.

56. Mr. Issa has been held in detention for over a year, and Respondents have made no discernible effort to effectuate his removal. As noted above, the war between Israel, the United States, and Iran has further disrupted flights in the region and, upon information and belief, further complicates Respondents’ ability to remove Mr. Issa.

57. Several courts have recognized the complications involved in deporting stateless individuals and ordered release on similar habeas petitions. In *Zadvydas* itself, the petitioner was stateless, and the Supreme Court vacated the Fifth Circuit’s decision that erroneously allowed the petitioner’s continued detention because the government could not demonstrate that his removal was reasonably foreseeable. *Zadvydas*, 533 U.S. at 678; *see also Ma v. Ashcroft*, 257 F.3d 1095 (9th Cir. 2001) (on remand from the Supreme Court, ordering a stateless petitioner’s release where the government could not demonstrate that his removal was reasonably foreseeable). Several district courts have recently ordered release for stateless Palestinians. *See Abuelhawa v. Noem*, No. 4:25-cv-04128, 2025 U.S. Dist. LEXIS 203959, at *1 (S.D. Tex. Oct. 16, 2025) (“the question is ‘whether [a detainee with a final removal order] must continue in custody during the pendency of complicated requests and attempts to remove him to Israel, Palestine, or Jordan’”); *see also Fadwa v. Lyons*, No. 25-cv-03660-PAB, 2025 U.S. Dist. LEXIS 254848, at *16-17 (D. Colo. Dec. 9, 2025).

58. Given Respondents’ inability to remove Mr. Issa over the last year, even without

the complications of a war, his removal now “seems a remote possibility at best.” *Zadvydas*, 533 U.S. at 690. Thus, Mr. Issa’s continued detention violates the implicit requirement in 8 U.S.C. § 1231(a)(6) that detention may not become unreasonably prolonged. In addition, his continued detention does not serve a legitimate government purpose and lacks sufficient procedural protections in violation of the Due Process Clause.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)

59. Mr. Issa re-alleges and incorporates by reference paragraphs 1-58 contained above.

60. Mr. Issa is detained pursuant to the discretionary, post-removal-order detention provision, § 1231(a)(6), because more than ninety days have elapsed since his removal order became administratively final, and Mr. Issa has not done anything to impede his removal or toll the removal period. *See* 8 U.S.C. § 1231(a); 8 C.F.R. § 1241.1.

61. Section 1231(a)(6) contains an implicit temporal limitation of six months, after which detention is no longer presumptively reasonable. *Zadvydas*, 533 U.S. at 701. After that point, if the habeas petitioner “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,” and due process “requires ordering [the p]etitioner released.” *See Adu v. Bickham*, No. 7:18-CV-103-WLS-MSH1, 2018 U.S. Dist. LEXIS 207632, at *9 (M.D. Ga. Dec. 10, 2018).

62. Mr. Issa’s detention under §1231 is no longer presumptively reasonable because he has been continuously detained pursuant to a final removal order for fourteen months, well over the six-month time limit from *Zadvydas*. *Zadvydas*, 533 U.S. at 701

63. Mr. Issa’s full cooperation with ICE’s removal efforts and ICE’s inability effectuate

his removal for over a year after his removal order became administratively final is evidence that there is no significant likelihood of removal in the reasonably foreseeable future. The statement from a deportation officer indicating that he is “not going anywhere” because he is Palestinian is further direct evidence of the Respondents’ intentions regarding his continued detention. Exhibit 1 at ¶ 12.

64. Mr. Issa could remain detained for many months or even years beyond the 6 months recognized as reasonably necessary to effectuate removal in *Zadvydas*. He has already been detained for more than fourteen months with a final removal order.

65. There is no “sufficiently strong special justification” for Mr. Issa’s prolonged Detention beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690-91 (requiring a showing of dangerousness accompanied by some other “special circumstance” to justify continued detention when removal is not significantly likely in the reasonably foreseeable future). Indeed, Mr. Issa has had no criminal convictions whatsoever.

66. Thus, Mr. Issa’s detention violates 8 U.S.C. § 1231, and he is entitled to immediate release from custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

67. Mr. Issa re-alleges and incorporates by reference paragraphs 1-58 contained above.

68. The Due Process Clause of the Fifth Amendment forbids the Government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “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.

69. Civil immigration detention following issuance of a final removal order violates due process if it is not reasonably related to its statutory purpose of effectuating removal. *See id.*

at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). When removal is not reasonably foreseeable, detention is no longer reasonably related to that purpose. *Id.*

70. Mr. Issa has been detained continuously for more than fourteen months since his removal order became final. He is likely to be detained indefinitely absent intervention from this Court. His detention is no longer reasonably related to the primary statutory purpose of ensuring his imminent removal.

71. Thus, Mr. Issa's detention violates both substantive and procedural due process.

72. As a result, Mr. Issa is entitled to immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE Petitioner requests that the Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Order Respondents to show cause why a writ of habeas corpus should not be granted within three days, that Petitioner be afforded one week to file a response to Respondents' return, and set a hearing on this Petition within one week after Petitioner's response is due, pursuant to 28 U.S.C. § 2243;
- c) Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
- d) Grant a writ of habeas corpus ordering Respondents to immediately release Mr. Issa from their custody;
- e) If there is a factual dispute, order a hearing within one week of Petitioner's response to Respondents' filing;
- f) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Issa;
- g) Declare that Mr. Issa's continued detention violates the Immigration and Nationality Act;

- h) Declare that Mr. Issa's detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
- i) Enjoin Respondents from transferring Mr. Issa outside of this judicial district pending litigation of this matter, other than to remove him from the United States, upon advance notice to undersigned counsel;
- j) Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- k) Grant such further relief as this Court deems just and proper.

Dated: 03/12/2026

Respectfully submitted,

GEORGIA ASYLUM & IMMIGRATION NETWORK

/s/ Alizeh Sheikh

Alizeh Sheikh
Georgia Bar No. 283526
Amir A. Naim
Georgia Bar No. 423232

229 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30303
(404) 852-5637 (voice)
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anaim@georgiaasylum.org

NOOR WADI LAW FIRM

/s/ Noor Wadi

NOOR WADI*
Texas Bar No. 24110494
7210 Virginia Pkwy #6170
McKinney, TX 75071-9996
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noor@noorwadilaw.com
**Application for admission pro hac vice forthcoming*

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 have discussed with 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.

/s/ Amir Naim

Date: 03/12/2026

I.(a) Attorney Information:

Sheikh, Alizeh; Naim, Amir; Georgia Asylum & Immigration Network (GAIN), 229 Peachtree Street NE, Suite 1500, Atlanta, GA 30303, 404-387-6426

Wadi, Noor; Noor Wadi Law, 7210 Virginia Pkwy #6170, McKinney, TX, 75071, 214-830-5031

I.(a) Additional Defendants:

Immigration and Customs Enforcement, Enforcement and Removal Operations Atlanta Field Office, Field Office Director; Sullivan, Kristen

Department of Homeland Security, Secretary; Noem, Kristi

Department of Justice, Attorney General; Bondi, Pamela

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

**In the matter of:
Farhan Issa**

§
§
§
§

**DECLARATION OF FARHAN ISSA IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS**

I, Farhan Issa, swear and affirm that the following declaration in support of my petition for writ of habeas corpus is true and correct.

1. My name is Farhan Issa. I was born on  in Nablus, West Bank, Palestine.
2. This declaration was prepared in English with the assistance of my attorneys at Georgia Asylum Immigration Network and Preferential Option, then orally interpreted to me in Arabic, my native language. I have reviewed this declaration in my native language, and I understand and agree to its contents.
3. I arrived in the United States via the Dulles International Airport with a B1/B2 Tourist visa on June 26, 2024. At that time, I also had with me my Palestinian passport and Palestinian state identification card.
4. I was detained by Immigrations and Customs Enforcement ("ICE") that same day, on June 26, 2024. ICE officers seized my passport and state identification card. I have been in continuous ICE custody since June 26, 2024.
5. On December 5, 2024, Immigration Judge Jamie Perry ordered my removal to the State of Palestine or, in the alternative, Jordan. I did not appeal the removal order.

6. Over a year has passed since I was ordered removed. In that time, I received no information from ICE about the status of my pending removal.
7. The attorney who represented me in my immigration court proceedings, Mohammed Ibrahim, contacted the ICE Enforcement and Removal Operations ("ERO") on my behalf in June 2025 to request my release pending deportation. To my knowledge, ERO has not responded to that request, neither to grant it nor to provide an update as to the plan for my removal.
8. I am currently detained at the Folkston D Ray ICE Processing Center ("Folkston").
9. At Folkston, it is customary for ICE officers to conduct weekly rounds of our pods. They come with a list of names that they call to take detainees into post-order custody reviews.
10. The ICE officers do not bring Arabic interpreters with them, so I rely on other ICE detainees with command of Arabic and English to interpret for me when I speak to the visiting ICE officers.
11. I have not been called upon by ICE officers during those weekly rounds for any post-order custody reviews.
12. I have tried several times to get information from these visiting ICE officers about the status of my case. Although I attempted to get information on several occasions, at this time, I only recall the specifics of two such attempts:
 - a. About five to six months ago, I asked a visiting ICE officer for information about when I might be deported. The officer responded that he had no information about my case, and that the officers were waiting for an order from Washington with respect to the plan for my deportation.

b. About one month later (roughly four months ago), I asked another visiting ICE officer for information about my case. The ICE officer responded by asking me where I am from. I told him I am from Palestine. In response, the ICE officer stated that because I am from Palestine, I am not going anywhere. I was shocked at this response, so I asked, "Then I will stay in custody my whole life?" The ICE officer did not directly answer that question, and instead, just repeated the line that I have heard before—that ICE is awaiting orders from Washington as to my case.

13. I have spent the past year wishing that an officer would call my name for anything related to my case. I feel as though I have been forgotten by the system.



Signature

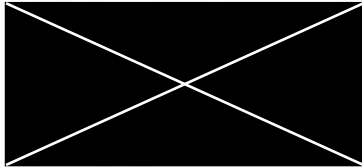
02/26/2026
Date



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ANNANDALE IMMIGRATION COURT

Respondent Name:
ISSA, FARHAN

To:



A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/05/2024

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 12/05/2024. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I) and 212(a)(6)(C)(i)

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

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

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

C. Waiver

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

D. Adjustment of Status

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

E. Other

III. Voluntary Departure

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

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

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

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

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

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

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

IV. Removal

- ☒ Respondent was ordered removed to the State of Palestine
- ☒ In the alternative, Respondent was ordered removed to Jordan
- ☒ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

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

V. Other

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



Immigration Judge: JAMIE PERRY 12/05/2024

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

Appeal Due: 01/06/2025

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Respondent Name : ISSA, FARHAN | A-Number : 

Riders:

Date: 12/05/2024 By: Soltisiak, Spencer, Court Staff



Alizeh Sheikh <asheikh@georgiaasylum.org>

Deportation status for Farhan Issa

3 messages

Alizeh Sheikh <asheikh@georgiaasylum.org>

Tue, Feb 24, 2026 at 12:04 PM

To: "Folkston.Outreach" <Folkston.Outreach@ice.dhs.gov>, Atl-folkston-case-liaison@ice.dhs.gov, FIPC-Detained@ice.dhs.gov

Cc: Amir Naim <anaim@georgiaasylum.org>, Noor Wadi <noor@noorwadilaw.com>, Felix Montanez <felix.montanez@preferentialoption.com>

Good afternoon,

I am counsel for Mr. Farhan Issa, A [REDACTED] who has been detained at Folkston D. Ray ICE Processing Center with a final removal order to Palestine, with Jordan in the alternative, since December 5, 2024. He was ordered removed nearly **twenty-seven months** ago.

Mr. Issa has valid travel documentation, including a Palestine passport and ID, and he already has and will continue to comply with the removal process.

What efforts has your office made to effectuate Mr. Issa's removal? We appreciate any information you can provide. My G-28 is attached.

Thank you in advance,

--

Alizeh Sheikh

Equal Justice Works Fellow

Sponsored by Greenberg Traurig, LLP & UPS
Georgia Asylum & Immigration Network (GAIN)
PO Box 56268 Atlanta, GA 30343
Pronouns: She/her/hers

E: asheikh@georgiaasylum.org

Inspired by our clients. Powered by pro bono.

2 attachments

 **G-28 Farhan ICE.pdf**
298K

 **EOIR case status 2.17.2026.pdf**
494K

Folkston.Outreach <Folkston.Outreach@ice.dhs.gov>
To: Alizeh Sheikh <asheikh@georgiaasylum.org>

Wed, Feb 25, 2026 at 9:58 AM

He has been approved for removal and now we must wait for a flight to be scheduled.

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From: Alizeh Sheikh <asheikh@georgiaasylum.org>

Sent: Tuesday, February 24, 2026 12:05 PM

To: Folkston.Outreach <Folkston.Outreach@ice.dhs.gov>; ATL-Folkston-Case-Liaison <Atl-folkston-case-liaison@ice.dhs.gov>; Detained, FIPC- <FIPC-Detained@ice.dhs.gov>

Cc: Amir Naim <anaim@georgiaasylum.org>; Noor Wadi <noor@noorwadilaw.com>; Felix Montanez <felix.montanez@preferentialoption.com>

Subject: Deportation status for Farhan Issa

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[Quoted text hidden]

Alizeh Sheikh <asheikh@georgiaasylum.org>

Wed, Feb 25, 2026 at 9:59 AM

To: Amir Naim <anaim@georgiaasylum.org>, Noor Wadi <noor@noorwadilaw.com>, Jacqueline Hurst <jacqueline.hurst@preferentialoption.com>, Felix Montanez <felix.montanez@preferentialoption.com>

[Quoted text hidden]



Report

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Search Results: 1

FARHAN ISSA

Country of Birth : Israel

A-Number: 

Status : In ICE Custody

State: GA

Current Detention Facility: Folkston D Ray ICE Processing Center

** Click on the Detention Facility name to obtain facility contact information*

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Court Closures Today February 17, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **ISSA, FARHAN** 



Automated Case Information

Name: ISSA, FARHAN | **A-Number:**  |

Docket Date: 7/10/2024



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

December 5, 2024

COURT ADDRESS

7619 LITTLE RIVER TPK., 4TH FL
ANNANDALE, VA 22003



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

7619 LITTLE RIVER TPK., 4TH FL
ANNANDALE, VA 22003

PHONE NUMBER

(703) 343-4000

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