

United States District Court
for the
Middle District of Georgia

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Iusubova Aida

Petitioner

V.

Kristi Noem, Secretary of

the Department of Homeland Security;

DHS/ICE Office of Chief Counsel - SDC,

U.S. Department of Homeland Security;

U.S. IMMIGRATION AND CUSTOMS

ENFORCEMENT

Respondents

Case No. 4:25-CV-91

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

INTRODUCTION

Petitioner, Iusubova Aida (A-number [REDACTED]), is currently in detention at Stewart Detention Center, Lumpkin, Georgia. She respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of her continued detention. Petitioner has been in detention for more than 8 months.

PARTIES

1. Petitioner: Aida Iusubova (A-number [REDACTED]), currently detained at Stewart Detention Center,

146 CCA Road, P.O. Box 248, Lumpkin, GA 31815

2. Defendants:

Kristi Noem, Secretary of the U.S. Department of Homeland Security;

DHS/ICE Office of Chief Counsel - SDC,

U.S. Department of Homeland Security;

U.S. Immigration and Customs Enforcement (ICE).

FACTUAL BACKGROUND

1. I and my daughter (13 years old) requested asylum in the port San Ysidro on April 1, 2024, but we were detained. On the 4th day of being in the San Ysidro border, my daughter and I were separated, my daughter was sent to an orphanage, despite the fact that my husband has located in the US for 2 years. In San Ysidro, I was interviewed, after which I was brought a document with the appointment a court date set for freedom, May 24, 2024 in the city where the husband is located. We were also informed that my daughter and I would be released in the morning, I signed the document. In the morning we were informed that we would not be allowed to go and we were transported to another border.
2. The applicant (A number - ) has repeatedly requested to consolidate the case with his spouse, who is in the United States, and they provided documents confirming the legality of the marriage.
3. The applicant held all the trials in detention, despite the fact that I was not given a document with the reason why I had to go through all the trials in detention.
4. Despite the fact that the applicant's lawyer repeatedly provided the necessary documents for release under the sponsor's guardianship, Ice repeatedly denied the request without explanation.
5. At the moment, the applicant has been detained for more than 10 months.
6. The continued detention of Petitioner may extend beyond 6 months.

GROUND FOR PETITION

A. Violation of the Fifth Amendment to the U.S. Constitution

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process. The government has failed to provide any justification for her ongoing detention.

C. Relevant Precedents

1. Zadvydas v. Davis, 533 U.S. 678 (2001)

The U.S. Supreme Court ruled that immigrants cannot be held in detention indefinitely. If detention is prolonged and the government cannot justify its necessity, the immigrant should be released under supervision.

Application: lusubova Aida has been unlawfully detained for over 10 months without sufficient justification for her detention.

2. Rodriguez v. Robbins, 715 F.3d 1127 (9th Cir. 2013)

The Ninth Circuit Court of Appeals ruled that prolonged detention of immigrants without the right to release violates the U.S. Constitution.

Application: Aida poses no threat and has every reason to be released.

3. *Demore v. Kim*, 538 U.S. 510 (2003)

The U.S. Supreme Court confirmed that immigration authorities may detain immigrants, but only if there is a proven threat to society.

Application: Aida has no criminal history, has a sponsor, family, and guarantees compliance with all release conditions.

4. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)

The U.S. Supreme Court ruled that detained immigrants have the right to a hearing on their detention.

Application: The refusal to release Aida violates this precedent.

5. *Flores v. Reno*, 507 U.S. 292 (1993)

Established minimum standards for the detention of immigrants in the U.S.

Application: The conditions at Stewart Detention Center do not meet these standards.

6. *Nielsen v. Preap*, 139 S. Ct. 954 (2019)

The U.S. Supreme Court ruled that the detention of immigrants must meet clear criteria and not be arbitrary.

Application: Aida was detained without objective grounds.

7. *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015)

Determined that detained immigrants have the right to a hearing for release within 6 months of detention.

Application: Aida has been unlawfully detained for longer than this period.

8. *Guerra v. Shanahan*, 831 F.3d 59 (2d Cir. 2016)

Confirmed that detention must be justified by substantial facts, not just an administrative decision.

Application: There are no justified reasons for Aida's detention.

9. *Barrera-Echavarria v. Rison*, 44 F.3d 1441 (9th Cir. 1995)

Established that immigrants cannot be held indefinitely without proper judicial proceedings.

Application: Aida has been detained for over 10 months without lawful grounds.

Federal Legislation

10. Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a)

This law gives DHS the authority to detain immigrants but also provides the possibility of release on bond or Parole.

Application: Aida poses no threat, and her detention violates this law.

11. INA § 241(a)(6) (8 U.S.C. § 1231(a)(6))

Defines the grounds for prolonged detention of immigrants but requires that it be justified by necessity.

Application: Aida's detention is not justified.

12. 8 C.F.R. § 241.4

Regulates the process for reviewing decisions on detention and establishes criteria for release.

Application: Aida meets all the criteria for release.

13. United Nations Convention Against Torture (CAT), Article 3

The U.S. is obligated not to return immigrants to countries where they face persecution.

Application: Aida has demonstrated a threat of persecution in Russia.

14. Fifth Amendment to the U.S. Constitution (Due Process Clause)

Protects against arbitrary detention and requires fair judicial proceedings.

Application: Aida's rights to a fair process have been violated.

15. Eighth Amendment to the U.S. Constitution

Prohibits cruel and unusual punishment, including inhumane detention conditions.

Application: The conditions at Stewart Detention Center can be classified as cruel.

16. Administrative Procedure Act (APA), 5 U.S.C. §§ 701–706

Limits arbitrariness in the actions of government agencies.

Application: ICE and DHS have acted with clear procedural violations in relation to Aida.

International Norms Relevant to the Case of Iusubova Aida:

17. International Covenant on Civil and Political Rights (ICCPR), Article 9

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

Application: Iusubova Aida's detention is arbitrary and illegal, as there are no sufficient legal grounds to justify her prolonged detention under US law. The indefinite nature of her detention violates international standards set out in this provision.

18. European Convention on Human Rights (ECHR), Article 5

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except in accordance with a procedure prescribed by law.

Application: The detention of Aida Iusubova violates her right to liberty. It is a disproportionate measure since her detention lacks legal justification and extends beyond reasonable limits.

19. UN Refugee Convention, Article 31

States shall not impose penalties on refugees for their illegal entry or presence if they come directly from a territory where their life or freedom was threatened and are seeking asylum.

Application: Aida, as an asylum seeker, should not be penalized for irregular entry into the US, as her circumstances meet the criteria for refugee status. Her detention while seeking asylum is an unlawful punishment under international law.

20. International Covenant on Economic, Social and Cultural Rights, Article 10

Persons detained shall be protected from cruel, inhuman, or degrading treatment or punishment.

Application: The conditions in Stewart Detention Center, including poor hygiene, inadequate medical care, and prolonged confinement in inhumane conditions, violate the protections provided under this covenant. These conditions subject Aida to cruel, inhuman, and degrading treatment.

The Immigration and Nationality Act allows for discretionary detention but requires periodic review of the detention status. Petitioner's continued detention without such review violates federal law.

CONCLUSION

Petitioner respectfully requests review the attached letters of support, and the documents confirming that Petitioner has no criminal record and poses no threat to U.S. security. Petitioner also has strong community ties, and individuals are willing to vouch for her good character and guarantee that she will continue to comply with all immigration requirements.

It should be noted that Petitioner's husband, is the primary applicant in their case and is at large complying with all ICE requirements. A request for expedited processing has also been submitted.

Petitioner respectfully requests that the Court:

- Issue a writ of habeas corpus requiring the immediate release of Petitioner from detention due to the unlawful and unjustified continuation of her detention;

Date: 03.11.2025



Signature of Petitioner

CERTIFICATE OF SERVICE

I, Aida Iusubova, hereby certify that on _____, I sent a copy of this RESPONDENT'S MOTION to the following parties via U.S. Mail:

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

DHS/ICE Office of Chief Counsel - SDC
146 CCA Road, P.O.Box 248
Lumpkin, GA 31815
U.S. Department of Homeland Security
Washington, D.C. 20528

U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536

Date: 03.11.2025



Signature of Petitioner