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

12 **GEVORG MURADYAN,**
13
14 **Petitioner,**

15 v.

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

25 **Respondents.**

Case No.: **'26CV2189 DMS MSB**

Petition for
Writ of
Habeas Corpus

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

26
27 ¹ Federal Defenders of San Diego, Inc., is filing with provisional appointment
28 under Chief Judge Order No. 134. Mr. Muradyan's financial eligibility for
representation is included in an under-oath declaration attached to this petition.

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1 **I. Introduction**

2 Gevorg Muradyan fled persecution in Armenia and came to the U.S. border
3 in December 2024, where he was detained. On September 30, 2025, an
4 immigration judge granted him statutory withholding of removal from Armenia,
5 finding it more likely than not that his “life or freedom would be threatened” if he
6 were deported there. 8 U.S.C. § 1231(b)(3); *see Al-Harbi v. INS*, 242 F.3d 882,
7 888–89 (9th Cir. 2001) (noting the standard for withholding).

8 In the six months since, ICE has kept Mr. Muradyan detained at the Otay
9 Mesa Detention Center, searching for a third country to deport him to.
10 Mr. Muradyan has never been told where. *See Exhibit A, Declaration of Gevorg*
11 *Muradyan.*

12 For people granted withholding of removal, “alternative-country removal is
13 rare.” *Johnson v. Guzman-Chavez*, 594 U.S. 523, 537 (2021). Because “there is
14 no significant likelihood of [his] removal in the reasonably foreseeable future,”
15 Mr. Muradyan must be released. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

16 District courts around the country have granted habeas petitions on these
17 grounds in recent months, as ICE now appears to be holding immigrants granted
18 withholding of removal for lengthy periods. *See, e.g., Sadat v. Noem*, No. 26-cv-
19 38-BJC-BJW, ECF No. 18 (S.D. Cal. Feb. 20, 2026) (granting habeas petition for
20 Afghan citizen granted withholding of removal who had been detained for over a
21 year and subject to final order for nearly six months, but not fully six months);
22 *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387 (D.N.J. 2025) (granting habeas
23 petition for Mexican citizen with withholding of removal detained three months,
24 released, and then re-detained for two months); *Villanueva v. Tate*, ___ F. Supp. 3d
25 ___, 2025 WL 2774610 (S.D. Tex. 2025) (granting habeas petition for Mexican
26 citizen with withholding of removal detained fewer than six months); *Zavvar v.*
27 *Scott*, No. cv-25-2104-TDC, 2025 WL 2592543 (D. Md. Sept. 8, 2025) (granting
28 habeas petition for Iranian citizen with withholding of removal detained fewer

1 than six months total); *Puertas-Mendoza v. Bondi*, No. SA-25-CA-890-XR, 2025
2 WL 3142089 (W.D. Tex. Oct. 22, 2025) (granting habeas petition for Mexican
3 citizen with withholding of removal detained fewer than six months total);
4 *Gomez-Simeon v. Bondi*, No., 2025 WL 3470872 (W.D. Tex. Nov. 24, 2025)
5 (granting habeas petition for Honduran citizen with withholding of removal
6 detained for a month after revocation of his supervision); *see also Grischenko v.*
7 *Noem*, No. 25-cv-3514-JES-JLB, 2025 WL 3675070, *2 (S.D. Cal. Dec. 17,
8 2025) (granting habeas petition because ICE requested third-country removal “on
9 six occasions, to no avail,” for Russian citizen detained for six months with
10 withholding of removal); *De la Rosa Guarin v. LaRose*, 2025 WL 3440689, No.
11 25-cv-8085-DMS-VET (S.D. Cal. Dec. 1, 2025) (granting TRO because ICE’s
12 requests for third-country removal remained “pending” after six months of
13 detention for Spanish citizen with withholding of removal); *CMS v. Oddo*, No.
14 25-cv-216, 2025 WL 3442697 (W.D. Pa. Dec. 1, 2025) (granting habeas petition
15 for Mexican citizen detained for ten months with withholding of removal);
16 *Gharakhan v. Noem*, No. 25-cv-2879-DMS-AHG, 2025 WL 3097933 (S.D. Cal.
17 Nov. 5, 2025) (granting TRO for Iranian citizen detained eight months with
18 withholding of removal).

19 Further, in the unlikely event ICE does identify a third country, its
20 nationwide policy is to not provide Mr. Muradyan with due process. ICE’s current
21 nationwide third-country removal policy is to *not* immigrants of their right to seek
22 protection under the Convention Against Torture or withholding of removal
23 statutes, and allows for last-minute designation of a third country an immigration
24 judge has never considered. *See* Exhibit D. It therefore “contravenes Ninth Circuit
25 law.” *Nguyen v. Scott*, 796 F. Supp. 3d 703, 728 (W.D. Wash. 2025). This Court
26 should also enjoin the Respondents to adhere to basic requirements of notice and
27 an opportunity to be heard before removing Mr. Muradyan to a third country in
28 which he could be persecuted or tortured—or, even more likely, deported from

1 that country back to Armenia, where it is more likely than not that he will be
2 persecuted or tortured.

3 **II. Statement of facts and legal background.**

4 **A. Mr. Muradyan comes to the U.S. from Armenia, is granted**
5 **withholding of removal in September 2025, and remains**
6 **detained.**

7 Gevorg Muradyan was born in Armenia. Exhibit A ¶ 4. His parents are
8 citizens of Armenia. *Id.* He has never lived any place other than Armenia. *Id.* He
9 does not have immigration status in any other country. *Id.*

10 Mr. Muradyan fled Armenia and came to the U.S. border in December
11 2024. Exhibit A ¶ 2. He has been detained ever since, and he is currently detained
12 at the Otay Mesa Detention Center. *Id.* ¶ 3.

13 On September 30, 2025, an immigration judge ordered Mr. Muradyan
14 removed to Armenia. Exhibit B at 3. However, because Mr. Muradyan faces
15 persecution there, the immigration judge also granted him statutory withholding
16 of removal from Armenia. *Id.* at 1. Mr. Muradyan did not appeal. *Id.* at 4.

17 Mr. Muradyan has remained detained at Otay Mesa ever since. He explains,
18 “Since September, no one from ICE has identified a specific third country they’re
19 trying to remove me to. I have never had an interview or a phone call with any
20 third country.” Exhibit A ¶ 5. He notes, “I do not know of any reason why a
21 country other than Armenia would accept me for removal. The only country I
22 have ties to is Armenia.” *Id.* ¶ 4.

23 In the meantime, he has faced complications from his diabetes. He explains,

24 I am going through a medical crisis. I have severe diabetes. I have
25 been to the outside hospital nine times since I have been in
26 detention. Since I have been detained, I have lost sight out of one of
27 my eyes. Half of my fingers are not working properly and I am not
28 able to close them. The last time I was at an outside hospital, the
doctor said I needed to get a surgery on my eye to remove my eye to
avoid things getting worse. I am scared to get the surgery while I am
detained because I am scared of coming back to detention in that
condition.

1 *Id.* ¶ 6.

2 **B. This Court denies Mr. Muradyan’s first habeas petition as**
3 **premature, without prejudice to filing another petition once**
4 **Mr. Muradyan had been detained for six months.**

5 On December 4, 2025, Mr. Muradyan filed a habeas petition in the Central
6 District of California requesting his release. *See Muradyan v. Warden of Otay*
7 *Mesa Detention Center*, No. 26-cv-0063-CAB-AHG, ECF No. 1. It was
8 transferred to this Court in early January 2026. *Id.* ECF No. 10.

9 The government filed a return arguing, among other things, that this Court
10 should not grant the petition because six months had not passed since
11 Mr. Muradyan had been ordered released and granted withholding of removal.
12 ECF No. 14. It attached a declaration from a deportation officer at Otay Mesa,
13 Ramon Meraz, who explained that the local ICE field office was working with
14 ICE headquarters “to seek a third country for removal.” Exhibit C ¶ 13. The local
15 field office had contacted headquarters “for status updates” for status updates
16 once a month between October 2025 and January 2026 and had not heard back.
17 *Id.* ¶ 14.

18 This Court denied the petition for a writ of habeas corpus without prejudice
19 on January 23, 2026. *Muradyan*, No. 26-cv-0063-CAB-AHG, ECF No. 16 at 4. It
20 held that Mr. Muradyan did not meet his burden “to show that he has experienced
21 post-removal order detention for more than *Zadvydas*’ six-month presumptively
22 reasonable period of detention.” *Id.* at 3. It explained that, “If Petitioner remains
23 in detention after the six month presumptively reasonable window has passed,
24 Petitioner may file a new petition.” *Id.* at 4.

25 **C. Third-country removals for noncitizens granted withholding of**
26 **removal are rare, but as of July 2025, third-country removals**
27 **can happen with no or little notice and result in noncitizens’**
28 **return to their countries of origin.**

29 There are three main forms of relief available to noncitizens who will be
30 persecuted if they are returned to their home country: asylum, withholding of

1 removal, and Convention Against Torture (“CAT”) relief.

2 There are more restrictions on asylum. *See* 8 U.S.C. § 1158(a)(2); *see also*,
3 *e.g.*, US. Citizenship and Immigration Services, *Asylum, Court Order on*
4 *Circumvention of Lawful Pathways Final Rule* (updated Nov. 7, 2025) (noting
5 limitations on asylum to those who come to a port of entry without documents,
6 and those who entered outside a port of entry, between May 2023 and May 2025,
7 among other limitations).² There are fewer restrictions on eligibility for
8 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(B)(iii). However, an applicant
9 for withholding of removal must show a higher likelihood of persecution than
10 what an asylum applicant must demonstrate—specifically, that it is “more likely
11 than not that he or she would be persecuted on account of race, religion,
12 nationality, membership in a particular social group, or political opinion upon
13 removal to that country.” 8 C.F.R. § 1208.16(b)(2); *see INS v. Stevic*, 467 U.S.
14 407, 429–30 (1984).

15 About 1,000 people won withholding of removal each year between 2010
16 and 2018. *See* American Immigration Council & National Immigrant Justice
17 Center, *The Difference Between Asylum and Withholding of Removal* (Oct.
18 2020).³ In fiscal year 2024, about 2,500 people won withholding or deferral of
19 removal. *See* Congressional Research Service, *FY2024 Immigration Court Data:*
20 *Case Outcomes* (Feb. 3, 2025).⁴

21 When an immigration judge grants withholding relief, she issues a removal
22 order and simultaneously issues an order withholding removal with respect to the
23 country the person demonstrated a risk of persecution. *See Guzman-Chavez*, 594
24

25 _____
26 ² Available at <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

27 ³ Available at [https://www.americanimmigrationcouncil.org/wp-](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)
28 [content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)

⁴ Available at <https://www.congress.gov/crs-product/IN12501>.

1 U.S. at 535–38. While ICE is authorized to remove that person granted
2 withholding to an alternative countries, the removal statute specifies restrictive
3 criteria for identifying appropriate countries. *See* 8 U.S.C. § 1231(b); 8 C.F.R.
4 § 1208.16(f). Further, “foreign governments ‘routinely deny’ requests to receive
5 people who lack a connection to the would-be receiving country.” *Puertas-*
6 *Mendoza*, 2025 WL 3142089 at *3. “The reason so few people are deported to
7 third countries is because,” while “customary international law holds that a
8 country has a duty to accept the return of its nationals,” usually, “countries have
9 no incentive to accept non-citizens.” American Immigration Council & National
10 Immigrant Justice Center, *supra* n.2.

11 If ICE identifies an appropriate third country of removal, the noncitizen
12 must then have notice and an opportunity to seek relief from removal to that new
13 country. *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (“If [non-citizens] would
14 face persecution or other mistreatment in the country designated under
15 § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1);
16 withholding of removal, § 1231(b)(3)(A); [and] relief under an international
17 agreement prohibiting torture.”). “[L]ast minute” designation of alternative
18 country without meaningful opportunity to apply for protection “violate[s] a basic
19 tenet of constitutional due process.” *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th
20 Cir. 1999).

21 That said, this summer, ICE began removing more immigrants it could not
22 previously remove to third countries, which have often removed those people
23 back to their countries of origin. ICE implemented new nationwide policies to do
24 so. On July 9, 2025, ICE rescinded previous guidance meant to give immigrants a
25 “‘meaningful opportunity’ to assert claims for protection under the Convention
26 Against Torture before initiating removal to a third country.” Exhibit D (July 9,
27 2025, ICE third-country removal guidance).

28

1 Now, ICE may remove an immigrant to a third country without any notice.
2 It may do so if, in the sole view of the State Department, the United States has
3 received “credible” “assurances” from that country that deportees will not be
4 persecuted or tortured. *Id.* at 1. ICE deported approximately twenty people who
5 had been granted withholding of removal or CAT protection to Equatorial Guinea
6 in January without notifying them that they were being deported there under this
7 provision. Third Country Deportation Watch, *Equatorial Guinea*, Refugees
8 International & Human Rights First (Mar. 11, 2026).⁵

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

14 Regardless of how much notice noncitizens receive of the third country ICE
15 intends to deport them to, ICE “will not affirmatively ask whether the alien is
16 afraid of being removed to the country of removal.” *Id.* (emphasis original).

17 If the noncitizen “does not affirmatively state a fear of persecution or
18 torture if removed to the country of removal listed on the Notice of Removal
19 within 24 hours, [ICE] may proceed with removal to the country identified on the
20 notice.” *Id.* at 2.

21 Under this policy, the United States has deported dozens of noncitizens to
22 prisons and military camps in Rwanda, Eswatini, South Sudan, Ghana, and
23 Equatorial Guinea. Those who have not been returned to their home countries are
24 still detained, in countries to which they have never been, without charge.

25 Nokukhanya Musi & Gerald Imray, *10 more deportees from the US arrive in the*
26 *African nation of Eswatini*, Associated Press (Oct. 6, 2025)⁶; see also Gerald

27 _____
28 ⁵ Available at <https://www.thirdcountrydeportationwatch.org/equatorial-guinea>.

⁶ Available at <https://apnews.com/article/eswatini-deportees-us-trump->

1 Imray, *A Cuban man deported by the US to Africa is on a hunger strike in prison,*
2 *his lawyer says*, Associated Press (Oct. 23, 2025)⁷; Frank Chothia, *Eswatini*
3 *confirms receiving \$5.1m from the US for accepting deportees*, BBC (Nov. 18,
4 2025)⁸; Nick Alexandra, *The Toll of Trump’s African Deportation Agreements*,
5 *New Lines Magazine* (Dec. 10, 2025)⁹.

6 Others have been returned to their home countries, even though they had
7 received orders protecting them against their return under the Convention Against
8 Torture. *See* Third Country Deportation Watch, *Ghana*, Refugees International &
9 Human Rights First (Dec. 5, 2025);¹⁰ Sheriff Bojang Jr., *Equatorial Guinea sends*
10 *eight of Trump’s nine deportees home, braces for new arrivals*, *The Africa Report*
11 (Jan. 16, 2026).¹¹

12 **III. This Court has jurisdiction.**

13 This Court has jurisdiction to consider Mr. Muradyan’s claim of unlawful
14 detention and unlawful third-country removal under 28 U.S.C. § 2241.

15 The government’s recent argument otherwise, that 8 U.S.C. § 1252(g) strips
16 this Court of jurisdiction, “has been repeatedly ‘rejected as implausible’ by the
17 Supreme Court.” *Soryadvongsa v. Noem*, No. 25-cv-2663-AGS, 2025 WL
18 316821, *1 (S.D. Cal. Nov. 8, 2025) (quoting *Department of Homeland Sec. v.*
19 *Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020)). The government’s argument
20 “would eliminate judicial review of immigration [detainees’] claims of unlawful
21

22 _____
23 [immigration-74b2f942003a80a21b33084a4109a0d2](https://www.immigration-74b2f942003a80a21b33084a4109a0d2).

24 ⁷ Available at <https://apnews.com/article/deported-immigration-migrants-trump-eswatini-8d8aad6dd01bf0e72de06480f3c70859>.

25 ⁸ Available at <https://www.bbc.com/news/articles/cq50vjdx368o>.

26 ⁹ Available at <https://newlinesmag.com/reportage/the-toll-of-trumps-african-deportation-agreements/>.

27 ¹⁰ Available at <https://www.thirdcountrydeportationwatch.org/ghana>.

28 ¹¹ Available at <https://www.theafricareport.com/405291/equatorial-guinea-sends-eight-of-trumps-nine-deportees-home-braces-for-new-arrivals/>.

1 detention . . . inconsistent with *Jennings v. Rodriguez* and the history of judicial
2 review of the detention of noncitizens under 28 U.S.C. § 2241.” *Phan v. Noem*,
3 No. 25-cv-2422-RBM, 2025 WL 2898977, *3 (S.D. Cal. Oct. 10, 2025)
4 (collecting cases agreeing on this jurisdictional point).

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

8 **IV. Claim 1: Mr. Muradyan’s detention violates *Zadvydas* and 8 U.S.C.
9 § 1231.**

10 **A. The statute renders detention mandatory for three months after
11 removal is ordered, and allowable after six months after removal
12 is ordered only if there is a significant likelihood of removal in
13 the reasonably foreseeable future.**

14 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered
15 a problem affecting people like Mr. Muradyan: What happens when immigration
16 detainees are ordered removed, but cannot be?

17 Federal law requires ICE to detain an immigrant during the “removal
18 period.” This period typically spans the first 90 days after the immigrant is
19 ordered removed. 8 U.S.C. § 1231(a)(1)-(2). After that, detention becomes
20 discretionary. *Id.* § 1231(a)(6).

21 Ordinarily, this scheme would not lead to excessive detention, as removal
22 happens within days or weeks. But some detainees cannot be removed quickly.
23 There are many reasons why this may be. Perhaps their removal “simply
24 require[s] more time for processing,” or they are “ordered removed to countries
25 with whom the United States does not have a repatriation agreement,” or their
26 countries “refuse to take them,” or they are “effectively ‘stateless’ because of their
27 race and/or place of birth.” *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir.
28 2001). In these and other circumstances, detained immigrants can find themselves
trapped in detention for months, years, decades, or even the rest of their lives.

1 If federal law were understood to allow for “indefinite, perhaps permanent,
2 detention,” it would pose “a serious constitutional threat.” *Zadvydas*, 533 U.S. at
3 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by
4 interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689. *Zadvydas* held
5 that detention is “presumptively reasonable” for at least six months. *Id.* at 701; *see*
6 *also Munoz-Saucedo*, 789 F. Supp. 3d at 395–98 (explaining this presumption is
7 rebuttable by the noncitizen during this first six-month period).

8 Following the six-month period, courts use a burden-shifting framework to
9 decide whether detention remains authorized. The petitioner must identify a “good
10 reason to believe that there is no significant likelihood of removal in the
11 reasonably foreseeable future.” *Id.* If he does so, the burden shifts to “the
12 Government [to] respond with evidence sufficient to rebut that showing.” *Id.*
13 Mr. Muradyan can make all the threshold showings needed to shift the burden to
14 the government.

15 **B. Because six months have passed since September 30, Mr.**
16 **Muradyan’s detention is no longer “presumptively reasonable.”**

17 The six-month presumption lasts for “six months after a final order of
18 removal—that is, three months after the statutory removal period has ended.” *Ma*,
19 257 F.3d at 1102 n.5; *see* 8 U.S.C. § 1231(a)(1)(B) (definition of the statutory
20 removal period). Mr. Muradyan’s order of removal and withholding of removal
21 order was entered on September 30, 2026, and became administratively final that
22 same day. *See* Exhibit B (IJ order); *see also Muradyan*, No. 26-cv-0063-CAB-
23 AHG, ECF No. 16 at 3 (noting that date of administrative finality). It has been
24 more than six months since that date, and so his detention is no longer
25 presumptively reasonable.
26
27
28

1 **C. Mr. Muradyan’s personal experience and ICE’s historical**
2 **experience provide good reason to believe that he will not be**
3 **removed in the reasonably foreseeable future.**

4 This Court thus uses the *Zadvydas* burden-shifting framework to evaluate
5 Mr. Muradyan’s claim. At the first stage of the framework, Mr. Muradyan must
6 “provide[] good reason to believe that there is no significant likelihood of removal
7 in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This standard
8 can be broken down into three parts.

9 **“Good reason to believe.”** The “good reason to believe” standard is a
10 relatively forgiving one. “A petitioner need not establish that there exists no
11 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL
12 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to
13 believe’ . . . place a burden upon the detainee to demonstrate no reasonably
14 foreseeable, significant likelihood of removal or show that his detention is
15 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,
16 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401
17 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:
18 Petitioners need only give a “good reason”—not prove anything to a certainty.

19 **“Significant likelihood of removal.”** This component focuses on *whether*
20 Mr. Muradyan will likely be removed: Continued detention is permissible only if
21 it is “significant[ly] like[ly]” that ICE will be able to remove her. *Zadvydas*, 533
22 U.S. at 701. This inquiry targets “not only the *existence* of untapped possibilities,
23 but also [the] probability of *success* in such possibilities.” *Elashi v. Sabol*, 714 F.
24 Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added). In other words,
25 even if “there remains some possibility of removal,” a petitioner can still meet her
26 burden if there is good reason to believe that successful removal is not
27 significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-8019, 2002 WL
28 31520362, at *4 (E.D. Pa. Nov. 8, 2002).

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

6 If the Court has “no idea of when it might reasonably expect [Petitioner] to
7 be repatriated, this Court certainly cannot conclude that his removal is likely to
8 occur—or even that it might occur—in the reasonably foreseeable future.” *Palma*
9 *v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3 (S.D. Miss. July
10 7, 2020), *report and recommendation adopted*, 2020 WL 4876859 (S.D. Miss.
11 Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y.
12 2019)). Thus, even if this Court concludes that Mr. Muradyan “would *eventually*
13 receive” a travel document, he can still meet his burden by giving good reason to
14 anticipate sufficiently lengthy delays. *Younes v. Lynch*, 2016 WL 6679830, at *2
15 (E.D. Mich. Nov. 14, 2016).

16 In light of Mr. Muradyan’s receipt of withholding of removal to his only
17 country of citizenship, the significant practical and legal limitations on removing
18 a noncitizen granted withholding of removal to a third country, and ICE’s
19 minimal progress even identifying a third country to which Mr. Muradyan might
20 be removed, there is no significant likelihood that Mr. Muradyan will be removed
21 in the reasonably foreseeable future.

22 *First*, the IJ’s withholding of removal order prohibits Mr. Muradyan’s
23 removal to his home country of Armenia “which is the only country to which he
24 has a claim to citizenship or legal immigration status.” *Villanueva*, 2025 WL
25 2774610 at *10; *see* Exhibit A ¶ 4. “This substantially increases the difficulty of
26 removing him.” *Munoz-Saucedo*, 789 F. Supp. 3d at 398. Historical experience
27 backs this up: alternative-country removal is rare.” *Guzman-Chavez*, 594 U.S. at
28 537.

1 Mr. Muradyan’s individual circumstances strongly suggest that he will not
2 be among the handful of people granted withholding of removal the U.S. removes
3 to a third country. He is an Armenian citizen, who was born in Armenia and who
4 has only ever lived in Armenia. Exhibit A ¶ 4. His parents are citizens only of
5 Armenia. *Id.* He does not have immigration status in any other country. *Id.*

6 *Second*, in light of Mr. Muradyan’s statutory and international right to seek
7 protection from persecution and chain refoulement, there is no reason to think his
8 removal could happen in the reasonably foreseeable future. Even if ICE identified
9 a third country, Mr. Muradyan “would be entitled to seek fear-based relief from
10 removal to that country, which would require additional, lengthy proceedings.”
11 *Munoz-Saucedo*, 789 F. Supp. 3d at 399; *accord Villanueva*, 2025 WL 2774610,
12 at *10 (“[A]ny efforts to remove Villanueva to a third country would likely be
13 delayed by proceedings contesting his removal to the third country finally
14 identified.”).

15 Mr. Muradyan would be particularly entitled to seek protection from
16 removal through lengthy proceedings because noncitizens removed to third
17 countries in the past year have then been returned to their home countries. *See*,
18 *e.g.*, Nick Alexandra, *supra* at page 7 n.7. For Mr. Muradyan, a third-country
19 removal could very well result in “chain refoulement,” in which he is deported to
20 a third country that would proceed to deport him to his home country of
21 persecution. *See* Inter-American Commission on Human Rights, *IACHR and*
22 *United Nations Experts: States Must Protect the Rights of Persons in Human*
23 *Mobility* (Sept. 18, 2025);¹² *see also* United Nations Committee Against Torture,
24 *General comment No. 4 on the implementation of article 3 of the Convention in*
25 *the context of article 22*, at section II (12) (Sept. 4, 2028) (“the person at risk [of
26 torture] should never be deported to another State from which the person may

27 _____
28 ¹² Available at https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2025/190.asp&utm_term=class-dc

1 subsequently face deportation to a third State in which there are substantial
2 grounds for believing that the person would be in danger of being subjected to
3 torture”).¹³ Thus, even if ICE identifies a third country, there is no likelihood
4 Mr. Muradyan could be deported there quickly; he would be entitled to significant
5 further proceedings to ensure that that third country would not deport him back to
6 Armenia.

7 *Third*, ICE has not made progress in removing Mr. Muradyan in the last six
8 months. *See* Exhibit A ¶ 5; Exhibit C ¶¶ 13–14. Given that third country removal
9 is already exceedingly unlikely, a “lack of effort only reinforces the conclusion
10 that the Petitioner’s removal is not likely to occur in the reasonably foreseeable
11 future.” *Kacanic v. Elwood*, No. CIV.A. 02-8019, 2002 WL 31520362, at *5
12 (E.D. Pa. Nov. 8, 2002); *see also Conchas-Valdez v. Casey*, 25-cv-2469-DMS,
13 Dkt. 9, at 6 (S.D. Cal. Oct. 6, 2025) (granting a petition in part because “the
14 Government’s minimal work on [the] case . . . [did] not instill confidence that it
15 will be able to secure [CAT] Petitioner’s removal in the reasonably foreseeable
16 future”); *Zavvar*, 2025 WL 2592543, at *7 (finding the presumption rebutted,
17 despite outstanding third-country requests to Australia and Romania, because of
18 “[t]he lack of any sign that Australia or Romania is actively considering accepting
19 [the petitioner]”).

20 Even if ICE were making efforts behind the scenes, so far, none have borne
21 fruit. That matters, because *Zadvydas* itself made clear that good faith efforts do
22 not themselves show that removal is significantly likely. The petitioner in
23 *Zadvydas* appealed a “Fifth Circuit h[olding] [that] [the petitioner’s] continued
24 detention [was] lawful as long as good faith efforts to effectuate deportation
25 continue and [the petitioner] failed to show that deportation will prove
26 impossible.” 533 U.S. at 702 (cleaned up). The Supreme Court reversed, finding

27 _____
28 ¹³ Available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/CAT/CAT-C-GC-4_EN.pdf.

1 that the Fifth Circuit’s good-faith-efforts standard “demand[ed] more than our
2 reading of the statute can bear.” *Id.* Thus, “under *Zadvydas*, the reasonableness of
3 Petitioner’s detention does not turn on the degree of the government’s good faith
4 efforts. Indeed, the *Zadvydas* court explicitly rejected such a standard. Rather, the
5 reasonableness of Petitioner’s detention turns on whether and to what extent the
6 government’s efforts are likely to bear fruit.” *Hassoun v. Sessions*, No. 18-CV-
7 586-FPG, 2019 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019).

8 For all of these reasons, Mr. Muradyan has shown good reason to believe—
9 and, in the alternative, proven outright—that his removal is not significantly
10 likely in the reasonably foreseeable future. This Court should grant the petition.

11 **D. The remedy for a *Zadvydas* violation is immediate release on**
12 **conditions set by ICE under § 1231(a)(3).**

13 As noted earlier, *Zadvydas* interpreted 8 U.S.C. § 1231(a)(6), which
14 permits ICE to detain immigrants past the removal period if certain conditions are
15 met. 533 U.S. at 698. Applying the constitutional avoidance canon, the Supreme
16 Court held that immigrants may no longer be held under 8 U.S.C. § 1231(a)(6),
17 but must be released, when removal proves unforeseeable. *Id.* at 700–01.

18 Section 1231(a)(6) dictates what happens next: “An alien ordered removed
19 . . . may be detained beyond the removal period and, if released, shall be subject
20 to the terms of supervision in paragraph (3).” Paragraph (3), in turn, states that
21 “[i]f the alien does not leave or is not removed within the removal period, the
22 alien, pending removal, shall be subject to supervision under regulations
23 prescribed by the Attorney General,” including several conditions that must be
24 imposed. 8 U.S.C. § 1231(a)(3). The Attorney General has, in turn, delegated
25 authority to officials within ICE. *See* 8 C.F.R. § 241.5(a) (delegating to “[t]he
26 Commissioner, Deputy Commissioner, Executive Associate Commissioner Field
27 Operations, regional director, district director, acting district director, deputy
28 district director, assistant district director for investigations, assistant district

1 director for detention and deportation, or officer-in-charge”).

2 Thus, an immigrant released from detention under § 1231(a)(6) as
3 interpreted in *Zadvydas* is subject to conditions set by those delegates within ICE
4 under § 1231(a)(3).

5 **V. Claim 2: ICE must provide adequate notice and an opportunity to be**
6 **heard before removing Mr. Muradyan to a third country.**

7 In addition to unlawfully detaining him, ICE’s nationwide policies threaten
8 Mr. Muradyan’s unlikely, but potentially abrupt, removal to an unidentified third
9 country without adequate notice and an opportunity to be heard. These policies
10 violate the Fifth Amendment, the Convention Against Torture, and implementing
11 regulations.

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

14 As noted, U.S. law enshrines mandatory protections against dangerous and
15 life-threatening removal decisions through the withholding of removal statute and
16 implementations of the Convention Against Torture. *See* 8 U.S.C.
17 § 1231(b)(3)(A); 8 C.F.R. §§ 208.16, 1208.16 (withholding); FARRA 2681-822
18 (codified as 8 U.S.C. § 1231 note; 28 C.F.R. § 200.1; *id.* §§ 208.16-208.18,
19 1208.16-1208.18 (CAT).

20 Further, the third country removal statute involves a “four-stage inquiry set
21 forth in § 1231(b)(2).” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1006 (W.D. Wash.
22 2019) (summarizing cases on this point); *see also Hadera v. Gonzales*, 494 F.3d
23 1154, 1156–59 (9th Cir. 2007) (explaining the stages). The first step is a
24 noncitizen designates “one country to which the noncitizen wants to be removed.”
25 *Aden*, 409 F. Supp. 3d at 1006. If the noncitizen does not designate a country, or
26 that country does not accept them, then “the IJ may at step two designate a
27 country of which the noncitizen is a subject, national, or citizen.” *Id.* at 1007. If
28 “no country satisfies” that requirement, the step three allows designation and
removal to a number of other countries. 8 U.S.C. § 1231(b)(2)(E). The

1 government can proceed to the fourth stage—removal to “another country”—only
2 if it determines it is “impracticable, inadvisable, or impossible to remove the alien
3 to each country described” in the third stage. 8 U.S.C. § 1231(b)(2)(E)(vii).

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

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

18 If the noncitizen claims fear, measures must be taken to ensure that the
19 noncitizen can seek asylum, withholding, and relief under CAT before an
20 immigration judge in reopened removal proceedings. The amount and type of
21 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and
22 circumstances, he would have a reasonable opportunity to raise and pursue his
23 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009
24 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132
25 F.3d 405, 408 (7th Cir. 1998)).

26 “[L]ast minute” notice of the country of removal will not suffice,
27 *Andriasian*, 180 F.3d at 1041; accord *Najjar v. Lunch*, 630 Fed. App’x 724 (9th
28 Cir. 2016). For good reason: To have a meaningful opportunity to apply for fear-

1 based protection from removal, immigrants must have time to prepare and present
2 relevant arguments and evidence to the relevant agencies: first, the asylum officer
3 within USCIS, and, if that fails, the immigration judge. Telling a person where
4 they may be sent, without giving them a chance to look into country conditions
5 and the possibility they may be deported to yet another country, does not give
6 them a meaningful chance to determine whether and why they have a credible
7 fear.

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

11 The policies in the currently effective July 6, 2025, memo do not adhere to
12 these requirements. The operative memo “contravenes Ninth Circuit law.”
13 *Nguyen*, 796 F. Supp. 3d at 728 (explaining how the July 9, 2025 ICE memo
14 contravenes Ninth Circuit law on the process due to noncitizens in detail); *see*
15 *also Azzo v. Noem*, No. 25-cv-3122-RBM-BJW, 2025 WL 3535208, *6–*8 (S.D.
16 Cal. Dec. 10, 2025) (same).

17 Most critically, current policy does not require ICE to notify immigrants
18 that they have a right to apply for withholding of deportation from the new third
19 country to which they will be deported. *See* Exhibit D (ICE ““will not
20 affirmatively ask whether the alien is afraid of being removed to the country of
21 removal”).

22 This is in direct conflict with controlling Ninth Circuit law. “Failing to
23 notify individuals who are subject to deportation that they have the right to apply
24 . . . for withholding of deportation to the country to which they will be deported
25 violates both INS regulations and the constitutional right to due process,”
26 *Adriasian*, 180 F.3d at 1041.

27 Further, under the Convention Against Torture, Mr. Muradyan is entitled to
28 protection from deportation to a country that may subsequently deport him to his
home country, known as protection against “chain refoulement.” *See* Inter-

1 American Commission on Human Rights, *IACHR and United Nations Experts:*
2 *States Must Protect the Rights of Persons in Human Mobility* (Sept. 18, 2025);¹⁴
3 *see also* United Nations Committee Against Torture, *General comment No. 4 on*
4 *the implementation of article 3 of the Convention in the context of article 22*, at
5 section II (12) (Sept. 4, 2028) (“the person at risk [of torture] should never be
6 deported to another State from which the person may subsequently face
7 deportation to a third State in which there are substantial grounds for believing
8 that the person would be in danger of being subjected to torture”).¹⁵

9 Next, under the policy, ICE need not give immigrants *any* notice or *any*
10 opportunity to be heard before removing them to a country that—in the State
11 Department’s estimation—has provided “credible” “assurances” against
12 persecution and torture. Exhibit D. By depriving immigrants of any chance to
13 challenge the State Department’s view, this policy violates “[t]he essence of due
14 process,” “the requirement that a person in jeopardy of serious loss be given
15 notice of the case against him and opportunity to meet it.” *Mathews v. Eldridge*,
16 424 U.S. 319, 348 (1976) (cleaned up).

17 Then, even when the government has obtained no credible assurances
18 against persecution and torture, the government can still remove the person with
19 between 6 and 24 hours’ notice, depending on the circumstances. *See* Exhibit D.
20 Practically speaking, there is not nearly enough time for a detained person to
21 assess their risk in the third country and develop evidence to support any credible
22 fear—let alone a chance to file a motion to reopen with an IJ. An immigrant may
23 know nothing about a third country, like Eswatini or South Sudan, when they are
24 scheduled for removal there.

25
26 _____
27 ¹⁴ Available at https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2025/190.asp&utm_term=class-dc

28 ¹⁵ Available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/CAT/CAT-C-GC-4_EN.pdf.

1 If given the opportunity to investigate conditions, immigrants may find
2 credible reasons to fear persecution or torture—like patterns of deporting those
3 deportees back to their home countries, keeping deportees indefinitely and
4 without charge in solitary confinement, or extreme instability raising a high
5 likelihood of death—in many of the third countries that have agreed to removal of
6 thus far.

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

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

20 **VI. This Court must hold an evidentiary hearing on any disputed facts.**

21 Resolution of a prolonged-detention habeas petition may require an
22 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).
23 Mr. Muradyan hereby requests such a hearing on any material, disputed facts.
24
25
26
27
28

1 **VII. Prayer for relief**

2 For the foregoing reasons, Mr. Muradyan respectfully requests that this
3 Court:

- 4 1. Order and enjoin Respondents to immediately release Petitioner from
5 custody under conditions set by Respondents under 8 U.S.C.
6 § 1231(a)(3);
- 7 2. Enjoin Respondents from re-detaining Petitioner without first
8 following all applicable statutory and regulatory procedures;
- 9 3. Enjoin Respondents from removing Petitioner unless they provide
10 the following process:
 - 11 a. written notice to both Petitioner and Petitioner’s counsel in a
12 language Petitioner can understand;
 - 13 b. a meaningful opportunity, and a minimum of ten days, to raise
14 a fear-based claim for CAT protection prior to removal;
 - 15 c. if Petitioner is found to have demonstrated “reasonable fear”
16 of removal to the country, Respondents must move to reopen
17 Petitioner’s immigration proceedings;
 - 18 d. if Petitioner is not found to have demonstrated a “reasonable
19 fear” of removal to the country, a meaningful opportunity, and
20 a minimum of fifteen days, for the Petitioner to seek reopening
21 of his immigration proceedings.
- 22 4. Order all other relief that the Court deems just and proper.

23 Respectfully submitted,

24
25 Dated: April 7, 2026

s/ Jessie Agatstein
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Muradyan
Email: jessie_agatstein@fd.org

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Proof of Service

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

Dated: April 7, 2026

s/ Jessie Agatstein
Jessie Agatstein

Exhibit A

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

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

11 **GEVORG MURADYAN,**
12 **Petitioner,**


13 v.

14 **MARKWAYNE MULLIN, Secretary of**
15 **the Department of Homeland Security,**
16 **TODD BLANCHE, Acting Attorney**
17 **General, TODD M. LYONS, Acting**
18 **Director, Immigration and Customs**
19 **Enforcement, JESUS ROCHA, Acting**
20 **Field Office Director, San Diego Field**
21 **Office, CHRISTOPHER LAROSE,**
22 **Warden at Otay Mesa Detention Center,**
23 **Respondents.**

Case No.:

Declaration of Gevorg Muradyan in
support of petition for writ of
habeas corpus
[Civil Immigration Habeas Petition
Under 28 U.S.C. § 2241]

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

- 22 1. My name is Gevorg Muradyan. My A-number is 
- 23 2. I have been detained since December 2024. My money is completely
24 gone. I do not have money saved and I do not own a house, car, or
25 other assets. I cannot afford an attorney again.
- 26 3. I was ordered removed to Armenia and given withholding of removal
27 from Armenia on September 30, 2025. I am currently detained at the
28 Otay Mesa Detention Center.

- 1 4. I am not a citizen or national of any country other than Armenia. I have
2 never lived anyplace other than Armenia. My mother and my father
3 are citizens of Armenia. I do not have immigration status in any other
4 country. I was born in Armenia. I do not know of any reason why a
5 country other than Armenia would accept me for removal. The only
6 country I have ties to is Armenia.
- 7 5. Since September, no one from ICE has identified a specific third
8 country they're trying to remove me to. I have never had an interview
9 or a phone call with any third country.
- 10 6. I am going through a medical crisis. I have severe diabetes. I have
11 been to the outside hospital nine times since I have been in detention.
12 Since I have been detained, I have lost sight out of one of my eyes.
13 Half of my fingers are not working properly and I am not able to
14 close them. The last time I was at an outside hospital, the doctor said
15 I needed to get a surgery on my eye to remove my eye to avoid
16 things getting worse. I am scared to get the surgery while I am
17 detained because I am scared of coming back to detention in that
18 condition.
- 19 7. This declaration has been read to me in its entirety in my native
20 language, Armenian.

21
22 Mr. Muradyan gave me authority to sign that the above is true and correct
23 under penalty of perjury this day, April 7, 2026, from the Otay Mesa Detention
24 Center to downtown San Diego, over phone.

25 */s/ Jessie Agatstein*, on behalf of Mr. Muradyan.
26
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28

Exhibit B



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

Respondent Name:

MURADYAN, GEVORG

To:

Naira Zohrabyan, Esq.
100 West Broadway
Suite 540
Glendale , CA 91210

A-Number:

[REDACTED]

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

09/30/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 09/30/2025. 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).

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

See attached Standard Language Addenda of Law for Asylum, Withholding and Convention Against Torture, for Political Opinion, and for Circumvention of Lawful Pathways, which are adopted and incorporated into this decision by reference.

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 (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

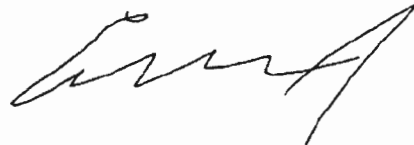
IV. Removal

- Respondent was ordered removed to Armenia.
- In the alternative, Respondent was ordered removed to
- 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 (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

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



Immigration Judge: ROBINSON, EUGENE 09/30/2025

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

Appeal Due: 10/30/2025

Certificate of Service

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To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : MURADYAN, GEVORG | A-Number : [REDACTED]

Riders:

Date: 10/01/2025 By: GARCIA III, ROBERTO, Court Staff

Exhibit C

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

GEVORG MURADYAN,
Petitioner,

No. 3:26-cv-63-CAB-AHG

v.
WARDEN OF OTAY MESA
DETEINTION CENTER,

**DECLARATION OF
RAMON MERAZ**

Respondent.

I, Ramon Meraz, declare the following under 28 U.S.C. § 1746, and state that under the penalty of perjury, the following is true and correct to the best of my knowledge and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as a Deportation Officer (DO) assigned to the Otay Mesa suboffice of the ICE ERO San Diego Field Office. I have been with ICE since December 10, 2006, and have held the position of DO since September 20, 2015.

2. As a DO, I am responsible for, among other things, enforcing final orders of deportation and removal from the United States for aliens and requesting travel documents from foreign consulates as part of the removal process.

3. This declaration is based on my personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a DO for the Otay Mesa suboffice of the ICE ERO San Diego Field Office.

4. I have reviewed official files and records maintained by DHS relating to

1 Gevorg Muradyan, [REDACTED], hereinafter referred to as Petitioner.

2 5. Petitioner is a 34-year-old native and citizen of Armenia, with a date of birth
3 of [REDACTED].

4 6. On December 1, 2024, Petitioner applied for admission into the United States
5 from Mexico through the San Ysidro Port of Entry. He was processed for Expedited
6 Removal and referred to an Asylum Officer pending a credible fear interview.

7 7. The Asylum Officer determined that Petitioner was subject to the limitation
8 on asylum eligibility (8 CFR 208.35(a)) and thereafter made a negative credible fear
9 finding. Petitioner was then screened for statutory withholding of removal, and the Asylum
10 Officer made a positive reasonable fear determination.

11 8. On December 13, 2024, a Notice to Appear (NTA) was filed with the Otay
12 Mesa, California, Immigration Court, charging Petitioner as an arriving alien and being
13 inadmissible pursuant to Immigration and Nationality Act (INA) section 212(a)(7)(A)(i)(I).

14 9. On January 24, 2025, Petitioner filed an I-589, Application for Asylum and
15 Withholding of Removal, with the Otay Mesa Immigration Court.

16 10. Petitioner's individual merits hearing was originally scheduled for June 6,
17 2025. However, Petitioner's counsel indicated that Petitioner's family mailed documents
18 two days prior and they had not been filed with the court yet. Further, government counsel
19 indicated that their cross-examination would take longer than the abbreviated time
20 allocated for the morning hearing. The immigration judge (IJ) rescheduled the merits
21 hearing.

22 11. Petitioner's merits hearing was held on September 17, 2025, with a continued
23 merits hearing held September 30, 2025.

24 12. On September 30, 2025, the IJ ordered Petitioner removed with a grant of
25 withholding of removal to Armenia. Both parties waived appeal and the decision became
26 final that day.

27 13. ERO's Otay Mesa Field Office is working with ERO Headquarters Removal
28 and International Operations (HQ-RIO) to seek a third country for removal.

1 14. ERO’s Otay Mesa Field Office conducts periodic follow-ups with HQ-RIO
2 for status updates. Follow-ups were made on October 7, 2025, and November 5, 2025, at
3 which time no updates were provided. An additional follow-up was made on December 24,
4 2025, and as of January 13, 2026, there have been no updates from HQ-RIO.

5 15. When ERO identifies a third country for removal, Petitioner will be notified
6 in writing of the third country at least twenty-four (24) hours prior to removal.

7 16. This declaration is based on my personal knowledge and experience as a law
8 enforcement officer and information provided to me in my official capacity as a
9 Deportation Officer.

10 17. ICE continues to diligently seek to identify a third country for
11 Petitioner’s removal and believes there is a significant likelihood of removal to a
12 third country in the reasonably foreseeable future.

13 I declare under penalty of perjury under the law of the United States that the
14 foregoing is true and correct.

15
16 Dated: January 14, 2026

**RAMON
MERAZ**

Digitally signed by
RAMON MERAZ
Date: 2026.01.14 11:09:24
-08'00'

RAMON MERAZ
Deportation Officer
San Diego Field Office, Otay Mesa Suboffice
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

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Exhibit D

CASE NO. PX 25-951

IDENTIFICATION: JUL 10 2025

ADMITTED: JUL 10 2025

To All ICE Employees
July 9, 2025

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

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

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

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

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

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

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

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

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

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

Attachments:

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