

United States District Court

for the

Middle District of Georgia

Aida Iusubova.

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-122-CDL-AGH

FILED 25 APR 14 PM 1:11 MDG-CM

PETITIONER'S BRIEF

In Support of Writ of Habeas Corpus

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1. Introduction.

Habeas Corpus is an important legal tool used to challenge unlawful detention. Aida Iusubova, a citizen of Russia, was detained despite having all necessary documents confirming her law-abiding behavior and lack of threat to the United States.

2. Applicant Information.

Name: Aida Iusubova

Date of Birth:

A-Number:

Citizenship: Russia

Place of Detention: Stewart Detention Center, 146 Cca Rd, Lumpkin, GA. 31815

Date of Arrest:

Reason for Detention: Unlawful border crossing despite having an appointment scheduled through CBP One and all supporting documents.

3. STATEMENT OF FACTS

1. At the end of February 2024, Petitioner, Aida Iusubova, arrived at the border checkpoint in Reynosa, Mexico, together with her 12-year-old daughter. She registered in the CBP One app and was waiting to be called for her scheduled appointment with U.S. Customs and Border Protection (CBP).
2. At the end of March 2024, her daughter fell ill. Due to lack of access to medical care and the high level of crime and cartel activity near the border checkpoint, Petitioner decided to request political asylum immediately, without waiting for the scheduled appointment date.
3. On April 1, 2024, Petitioner and her daughter arrived at the border checkpoint and requested political asylum. Instead of being released, Petitioner was detained. She was informed that her immigration court hearing was scheduled for May 24, 2024, in New York. She was also given documents regarding possible release, but then ICE took those papers, and she remained in custody.
4. Until April 5, 2024, Petitioner was held in a border detention facility. Her daughter was sent to a children's shelter, and Petitioner was transferred to Otay Mesa Detention Center.
5. Three weeks later, the child's father, who resides in the U.S., was able to take the daughter from the shelter.
6. At Otay Mesa, Petitioner underwent a Credible Fear Interview and received a positive determination.
7. On May 2, 2024, she was transferred to Stewart Detention Center in Lumpkin, Georgia, where she remains to this day.
8. Her first court hearing was scheduled for June 26, 2024, but it was postponed because ICE failed to provide the necessary documents.
9. A new hearing was scheduled for July 10, 2024 (Master Hearing).
10. The second hearing (MCH) was held on July 31, 2024, during which the I-589 form (Application for Asylum and Withholding of Removal) was submitted to the judge. The final hearing was scheduled for August 15, 2024.

11. Shortly before the court date, the hearing was rescheduled to August 29, 2024, without explanation.

12. At the hearing on August 29, 2024, the government attorney stated he had not been notified about the witnesses, which was refuted by the judge. The hearing was postponed to September 10, 2024, due to the DHS representative's lack of preparedness.

13. After the September 10, 2024 hearing, the judge stated that she needed time until October 23, 2024, to make a decision.

14. On October 23, 2024, the judge reported that she had not had enough time and scheduled a new date—November 13, 2024.

15. At the hearing on November 13, 2024, it was revealed that the audio recording from the previous hearing was corrupted, and more than half of the information was lost. A new hearing was scheduled for December 9, 2024.

16. The hearing on December 9 was once again rescheduled to January 2, 2025.

17. As a result of the hearing, the immigration court denied asylum. Petitioner believes this decision to be unjustified and filed an appeal with the Board of Immigration Appeals (BIA), which is currently under review.

18. Thus, Petitioner has been subjected to systematic, unreasonable, and prolonged delays by both the court and DHS. Despite multiple requests, ICE continued to deny release under Parole, even though Petitioner has no criminal record, has never violated U.S. laws or laws of her home country, and has strong ties to the community, as confirmed by the attached letters of support. Petitioner's husband has been in the U.S. for over three years with their two minor children. Throughout the entire court process, Petitioner has demonstrated her intent to pursue her case in court and poses no threat to the public or risk of flight, especially considering her health condition.

19. Petitioner suffers from serious chronic illnesses. In the conditions of Stewart Detention Center, she is denied adequate medical care. Her complaints are ignored, and she is only given ineffective painkillers. During flare-ups (lasting up to 2–3 weeks), she is unable to move on her own or reach the dining area, and guards forbid other detainees from bringing her food. She is forced either to go hungry or to walk there in pain with the help of others.

20. Petitioner has repeatedly lost consciousness and was transported to hospitals in shackles, where she was asked a few questions and returned without treatment. ICE conceals records of such incidents. Medical complaints are systematically ignored. Urgent intervention and full medical treatment are necessary, as due to the prolonged and unjustified detention, her health condition can confidently be described as critical.

21. The psychological condition of the Petitioner can also be described as critical. Petitioner is severely depressed. The conditions of confinement at Stewart Detention Center can be considered inhumane. There is a lack of medical care, extremely poor-quality food, and no proper or regular sleep due to constant noise and 24-hour lighting that is never turned off.

22. Aida Iusubovas lawyers appealed to the ICE officers of the Lapkin detention center to release her under a Parole for her operation and treatment, and she also has serious heart problems. All medical reports and evidence are attached. She now moves around in a wheelchair for the elderly. We are denied her release without explaining the reasons. Aida Iusubova has a doctor's referral for an urgent operation for a herniated disc, which makes it almost impossible for her to walk, but since doctors are not responsible for its safe implementation, she may remain disabled and there are no conditions for her postoperative rehabilitation at the detention center of the Lamkin Georgia.

Ongoing delays and postponements of court hearings, combined with the absence of contact and visitation with her two minor children—who are currently in the custody of their father—have worsened her state. The father is struggling to balance work and caring for the children, which is extremely difficult and further aggravated by the irregularities in the legal process.

4.Precedents and Legal Norms.

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: Petitioner has been unlawfully detained for over 12 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: Petitioner 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: Petitioner 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 Petitioner 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: Petitioner 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: Petitioner 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 Petitioner'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: Petitioner has been detained for over 12 months without lawful grounds.

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: Petitioner 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: Petitioner'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: Petitioner 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: Petitioner 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: Petitioner'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 Petitioner.

10. Conclusion.

In light of all the norms and precedents mentioned, Aida Iusubova should be immediately released.

We request that the court:

1. Recognize her detention as unlawful and in violation of U.S. legal standards.
2. Immediately release Aida.

Further detention of Aida contradicts the U.S. Constitution, federal laws, and the country's international obligations.

Date 04.10.2025



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

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U.S. Immigration and Customs Enforcement
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Date: 04.10.2025.



Signature of Petitioner