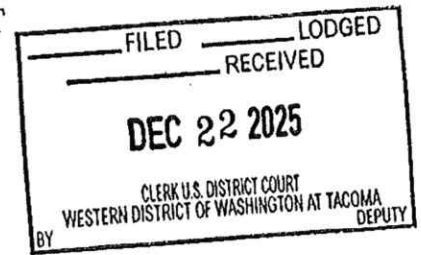


**UNITED STATES DISTRICT COURT
WESTERN OF WASHINGTON
TACOMA DIVISION**



TAREQ ZIAD FOUAD ZAKARNEH

Case No . 2:25-cv-00707-DGE - GJL

Petitioner,

V.

**IMMIGRATION CUSTOM ENFORCEMENT
ET AL,**

**BRIEF IN SUPPORT OF
I -589 APPLICATION FOR EX.E
OF THE OBJECTION FOR PETITIONER
REPORT AND RECOMMENDATION**

Respondent,

To the clerk of the court please attach the missing Brief Of Support Of my I-589 Application for EX.E that was part of my objections.

This dated on December,17,2025.

**/s/ Tareq Zakarneh
Tareq Zakarneh, Petitioner**

**1| BRIEF OF SUPPORT OF I -589 APPLICATION EX.E OF THE OBJECTION FOR
PETITIONER REPORT AND RECOMMENDATION**

**UNITED STATES DISTRICT COURT
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TAREQ ZIAD FOUAD ZAKARNEH

Petitioner,

V.

**IMMIGRATION CUSTOM ENFORCEMENT
ET AL,**

Respondent,

Case No . 2:25-cv-00707-DGE - GJL

Certificate of Service

I Tareq Zakarneh hereby certify that on December,17,2025 that I served the respondent **BRIEF OF SUPPORT OF I -589 APPLICATION EX.E OF THE OBJECTION FOR PETITIONER REPORT AND RECOMMENDATION** the first class mail at the address below:

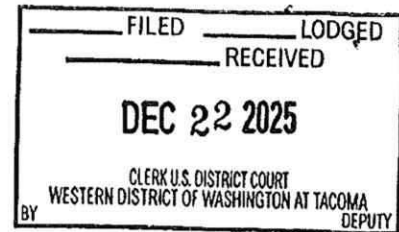
United States Attorney
1201 Pacific Ave, ste 700
Tacoma, WA 98402

This dated on December,17,2025.

/s/ Tareq Zakarneh
Tareq Zakarneh, Petitioner

I-589, Application for Asylum and for Withholding of Removal

Tareq Zakarneh 



BRIEF IN SUPPORT OF APPLICATION

Tareq Ziad Fouad Zakarneh is a native of citizen of Palestine, subject to an order of removal to the Palestinian Occupied Territories (POT). In October 2023, Israel began a massive military offensive in Palestine in response to an attack by Hamas on October 7, 2023. The Israel-Hamas war has devastated Tareq's native country and rendered his return untenable.

Tareq reasonably fears that he will be subject to persecution because he is a Palestinian Muslim with a history of mistreatment by Israel Defense Forces (IDF) and other Israeli officials.

Additionally, the Department of Homeland Security (DHS) alleges that Tareq is a member of . Although this accusation is false, Tareq will likely suffer persecution due to the perception of terrorist association. Israel (the government that has de facto control of the POT) has pledged to eradicate . If ICE succeeds in physically removing Tareq to the POT, he will be tortured or killed.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

A. U.S. Immigration History

Tareq is a native and citizen of the Palestinian Occupied Territories. He was lawfully inspected and admitted to the United States as a student on March 20, 2013. On September 28, 2013, he married Crystal Winkel, a U.S. citizen, in Portland, Oregon. On June 18, 2014, U.S. Citizenship and Immigration Services (USCIS) approved the Petition for Alien Relative (I-130) filed by Crystal on behalf of Tareq and granted Tareq's application to adjust status to conditional lawful permanent resident status (CLPR).

Tareq and Crystal applied jointly to remove the conditions on Tareq's permanent residency on March 31, 2016. Before USCIS completed its adjudication of the joint petition, the relationship deteriorated. On July 20, 2016, Crystal obtained an Immediate Restraining Order against Tareq and filed a petition in Clark County, Washington, to dissolve the marriage. On September 9, 2016, Tareq appeared alone at a scheduled interview before USCIS. USCIS scheduled an interview with Crystal for November 23, 2016, but she did not appear. Citing Crystal's failure to appear, USCIS denied the joint petition on December 14, 2016.¹

On December 14, 2016, DHS served Tareq with a Notice to Appear ("NTA") by regular mail, charging him with removability pursuant to 8 U.S.C. 1227(a)(1)(D)(i) (termination of CLPR status). The NTA did not specify a date or time for an initial hearing but indicated instead that date and time were "[t]o be set."

On March 10, 2017, the Superior Court of Washington, Clark County, entered Findings and Conclusions about a Marriage and Final Divorce Order, dissolving the marriage of Tareq and Crystal. On August 18, 2017, Tareq filed his second petition to remove the conditions on residency, this time requesting a "good faith marriage" waiver of the joint filing requirement.² He testified at his USCIS interview on March 19, 2018, and on August 17, 2018, USCIS denied the petition.

Tareq renewed his "good faith marriage waiver" petition in removal proceedings. On July 15, 2019, the IJ issued a Decision and Order, denying Tareq's petition and granting him voluntary departure with an alternate order of removal to the Palestinian Occupied Territories. Tareq

¹ See also 8 U.S.C. § 1186a(c)(2)(A)(ii) (mandating termination of permanent resident status if either spouse fails to appear at the interview without good cause).

² 8 U.S.C. § 1186a(c)(4)(B) (authorizing the Secretary of Homeland Security to remove the conditional basis without a joint filing or joint interview if the alien demonstrates that "the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse)...")

appealed the IJ decision to the BIA, and on August 29, 2022, the BIA issued its decision, dismissing Tareq's appeal. Tareq timely filed a Petition for Review with the U.S. Court of Appeals for the Ninth Circuit on September 27, 2022, Case No. 22-1604. On February 26, 2025, the Ninth Circuit denied the Petition for Review.

B. Country Conditions in Palestine; Fear of Persecution

Beginning in October 2023 (i.e., more than a year after the BIA issued its decision), Israel has been engaged in an armed conflict with Hamas-led Palestinian militant groups in the Gaza Strip. The current engagement is the deadliest for Palestinians in the history of the Israeli-Palestinian conflict, and has sparked an ongoing crisis in the Middle East. *See* Exh. B (Joseph Krauss, "Palestinians mark 76 years of dispossession as potentially even larger catastrophe unfolds in Gaza," *AP News*, May 14, 2024). More than 46,000 Palestinians have been reported killed since the start of the offensive, with some estimates as high as 70,000 direct deaths from traumatic injuries. *See* Exhs. C (Wafaa Shurafa and Fatma Khaled, "More than 46,000 Palestinians have been killed in the Israel-Hamas war, officials say," *AP News*, Jan. 9, 2025); D (Zeina Jamaluddine, Hanan Abukmail, Sarah Aly, Oona MR Campbell, Francesca Checchi, "Traumatic injury mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: a capture-recapture analysis," *The Lancet*, Jan. 9, 2025).

Although the historical roots of the current conflict go back at least to the Israeli occupation that began in 1967, Israel has defended its actions as a response to the October 7, 2023, Hamas-led attacks on Israel. In the morning of October 7, during the Jewish holidays of Simchat Torah and Shemini Atzeret on Shabbat, Hamas fired between 3,000 and 5,000 rockets from the Gaza Strip into Israel. *See* Exh. E (Umut Uras, Mersiha Gadzo, Maram Humaid, Priyanka Shankar, Dalia Hatuqa, Joseph Stepansky, Usaid Siddiqui, "Israel-Palestine escalation updates: Gaza under

bombardment,” *Al Jazeera*, Oct. 7, 2023). In the evening, around 3,000 Hamas militants infiltrated Israel from Gaza and massacred civilians in kibbutzim, took hostages, and set homes on fire. *Id.* At an outdoor music festival near Re'im, at least 325 people were killed. *Id.* Militants took 251 people hostage, and also reportedly engaged in mutilation, torture, and sexual and gender-based violence. See Exh. F (Jeffrey Gettleman, Anat Schwartz, and Adam Sella, “‘Screams Without Words’: How Hamas Weaponized Sexual Violence on Oct. 7,” *New York Times*, Dec. 28, 2023, *updated* March 25, 2024). According to Hamas, the attack was designed to create a “permanent” state of war and revive interest in the Palestinian cause. See Exh. G (Ben Hubbard and Maria Abi-Habib, “Behind Hamas’s Bloody Gambit to Create a ‘Permanent’ State of War,” *New York Times*, Nov. 8, 2023).

Israel’s response to Hamas’s attack began within hours. In a televised broadcast, Prime Minister Benjamin Netanyahu announced that the country was at war. See Exh. H (Patrick Kingsley and Isabel Kershner, “Israel-Gaza Conflict: Gaza and Israel on War Footing After Militants Launch Surprise Assaults,” *The New York Times*, Oct. 7, 2023). Israel’s Security Cabinet voted in favor of the “destruction of the military and governmental capabilities of Hamas and Palestinian Islamic Jihad.” See Exh. I (Itamar Eichner, “Netanyahu: We will turn places where Hamas is hiding into ‘cities of ruins,’” *Ynet News*, Oct. 7, 2023). Hamas offered to release all civilian hostages in exchange for Israel’s agreement to cancel its planned invasion, and Israel rejected the offer. See Exh. J (“Ben Gurion airport stays open as foreign airlines cancel flights,” *Globes*, Oct. 8, 2023).

Beginning on October 9, 2023, Israel conducted airstrikes, cut off electricity, and blocked the entry of food and fuel. See Exh. K (“Fergal Keane: Aid convoy tragedy shows fear of starvation haunts Gaza,” *BBC News*, March 2, 2024). An explosion along a supposed “safe route” for forcibly

displaced refugees killed 70 Palestinians, and on October 17, 2023, an explosion in the parking lot of the Al-Ahli Arabi Baptist Hospital in Gaza City killed hundreds. *See id.*

Israel amassed a force of more than 100,000 troops and launched a large-scale ground incursion into parts of northern Gaza on October 27, 2023. *See* Exh. L (Barak Ravid, "Israel moves to 'new phase' of war with Hamas in major incursion in Gaza," *Axios*, Oct. 28, 2023). On October 28, the IDF hit Jabalia refugee camp, killing 50 and wounding 150 Palestinians. *See* Exh. M (Nidal Al-Mughrabi and Emily Rose, "Israel strikes dense Gaza camp, says it kills Hamas commander," *Reuters*, Oct. 31, 2023). Israel bombed a six-story apartment building in Gaza on October 31, 2023, killing at least 106 civilian Palestinians, including 54 children, in what the Human Rights Watch deemed an "apparent war crime." *See* Exh. N ("Gaza: Israeli Strike Killing 106 Civilians an Apparent War Crime," *Human Rights Watch*, April 4, 2024).

Israel started a bombing campaign on the city of Rafah in February 2024. *See* Exh. O (Najib Jobain and Samy Magdy, "Israeli strikes hit Rafah after Biden warns Netanyahu to have 'credible' plan to protect civilians," *Associated Press*, Feb. 11, 2024). Israeli gunboats shelled a clearly marked UNRWA convoy, forcing UNRWA to suspend operations for almost 3 weeks, preventing the delivery of food and aid to 200,000 Palestinians. *See* Exh. P (Stephen Semler, "Is Israel intentionally attacking aid workers?" *Responsible Statecraft*, Sept. 11, 2024). Israeli forces opened fire on Palestinians waiting for food aid near Gaza City, killing 100 and wounding 750. *See* Exh. Q (Abeer Salman and Jeremy Diamond, "More than 100 killed amid Israeli gunfire and panic at Gaza food lines, Palestinian officials and witnesses say," *CNN*, March 1, 2024). Israeli forces were accused of destroying Al-Shifa Hospital, and in the process, massacring 400 Palestinians. *See* Exh. R (Lorenzo Tondo, "Israeli forces withdraw from Gaza's al-Shifa hospital after two-week raid leaving facility in ruins," *The Guardian*, April 1, 2024). On May 26, 2024, Israel bombed the Tel

al-Sultan displacement camp in Rafah, killing at least 45 people. *See* Exh. S (“Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes,” *Amnesty International*, Aug. 27, 2024). Another refugee camp was bombed less than two days later, killing at least 21 people. *See id.* Israel bombed a school in the Nuseirat refugee camp on June 6, 2024, killing dozens, and two days later, Israel attacked the camp, killing 274 Palestinians. *See* Exh. T (Mohammad Jahjough and Jack Jeffrey, “How an Israeli raid freed 4 hostages and killed at least 274 Palestinians in Gaza,” *Associated Press*, June 10, 2024).

On July 22, 2024, Israel destroyed the Grand Mosque in Khan Yunis, killing 73. *See* Exh. U (Nidal Al-Mughrabi, Ari Rabinovitch, and Hatem Khaled, “Israel sends tanks back into Khan Yunis area, 70 killed after new evacuation order,” *Reuters*, July 22, 2024). Israel killed 22 people who were gathered to pray in the Al-Shati refugee camp. *See* Exh. V (Abeer Salman, “At least 22 killed in strike on makeshift mosque in Gaza City camp, hospital official says,” *CNN*, July 15, 2024). On December 9, 2024, Israel bombed an area in Rafah where Palestinians were lining up to buy flour, killing 10. *See* Exh. W (“Israel strikes flour distribution line, kills 50 across Gaza,” *Al Jazeera*, Dec. 9, 2024).

By October or November 2024, Israel had effectively shut off aid to Northern Gaza, a situation that the UN called “apocalyptic,” warning that “[t]he entire Palestinian population in North Gaza is at imminent risk of dying from disease, famine and violence.” *See* Exh. X (Michelle Nichols, “North Gaza ‘apocalyptic,’ everyone at ‘imminent risk’ of death, warns UN,” *Reuters*, Nov. 1, 2024).

Tareq’s fears of persecution are reasonable not only because of current conditions but because of his own past personal experiences. In 2002, the Israel Defense Forces (IDF) occupied

his family home in Jenin City. *See* I-589, Application for Asylum. The IDF destroyed the main front door with a Merkava battle tank, detained the entire family, and placed Tareq and his little brother in handcuffs. *Id.* In 2008, Tareq was scheduled for a visa interview at the U.S. Consulate in Jerusalem, but Israeli Occupation Forces (IOF) would not allow him to enter the city. *Id.* He was referred to the Israeli Intelligence Agency (IIA) to apply for a permit to enter Jerusalem, but the IIA denied his request without explanation. *Id.* He eventually applied for his visa at the Embassy in Amman, Jordan, and the Embassy issued his visa. *Id.* He traveled to the U.S. in 2011 and returned to Palestine in 2011 or 2012 to take care of his parents until his brother finished his studies. *Id.*

ARGUMENT

A. Tareq Has Demonstrated Prima Facie Eligibility for Asylum

To establish eligibility for asylum, a respondent must meet the definition of refugee at INA § 101(a)(42)(A):

Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person habitually resided, and who is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

“The applicant may qualify as a refugee either because he or she has suffered past persecution or because he or she has a well-founded fear of future persecution.” 8 C.F.R. § 1208.13(b). Even a ten percent chance of persecution may establish a well-founded fear. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 440 (1987) (asserting that “[t]here is simply no room in the United Nations’ definition [for determining refugee status] for concluding that, because an applicant only has a 10% chance of being shot, tortured, or otherwise persecuted, he or she has no ‘well founded fear’ of the event’s

happening”); *Al-Harbi v. INS*, 242 F.3d 882, 888 (9th Cir. 2001). While the definition of “persecution” has been interpreted diversely by adjudicators, it includes threats to life or freedom, confinement, torture, and economic restrictions so severe that they constitute a threat to life or freedom. *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985), *see also INS v. Cardozo-Fonseca*, 480 U.S. 421, 444 (1987) (noting that asylum applicants are entitled to a discretionary grant of asylum and mandatory suspension of deportation where “his or her life or freedom ‘would be threatened’ if deported”).

When an applicant has suffered past persecution, there is an automatic presumption that that person has a well-founded fear of future persecution. 8 C.F.R. § 1208.13(b)(1). This automatic finding of well-founded fear of future persecution requires that the Department show by a preponderance of the evidence that a reasonable expectation of relocation or other fundamental changes to country conditions would undercut the applicant’s reasonable fear of future persecution. 8 C.F.R. § 1208.13(b)(1)(i)-(ii). Tareq was falsely imprisoned and handcuffed in his home by Israeli occupiers, and Israel intelligence refused to grant him permission to enter Jerusalem to attend a visa interview. One central reason for this persecution was on account of Tareq’s race and religion. Because Tareq suffered past persecution, he is entitled to a presumption of future persecution.

Additionally, the evidence demonstrates he has a well-founded fear of future persecution considering the current country conditions. The evidence of Israeli strikes against schools, hospitals, and mosques demonstrates an animus against Palestinians because of their race and religion. Israel cut off aid to civilian Palestinians, starving thousands. Air and ground strikes have resulted in civilian deaths that exceed 40,000. There is an overwhelming likelihood that if he is returned to Palestine, Tareq will be killed.

Moreover, though Tareq is filing his I-589 more than one year after his entry to the United States, he has established changed circumstances that materially affect his application for asylum. Generally, those seeking asylum within the United States must demonstrate, “by clear and convincing evidence that the application has been filed within 1 year after the date of the alien’s arrival in the United States.” INA § 208(a)(2)(B). However, an asylum applicant can prevail, even after missing the one-year filing deadline, if he or she “demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances that materially affect the applicant’s eligibility for asylum or extraordinary circumstances relating to the delay in filing the application.” INA § 208(a)(2)(D). “The term ‘changed circumstances’ in section 208(a)(2)(D) of the Act shall refer to circumstances materially affecting the applicant’s eligibility for asylum,” including “[c]hanges in conditions in the applicant’s country of nationality.”⁸ CFR § 208.4(a)(4)(i).

Here, the changed country conditions that give rise to this motion also give rise to an exception of the one-year filing deadline. The ongoing changes in country conditions caused by Israel’s invasion of Palestine directly and materially relate to Tareq’s fear of return.

B. Tareq Has Demonstrated Prima Facie Eligibility for Withholding of Removal.

INA § 241(b)(3) states that “the Attorney General may not remove an alien to a country if the Attorney General decides that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” A respondent seeking withholding of removal must show that he or she has suffered past persecution or has a well-founded fear of future persecution on account of a protected ground. 8 C.F.R. § 208.16(b). “If the applicant is determined to have suffered past persecution in the proposed country of removal on account of race, religion, nationality, membership in a

particular social group, or political opinion, it shall be presumed that the applicant's life or freedom would be threatened in the future in the country of removal on the basis of the original claim." 8 C.F.R. § 208.16(b)(1)(i).

As set forth above, and as shown by Tareq's I-589 application, he experienced past persecution on account of his race and religion. Thus, there is a presumption of future persecution. Moreover, the attached country conditions demonstrate the risk of persecution is significantly greater now than when he last appeared in Immigration Court in 2019. The evidence makes clear that Tareq has shown prima facie eligibility for withholding of removal.

C. Tareq Has Demonstrated Prima Facie Eligibility for CAT Protection

Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment absolutely prohibits states from returning anyone to another state where he or she may be tortured. The regulations define "torture" as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

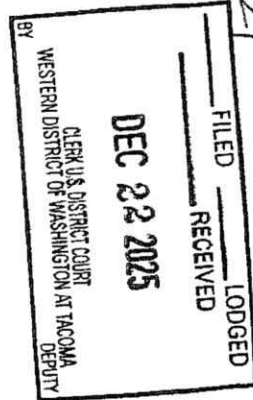
8 C.F.R. § 208.18(a)(1). "In assessing whether it is more likely than not that an applicant would be tortured in the proposed country of removal, all evidence relevant to the possibility of future torture shall be considered." 8 C.F.R. § 1208.16(c)(3). If it is determined "that the alien is more likely than not to be tortured in the country of removal, the alien is entitled to protection under the Convention Against Torture." 8 C.F.R. § 1208.16(c)(4) (emphasis added).

Tareq fears that he will be killed if he is removed to Palestine. The Israeli invasion of Palestine has thus far resulted in more than 40,000 deaths. Israel's targets (schools, hospitals,

mosques, refugee camps) demonstrates an animus toward Palestinians, especially devout Muslim Palestinians.

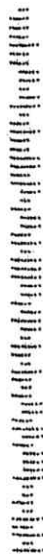
Moreover, DHS has falsely accused Tareq of membership in  and will almost certainly share this (mis-)information with Israel upon Tareq's removal. As such, the evidence demonstrates that it is more likely than not that Tareq will be tortured if removed to Palestine.

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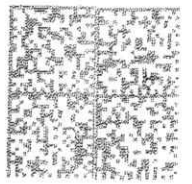


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