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17 UNITED STATES DISTRICT COURT
18 MIDDLE DISTRICT OF GEORGIA
19 COLUMBUS DIVISION

20 BAO TIN NGUYEN,

21 Petitioner,

22 v.

23 JASON STREEVAL, et al

24 Respondents.

Case No. 4:26-cv-00718-CDL-AGH

**REPLY IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS
AND EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER**

25 Pursuant to the Court's directives at the May 8, 2026 evidentiary hearing, Petitioner
26 respectfully submits this Reply in further support of his Petition for Writ of Habeas Corpus and
27 request for injunctive relief. Consistent with the Court's instructions, Petitioner also submits the
Memorandum of Understanding ("MOU") between the United States and the Republic of Palau
referenced during the hearing and in Respondents' filings. *See Exhibit A.*

Twenty-one days after the Government conceded in federal court that Petitioner Bao Tin
Nguyen's removal was not significantly likely in the reasonably foreseeable future—and after the
District of Arizona ordered his release under *Zadvydas v. Davis*, 533 U.S. 678 (2001)—
Respondents re-detained him based on an undeveloped and rapidly evolving plan to remove him

1 to the Republic of Palau, a country never identified during his immigration proceedings and with
2 which he has no connection.

3 The Government's subsequent filings and evidentiary submissions do not cure the
4 fundamental defects underlying Petitioner's detention. Rather, they confirm them.

5 Respondents now acknowledge that Petitioner remains detained solely for purposes of
6 effectuating third-country removal to Palau. Yet despite repeatedly characterizing removal as
7 "imminent," the Government no longer identifies any scheduled charter flight, admits that future
8 removal now depends on continued coordination with Palau and the arrangement of a future
9 commercial flight, and concedes that ICE must still "evaluate available options" before removal
10 can occur. These are not the hallmarks of removal that is significantly likely in the reasonably
11 foreseeable future under *Zadvydas*. They instead reflect the same type of contingent and
12 speculative removal efforts that previously resulted in Petitioner's release.

13 The record further demonstrates that ICE re-detained Petitioner before completing even the
14 agency's own revocation procedures. Although Petitioner was re-detained on April 21, 2026, ICE
15 did not provide the purported "informal interview" regarding revocation of his Order of
16 Supervision until May 17, 2026—after emergency litigation had commenced, after this Court
17 entered temporary restraining relief, and after the evidentiary hearing in this matter. Although
18 Respondents now argue that these post-hoc procedures satisfy due process, the delayed interview
19 underscores the improvised and evolving nature of the removal theory on which detention now
20 rests.

21 Most significantly, Respondents continue to maintain that they may remove Petitioner to
22 Palau without any additional procedures because the Government has obtained diplomatic
23 assurances that the Department of State considers "credible." The March 30, 2025 memorandum
24
25
26
27

1 on which Respondents rely expressly states that where such assurances exist, a noncitizen “may
2 be removed without the need for further procedures.” The memorandum further provides that
3 immigration officers will not affirmatively inquire whether the noncitizen fears removal to the
4 proposed third country.

5
6 Thus, the constitutional problem before this Court is now sharply defined. Respondents
7 assert authority to detain Petitioner based on speculative future removal arrangements and, once
8 the Court’s TRO is lifted, to remove him to a third country without meaningful notice, without any
9 affirmative fear inquiry, and without a meaningful opportunity to seek protection before removal
10 occurs. The Constitution and § 1231(a)(6) do not permit such a result.

11 For the reasons set forth below, the Petition should be granted, Petitioner should be released
12 under appropriate conditions of supervision, and the Court should continue injunctive relief
13 prohibiting Respondents from removing Petitioner absent constitutionally adequate procedures.

14
15 **I. RESPONDENTS STILL HAVE NOT ESTABLISHED A SIGNIFICANT**
16 **LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE**
17 **FUTURE.**

18 Under *Zadvydas*, once a noncitizen provides “good reason to believe that there is no
19 significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the
20 Government to rebut that showing with evidence sufficient to establish that removal is in fact
21 significantly likely to occur. 533 U.S. at 701.

22
23 Here, the Government previously conceded that it could not satisfy that burden. On March
24 31, 2026, the District of Arizona ordered Petitioner’s release after the Government acknowledged
25 that his removal was not significantly likely in the reasonably foreseeable future. Only twenty-one
26
27

1 days later, Respondents re-detained Petitioner based on a proposed third-country removal
2 arrangement involving Palau.

3 But Respondents' current filings still do not establish the type of concrete, executable
4 removal plan required under *Zadvydas*.

5 Although Respondents repeatedly characterize removal as "imminent," the supplemental
6 record demonstrates that no presently scheduled removal exists. The Government no longer
7 identifies any charter flight for Petitioner's removal and instead states only that ICE will "evaluate
8 available options" and "coordinate the arrangement of a commercial flight at the earliest
9 opportunity." The Government further acknowledges that commercial removal depends upon
10 continued coordination with Palau and advance notification procedures that have not yet occurred.
11

12 Those representations describe ongoing future logistical efforts—not a presently
13 executable removal plan.
14

15 Critically, the Government conflates the existence of a diplomatic framework with
16 evidence that removal is actually significantly likely to occur in the reasonably foreseeable future.
17 The existence of a memorandum of understanding with Palau and generalized diplomatic
18 assurances do not themselves establish that removal can or will actually occur within any defined
19 timeframe. Even under Respondents' own submissions, removal remains contingent upon future
20 coordination, transportation arrangements, and implementation steps that have not yet been
21 completed.
22

23 That distinction matters under *Zadvydas*. The question is not whether removal is
24 theoretically possible. The question is whether Respondents have demonstrated that removal is
25 significantly likely in the reasonably foreseeable future. On the present record, they have not.
26
27

1 **II. THE GOVERNMENT’S POST-HOC PROCEDURES DO NOT CURE THE**
2 **DEFECTS IN PETITIONER’S RE-DETENTION.**

3 Respondents contend that Petitioner’s re-detention complied with the governing regulatory
4 framework because ICE ultimately provided Petitioner with notice regarding revocation of his
5 Order of Supervision (“OSUP”) and later conducted an “informal interview” on May 17, 2026.
6 But the record demonstrates that ICE re-detained Petitioner first and attempted to complete the
7 procedural framework later.
8

9 The Government now acknowledges that Petitioner was re-detained on April 21, 2026, but
10 was not offered the purported “informal interview” until May 17, 2026—nearly a month later and
11 only after (1) emergency litigation commenced, (2) this Court entered temporary restraining relief,
12 and (3) the Court conducted the May 8 evidentiary hearing. Thus, at the time ICE deprived
13 Petitioner of his liberty, it had not yet provided him any meaningful opportunity to respond to the
14 alleged “changed circumstances” underlying revocation of supervision.
15

16 The delayed interview is significant not merely because of its timing, but because it
17 underscores the evolving and uncertain nature of the Government’s removal theory itself. In
18 successive filings, Respondents have shifted from reliance on (1) a purported charter flight, to (2)
19 manifest placement, and now to (3) the future possibility of commercial removal arrangements
20 that still require coordination with Palau and evaluation of “available options.” The Government’s
21 own submissions therefore demonstrate that ICE re-detained Petitioner before critical aspects of
22 any proposed removal plan had been finalized.
23

24 Nor does the subsequent interview itself establish that meaningful process occurred. The
25 Government’s filings reflect only that Petitioner was presented with a form interview after weeks
26 of detention and after this litigation was already underway. The record does not demonstrate that
27

1 Petitioner was provided a meaningful opportunity to challenge the factual basis for re-detention,
2 contest the alleged foreseeability of removal, or meaningfully respond to the Government's
3 proposed third-country removal theory.

4 In any event, even assuming *arguendo* that the later interview satisfied the agency's
5 regulations, it does not resolve Petitioner's core claims before this Court. The dispositive questions
6 remain whether Respondents have established a significant likelihood of removal in the reasonably
7 foreseeable future under *Zadvydas* and whether Respondents may remove Petitioner to Palau
8 without constitutionally adequate notice and an opportunity to seek protection. Those
9 constitutional and statutory questions remain live regardless of any subsequent administrative
10 interview conducted after Petitioner's re-detention and after this litigation commenced.

11
12 **III. PETITIONER'S RE-DETENTION CANNOT BE RECONCILED WITH THE**
13 **PRIOR ZADVYDAS DETERMINATION.**
14

15 Respondents attempt to characterize Petitioner's re-detention as the product of materially
16 changed circumstances arising after the District of Arizona ordered his release under *Zadvydas*.
17 The present record, however, demonstrates that the Government's core position remains
18 fundamentally unchanged: Petitioner still cannot be removed to Vietnam, and removal to a third
19 country remains dependent upon contingent and evolving future arrangements.

20
21 The District of Arizona ordered Petitioner's release after the Government conceded that it
22 could not establish a significant likelihood of removal in the reasonably foreseeable future. Only
23 twenty-one days later, ICE re-detained Petitioner based upon a proposed removal arrangement
24 involving Palau. But Respondents' own supplemental filing now confirms that no presently
25 scheduled removal exists and that ICE must still "evaluate available options" and coordinate future
26 commercial travel arrangements before removal can occur.
27

1 That sequence matters. Respondents effectively ask this Court to conclude that, within
2 three weeks of conceding removal was not significantly likely in the reasonably foreseeable future,
3 circumstances changed so dramatically that renewed detention suddenly became lawful under §
4 1231(a)(6). But the Government's current evidence consists primarily of (1) a memorandum of
5 understanding with Palau that predated Petitioner's release under the District of Arizona's order,
6 (2) diplomatic assurances that likewise existed before the Government conceded removal was not
7 reasonably foreseeable, and (3) ongoing future coordination efforts regarding transportation and
8 logistics that remain unresolved. The record still lacks evidence of a presently executable removal
9 plan with a defined removal timeframe. Rather than demonstrating materially changed
10 circumstances, Respondents' filings confirm that the same basic conditions underlying the prior
11 *Zadvydas* determination continue to exist.
12

13
14 Moreover, the Government's shifting explanations further undermine any assertion that
15 circumstances materially changed in a sufficiently concrete way to justify renewed detention. In
16 prior filings, Respondents emphasized a purported charter removal scheduled for May 4, 2026.
17 That removal date has now passed. Respondents now rely instead upon the possibility of future
18 commercial travel arrangements that remain unresolved. This evolution in the Government's
19 position reflects continued uncertainty regarding whether, when, and how removal could actually
20 occur.
21

22 Allowing repeated cycles of detention and release based upon speculative third-country
23 removal theories would substantially undermine the protections recognized in *Zadvydas*. Under
24 Respondents' theory, the Government could repeatedly concede that removal is not reasonably
25 foreseeable, release a noncitizen pursuant to habeas relief, identify a new tentative third-country
26 possibility, re-detain the individual, and then restart the detention cycle indefinitely based on
27

1 evolving diplomatic or logistical efforts. Section 1231(a)(6) and *Zadvydas* do not permit such serial
2 detention unsupported by genuinely concrete evidence that removal is significantly likely to occur
3 in the reasonably foreseeable future.

4 Accordingly, Respondents have not demonstrated materially changed circumstances
5 sufficient to justify Petitioner's renewed detention following the District of Arizona's prior habeas
6 determination.
7

8 **IV. RESPONDENTS MAY NOT REMOVE PETITIONER TO PALAU WITHOUT**
9 **CONSTITUTIONALLY ADEQUATE NOTICE AND AN OPPORTUNITY TO**
10 **SEEK PROTECTION.**

11 Respondents' filings confirm that the central due process issue before this Court is no
12 longer hypothetical. The Government expressly maintains that, once this Court's TRO is lifted, it
13 may remove Petitioner to Palau without any additional procedures because the Department of State
14 has deemed Palau's diplomatic assurances "credible." Respondents further rely upon the March
15 30, 2025 memorandum, which states that where such assurances exist, a noncitizen "may be
16 removed without the need for further procedures." The memorandum additionally provides that
17 immigration officers will not affirmatively ask whether a noncitizen fears removal to the proposed
18 third country. Those procedures are constitutionally inadequate.
19

20
21 Petitioner has never been provided meaningful notice identifying Palau as a proposed
22 country of removal prior to his re-detention, has never been afforded a meaningful opportunity to
23 raise fear-based claims regarding removal to Palau, and has never been advised of any mechanism
24 through which he could seek reopening or protection before removal occurs. Instead, Respondents'
25 position appears to be that generalized diplomatic assurances alone eliminate the need for
26 individualized process. But due process protections belong to the individual facing removal, not
27

1 to the Executive Branch. A determination by the Department of State that diplomatic assurances
2 are “credible” cannot extinguish Petitioner’s constitutional right to notice and a meaningful
3 opportunity to be heard before being removed to a country never identified during his immigration
4 proceedings.

5
6 The constitutional deficiencies in the March 30 memorandum are especially pronounced
7 in the context of third-country removal. The memorandum expressly disclaims any affirmative
8 obligation to inquire whether the noncitizen fears removal to the proposed third country and
9 instead places the burden entirely upon the individual to affirmatively articulate fear. That
10 framework creates an obvious and substantial risk of erroneous deprivation, particularly where, as
11 here, the noncitizen has no prior connection to the proposed country of removal and may have no
12 meaningful understanding of the procedures available to contest removal before it occurs.

13
14 Nor does Respondents’ reliance on the pending D.V.D. litigation deprive this Court of
15 jurisdiction to adjudicate Petitioner’s individual habeas claims. *See D.V.D. v. U.S. Department of*
16 *Homeland Security*, No. 25-cv-10676-BEM, 2026 WL 521557 (D. Mass. Feb. 25, 2026), stayed
17 pending appeal, No. 26-1212 (1st Cir. Mar. 16, 2026). Petitioner does not seek broad nationwide
18 relief or an order invalidating the Government’s third-country removal policies in their entirety.
19 Rather, Petitioner seeks individualized relief prohibiting his own removal absent constitutionally
20 adequate procedures. The existence of overlapping class litigation does not extinguish this Court’s
21 authority to prevent unconstitutional removal in an individual habeas proceeding, particularly
22 where Respondents continue to assert authority to remove Petitioner immediately upon dissolution
23 of the TRO.

24
25 Importantly, Respondents overstate the significance of the First Circuit’s stay in D.V.D.
26 The stay did not hold that the March 30 memorandum satisfies due process, nor did it conclusively
27

1 determine the legality of the Government's third-country removal procedures. It merely preserved
2 the status quo pending appellate review. Yet Respondents ask this Court to treat the stay as
3 affirmative approval of procedures that permit removal without meaningful notice, without
4 affirmative fear inquiry, and without meaningful opportunity to seek protection before removal
5 occurs.

6
7 Absent injunctive relief, Petitioner faces the imminent risk of removal to a country never
8 identified during his immigration proceedings and with which he has no connection, without
9 constitutionally adequate process and before any court can meaningfully adjudicate his claims.
10 The Fifth Amendment does not permit such a result.

11 **V. CONTINUED INJUNCTIVE RELIEF REMAINS NECESSARY TO**
12 **PRESERVE THE COURT'S JURISDICTION AND PREVENT IRREPARABLE**
13 **HARM.**
14

15 The Government's response and supplemental filings confirm precisely why continued
16 injunctive relief remains necessary in this case. Respondents repeatedly assert that, absent this
17 Court's TRO, ICE intends to proceed with Petitioner's removal to Palau at the earliest opportunity.
18 At the same time, Respondents maintain that no further procedures are required before effectuating
19 that removal because the Department of State has deemed Palau's diplomatic assurances
20 "credible." Thus, by Respondents' own account, dissolution of the TRO would permit Petitioner's
21 removal to proceed without meaningful notice, without affirmative fear inquiry, and without any
22 meaningful opportunity to seek protection before removal occurs.
23

24 Once removed, Petitioner would suffer irreparable harm. Removal to a third country would
25 not only permanently deprive Petitioner of the ability to meaningfully pursue his claims before
26 this Court, but could also expose him to significant dangers in a country never identified during
27

1 his immigration proceedings and with which he has no connection. Courts consistently recognize
2 that wrongful removal before adjudication of constitutional and statutory claims constitutes
3 irreparable injury because the court may thereafter be unable to provide meaningful relief.

4 The balance of equities likewise strongly favors continued injunctive relief. Petitioner
5 seeks only preservation of the status quo while this Court adjudicates serious constitutional and
6 statutory questions concerning prolonged detention and third-country removal procedures. The
7 TRO does not prevent Respondents from continuing diplomatic coordination efforts, nor does it
8 permanently bar removal. It merely ensures that removal does not occur before the Court can
9 determine whether Respondents' proposed procedures satisfy the Constitution and whether
10 Petitioner's continued detention is lawful under *Zadvydas*.
11

12 By contrast, the Government identifies no meaningful prejudice arising from maintenance
13 of the TRO beyond delay attendant to judicial review itself. Indeed, Respondents previously
14 conceded that Petitioner's removal was not significantly likely in the reasonably foreseeable
15 future, and their current filings still reflect ongoing and unresolved logistical efforts rather than a
16 presently executable removal plan. Under these circumstances, preserving the status quo pending
17 resolution of Petitioner's claims imposes minimal hardship upon Respondents while preventing
18 potentially irreversible constitutional injury to Petitioner.
19

20 Accordingly, the Court should maintain injunctive relief pending final adjudication of the
21 Petition and should prohibit Respondents from removing Petitioner absent constitutionally
22 adequate notice and an opportunity to seek protection.
23

24 VI. CONCLUSION

25 Respondents ask this Court to permit the Government to re-detain Petitioner only twenty-
26 one days after conceding in federal court that his removal was not significantly likely in the
27

1 reasonably foreseeable future, revoke his supervision based upon largely preexisting
2 circumstances, and continue detaining him pursuant to a removal theory that remains contingent
3 upon unresolved future coordination and logistics.

4 The record further demonstrates that Respondents seek authority to remove Petitioner to a
5 country never identified during his immigration proceedings and with which he has no connection,
6 while simultaneously maintaining that no additional procedures are constitutionally required
7 because the Government has obtained diplomatic assurances it considers “credible.” Under
8 Respondents’ view, Petitioner may be removed without meaningful notice, without affirmative
9 inquiry into fear, and without a meaningful opportunity to seek protection before removal occurs.
10 Section 1231(a)(6), *Zadvydas*, and the Due Process Clause do not permit such a result.
11

12 Respondents’ own filings confirm that Petitioner’s proposed removal remains uncertain,
13 evolving, and dependent upon future coordination efforts that have not yet been completed. They
14 further confirm that ICE re-detained Petitioner before completing even the agency’s own
15 revocation procedures and only attempted to provide post-hoc process after emergency litigation
16 commenced and this Court intervened.
17

18 Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of
19 Habeas Corpus, order Petitioner’s release under appropriate conditions of supervision, maintain
20 injunctive relief preserving the status quo, and prohibit Respondents from removing Petitioner
21 absent constitutionally adequate notice and a meaningful opportunity to seek protection.
22

23
24 Dated: May 18, 2026

Respectfully submitted,

25
26 /s/ Eszter Bardi

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EXHIBIT A

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF PALAU
FOR COOPERATION ON THE TRANSFER OF THIRD-COUNTRY
NATIONALS FROM THE UNITED STATES TO PALAU

The Government of the United States of America and the Government of the Republic of Palau (hereinafter referred to individually as a "Participant" and collectively as "Participants"), nations in free association with one another,

SHARING a joint history and common values, norms, and rights regarding individuals and equal opportunity for all;

HAVING the closest of possible relationships between sovereign nations, and continuing to help each other with challenges to the extent needed within their capabilities;

RECOGNIZING the immigration policy goals of the Government of the United States of America and the authority and responsibility of the President of the Republic of Palau under the Constitution of the Republic to implement and enforce the laws of Palau, including those relating to international relations, immigration, border control, and national security in the best interests of the Republic of Palau and that, pursuant to Title 13 of the Palau National Code, the Executive Branch of the Government of the Republic of Palau exercises responsibility for the regulation of entry, residence, and removal of non-citizens, including the issuance of visas and work permits; and

AFFIRMING their willingness to cooperate concerning the potential transfer of certain third-country nationals present in the United States to Palau, in accordance with legal requirements and in a dignified, safe, and timely manner,

Have reached the following understandings:




1. Purpose and Scope

- 1.1. The purpose of this Memorandum of Understanding (MOU) is to facilitate the transfer to and orderly reception in Palau of third-country nationals from the United States of America identified by the Government of the United States of America and accepted by the Government of the Republic of Palau in accordance with law in a manner that supports and furthers humanitarian objectives while safeguarding public safety, addresses the Republic of Palau's need for foreign labor, and contributes to the development of the Republic of Palau.
- 1.2. The Government of the United States of America does not intend to propose transferring to Palau any third-country nationals who have been arrested for, charged with, or convicted of crimes other than immigration-related offenses whose arrests, charges or convictions are known to the Government of the United States, or who are the subject of Interpol criminal notifications.
- 1.3. The Government of the United States of America intends to propose transferring to Palau third-country nationals only from nations with which Palau has diplomatic relations and which are mutually decided upon by the Participants.
- 1.4. The Government of the United States of America intends to propose transferring to Palau only the following categories of individuals with final orders of removal:
 - (a) Single individuals without children, to the extent the Government of the United States of America is aware, or is made aware, of applicable family relationships or the lack thereof; and
 - (b) Family units, defined as a third-country national, his or her legal spouse, and/or his or her child(ren) under age 21, all of whom have a final order of removal, to the extent the Government of the United States of America is aware, or is made aware, of applicable family relationships or the lack thereof. The Government of the United States of America intends to transfer such family units to Palau at the same time.



- 1.5. The Government of the United States of America does not intend to transfer unaccompanied minors to Palau pursuant to this MOU.
- 1.6. The Government of the United States of America intends to propose the transfer of third-country nationals from the United States to Palau only if fewer than 75 third-country nationals transferred under this MOU remain present in Palau at the time of the proposed transfer.

2. Case-by-Case Consideration and Documentation

- 2.1. The Government of the United States of America may in its complete discretion propose to the Government of the Republic of Palau the transfer of such third-country nationals, and the Government of the Republic of Palau may in its complete discretion consider accepting or rejecting such a proposal in whole or in part.
- 2.2. The Participants intend to develop, to the extent appropriate, operating procedures to assist with implementing this MOU.
- 2.3. The Government of the United States of America intends to provide the Government of the Republic of Palau with valid passports for all third-country nationals proposed for transfer to Palau. The Government of the United States of America also intends to provide the Government of the Republic of Palau all of the biographical, medical, criminal, employment, and immigration information, including all countries from which the individual was granted withholding of removal, for each third-country national proposed for transfer to the extent available and permitted by law. The Government of the United States of America additionally intends to provide to the Government of the Republic of Palau the results of a comprehensive health screening for each such third-country national, performed within ninety (90) days of the proposed transfer date, and not to propose any individual with a communicable disease, a chronic disease requiring ongoing treatment in a hospital setting, or with a mental health disorder, to the extent such disease(s) or disorder(s) are known to the Government of the United States of America.
- 2.4. The Government of the United States of America proposes to inform the Government of the Republic of Palau of any individuals it intends to

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transfer to Palau at least 14 days prior to such proposed transfer. After receipt of all information for third-country nationals proposed for transfer to Palau, the Government of the Republic of Palau intends to notify the Government of the United States of America of its decision to reject or accept any such nationals within a reasonable period of time, which is understood to mean no later than the day before the transfer date proposed by the Government of the United States of America. The Government of the Republic of Palau intends to notify the Government of the United States of America if it seeks more time to review the information referenced in Section 2.3 above, or if it seeks any additional information on any third-country national proposed for transfer to Palau.

3. Legal Status and Residency Requirements

- 3.1. The Government of the Republic of Palau intends to admit all individuals accepted under this MOU to the Republic of Palau pursuant to a valid visa or work permit issued under the laws and regulations of the Republic, including all legal and procedural requirements applicable to any other applicant for entry, residence, or employment in Palau.
- 3.2. The Government of the Republic of Palau intends to grant each individual accepted under this MOU lawful authorization to enter and remain in the Republic of Palau under the applicable provisions of Palauan law upon each individual's arrival in Palau. Such authorization may include, for example, a Nonresident Work Permit issued in accordance with Title 13 of the Palau National Code or a Temporary Visa issued in accordance with Section 311 of the Immigration Regulations. During the period of such authorization, the Government of the Republic of Palau intends to facilitate placement of the individual in lawful employment where possible and with the consent of each individual, for the purpose of transferring the individual to non-resident worker status.
- 3.3. The Government of the Republic of Palau retains full authority, in accordance with its laws, to deny or revoke any visa or permit if an individual fails to maintain lawful status or violates the conditions of their stay. Any individual who loses the legal right to remain in the Republic of Palau may be deported in a manner consistent with the laws



of the Republic of Palau and its international legal obligations, including the principle of nonrefoulement, which prohibits return of the individual to a country in which they have demonstrated the likelihood of persecution or torture.

4. Assurances

4.1. The Government of the Republic of Palau assures the Government of the United States of America that it intends to treat any third-country nationals transferred from the United States to Palau in a manner that is in accordance with the principle of nonrefoulement, which prohibits return of the individual to a country in which they have demonstrated the likelihood of persecution or torture, and its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; any other international legal obligations; and its national constitution, laws, regulations, and immigration and visa policies. The Government of the Republic of Palau further assures the Government of the United States of America that it would not persecute or torture any third-country nationals transferred from the United States to Palau.

4.2. The Government of the United States of America assures the Government of the Republic of Palau that it intends to transport any third-country nationals transferred from the United States to Palau on commercial airline or charter flights under humane conditions and without bodily restraints during the flights, except when a demonstrated necessity arises to ensure the health or safety of the third-country national, U.S. immigration officers, crewmembers, or other passengers onboard the flight. After the third-country nationals board flights from the United States to Palau, the Government of the United States of America intends to provide each third-country national with information about Palau provided by the Government of the Republic of Palau. The Government of the United States of America intends to permit a representative of the Government of the Republic of Palau to accompany the third-country nationals onboard the flights from the United States to Palau to provide further information on and answer any questions about the Republic of Palau.



5. Final Provisions

- 5.1. The Participants intend to consult to resolve any questions about the interpretation or implementation of this MOU.
- 5.2. Either Participant may discontinue its participation in this MOU at any time but, in such case, intends to endeavor to provide 30 days' written notice to the other Participant through diplomatic channels.
- 5.3. The Participants intend to discuss the potential provision of financial assistance by the Government of the United States of America to assist the Government of the Republic of Palau with the costs associated with the reception of any individuals transferred under this MOU.
- 5.4. Nothing in this MOU is intended to create any rights or obligations under international or domestic law, including with respect to the disbursement or obligation of funds. All actions taken under this MOU are subject to the availability of funds and the applicable laws and regulations of both Participants.
- 5.5. This MOU becomes operative upon signature by both Participants. The MOU is intended to remain operative for one year from the date of signature but may be renewed by mutual written decision of the Participants.

Signed, in two originals, in the English Language.

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF PALAU:**


Date: December 24, 2025
Place: Koror


Date: Dec. 24, 2025
Place: Koror, Palau

